

Also, papers relating to the claim of Samuel W. Davidson and others against the Eastern or North Carolina Cherokee Indians—to the Committee on Indian Affairs.

By Mr. WAIT: The petition of the Groton Heights centennial commission, for an appropriation to aid in the centennial celebration of the Groton Heights—to the Committee on Military Affairs.

By Mr. WADDILL: The petition of O. W. Lindley and others, former soldiers, now citizens of Newton County, Maryland, for the passage of the equalization of bounty bill—to the same committee.

By Mr. WHITEAKER: Two petitions of publishers of Oregon, 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 Mart. V. Brown, for the abolition of the duty on type—to the same committee.

By Mr. WILLITS: The petition of the Clinton (Michigan) Woolen Manufacturing Company and others, for the removal of the duty on chrome iron ore and bichromate of potash—to the same committee.

By Mr. WILLIS: The petition of Horace Morris and a large number of colored citizens of Louisville, Kentucky, for the passage of the bill (H. R. No. 334) for the distribution of the proceeds of the sale of public lands for educational purposes—to the Committee on Education and Labor.

Also, the petition of George W. Wicks and 82 firms, manufacturers of tobacco and cigars and dealers in manufactured and leaf tobacco, against the passage of the free leaf-tobacco bill—to the Committee on Agriculture.

Also, resolutions of the school board of Louisville, Kentucky, favoring the passage of the bill (H. R. No. 334) for the distribution of the proceeds of the sale of public lands for educational purposes—to the Committee on Education and Labor.

By Mr. WILSON: The petitions of J. C. Ayer & Co., of Lowell, Massachusetts; of T. C. Resser, of Waynesborough, Pennsylvania, and of O. P. Lydenstricker, of Lewisburgh, West Virginia, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, the petition of N. B. Ferrell and others, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of D. W. Hines and 50 others, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. FERNANDO WOOD: Three petitions of druggists of Michigan, Wisconsin, and Kentucky, 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, consumers, and dealers, for the abolition of the duty on salt—to the same committee.

By Mr. WRIGHT: The petition of Samuel Reinhart and 56 others, of Monroe County, Pennsylvania, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

Also, the petition of Thomas Mahony and 110 others, citizens of Marysville, California, 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. THOMAS L. YOUNG: The petition of Allison, Smith & Johnson and nearly 100 others, of Cincinnati Ohio, against a reduction of the tariff on foreign type—to the Committee on Ways and Means.

IN SENATE.

TUESDAY, March 16, 1880.

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

QUORUM.

The VICE-PRESIDENT. There is evidently no quorum present. The Chair will delay a little until a quorum shall appear.

Mr. DAVIS, of West Virginia. I suggest that perhaps a call of the Senate would develop whether a quorum is present. By that time a quorum would no doubt be here.

Mr. EDMUNDS. There is clearly no quorum.

Mr. ALLISON. There is no quorum here.

The VICE-PRESIDENT. That is apparent upon view, but at the suggestion of the Senator from West Virginia the roll will be called. The Secretary called the roll and forty-one Senators answered to their names.

Mr. FERRY. I desire to state that my colleague [Mr. BALDWIN] is absent this morning on account of sickness.

The VICE-PRESIDENT. A quorum is now present, and the presentation of petitions is in order.

PETITIONS AND MEMORIALS.

Mr. CONKLING. I have received concurrent resolutions of the Legislature of the State of New York touching the need of certain lake improvements. These resolutions contain instructions to the

Senators and Members from the State, but they also contain an expression of the opinion of the Legislature at large touching the matter to which they relate. I ask that they be read.

The VICE-PRESIDENT. The resolutions will be reported.

The resolutions were read, as follows:

STATE OF NEW YORK. IN ASSEMBLY,
February 11, 1880.

On motion of Mr. Ash:

Whereas the State of New York is interested, in common with other States bordering upon the great lakes, in the early completion of certain improvements, now in progress, affecting their commerce; and

Whereas, owing to the delay in the completion of these works, and especially the improvement of the channel between Lake Superior and Lake Huron, and of the Lime-Kiln Crossing, near the mouth of the Detroit River, the interchange of our products with the Northwest is now subject to great and needless disability and expense; and

Whereas the consequence of this falls upon our whole people, in the single particular of the non-products of Lake Superior, to the extent of nearly \$1,000,000 annually; and

Whereas, by adequate appropriations therefor, the completion of the lock and canal at Sault Ste. Marie and the improvement of the Ste. Marie River and the Lime-Kiln Crossing can be completed to sixteen feet of water during the year 1881: Therefore,

Resolved, (if the senate concur,) That it is the sense of the Legislature of the State of New York that an urgent commercial necessity exists for the earliest possible completion of these improvements, and the Senators and Representatives in Congress from the State of New York are hereby requested to use all proper means to secure this important result.

Resolved, That a certified copy of these resolutions be forwarded to each of said Senators and Representatives.

By order.

EDWARD M. JOHNSON, Clerk.

IN SENATE, March 11, 1880.

Concurred in without amendment.
By order.

JOHN W. VROOMAN, Clerk.

The resolutions were referred to the Committee on Commerce, and ordered to be printed.

Mr. DAVIS, of Illinois. Mr. President, a uniform bankrupt law is in my opinion a necessity in this country. The necessity is more evident as the trade and commerce of the country increase. I thought it was an unwise thing to repeal the recent bankrupt law, and so said at the time it was done. It is true there were many provisions in that law which should have been eliminated from it, but the law should have been reconstructed—the good provisions saved and the bad provisions dropped out. There is a fast-growing public sentiment in the country at this time as to the necessity of a uniform bankrupt system which shall work justly both to creditor and debtor. I hold in my hand a petition upon the subject from merchants of the city of Chicago. I present the petition of Marshall Field (of Field, Leiter & Co.) and 41 merchants of Chicago, Illinois, praying for the appointment of a commission, composed in part at least of representative business men, to prepare for the consideration of Congress at the next session a form of bankrupt law that will work justly toward both creditor and debtor, and give to the country a uniform and permanent national bankrupt system. I move that this petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. DAVIS, of Illinois. I present the petition of 9 citizens of Marengo, Illinois, praying Congress to pass a law protecting the public against the fraud and imposition now extensively practiced of selling an article prepared from the oil of refuse fats for butter.

The VICE-PRESIDENT. What reference does the Senator desire?

Mr. DAVIS, of Illinois. I do not know to what committee the petition should go.

Mr. MORRILL. The Committee on Agriculture.

Mr. EDMUNDS. Inasmuch as a law of similar import about naphthas and oils has been held to be beyond the power of Congress by the Supreme Court, I suggest that the petition be referred to the Committee on Naval Affairs.

Mr. DAVIS, of Illinois. Let it go to the Committee on Agriculture.

Mr. EDMUNDS. It is perfectly useless for Congress to do anything; of course we cannot do it.

Mr. DAVIS, of Illinois. But the petition should be referred to a committee in order to get a report upon the power of Congress, and so settle the question.

Mr. ANTHONY. I think the Judiciary is the proper committee, for all subjects go to that committee that no other committee desires to have.

Mr. CONKLING. On the contrary, the Committee on Territories is the proper committee to consider this subject, I suggest to the Senator.

Mr. DAVIS, of Illinois. There have been several petitions on this subject presented. It seems to me that the petition ought properly to go to the Committee on Agriculture. They can report on the subject that the petitioners cannot get a remedy from Congress.

Mr. CONKLING. I beg to suggest that if there is any place in this country over which the constitutional power of Congress to legislate in this regard extends, it is the Territories; and having waited in vain for the honorable chairman of the Committee on Territories to interpose the motion that I now do, I beg in his behalf or on my own to move that the petition be referred to the Committee on Territories.

The VICE-PRESIDENT. The petition will be reported by title. The Chair calls the attention of the Senator from Arkansas [Mr. GARLAND] to it.

The CHIEF CLERK. "A memorial of 9 citizens of Marengo, Illinois, in favor of the passage of a law protecting the public against the fraud and imposition now extensively practiced of selling an article prepared from the oil of refuse fats for butter."

The VICE-PRESIDENT. The first question is, Shall the petition be referred to the Committee on Agriculture?

Mr. GARLAND rose.

Mr. CONKLING. Before the Senator from Arkansas makes his motion, I beg to suggest to him that although there may be doubt in the States as to the power of Congress to do this, there can be comparatively very little doubt as to the power of Congress in the Territories. Justly and laudably jealous as that honorable Senator is of the jurisdiction of his committee, I submit to him that here is a case where he is bound to interpose, and take this subject and make a report to Congress upon it.

Mr. GARLAND. As chairman of the Committee on Territories, I have very great pleasure in accepting the motion made by the Senator from New York; for the town of Marengo, Illinois, is known publicly and judicially to the Senate to be a mere territorial possession of the United States. [Laughter.] I think the Territorial Committee is the proper one.

Mr. DAVIS, of Illinois. I have moved to refer the petition to the Committee on Agriculture.

The VICE-PRESIDENT. The question is on the motion of the Senator from Illinois, that the petition be referred to the Committee on Agriculture. [Putting the question.] The Chair thinks the yeas have it. The yeas have it. The question now is on the motion of the Senator from New York that the petition be referred to the Committee on Territories.

The motion was agreed to.

The VICE-PRESIDENT presented a communication from the Secretary of War, transmitting the petition of Captain Joseph Lawson, Third Cavalry, and other officers stationed at Fort Fred. Steele, Wyoming Territory, in regard to payment by officers for fuel; which was referred to the Committee on Military Affairs.

Mr. WILLIAMS presented a petition of citizens of Lewis County, Kentucky, praying for the establishment of an ice-harbor at Vanceburgh in that State; which was referred to the Committee on Commerce.

He also presented a petition of the bar and business men of Paducah, Kentucky, praying for the construction of a suitable building in that city for a court-house, post-office, and customs and revenue offices; which was referred to the Committee on Public Buildings and Grounds.

Mr. DAVIS, of West Virginia, presented a petition of colored citizens of Kearneysville, West Virginia, praying that the unclaimed bounty of colored soldiers in the late war be used for the education of colored students, and that a portion of it be donated to Storer College, at Harper's Ferry, West Virginia; which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. BURNSIDE, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 4439) to remove the disabilities of Sergeant P. P. Powell, Sixth Regiment United States Cavalry, reported it without amendment and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3966) to carry into effect the resolution of Congress adopted on the 29th day of October, 1781, in regard to a monumental column at Yorktown, Virginia, and for other purposes, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. CAMERON, of Pennsylvania, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1058) for the relief of Walker A. Newton, reported it with an amendment and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Ernst Hein, late corporal of Company C, Thirteenth Regiment Massachusetts Veteran Reserves, now a resident of Utica, Oneida County, New York, praying for an honorable discharge from the United States Army, and that the charge of desertion be removed from his military record, submitted a report thereon, accompanied by a bill (S. No. 1484) for the relief of Ernst Hein.

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

Mr. WITHERS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1035) for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people of said District, reported it with amendments.

He also, from the Committee on Pensions, to whom was referred the bill (S. No. 1239) granting a pension to Mrs. Kate E. Whiting, widow of Leonard J. Whiting, late second lieutenant Sixth Regiment Rhode Island Volunteers, submitted an adverse report thereon, which was ordered to be printed, and the bill was postponed indefinitely.

Mr. WITHERS. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 1381) to authorize the construction of a bridge across the Potomac River at or near Georgetown, in the District of Columbia, and for other purposes, to report it with amendments. I will state that I am pre-

paring and will submit for printing a report to accompany this bill.

Mr. BECK, from the Committee on Finance, to whom was referred the bill (H. R. No. 393) authorizing the Treasurer of the United States to refund to W. B. Farrar, of Whitfield County, Georgia, illegal taxes collected from him in the year 1877, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. FERRY. I am directed by the Committee on Finance, to whom was referred the bill (S. No. 436) for the relief of Charles Clinton, to submit an adverse report thereon. I ask that the bill be placed upon the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report of the committee, which will be printed.

Mr. RANDOLPH. I am directed by the Committee on Military Affairs, to whom was recommended the joint resolution (S. R. No. 67) to authorize the Secretary of War to sell or lease to the Port Huron and Northwestern Railway Company a portion of the Fort Gratiot Military Reserve, and to authorize the city of Port Huron to grant to said railway company the right of way through Pine Grove Park, to report it with amendments. The joint resolution has been amended in accordance with the suggestion made in the Senate at the time of the recommittal.

Mr. BOOTH, from the Committee on Public Lands, to whom was referred the bill (S. No. 1414) authorizing claimants to the Rancho de Napa, in Napa County, California, to prove up their title, asked to be discharged from its further consideration, and that it be referred to the Committee on Private Land Claims; which was agreed to.

PRESIDENTIAL ELECTIONS.

Mr. EDMUNDS. I ask leave without previous notice to introduce a bill to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the manner of counting the votes for President and Vice-President, and the decision of questions arising thereon.

I will state to the Senate that for more than a year now there has existed a large select committee of this body charged with the duty of considering the subject named in this bill and other cognate subjects. So far as I know, that committee has had no meeting. I have waited, being in a minority in this body, in the hope that some gentleman in the majority would move in what I consider to be this most important business; but as no movement has been made I have felt it to be a duty to ask consent to introduce this bill and have it referred to that committee.

The bill that passed the Senate at the last session of the last Congress embraced various provisions as to the time of holding the election for presidential electors in the States, and various provisions better regulating the law in cases of vacancy in both the offices of President and Vice-President, and so on. The provisions of that bill as it passed the Senate, also looked to future legislation by the States in respect of providing the means of determining controversies in those States respecting the choice of electors. Time has so run that of course any provision of that kind which would apply to the next election of President and Vice-President of the United States, would be entirely useless.

In consequence of that, I have taken the bill that passed the Senate, and modified it to the simple proposition of providing that the meeting of the electors shall be on the second Monday in January, instead of as it is now on the first or second Wednesday of December. This is for the purpose of giving time in the respective States under such laws as the States may have provided (whether they exist now or shall be brought into existence before the election) to determine who their electors are, for according to the Constitution of the United States, as I believe and a majority of the Senate appear to have believed in passing the bill, of last year, the States have the sole power of determining who their electors are.

This bill, therefore, makes the simple provision for a State disposition of any controversy under such laws as it may have in existence prior to the day of choosing electors. It provides for a later meeting of the electors in order that each State may dispose of any controversy that shall arise, and then provides, as the bill of the last Congress did, for the meeting of the two Houses, and proceeding in conformity with the decisions reached in the respective States in any case of dispute.

I ask that the bill be twice read, and referred to the select committee on that subject.

By unanimous consent, leave was granted to introduce a bill (S. No. 1485) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon; which was read twice by its title and referred to the Select Committee to take into consideration the state of the law respecting the ascertaining and declaration of the result of the elections of President and Vice-President of the United States.

BILLS INTRODUCED.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1486) to reorganize and discipline the militia of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1487) to restore the lands included in the Fort

Reading military reservation, in the State of California, to the public domain, and for other purposes; which was read twice by its title and referred to the Committee on Military Affairs.

Mr. KIRKWOOD (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1488) to provide for promotions in the Army of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

VISIT TO EUROPEAN LIBRARIES.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 93) to enable Ainsworth R. Spofford, Librarian of Congress, to visit and inspect European public libraries; which was read the first time by its title.

Mr. BAYARD. I ask that the joint resolution be read at length.

The joint resolution was read the second time at length, as follows:

Be it resolved, &c., That for the purpose of enabling Ainsworth R. Spofford, the Librarian of Congress, to make arrangements for the more complete interchange of the publications by the Government of the United States and those of foreign nations, as well as to inspect the systems and methods under which public libraries in Europe are conducted and maintained, the sum of \$2,500 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to defray the expenses of Ainsworth R. Spofford in a visit to the libraries of Europe during the summer vacation of Congress for the purposes aforesaid, and that he make a report to Congress at its next session embodying such recommendations in regard to the Library of Congress as he may deem proper.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on the Library.

Mr. BAYARD. Mr. President, I desire, if I may be permitted, before the reference of the joint resolution to the Committee on the Library, to state my reasons for its introduction. It is wholly with a view to the public service.

The Congress of the United States by laws of remote date, and last by the act of July 25, 1838, provided for the delivery by the Congressional Printer of fifty copies of all books and other publications by the Government of the United States for the purpose of exchange with foreign governments for similar public documents. The system however for want of oversight and attention has worked very imperfectly. The foreign governments with whom the exchange list has been formed are some twenty-six in number, and of those the most voluminous receipts by the Library of Congress are so utterly irregular, as to destroy any value arising from their continuity and completeness.

The government of Great Britain sends but few or none of its publications to our Library, and that is simply owing to the fact that the details and machinery for making such exchange cannot be efficiently managed through the medium of mere epistolary correspondence. It will require the active supervision of an intelligent person to establish a practical system of proper exchange of these public documents in the manner designed by Congress, and it would be exceedingly useful and valuable to our Library.

In addition to the matter of the interchange of governmental publications there have been great improvements of which we should avail ourselves in the construction, supervision, classification, and arrangement of European libraries within the last twenty-five years. The very preservation of the books themselves, their methods of classification, arrangement, and cataloging, are all matters in which great advance has been made, the benefit of which I desire should accrue to our own Library.

The erection of a national library is every day becoming a matter of greater necessity. There is in this country no one whose intelligence and capacity to inform Congress properly upon this subject exceeds that of the modest, accomplished, and worthy gentleman who fills the post of Librarian so acceptably to all of those who have occasion to need his services or who are at all competent to judge of their value.

It is therefore, in my opinion, exceedingly proper and highly expedient that a visit to and an inspection of the public libraries of Europe should be made in behalf of the American people and their Library as soon as may be.

As I said, there is no one fitter for this mission nor who would more creditably represent the American Government than the gentleman named in this resolution. I may say, also as a matter which is not without weight with me, I think it would not only be a duty to him but a well-earned pleasure and delight. To make such a tour of inspection would be to Mr. Spofford a labor of love as well as the performance of a most important duty—a season of relaxation and release from very confining labors which his industry and devotion to public service have heretofore rendered impossible.

It is proper to add that except so far as the inquiry made by me into the irregular condition of our exchanges of governmental publications with those of foreign countries, Mr. Spofford has had no intimation whatever of the introduction of this joint resolution or of my intention to offer it. It has proceeded entirely on my own motion, after a comparison of views with several other gentlemen.

I make these remarks trusting that the proposition may commend itself to the favorable consideration of the Committee on the Library and of the Senate and to obtain their ready approval.

Mr. EDMUNDS. I should like to say a word about the matter of exchanges. I believe that the system of exchanges is now regulated by law, and is consolidated in practice in the hands of the Secretary of the Smithsonian Institution, where, if I am correctly advised, (not in reference to this question of course, but if my information and

knowledge about it in general is correct) the system is as perfect and systematic as any such system can ever be. The United States exchange under the authority of law and through the Smithsonian Institution with every foreign government that is willing to reciprocate. Every single public document that is printed under the authority of Congress or at public expense, every valuable and important document that is printed in the Departments out of appropriations for the expenditures of those Departments and which are not printed by order of Congress in the direct sense so as to be distributed by Senators, and Representatives or of which Senators and Representatives, for public interests, can have even a single copy for their own inspection, is furnished to every foreign government regularly, systematically, at stated periods, as fast as they come forth, in just the degree that the foreign government is willing to reciprocate by furnishing the United States with its own documents and publications. That operation of international exchange produces a stream, and the only one that regularly and systematically could be produced to flow into the Library of Congress.

In addition to that, the Smithsonian Institution is authorized by its foundation under the acts of Congress to exchange publications of any kind that it makes itself or comes into possession of, with foreign and domestic literary societies, colleges, institutions in the United States and in foreign countries. That sends out from our workshop of intellect and progress the whole product of the nation, so to speak, and it brings back from every quarter of the globe the similar products of the intellect, and activity, and discovery, and progress, and social science, of all civilized peoples.

So I do not imagine that, as far as the mere subject of inspecting and arranging international exchanges of books is concerned, an expedition by anybody to a foreign country would be of any great service. In respect of the other part of it, the subject of inspecting libraries, classification, arrangement, and completing sets and all that sort of thing, there is very great force in what the Senator from Delaware has said; and I certainly should unite with him in all that he has said in respect of the capacity and worth of the gentleman named in the resolution.

Mr. HAMLIN. I wish to say one word on this subject before the joint resolution is referred. I wish to corroborate what has been so well said by the Senator from Vermont, in relation to the manner in which these exchanges are effected by the Smithsonian Institution. I am inclined to agree with the Senator that very little can be done in that direction, and if anything can be done, it should be by the Secretary of that institution. If this resolution is looking in the future to transfer the practical administration of that law from the Smithsonian Institution, where it is so well done, to the Library of Congress, where it cannot be as well done, I certainly hope it will not receive the consideration of this body. I have great fears that this is an entering-wedge to effect that change, and it would be a change which I think in its results would be injurious and disastrous.

The joint resolution was referred to the Committee on the Library.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 4507) to abolish all tolls at the Louisville and Portland Canal; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 605) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment; and it was thereupon signed by the Vice-President.

TENNESSEE RIVER IMPROVEMENT.

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

Resolved, That the Secretary of War be, and he is hereby, directed to furnish to the Senate a statement from the books of the War Department showing in tabulated form the amounts appropriated and expended within fiscal and calendar years respectively for the improvement of the Tennessee River from 1870, and prior years, to the present date, and also showing the balances on June 30 of each year, and the balance, if any, now available.

AMENDMENT TO A BILL.

Mr. WITHERS submitted an amendment intended to be proposed by him to the bill (S. No. 496) to provide for the examination and adjudication of pension claims; which was referred to the Committee on Pensions, and ordered to be printed.

BILLS RECOMMENDED.

Mr. BURNSIDE. I rise to ask that some bills be taken from the Calendar and recommended to the Committee on Military Affairs. The Senator from Illinois [Mr. LOGAN] who reported Senate bill No. 131, Senate bill No. 390, and Senate bill No. 965 from the Committee on Military Affairs, asks that they be recommended, and I make that motion.

The motion was agreed to; and the bills were recommended to the Committee on Military Affairs, as follows:

- A bill (S. No. 131) for the relief of John W. Chickering;
- A bill (S. No. 390) to authorize the President to restore Dunbar R. Ransom to his former rank in the Army; and
- A bill (S. No. 965) for the relief of D. T. Kirby.

CHARGES AGAINST SENATOR KELLOGG.

Mr. KELLOGG. Mr. President, on Friday last I offered a resolution of a personal nature, and the Senator from Ohio, [Mr. THURMAN,] I believe, gave notice that when the resolution came before the Senate for action he would move that it lie on the table. I desire to call up that resolution now, and I ask the Senate to dispose of it in some manner.

I wish also to state that I was actuated in offering the resolution by a feeling that the charge contained in the extract cited therein was without and beyond the usual category of newspaper publications reflecting upon members of this body. I felt that when a charge of that nature was made thus publicly against a member of this body it was his duty, in justice to himself, to call the attention of the Senate to it—no other than a charge that a member of this body had sought, by instigating a vile prosecution against another member of this body, to influence him in a matter that involved the discharge of his official duty. I felt that this was so extraordinary and unusual a charge as to justify me in pursuing the course that I did.

Moreover, when it came to my knowledge that simultaneous and contemporaneous publications of the same nature had been made connecting me with this matter; and furthermore, when I was informed by what I regarded as reliable authority, authority that I think cannot be successfully questioned, that a member of this body had stated to newspaper correspondents, if not to others, that this charge was substantially true, and connecting me directly with it, I felt that I was justified in pursuing the course that I did and repelling all attempts to connect me with this miserable business. Hence, last Friday, I took occasion to brand the instigators and authors, whoever they were, of the charge in a manner that I deemed proper and appropriate, and I think it was emphatic and unmistakable. I meant it to be so, at least.

Now, if for any reason a majority of the Senate see fit to refuse to adopt this resolution I am quite content. I only wished to place myself in such a position before the Senate as to indicate my willingness, nay, desire, that this matter should be investigated and the truth or falsity of the charge shown; and whatever course the Senate may take I may say that I shall consider that I have done all I am called on to do in any point of view in my own defense in respect to this entire matter.

The VICE-PRESIDENT. The Senator from Louisiana calls for the consideration of the resolution submitted by him on Friday last, which will be reported.

The Chief Clerk read the resolution, as follows:

Whereas the following appears in the New Orleans Democrat, a newspaper published in New Orleans, on the 9th day of March, 1880, purporting to be extracted from a newspaper called the Charleston News:

"It is well understood in Washington that the woman Jessie Raymond was carried there by W. P. KELLOGG, the carpet-bag Senator from Louisiana, and that he has been threatening for some time to have this suit brought unless Senator HILL would cease his efforts to have him (KELLOGG) unseated. The story of the seduction is not believed by those acquainted with the facts; and, even if it be true, resort to so dastardly a means to attain a political end can only recoil on the head of the concocter of the scheme."

Resolved, That a committee of five Senators be appointed by the Chair who shall inquire and report concerning the truth of the charges and allegations in said article and the facts and circumstances connected therewith. Said committee shall have power to send for persons and papers, to administer oaths, to employ a clerk and stenographer, and to sit during the sessions of the Senate.

Mr. THURMAN. Mr. President, I think the Senator from Louisiana has now made some statements that were not contained in his remarks last Friday. If they were, I did not hear them. I have not the RECORD before me, and I cannot say. As his remarks indicated, as the resolution itself indicates, the only source of these charges against him was certain newspapers. I said then, and I repeat now, that nothing in my judgment could tend more to degrade the American Senate, more to render it contemptible in the eyes of the people than for it to fall into the habit of appointing committees of investigation whenever some newspaper, responsible or irresponsible, sees fit to make some charge against a Senator.

Why, sir, when did the time ever exist that public men were not libeled in the public press; and what would be our condition and the condition of the public business if, instead of attending to that for which we were sent here, for which the Constitution ordained the existence of this body, our time was taken up in making inquiries into all the charges that appear anonymously or not anonymously in the public press.

If charges are made against a Senator by a responsible man in a responsible manner that ought to have the notice of this body, then ask for an inquiry; but to say that you are to roam over the tens of thousands of newspapers in the United States and find all the libels that are published against public men and against Senators, then summon senatorial committees to inquire of them to the great neglect of the public business, to the great expense of the Government, and, what is infinitely worse, to the utter degradation of the Senate, is what, Mr. President, during the brief time that I shall remain here, I never will consent to. No, sir. The laws furnish relief; if a man is libeled the law furnishes relief and a sufficient relief. The courts of law are open to Senators as well as to others who are libeled; and it does not become the Senate of the United States to turn itself into a *nisi prius* court to try all the libels that may be uttered against its members. Its own self-respect forbids it; the pub-

lic interest forbids it; the dignity of the body, at least that dignity which the Constitution supposes it has should forbid it, and public morals forbid it.

Mr. President, I move that the resolution do lie on the table.

Mr. EDMUNDS. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and taken.

Mr. PLUMB. I am paired with the Senator from South Carolina, [Mr. BUTLER.] If he were present, I should vote "nay."

The result was announced—yeas 34, nays 25; as follows:

YEAS—34.

Bailey,	Gordon,	McPherson,	Vance,
Bayard,	Groome,	Maxey,	Vest,
Beck,	Harris,	Morgan,	Voorhees,
Call,	Hereford,	Pendleton,	Walker,
Cockrell,	Johnston,	Pryor,	Wallace,
Coke,	Jonas,	Ransom,	Williams,
Davis of W. Va.,	Jones of Florida,	Saulsbury,	Withers.
Eaton,	Kernan,	Sater,	
Garland,	McDonald,	Thurman,	

NAYS—25.

Allison,	Cameron of Wis.,	Hill of Colorado,	Rollins,
Anthony,	Conkling,	Hoar,	Saunders,
Baldwin,	Davis of Illinois,	Kellogg,	Teller,
Blair,	Dawes,	Kirkwood,	Windom.
Booth,	Edmunds,	McMillan,	
Burnside,	Ferry,	Morrill,	
Cameron of Pa.,	Hamlin,	Platt,	

ABSENT—17.

Blaine,	Grover,	Lamar,	Sharon,
Bruce,	Hampton,	Logan,	Whyte.
Butler,	Hill of Georgia,	Paddock,	
Carpenter,	Ingalls,	Plumb,	
Farley,	Jones of Nevada,	Randolph,	

So the resolution was ordered to lie on the table.

COMMITTEE ON RULES.

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

Resolved, That Mr. WALLACE, of Pennsylvania, and Mr. EDMUNDS, of Vermont, are appointed as members of the Committee on Rules.

DISTRICT CRIMINAL PRACTICE.

Mr. THURMAN. I gave notice yesterday that I would ask the Senate in the morning hour to-day to take up a bill which I am sure will not occupy ten minutes, but which is of very pressing importance. I wish to state that as the law now stands there can be but one criminal court at the same time in this District, although there are judges at leisure and two criminal courts could be held at the same time. This bill is mainly to remedy that difficulty. I ask unanimous consent for its consideration at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1408) to further amend the act entitled "An act to reorganize the courts of the District of Columbia, and for other purposes," approved March 3, 1863, and to repeal section 861 of chapter 24 of the Revised Statutes of the District of Columbia, and re-enact the same as amended.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 2, line 3, after the word "hereby," to strike out "repealed and re-enacted" and insert "amended so as to read."

The amendment was agreed to.

The next amendment was, in line 5, after the figures "861," to strike out:

No person who shall serve as a petit juror at any term of the criminal or circuit courts of the District of Columbia shall be eligible as a petit juror in either of said courts, or compellable to serve as a grand juror in the criminal court for the period of one year from the termination of such service.

And insert in lieu thereof:

It shall be good cause of principal challenge to any person called to serve as a talesman on a petit jury at any term of the criminal or circuit courts of the District of Columbia, that he has served as such juror in the trial of a cause in either of said courts at any time within one year next before his being so called and challenged.

The amendment was agreed to.

The next amendment was to add the following as a new section:

SEC. 3. All laws and parts of laws inconsistent herewith are herewith repealed.

The amendment was agreed to.

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

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

Mr. HARRIS. I suggest the necessity of amending the title so as to conform to the body of the bill.

The VICE-PRESIDENT. The title will be amended as suggested. The title was amended so as to read: "A bill to further amend the act entitled 'An act to reorganize the courts of the District of Columbia, and for other purposes,' approved March 3, 1863, and to amend section 861 of chapter 24 of the Revised Statutes of the District of Columbia."

ORDER OF BUSINESS.

The VICE-PRESIDENT. The Secretary will proceed with the call of the Calendar of General Orders, commencing at the point reached yesterday.

Mr. MORGAN. I desire to call up a resolution I offered yesterday to discharge the Committee on Commerce from the consideration of a bill.

The VICE-PRESIDENT. That can be done by unanimous consent.

Mr. McMILLAN. I have submitted a resolution this morning affecting that question and I desire to have this go over until we get a response to that.

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

PUBLIC BUILDING AT DENVER.

The bill (S. No. 1269) for the erection of a public building at Denver, Colorado, was announced as being first in order upon the Calendar, and its consideration was resumed, as in Committee of the Whole, the pending question being on the amendment of Mr. HILL, of Colorado, to strike out all of the bill after the word "States," in line 18, in the following words:

Nor until the State of Colorado shall duly release and relinquish to the United States the right to tax or in any way assess said site or the property of the United States that may be thereon, and shall cede jurisdiction over the same during the time that the United States shall remain the owner thereof.

Mr. GARLAND. Mr. President, I announced yesterday that in my opinion as far back as 1819, Judge Story had decided the question which lies at the bottom of this bill in accordance with the views, as I understood them, taken by the Senator from Vermont, [Mr. MORRILL.]

The bill is carrying out the power granted in article 1, section 8, clause 17, of the Constitution, though not comporting fully with the words or the entire ideas expressed in that clause. The clause is that Congress shall have power—

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

This bill does not claim to get the assent of the Legislature of the State, or, more properly speaking, does not claim a cession from the Legislature of the State. It simply contemplates by the United States a purchase of this site. The authorities upon that section of the Constitution—and it has frequently been before the courts of the country—have divided the two powers and made a very distinct recognition of them as separate; first, a purchase by and under the cession of the State Legislature; second, a purchase without any cession at all. I presume that the Senator from Colorado who has control of the bill intended the bill to come under the latter power, or under the latter clause of the entire power; that is, the case of a simple purchase.

Mr. TELLER. If the Senator will allow me, I will say that the bill is not as introduced by any Senator from Colorado.

Mr. GARLAND. I beg pardon.

Mr. TELLER. At the early part of last session I introduced a bill for this purpose with this clause out; subsequently my colleague introduced a bill with it out; but the committee report this bill and make no disposition of either of the other bills.

Mr. GARLAND. I supposed the Senator's colleague had charge of it; but that does not matter.

Mr. JONES, of Florida. Will the Senator from Arkansas allow me to ask him one question before he proceeds, in order that I may understand him?

Mr. GARLAND. Certainly.

Mr. JONES, of Florida. Do I understand the Senator to say that there is a distinction in the jurisdiction that follows from a purchase by the consent of the Legislature of a State and that which exists where an actual cession of jurisdiction has been made? The Constitution, as I understand it, provides that the cession of jurisdiction shall be made only in the case of this District, and in all other cases the purchase is to be with the consent of the Legislature of the State wherein the land lies, and then the State need not give jurisdiction over that land unless it chooses. That is my understanding, but I may be mistaken about it.

Mr. GARLAND. The distinction is between a cession by the Legislature and a simple, naked purchase vesting the title in the Government of the United States. It is true that where a cession is made by the Legislature the exclusive jurisdiction follows and the State is ruled out as to the jurisdiction as to that particular piece of property. The incompatibility is just as marked and just as evident as it is in the philosophical problem that two bodies cannot occupy the same space at the same time. I read from Paschal's Annotated Constitution, where the various cases on this subject are collected:

The right of exclusive legislation carries with it the right of exclusive jurisdiction, (United States *vs.* Cornell, 2 Mason, 60, 91; 6 Opin., 577,) even to recapture by military force, (2 Op., 521.) This second clause binds all the United States, (Cohens *vs.* Virginia, 6 Wheat., 224.)—Story's Constitution, section 1229.

Congress has the right to punish murder in a fort or other place within its exclusive jurisdiction, but no general right to punish murder committed within any of the States. (*Idem.*) The power to legislate in these places, ceded by a State, carries with it as an incident the right to make that power effectual. (Cohens *vs.* Virginia, 6 Wheat., 428.) Congress does not act as a local legislature, but exercises this particular power, like all other powers, in its high character as the Legislature of the Union. (*Id.*, Story's Constitution, section 1234.) But the purchase of lands by the United States for public purposes, within the territorial limits of a State, does not of itself oust the jurisdiction or sovereignty of such State over the lands so purchased.

That is the decision in Cornell, in 2 Mason. This now is a mere purchase of land, as I understand this bill which is reported by the Senator from Vermont, [Mr. MORRILL.]

The Constitution prescribes the only mode by which they can acquire land as a sovereign power; and, therefore, they hold only as an individual when they obtain it in any other manner. (Commonwealth *vs.* Young, Brightly, 302; People *vs.* Godfrey, 17 Johns, 225; United States *vs.* Traver, 2 Wh. Cr. Cas., 490; People *vs.* Lent, *Id.*, 548.) It seems, however, that the States have not the right to tax lands purchased by the United States for public purposes, although the consent of the Legislature may not have been given to the purchase.

That principle was decided by Judge Grier of the circuit court in a case in 2 Wallace, jr., and just upon that point.

The words moved to be stricken out by the Senator from Colorado, so far as concerns taxation, would be surplusage. It is not within the power of the State to tax these lands when purchased by the Government; so that part of the amendment of course is necessarily correct. It makes no difference what was provided in the enabling act by which Colorado was admitted into the Union, or in any other act; that power to tax does not exist. I will read from the decision in 2 Wallace, jr.:

After a cession by a State, it cannot take cognizance of any acts done in the ceded places after the cession. And the inhabitants of those places cease to be inhabitants of the State, and can no longer exercise any civil or political rights under the laws of the State. But if there has been no cession, the State jurisdiction still remains.

This bill, if I understand it, does not contemplate any cession; it simply contemplates a bare naked purchase of the land which under the decisions of the different courts that have construed this clause of the Constitution leaves the jurisdiction of the State intact.

Mr. JONES, of Florida. I call the Senator's attention to the last clause, "and shall cede jurisdiction over the same during the time that the United States shall remain the owner thereof."

Mr. GARLAND. I am coming to that. I speak of the bill as proposed to be amended by the Senator from Colorado. If the amendment prevails, as a matter of course, that part of the bill will be stricken out; and it stands then simply as a purchase of property by the United States, and that leaves the jurisdiction of the State intact and unimpaired. If the amendment does not prevail, a cession will be required, the jurisdiction of the State will be wiped out. Which ever the Senators from Colorado prefer in this respect, I am perfectly willing to vote for.

Judge Kent, commenting on this power in a note to which I wish to call the attention of the Senate, says:

The State governments may likewise lose all jurisdiction over places purchased by Congress, by the consent of the Legislature of the State, for the erection of forts, dock-yards, light-houses, hospitals, military academies, and other needful buildings. The question which has arisen on the subject was as to the effect of the proviso or reservation, usually annexed to the consent of the State, that all civil and criminal process issued under the authority of the State might be executed on the lands so ceded in like manner as if the cession had not been made. This point was much discussed in the circuit court of the United States in Rhode Island in the case of The United States *vs.* Cornell. It was held that a purchase of lands within the jurisdiction of a State, with the consent of the State, for the national purposes contemplated by the Constitution did, *ipso facto*, by the very terms of the Constitution, fall within the exclusive legislation of Congress and that the State jurisdiction was completely ousted. What, then, is the true intent and effect of the saving clause annexed to the cessions? It does not imply the reservation of any concurrent jurisdiction or legislation or that the State retained a right to punish for acts done within the ceded lands. The whole apparent object of the proviso was to prevent the ceded lands from becoming a sanctuary for fugitives from justice for acts done within the acknowledged jurisdiction of the State; and such permission to execute process is not incompatible with exclusive sovereignty and jurisdiction. The acceptance of a cession with this reservation amounts to an agreement of the new sovereign to permit the free exercise of such process as being *quoad hoc* his own process. This construction has been frequently declared by the courts of the United States, and it comports entirely with the intention of the parties; and upon any other construction the cession would be nugatory and void. Judge Story doubted whether Congress were even at liberty by the terms of the Constitution to purchase lands with the consent of a State, under any qualification of that consent, which would deprive them of exclusive legislation over the place. The courts of the United States have sole and exclusive jurisdiction over an offense committed within a ceded place, notwithstanding the ordinary reservation of the right to execute civil and criminal process of the State. That was no reservation of any sovereignty or jurisdiction.

Congress, in exercising powers of exclusive legislation over a ceded place or district, unite the powers of general with those of local legislation. The power of local legislation carries with it, as an incident, the right to make that power effectual. Congress exercises that particular local power, like all its other powers, in its high character as the legislature of the Union, and its general power may come in aid of these local powers. It is, therefore, competent for Congress to try and punish an offender for an offense committed within one of those local districts, in a place not within such jurisdiction, or to provide for the pursuit and arrest of a criminal escaping from one of those districts after committing a felony there, or to punish a person for concealing, out of the district, a felony committed within it. All these incidental powers are necessary to the complete execution of the principal power, and the Supreme Court, in Cohens *vs.* Virginia, held that they were vested in Congress.

It follows, as a consequence, from this doctrine of the Federal courts, that State courts cannot take cognizance of any offenses committed within such ceded districts; and, on the other hand, that the inhabitants of such places cannot exercise any civil or political privileges under the laws of the State, because they are not bound by those laws. This has been so decided in the State courts.

Reference is made to an opinion of Mr. Justice Woodbury in the case of The Commonwealth *vs.* Clary, 8 Mass., 72; and to Same *vs.* Young, 1 Hall's Journal of Jurisprudence, 53:

But if in any case the United States have not actually purchased, and the State has not, in point of fact, ceded, the place or territory to the United States, its jurisdiction remains, notwithstanding the place may have been occupied ever since its surrender by Great Britain by the troops of the United States as a fort or garrison. The supreme court of New York accordingly held, in the case of The People *vs.* Godfrey, that they had jurisdiction of a murder committed by one soldier upon another within Niagara Fort. Nor would the purchase of the land by the United

States be alone sufficient to vest them with the jurisdiction, or to oust that of the State, without being accompanied or followed with the consent of the Legislature of the State. This was so decided in the case of *The Commonwealth of Pennsylvania vs. Young*.

I prefer to read from Judge Kent, because he summarizes the different decisions. The last clause I have read covers the case of this bill precisely:

Nor would the purchase of the land by the United States be alone sufficient to vest them with the jurisdiction or to oust that of the State, without being accompanied or followed with the consent of the Legislature of the State.

It stands as a simple purchase on the face of this bill with the amendment of the Senator from Colorado, leaving the State jurisdiction as it was before. If that is the wish of the Senators from Colorado, the amendment accomplishes that end. The clause of the bill in reference to taxation which the amendment strikes out is, as I said before, unnecessary. The property cannot be taxed anyway. The amendment offered by the other Senator from Colorado [Mr. TELLER] is unnecessary, because by the act of 1841 no money can be appropriated to carry on these buildings until the title is examined by the Attorney-General and pronounced sufficient, and that general law is not repealed by this special law as to this building in Colorado.

Mr. JONES, of Florida. Mr. President, this question, in my opinion, lies within a very narrow compass. The bill as reported from the committee contains a clause which provides for the cession of jurisdiction on the part of the State over the locality upon which it is proposed to erect a public building. The amendment offered by the Senator from Colorado, [Mr. HILL,] in whose State it is proposed to erect this structure, is to strike out that clause and to leave the bill without any provision whatever looking to a cession of jurisdiction over the ground on the part of the State that he represents. I said the other day that this matter was considered by the committee of which I happen to be chairman, and I am anxious that some principle should be adopted which will regulate cases like this hereafter.

I do not think it is necessary, even if jurisdiction is required, that this bill shall stand in its present shape, because according to the authority read by the Senator from Arkansas consent on the part of the Legislature to the purchase vests jurisdiction over the land the same as a cession by the Legislature. There cannot be any doubt about that. There are two ways of acquiring exclusive jurisdiction over ground like this. The first is by a cession on the part of the State, in which she relinquishes all sovereign authority over it, and thereby vests in the Government of the Union exclusive jurisdiction over the ground. The next method is by a purchase on the part of the United States with the consent of the Legislature of the State within which the land lies. Either of these methods will result in vesting jurisdiction in the Government of the United States.

Now, I say it is not necessary, even if jurisdiction is desired, that this bill should stand in its present form; that is, providing for a cession on the part of the State of jurisdiction to the United States; but even leaving that out, and letting the bill pass in the form in which the Senator from Colorado desires it to pass, after that if it is thought wise and expedient to obtain this jurisdiction over the ground, an act on the part of the Legislature of Colorado consenting to the purchase will carry with it the precise consequences that would follow from an actual cession. He has stated his reasons for wishing to leave this clause out. It may be necessary to go on with the work before the Legislature meets, and if jurisdiction is desired afterward all that is necessary would be for the State to signify its assent to the purchase, and thereby vest authority in the Government of the Union.

The VICE-PRESIDENT. The morning hour has expired.

Mr. TELLER and others. Let us vote.

The VICE-PRESIDENT. The Senate proceeds to the consideration of its unfinished business.

Mr. MORRILL. I hope the Senate will allow this bill to be disposed of. It will take but a moment longer.

Mr. DAVIS, of West Virginia. There is no objection to a vote, but there is to discussion.

Mr. MORRILL. I suggest as a compromise on all sides of the question, that we strike out of the bill—

The VICE-PRESIDENT. Does the Senate consent to the further consideration of this bill?

Mr. DAVIS, of West Virginia. Informally.

The VICE-PRESIDENT. Subject to a call for the regular order.

Mr. MORRILL. On line 18, after the word "States," I suggest that we strike out the whole to the end of the bill, and insert what I send to the Chair.

The VICE-PRESIDENT. The words will be read.

The CHIEF CLERK. After the word "States," in line 18, it is proposed to strike out all the remainder of the bill, as follows:

Nor until the State of Colorado shall duly release and relinquish to the United States the right to tax, or in any way assess, said site or property of the United States that may be thereon, and shall cede jurisdiction over the same during the time that the United States shall remain the owner thereof.

And in lieu thereof to insert:

Nor until the Legislature of the State of Colorado shall duly consent to the purchase by the United States of the proposed site.

Mr. MORRILL. I think it has become very obvious, upon the reading of the Constitution and the various comments which have been made, that the United States will have jurisdiction over any

property that the State Legislature consents to part with to the United States; and, also, that it will be impossible for any State to tax the property of the United States. Therefore, I suggest the amendment which I have proposed, and I think all parties will be satisfied.

Mr. TELLER. It seems to me, if I understand anything about the law governing this case, that this amendment amounts to about the same as the present provision. I do not see that we gain anything by it.

Mr. THURMAN. Allow me to say one word to my friend from Vermont. His amendment will not do at all, I beg leave to say to him. Wherever the Legislature of a State consents to the purchase, then the Constitution itself provides that the jurisdiction of Congress shall be exclusive. The Constitution operates *proprio vigore*, and the moment the purchase is made by the consent of the State, it requires no cession of jurisdiction on the part of the State. The Constitution of the United States itself operates to give Congress exclusive jurisdiction. The striking out part of the amendment is well enough, but what the Senator from Vermont proposes to insert makes the bill just as bad as it now is.

Mr. MORRILL. I do not desire to have this bill take up all the time of the morning; but certainly I never will consent to a proposition that we shall not have the assent of the State to any purchase that shall be made. I think it will be going a great way to say that the United States may put up a building wherever it pleases, without the consent of the Legislature of the State, especially when it is expressly provided in the Constitution that consent shall be obtained.

Mr. EDMUNDS. This single case is made now to involve a very general principle of policy, and will undoubtedly be a test and a solution of whatever in future is to be the policy of the United States. It therefore having broadened itself, out of the theory of the Anthony rule, I object to its further consideration.

The VICE-PRESIDENT. Objection being made, the bill goes over.

CHANGE OF REFERENCE.

Mr. CONKLING. I move to reconsider the vote by which the memorial relating to the adulteration of butter was referred this morning to the Committee on Territories, and ask that the memorial go to the Committee on Agriculture. It is more agreeable to the Senator who presented the memorial, I learn, that it should go to the Committee on Agriculture than to the other committee. Some other similar petitions have gone there.

The PRESIDING OFFICER, (Mr. PLATT in the chair.) If there be no objection it will be so ordered, and the memorial will be referred to the Committee on Agriculture.

HOUSE BILL REFERRED.

The bill (H. R. No. 4507) to abolish all tolls at the Louisville and Portland Canal was read twice by its title, and referred to the Committee on Commerce.

MAIL-TRANSPORTATION DEFICIENCY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4736) to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880, the pending question being on the amendment submitted by Mr. WALLACE on behalf of the Committee on Appropriations, in section 1, line 3, to strike out "nine hundred and seventy" and insert "eleven hundred."

Mr. WALLACE. I desire to give notice that I want to finish this bill to-day, and I hope the Senate will stay and finish it.

Mr. BECK. Mr. President, I agree with the chairman of the subcommittee who has charge of this bill, [Mr. WALLACE,] that it is important to finish it to-day, and I will endeavor to consume as little time as I can consistently with a full presentation of what I think ought to be said in behalf particularly of the truth of the statements contained in the preamble reported by the Committee on Appropriations as part of the bill.

Yesterday I endeavored to show as well as I could that the Post-Office Department had disregarded the provisions of the statutes of the United States which provide that no money shall be expended during any one fiscal year by any Department of the Government in excess of appropriations and that no contract shall be made which shall bind the Government for any sum in excess thereof, which is all the preamble alleges.

It was made apparent by the statement of the Postmaster-General and of the Second Assistant Postmaster-General to the subcommittee that they had so used the appropriations made for the star service as necessarily to create a deficiency which they claimed would amount to \$1,720,004. They had made contracts extending over the whole year and for years yet to come to that extent in excess of all appropriations. The question therefore had to be met by the Committee on Appropriations and it must be decided by the Congress of the United States whether the Postmaster-General and his officials have a right to violate the law, to exceed appropriations made by Congress, to make contracts in violation of the provisions of the statutes, or whether Congress has power over these things and a right to rebuke offending officials.

I am not going to repeat any of the arguments I made on that subject. The statement of the proposition seems to me to exhaust the argument. If the Post-Office Department officials have a right to expend in one month, two months, six months, or nine months what

they estimate as necessary for the existing and probable service for a whole year, and then by an edict such as was issued on the 20th of February cut down all the star mail service of the United States from daily to weekly trips on and after the 1st day of March unless they can coerce Congress to give them whatever additional money they see fit to demand, there is no use for Congress in matters of appropriation. The Department is master of the situation, as I fear it will be through the power and patronage it wields. I said that if they had created deficiencies by accident or unintentionally, and had said so to us, that might be excusable; but when we are told defiantly that it is their right to do so, and that we are stopping the mail service of the United States by refusing to furnish the money they now demand, then it is time the issue should be made and met.

It will be recollected that I said yesterday that every dollar the Department demanded for the service was given to them. Congress was in session up to the 2d day of July, 1879, and if they had anticipated any deficiency and had sought to deal fairly it was their duty then to have told us and allowed us to provide for it.

None of these things were done. Now complaint is made that we are seeking to prejudice the legality of their action and to find men guilty by asserting in the preamble that they have violated the laws, without a hearing. Mr. President, a thousand witnesses might be called to prove the facts and they could not prove them more conclusively than the Postmaster-General and his Second Assistant have proved them themselves. The Committee on Appropriations of the Senate differed somewhat from the Committee on Appropriations of the House as to the best mode of redress. The House bill as it came to us sought to cut down certain mail service. The Committee on Appropriations of the Senate ask the Senate not to cut down any of the service, but to rebuke our own officials.

The House sought to censure the Department because of illegal acts by cutting down the contracts on routes on which there had been large expedition of the service. That was the remedy they proposed. The Senate Committee on Appropriations propose not to investigate that question at present, but to allow the routes to remain as they are, to allow the expedition to remain as it is, to provide for all the service on all the routes, and give all the money that the books show to be necessary.

Both committees acted upon the obvious fact that there has been a disregard by the Post-Office Department of existing laws by the expenditure of money in excess of appropriations and by making contracts in violation of their obligations. It is no argument to my mind to say that they can annul all these contracts and stop mail service now without expending more than the money actually given. To do that they have to pay \$600,000, taken out of the Treasury of the United States, to cover up their own wrongs in order to prevent them from being guilty of impeachable offenses. Mr. President, did you ever hear of a man who violated the law going into the Treasury of the country and taking out money to protect himself from the law he had violated, taking \$600,000 to pay his friends for nothing, and then defying the Congress of the United States to say aught against him and defending himself by saying, "I have stopped your mails; I have made you pay \$600,000 to save me from technically going beyond the appropriations you allowed me?" I confess that I can hardly argue the question or restate it because of the absurdity of the proposition. The statement, as I said, exhausts the argument.

See the effect of such conduct: not only the one hundred and seven routes which the House sought to cut down are destroyed by the order of the Postmaster-General, of February 20, but 10,400 routes were cut down to weekly service, the object being to put additional coercion on Congress. And as we had authorized some new routes last year, he says, in his circular of February 20, after cutting down all the existing routes from daily to weekly service, that he will stop altogether all new routes. He knew that every member of Congress would be written to by his constituents to know why their mail-route is stopped. The daily mails were put on by him, as he admits, on the routes appropriated for because the service required it, and now he says he will cut them down to punish members of Congress for failing to obey his orders and give him all the money he demands. He orders that to take effect on the 1st day of March, fifteen days ago, but he graciously concluded to suspend his order temporarily to see if he could not coerce us to give him the money demanded. I admit the coercion; I admit the duress. I agree to give the money, but I insist that we shall not give it to that Department until we have told the Department that they were wrong-doers in forcing that condition of things upon us. I presume I will be beaten, but no matter.

The Committee on Appropriations of the Senate agreed that, pending the investigation in the House of Representatives, it was well not to pass judgment in advance as to the contracts alleged to be fraudulent. We are seeking to refrain from passing judgment upon any question of fraud. We have simply passed upon the violation of the law by our own officials, which is admitted, unless the theory of the Postmaster-General and of those who agree with him shall prevail, which never ought to be indorsed in this or any other deliberative representative body.

I said yesterday that I would call attention to the reasons which induced the passage of the laws under which we are now conducting public affairs which bind the Postmaster-General and every other head of the Departments of this Government. During the war, for example, immense appropriations were made by Congress, and at the

close of it an immense amount of surplus money appropriated was on hand in the various Departments; immense amounts of materials, such as horses, mules, wagons, all the materials of war, all the ships temporarily built or bought for the Navy; and of all the great items of expenditures large balances were in the Treasury charged to the Departments, and no longer considered as part of the money or property of the people.

What did they do? They claimed that all the money appropriated for the use of each Department belonged to that Department, and could be used to pay any or all the so-called debts of the Department. The appropriation having been charged to them during former years, they claimed that it remained subject to their control. It never appeared as part of the public debt statement, or as part of the public assets, except when it was first appropriated; and whatever balance remained unexpended or unsold the Departments claimed the right to use as they saw fit. For example, for the fiscal year 1866, beginning the 1st July, 1865, and ending June 30, 1866, there was an appropriation made for the Army of \$283,000,000. The war closed before that fiscal year began, and much of the money appropriated, amounting as I said to \$283,000,000, which was supposed to be necessary for war purposes was not needed. The act referred to was passed on the 3d March, 1865, when the war was flagrant. Among the other items of that bill, which I hold in my hand, (see volume 13, Statutes at Large, page 495,) was this:

For pay of volunteers, \$300,000,000.

And large appropriations were made for the purchase of horses, mules, wagons, &c. Instead of using any of these sums of money to pay volunteers or buy wagons, mules, or other munitions of war, the Government, the moment the war closed, in May, 1865, began to sell, and to sell largely, the vast accumulations of material on hand; yet it was claimed that as the War Department had been charged with that \$283,000,000, it lay subject to their order; that it could be drawn upon for whatever they saw fit to use it for. The Navy Department did the same thing, and both Departments used it recklessly, as I have in years gone by had occasion to show more than once at the other end of the Capitol.

In 1870, as I said yesterday, when the distinguished Senator from Massachusetts [Mr. DAWES] was chairman of the Committee on Appropriations of the House, of which I was an humble member, all these things were brought before us and carefully considered. During the years before that there was some excuse, perhaps, for looseness in management. I am not going to revive the old political troubles and the strife we then had over those questions; but the fact is known that during President Johnson's administration Congress and the President were at loggerheads; they did not work harmoniously. The President sent to the Senate appointments for official positions, of which over eleven hundred were rejected by the Senate in two years—over fourteen hundred, including those that were allowed to lie over and die. Nothing worked well; the internal revenue was not collected, and there seemed to be no responsibility anywhere. But in 1870, when the President and the Congress began to work in unison, these great evils were brought before the Committee on Appropriations, and then it was, on the 12th of July, 1870, that we passed these wholesome laws by adding seven sections to the executive, legislative, and judicial appropriation bill, one of which was literally transcribed into the Revised Statutes, and reads as follows—I repeat reading it, though I believe I read it twice yesterday:

That it shall not be lawful for any Department of the Government to expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or to involve the Government in any contract for the future payment of money in excess of such appropriations.

And we provided that all balances of appropriations which remained on the books of the Treasury that had not been drawn against for the accounts of that year should be paid back into the Treasury, and that these sums should no longer remain indefinitely to the credit or subject to the order of the different Departments. We went a step further afterward, May 8, 1872, when we required all sales of property that were made by any officer or Department of the Government to be paid into the Treasury and a list of the articles sold and the prices paid to be given, and they to be furnished by the Secretary of the Treasury in his annual statements to Congress, so that Congress could know what was being done with the money of the people, and investigate any wrongs that might appear in any of the accounts.

We provided still further that when we gave money to be used for one branch of the public service to any Department, or any bureau thereof, it should not be transferred to any other bureau or branch of service in the Department, but should be accounted for separately, just as the appropriations for the railroad routes, the steamboat routes, and the star mail routes have to be accounted for now in the Post-Office Department, not mixing them up one with the other. All these precautions were taken for the purpose of giving us intelligent information upon the subject of expenditures and of keeping them within our control. The Departments struggled against these laws year after year and sought to get rid of them. They have been retained by Congress and adhered to as the only means that we had of keeping control over the public money. As I said yesterday, this is the first time we have been openly defied. I hold in my hand a specimen of how the money used to be expended before these laws were passed. I introduced a resolution into the House of Representatives and had it passed calling upon the then Secretary of War, General

Belknap, in 1872, to give us information as to the amount of money that had been received for property sold by that Department in the five or six years preceding, and what had been done with it. Strong objection was made to giving the desired information. The answer came back that it could not be done in less than six months. We resisted the passage of the Army bill until it was done. It came at last; and this is the closing sentence of the report of the Quartermaster-General. After showing the large amounts that had been received, giving the figures in detail, the Acting Quartermaster-General says, and it is the key to the whole of it:

Making the total amount received by this Department since June 30, 1865, in excess of its appropriations, \$107,950,416.62. All of this has been used in payment of indebtedness of the Department except, as before stated, the sum of \$2,777,807.64.

Very respectfully, your obedient servant,

ROBERT ALLEN,

Acting Quartermaster-General, Brevet Major-General United States Army.
The Honorable SECRETARY OF WAR.

One hundred and five millions of dollars used by the Quartermaster's Department alone in excess of the appropriations made by Congress, and spent by that officer to pay the debts of the Department, as he saw fit to call them! That one hundred and seven millions never appeared as part of the money of the people from the day it was appropriated during the war to buy the cattle, mules, horses, wagons, and other things that were afterward sold to produce it, but it remained standing as money belonging to the Department till paid out to suit themselves. So the Secretary of the Navy made a like report in 1872, showing that \$74,000,000 had been received from the sale of ships and other material by his Department.

These are specimens of the things that induced us to pass the various laws now on the statute-books requiring executive officers to obey Congress, and we have been endeavoring to maintain them from that time to this; and it is obvious unless we continue to do so there is no security that the public money will ever be properly cared for or honestly expended. If the Postmaster-General can defy us, if he can say, "True, you gave me all I asked; true, I estimated for 10,400 existing routes, and a reasonable increase of service, and agreed to maintain them during the whole year with the \$5,900,000 you gave, and I made contracts with that view, but I have changed my mind; I have concluded to build up routes elsewhere, and I will divert a million and a half or two million dollars of that money from these purposes to other purposes, and spend it all as I please, and close your mails if you refuse to comply with my demand for more money. I will coerce it out of you, or punish your people, and punish you through your people, because you refuse to obey my orders." If this can be done, what is the value of all the laws we have passed and have struggled so long and so hard to maintain in the interest of honesty and economy? To indorse the action of the Postmaster-General in this regard on any pretext however plausible will be understood by the people everywhere as deliberately returning to the old bad system that we so long sought to remedy and that we have in great part remedied; and shall not this Congress, when an appropriation is thus forced out of it—against its will, if you please, certainly against right—say that while it will not punish the people, while it will furnish all the necessary mail service, it will rebuke the officers of the Government who dare thus wantonly, willfully, and deliberately, as they say they have done, to violate the law, disregard their obligations, and force that condition of things upon Congress? That is the effort being made by the Committee on Appropriations now. The Senate may not sustain us; but it will be the worst day's work the Senate ever did if it gives license again to executive officers to restore the old bad condition of things that after years of struggle was supposed to have been remedied by the laws to which I have called attention. I have hoped much from the honesty and economy of the democratic party. This is a fair test of the sincerity of its professions in that regard. A few words on another subject.

The way in which the money appropriated has been expended needs a passing remark. I made a few notes on that subject by which I can refer to the testimony hurriedly without detaining the Senate long. In the demand of the Postmaster-General made upon us in December, and in the demand of the Second Assistant Postmaster-General, made at the same time, they asked us to give them \$2,000,000 out of the unexpended balances of money given them in former years. That has been the cry all the time from all the executive officials. All the Departments say, "We do not ask for money out of the Treasury; we ask for unexpended balances," as though the money that was unexpended in former years is not as much the money of the people as any other money in the Treasury of the United States. Before we passed these laws, when the War Department and the Navy Department demanded more money, they said, "We do not ask you for any money out of the Treasury; we ask you for the unexpended balances of our old appropriations." Unexpended balance of what? The former appropriations were given when Congress supposed great exigencies existed; those exigencies having passed away, leaving money unexpended or munitions of war which they had left on hand and sold. The proceeds of these sales were as much the money of the people as any other money the people had contributed by taxation to the Treasury. So with the money given in former years to the Post-Office and remaining unexpended; it is part of the money of the people.

Still the Post-Office Department is clamoring again for unexpended balances of money that were returned to the Treasury two or three years ago, which they could not have spent without violating the

law, and did not spend; but they now demand it almost as a matter of right. That by the way. The expedition of the mail routes alluded to yesterday by the Senator from Texas [Mr. MAXEY] has been the great source of extravagant expenditure. I am not going over many of them; time and the patience of the Senate would fail me; but I am entirely willing to take up as a specimen the great route that he spoke of from Fort Worth to Fort Yuma, about which so much of his speech was made, and show that that was an unwarrantable and unnecessary use of the public money, especially if the other routes of the country had to be deprived of their service in order to pay for that expedition. From Fort Worth to Fort Yuma the advertised distance—

Mr. COKE. Will the Senator allow me to say that the increase of the Fort Worth route was estimated for, as he will see by examination?

Mr. BECK. It was for this current fiscal year, not for last year, but it is a fair illustration of many of the others. I refer to it as a specimen of the management of the Post-Office Department in these matters, as it was selected and specially lauded by the other Senator from Texas. It was advertised as being fifteen hundred and sixty-nine miles in length from Fort Worth to Fort Yuma. It was let for four years at \$134,000 a year. The schedule time was seventeen days and the number of post-offices along the route when let was thirty-five. The route is now called fourteen hundred and twenty-six miles, and my information is, though the Senators from Texas will doubtless differ with me as to that, that the advertised length was not the proper length. It never was any longer than fourteen hundred and twenty-six miles, if that long. I applied to the Post-Office Department for information on the subject but was unable to obtain it—I then took the next best means to find out from the old contractors, and in the guide-books I find this condition of things: I have the advertisement of the length of lines of the various contractors, and the distances as follows: From Fort Worth to Fort Concho, 239 miles; from Fort Concho to Missoula, 526 miles; from Missoula to Yuma, 645 miles; total, 1,410 miles.

That is what these men advertise as the length of that line. It was advertised by the Department as 1,569, and it is now put down at 1,426 in the Post-Office official tables, while the advertisement of the contractors shows it to be 1,410. It was an old route which had been let in former years. Its length was known. It was let at a higher schedule for the term ending the 30th of June, 1878, than it was let for the term beginning 1st of July, 1878. When it was let for the last four years the extended time doubtless induced persons to bid a lower rate, and therefore it was let at \$134,000 a year from July, 1878, till July, 1882, less, considerably less, than it had been let for before. In exactly forty-five days, I think, on the 15th of August, after the second letting in 1878, without adding an additional trip, putting on but few additional coaches, I presume, certainly without adding an additional trip, \$165,000 was given to the contractor for expediting the time from seventeen days to thirteen days. No more post-offices had been established, it will be observed, with a single exception. There are thirty-six now, and there were thirty-five in July, 1878. One hundred and sixty-five thousand dollars were added to the \$134,000 contracted for without a single additional mail being carried, and going only about a mile faster time per hour. Of course, a few such donations or favors as that will soon create deficiencies in the other star routes of the country.

The Senator from Texas [Mr. MAXEY] said yesterday that it was done on the representation of a great many men and at the request of men of power, influence, and position. Of course it was. Contractors easily work up petitions and everybody signs them. There never was a route in the country where men all along the line would not petition to have as many mail facilities as possible. The Senator from Texas read his own letter, and I was struck with the reading of it. It was an honest, fair statement of the case; but what was the case? Senator MAXEY said on the 22d of July, 1878—that was only twenty-two days after a bidder had taken the contract for \$134,000 a year for four years, and had given \$135,000 security with good bondsmen that he would carry it for four years at that rate; the United States was getting its daily mail carried upon it—Senator MAXEY asked Mr. Key, as he read himself yesterday, for expedition on the route. What does he say?

I believe the time should be expedited for two reasons: First, I think it necessary to maintain service on this great and important line, which, if not broken down at present rates, will be apt to materially damage the contractors; second, I believe the increasing needs of this rapidly developing country not only justify, but, in my judgment, make it the duty of the Department to put this great line on a solid basis at reasonably remunerative rates to the contractors.

Most respectfully, your obedient servant,

S. B. MAXEY.

He wants more remunerative rates for the contractors. The contractors, however, bid for it at \$134,000. They had given bonds to carry it for \$134,000. There was no proposition to give to the people along the line any more mails than they were getting at the \$134,000, which the contractors had covenanted to furnish for four years for \$134,000 a year, and yet the Senator from Texas says it is not only right and proper, but he reads other letters, many of them like his own, insisting upon giving these men more remunerative rates, and the Postmaster-General gives them \$165,000 more merely to expedite the time, without competitive bids, and without giving anybody a chance to perform the service for less money. Of course it was gratifying to Mr. Key, in looking over these lists of letters, to see such as

this signed by a large number of officials. It is duplicated, perhaps, with another name or two, from other places, to give it emphasis:

Hon. D. M. Key, Postmaster-General United States:

We, the subscribers, being citizens and officials in Brown County, Texas, heartily and sincerely congratulate the Postmaster-General of the United States for his promptness and exceedingly valuable action in giving this portion of our country the "fast overland mail line" from Fort Worth, Texas, to Fort Yuma, Arizona. This, the longest and fastest horse mail-route in the world, of fifteen hundred and sixty miles in thirteen days with coaches, will long stand as a monument in honor of its author's enterprise and energy.

It was a grand boast. The longest and fastest route in the world. Yet the poor men in the West are getting nothing—so says the Senator from Texas. Here was a route contracted for at \$134,000; a daily mail was being delivered, its delivery secured by bonds; but in order to make a grand monument to Mr. Key's energy and enterprise, he rewards contractors; admiring friends telegraph to him that the people there are delighted to have the fastest and longest route in the world and \$165,000 are to be taken out of the Treasury, and the mails in other States are to be stopped or reduced from daily to weekly service in order to enable him to receive the plaudits of these people for his energy and enterprise! That may be all very well. If I lived in Texas, especially if I lived along that line, I would have asked for it too; I would have begged for it very likely, and so would we all, but we do not appoint public servants for the purpose of yielding to such appeals, or authorize them to destroy needful service elsewhere in order to receive congratulatory telegrams.

Mr. COKE. The Senator should remember that Congress appropriated \$290,000 for that specific route. It was included in the estimates on which the appropriation in the regular bill was made.

Mr. BECK. Oh, yes; it was in the appropriation bill because that was done in 1878.

Mr. COKE. So the establishment of that route did not necessitate the stoppage of other routes to which the Senator alluded just now.

Mr. BECK. This particular route this particular year did not make a deficiency for this year. I have said that before. But I will take another route as a pretty good specimen of extravagance, that from Prescott to Santa Fé. First let me show another thing in regard to the Fort Yuma route. The railroad from Fort Yuma eastward is finished to-day to Tucson. I read an extract which was cut from a paper the other day:

PROGRESS OF THE SOUTHERN PACIFIC RAILROAD.

END OF TRACK S. P. R. R.,
Arizona, February 26, 1880.

Average daily laying of track, last twenty-five working days, ten thousand feet. End of track, forty-six and one-half miles east of former terminus at Casa Grande, or two hundred and twenty-eight miles east of Yuma, and nine hundred and fifty-nine miles east of San Francisco, now within twenty miles of Tucson, which we hope to reach by March 15.

J. H. STROBRIDGE,
Chief of Construction.

Tucson, I understand, is about three hundred miles east of Yuma. The Senator from Texas knows whether that is substantially correct or not. I have the map before me, and it seems to lie about halfway between Yuma and the Rio Grande, and about three hundred miles east of Yuma. On all the contracts for star routes one of the grounds the Post-Office Department has for taking off star service, by shortening time and securing expedition, is that when a railroad is built alongside the route, they stop it at the terminus of the railroad and give the service to the railroad company. Why? Because the railroad can perform that three hundred miles of service in half a day, and it shortens the star route that much. What was done upon this route? Mr. Brady, the Second Assistant Postmaster-General, is asked about it, as follows:

Question. Who is the contractor on the Fort Worth and Yuma route?

Answer. Mr. Chidester, of Arkansas.

Q. Is that a sublet contract?

A. Mr. Chidester himself has stocked the road and carries the mail from Fort Worth to Fort Concho.

That is two hundred and thirty-nine miles, I think, by the postal guide.

Between Concho and El Paso, and between El Paso and Yuma, the work is done by sub-contractors and by the railroad company. I have been trying to get the Southern Pacific Railroad Company to carry the mail for the Department from the point where the route strikes their line, but they will not do it. They prefer to carry it for the contractor, because the contractor can afford to pay the railroad company more than we can pay the company under the rule of weight of mail; and Mr. Huntington says that so long as he can get more money from the contractor for carrying the mails he will not carry them for the Department, and there is no law to compel him to do so.

What is the meaning of all that? The \$300,000 is paid for the whole route, \$164,000 of it for expedition. Huntington is furnishing more expedition a good deal than the coaches, and he wants and demands for his three hundred miles his full share of that \$300,000, and he will not carry the mail on any other terms, while other people are getting that much money, and he tells the Postmaster-General that as long as he can get more money from the contractor for carrying the mails, he will not carry them for the United States, and instead of stopping that route now, as they do wherever a railroad taps a stage line, and cutting off that much of the line, they are paying and continuing to pay under that contract \$299,000 for the whole route to Yuma, and Mr. Huntington is getting his share of it and tells the Postmaster-General that he gets more from the contractor than the Government would pay him under its rule, and therefore he will not carry it for

the Government as long as he can do that. Of course he will not. Nobody else would.

Understand me, I am not finding fault with the contractors. It is the business of the contractor to get all he can. It is the duty of the Government officials to see that the Government is not cheated. There can be no fraudulent contractor without a fraudulent Government official. I am not seeking to deal with the contractors or to charge frauds upon them. I am dealing with Government officials; and when I insist as I do that they are not regardless of the public interest and not doing their duty, I look to the head of the Department, who is himself, as I said yesterday, an honest man, but is in my judgment in the hands of men who use him as their clerk, instead of their being his clerks; and as regards many of these money-making jobs, I think that he knows very little more about how these things are done in his Department than I do who never had anything to do with it.

I started to refer to the route from Prescott to Santa Fé, a new route. Let me call attention to that and show a little of the history of it. That route was let to a man by the name of McDonough for \$13,313 a year. There were to be three trips made each week. The length of the route is stated at four hundred and sixty miles. Mr. McDonough sublet the route to a man by the name of John A. Walsh, now a banker in the city of Washington. Mr. Walsh so managed that route as sub-contractor, so failed to deliver his mail after there had been \$74,000 added for additional trips, that the Post-Office Department declared McDonough a failing contractor. They said they could not deal with the sub-contractor, although the sub-contractor was the man who caused the failure, was the man who failed to deliver the mail, the man who had the sole charge of the business. Walsh was the sub-contractor; yet McDonough was declared to be a failing contractor. Walsh was not held responsible. What happened?

The Department struck down the pay from \$74,000 to \$13,313 and said to the sureties of McDonough, "If you want to take this route again at \$13,313 you can have it." The Department had said the necessity of the service required it to be increased until they paid \$74,000; but the moment McDonough was declared a failing contractor, although the necessities of the service required \$74,000 to be paid, they struck it down to \$13,313 and said to the sureties of McDonough, "You can take it at that." These men had no facilities; they had no horses, no stages, or other material on hand; and they could not take it. What then did the Department do? They let it at once to Mr. Walsh for \$18,500, being just below the next lowest bidder to McDonough. Recollect Walsh was the man who caused the failure of the service. What did they do then? As soon as he got it they declared that the route had to be expedited and they added \$64,000 to the \$74,000, and they paid him \$136,975 a year for the route that McDonough undertook to run for \$13,313, and that he, as a sub-contractor, broke down on in order to get it at a higher rate, and then he had it increased to \$136,975 a year, which he now gets. How was that done? Mr. Brady is the witness. It was done, he says, on the statement of Mr. Walsh himself that he had to employ so many more horses, so many more coaches, so many more men, because of the expedition and trips. Brady says he had no other evidence of it except Mr. Walsh's own statement, and he allowed him \$136,975 a year for expedition and increase of trips on his own *ex parte* statement without any investigation. And who was Walsh? A banker in Washington now. The question is put to Mr. Brady:

Question. Did you have anything on which to predicate your action in allowing that \$78,700 additional pay, except Mr. Walsh's own statement?

Answer. His sworn statement.

Q. Was that the only information that you had on which to predicate that action?

A. That and the fact that we had sought to have the service performed at a less rate before and failed in it. It is a difficult route.

Q. Then his sworn statement was what you relied upon?

A. That was what I principally relied upon, but I also relied upon the other fact that I could not get the service done at the former price by the former contractor, and that Mr. Walsh had peremptorily refused to do the service for anything like that sum of money.

Q. While you were in the Government employment in New Orleans, did you know Walsh there?

A. I did.

Q. Was he not indicted, on your own testimony, for frauds on the internal revenue?

A. I had him indicted for failing to produce his books as a distiller. He had been in the business for some years, and when I first went there I subpoenaed him, as I did all the other distillers in the city, to appear before me with their books; and those of them who failed to produce their books (which I had a right to call for under the internal-revenue law) I had indicted for fraud. That is the only indictment found against Mr. Walsh in connection with that matter.

Q. And that was on your own testimony?

A. I think so; on my testimony or on that of my agents who were with me.

Q. And yet on his own sworn statement alone you granted an increase of pay to the amount of \$62,000 (in round numbers) in excess of the price allowed for the same service to his predecessor?

A. On his own statement, and for the reason (as I was saying) that I could not get the service performed for any less.

The testimony of the Second Assistant Postmaster-General shows that he gave Walsh the difference up to \$136,975 a year on the Prescott and Santa Fé route for doing service that had been let to McDonough for \$13,313 under whom Walsh was sub-contractor, who was the man who failed to perform the service, and now he requires the Government to pay \$136,000 a year on that route for expedition and trips. I went yesterday to the Internal Revenue Department and I told General Baum that I desired to see what the indictments against Walsh

were. He showed me the abstract. Walsh stands indicted now in New Orleans under two indictments for a conspiracy to defraud the Government of the United States, as a distiller, in 1876, and Mr. Brady is marked as the witness who is to go down there and convict him of these offenses. I fear the Government will never get the testimony of Brady against him.

There are plenty more routes, increases, and arraignments of the same sort. I merely referred to this one as a specimen. I cannot go over them all. I do not propose to do it; but Mr. Kirk, one of the sureties of McDonough, was called, and Mr. Kirk testified that he never got a chance to take the service at anything exceeding \$13,500 a year and of course he could not do it for that in the way McDonough was required to do it. But the best witness to illustrate these wrongs is Walsh himself. He is called as a witness, too, and what does he say?

Question. As it seems that your affidavit was all the basis the Department ever had upon which to predicate the increase to \$136,000, why didn't you go on and make the sum \$200,000? Didn't that seem just as easy as to make it \$136,000?

Answer. The trouble with me all along has been that I have dealt on a per cent. all my life; if I had been in the mail service for some years I think the service on that route would have been at that figure. I think that you would be investigating me now with that route at \$200,000.

Poor innocent man! He had not been in the service long enough to know how much to ask. It was just as easy to get out of General Brady \$200,000 as \$136,000; but he had not been dealing with the Post-Office Department long enough. These are the poor men whom the Senator from Texas [Mr. MAXEY] held up before the Senate as the helpless deserving men who were getting all the benefit of this star service! This poor fellow did not know what to ask, and therefore, fool-like, he contented himself with \$136,000 instead of \$200,000, which he could have got just as well as not, and that is a specimen of the much-lauded administration of this Department! That is why we are now making up deficiencies! That is obedience to law! And telling these things is what is called making false attacks on the Postmaster-General! I have nothing to do with General Brady; I have nothing to do with any clerk in the Post-Office Department; the Senate has nothing to do with him. The responsible head of that Department is the Postmaster-General, and all these things are presumed to come under his supervision; and if he keeps men there who do such things we have to look to him and his responsibility and not to them. I feel pretty sure that he was not very freely consulted when these things were going on. I think I can safely say that much for the Postmaster-General.

Take another route, from Vinita to Las Vegas. That was one referred to yesterday by the Senator from Texas—I am picking out now those that he called up. When that route was let from Vinita to Las Vegas through the Indian Territory and through the pan-handle of Texas, the statement is here showing that there is very little mail passing over the route; the service is done on a buckboard. There were twenty-one post-offices along that line in 1878; there are twenty-seven now. That route has been increased from \$6,300 to \$144,262, new service. A bond for \$15,000 was given and has never been increased; it stands at that now, just the same as it was originally, and that is the rule, no matter how much the contract price is increased. Mr. BLOUNT asked the Second Assistant Postmaster-General about this:

Question. You say you have no knowledge at all as to the amount or the weight of the mails carried over these great lines where these large expenditures for service are made?

Answer. Oh, no; I did not say that; I said I had not had the mails weighed on those routes. I understand, however, that on the Vinita route they carry two or three sacks of mail a day.

One hundred and forty-four thousand dollars a year to take those two or three sacks!

Q. Two or three sacks?

A. Yes. That is rather indefinite, but that is the way the information comes to me from one of the agents out there.

Q. You have no knowledge, you say, at all of the revenue from those mails?

A. No, sir; not at this time. I presume that the revenues from the Las Vegas route are comparatively small. It runs through the Indian Territory, and its principal importance is in connecting the Indian agencies and the military posts through there and the few post-offices that are scattered through the pan-handle of Texas.

And yet, running through the Indian country, running through the pan-handle, connecting the military posts for the convenience of officers, perhaps, or something else, that route was increased from \$6,330 to \$144,260 a year, and there has only been an increase of six post-offices along the whole line.

Along the Prescott and Santa Fé route, of which I have just spoken, on which Walsh gets \$136,000, and says he is sorry he did not make it \$200,000—what is the condition there? There were fourteen post-offices two years ago and there are fourteen post-offices now. There has been no increase of post-offices. There are very few people living along on the lines of these routes.

On those three roads that I have referred to from Fort Worth to Fort Yuma, from Vinita to Las Vegas, from Prescott to Santa Fé the increase is \$430,000, while the increase on ten thousand three hundred and odd routes in this country in all the States of the Union is only \$300,000. Yet these the Senator from Texas says are the poor men of the West who were being crippled so terribly by our objections to the post-office star route system!

I have in my hand a short table showing that in the States of Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, (which by the way has the

lion's share, six hundred and thirty-eight,) Arkansas, Missouri, Tennessee, and Kentucky, there are 96,813 miles of star route and that all the pay that is given is \$1,900,000, while in the far Western States, Nevada, California, Colorado, Oregon, Utah, Idaho, Montana, Dakota, Wyoming, the Indian Territory, New Mexico, and Arizona, where there are thirty-eight thousand miles of star route, the pay is \$2,494,000. Thirty-eight thousand miles in these States and Territories receive half a million more money than 96,800 miles of star service in the twelve States that I have named. What does the table show? The Senator from Texas was speaking about these poor men getting no facilities. In those twelve States the average service per week is 2.32 trips, less than two and a half trips a week. In Kentucky it is 2.05. Not in any one of them except Texas does it exceed three, and in Texas it is 3.18, the average in all being 2.32. What is the average trip per week in the Territories? Three and sixty-one hundredths. There is more than half as much again to-day in these Territories as there is in the States.

Mr. DAVIS, of West Virginia. How much more do they get?

Mr. BECK. They get over half a million more. In ten of those States which we supply with star service there is a population of nearly fourteen millions, with seventy thousand miles of railroad, and they get a little over a million dollars, while those Western States and Territories, with less than one-tenth of the population, are getting two and a half millions. But I must hurry on.

The mode of increasing the service is simply iniquitous. I deny the construction given to the law as requiring the increased pay that is invariably allowed by the Postmaster-General and maintained by the chairman of the Committee on Post-Offices and Post-Roads. Section 3960 is the section referred to. That section provides:

SEC. 3960. Compensation for additional service in carrying the mail shall not be in excess of the exact proportion which the original compensation bears to the original service; and when any such additional service is ordered, the sum to be allowed therefor shall be expressed in the order, and entered upon the books of the Department; and no compensation shall be paid for any additional regular service rendered before the issuing of such order.

The Postmaster-General and the chairman of the Committee on Post-Offices and Post-Roads declare that that law requires the Postmaster-General to give double the pay whenever he gets double the service. It does no such thing.

Mr. MAXEY. I will state to the Senator from Kentucky that the Senator from Texas made no such statement, and he will not find it at all in the RECORD.

Mr. BECK. I beg pardon. I am glad to hear it.

Mr. MAXEY. Look at the RECORD and see the particular route I was talking about. I was discussing the route from Fort Worth to Fort Yuma. The law says it must be in exact proportion. The exact proportion was \$321,000; the contract is \$299,000.

Mr. BECK. That is for expedition. There was no increase of service there.

Mr. MAXEY. The principle is exactly the same in the two sections. What is true for one is true for the other.

Mr. BECK. I beg pardon. I will show that presently. Then the Postmaster-General and his Second Assistant Postmaster-General appeared before the committees of the House and Senate, and each of them asserted the fact to be that such was the law, and that that was their construction of it. The Senator from Texas yesterday said that the Postmaster-General was obeying the law, and if it was a bad law we should change it. There is not an instance where the Post-Office Department has ever doubled the trips that they have not doubled the pay, or trebled it if they trebled the service, and when they made it from daily to weekly they uniformly made it seven times as great, when the statute only provides that that is the maximum that they shall never exceed; but it is their duty as public officers to do what the good of the service requires, and to get it done as cheaply as they can.

What is their plan? Just as they did in the case of Fort Worth and Fort Yuma when they came to let out to their favorites; they decrease the speed, they cut off the number of trips. Some man that they want to have the route gets it, and takes it for little or nothing. Then in less than a month, sometimes in less than a week, always very soon, more trips are added and the pay is doubled. Expedition is ordered, and then what happens? No testimony is taken; none is required except that of the man who has got the contract, and who got it for little or nothing, in order that he might have increased trips and increased speed, and there is where the profit lies. Just as the Senator from Texas very properly said in his letter, it was an increase of compensation to contractors; that was urged as a leading reason for expedition, that they ought not to be crippled by working at low rates. Take this case for example: A new route is opened in the West. There is no road; there are no bridges, no ferry, no station-house, no wells—nothing. It is fifty miles long; it is ordered at five miles an hour to go through in ten hours, and \$5,000 a year is given for the service three times a week. The service is doubled to six times a week, with the same schedule of time, five miles an hour and fifty miles in ten hours, and \$10,000 is paid, just double. Nevertheless, recollect that when the contractor took that route first at \$5,000 for fifty miles, he had his bridges to build, he had his ferries to establish, if any, he had his station-houses to build, he had his stables to build for his horses, he had his wells to dig; he had everything to do, and he took it. I am assuming that he was dealing fairly

with himself and the Government, to receive \$5,000 a year for four years; at this rate he could make money on the route. It is doubled. Is the cost doubled to him? All the roads are established and built, all the stations are built, all the stables are built, and the wells are dug.

Mr. MAXEY. I will ask the Senator from Kentucky if although all the stables and stations are built and the wells are dug, when you change the schedule and make the service at five miles an hour where it was only a mile and a half before, do you not necessarily have to double up your stations and increase the number of wells and so on?

Mr. BECK. You do not necessarily have to double them. When you put on expedition you have to add some more. I will come to that directly. I am on the first section now, 3690, in regard to trips. When you merely increase trips do you have to build any more stables? Do you have to sink any more wells? Do you have to employ any more hostlers? You may have to work them a little harder. Do you have to do anything amounting to 25 per cent. or 50 per cent. at the outside of the original cost? That amount of increased pay would be ample compensation to a man who has merely doubled his trips, with no roads to build, no stations to build, the bridges all in order, his same hostlers, his same blacksmiths, his same everything on hand.

There never was a case in which a hundred per cent. is not allowed, though there are abundant instances where 25 per cent. increase would have been ample, and the Post-Office officials know it well. There is not a case in all the thousands where the pay is less than doubled, and there is where the profit to the contractor is.

Mr. MAXEY. I will ask the Senator from Kentucky, because the argument he is endeavoring to make is in reply to the legal argument, whether in any single instance in all the investigation made by the Senate Committee on Appropriations and the committee of the House one case has been brought up where the Postmaster-General went beyond what that identical section 3960 authorized him to go when there was an increase of service? Then the question is whether his judgment or discretion was good or not. The question is, did he violate the law as the law-makers made it?

Mr. BECK. I argued yesterday and showed that he had wantonly violated the law in exceeding his appropriations and in making contracts beyond his appropriations, and it was for that that I sought to hold him responsible. The Senator from Texas never replied to that, except to indorse him by contending that he could spend all we gave him in six months or three months if he liked. He turned over to these other sections that I am now reading and speaking about and showed that the Postmaster-General thought they were bad and ought to be modified. These sections apply to the administration of the Department and only to the administration of the Department. I know of no instance where he went beyond the maximum fixed by the law; I am not claiming that he did, but I know that there is no instance where under the discretion given him, and under the duty imposed upon him, he ever sought to save the money of the people of the United States by coming one dollar under the maximum for increase of trips. He pretends to construe that law to mean that he is obliged to give them double. The Senator undertakes to say that he ought to give them double, when 25 per cent. or 50 per cent. would often be a fair compensation, and I deny that that is a just administration of the Government.

Mr. MAXEY. Then the Senator from Kentucky and myself differ. He charges directly in the preamble that the Post-Office Department had disregarded the law, and now he admits they have not disregarded the law.

Mr. BECK. Either the Senator from Texas or myself have very confused ideas of this argument, for we surely differ very widely. I will again state what I charge the Postmaster-General with doing in plain violation of law. Section 3679 provides that—

No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

That is regardless of trips, regardless of expedition, regardless of anything. All his discretion must be exercised inside of and in obedience to the law. The preamble to the bill recites that—

Whereas there is a deficiency in the appropriations made by Congress for the star postal service of the United States for the fiscal year ending June 30, 1880, caused by the Post-Office Department disregarding the law which prohibits the expenditure of money in excess of appropriations, or the making of contracts which involve the Government for the payment of money in excess of appropriations, which deficiency, unless supplied, threatens to deprive the people of the necessary mail services to which they are entitled: Therefore,

Be it enacted, etc.

I was not referring in the argument I made yesterday, nor in the preamble either, to section 3960 or section 3961, which alone refer to routes, increase of trips, and expedition, and have nothing to do with the law regulating expenditures on making contracts in excess thereof. If I did not make that plain I do not know how to make it plainer.

Mr. MAXEY. As the Senator has been making a reply to my argument, I ask him if the very section which he has read, and which he says has been violated, does not give the Post-Office Department a discretion by its very terms to expend the money appropriated within the fiscal year, and if the only limit in regard to it is that the Postmaster-General shall not within the fiscal year expend more money

than is appropriated? How much he shall spend in one month, how much he shall spend in one day, or in one quarter, or in two quarters is not limited by that law, but is within his discretion. I will say to the Senator that the principle for which I am contending is that where discretion is given by law to any public officer, a judge, or what not, and he remains within the law, no court can damage him for a misexercise of that discretion within the law, nor could Congress do it, nor can Congress say that the Postmaster-General violated the law when he has not expended more than the whole of the \$5,900,000 for the current fiscal year, when the current fiscal year is not ended, and will not be ended until the 30th of June, 1880. Hence he has not violated the law as charged in that preamble.

Mr. BECK. This is the argument as I understand it: I ask the Senator from Texas how much he will board my son for for one year, who is going to school in his town. He says he will board him for \$500. I give it to him; it is all he asks. He comes and says to me on the 1st day of February, "I shall stop feeding your son and turn him out of doors unless you give me more money. I had discretion to do as I liked. I undertook to board him for the whole year for \$500, but I spent all the money in seven months; he may starve the rest of the time." Would that be a compliance with the contract?

Mr. MAXEY. I do not think that that is a fair statement.

Mr. BECK. The Postmaster-General told us that for a given sum of money all the star routes of the country could be maintained for twelve months. We gave it to him, and he diverted it to other purposes, and on the 20th day of February he said, "I will stop all your mail service unless you give me \$2,000,000 more." And now the Senator says that because he has not yet spent it all, although it will all be gone in a few days, gone by reason of his violation of the law, as he has to pay the men he has employed \$600,000 and take that out of the sum we gave, to save himself from impeachment, that that is a compliance with the Postmaster-General's obligations. Is not that the argument?

Mr. MAXEY. I do not wish to interrupt the Senator, but I want him to be fair and just.

Mr. BECK. I am trying to give a fair answer.

Mr. MAXEY. The Senator from Kentucky knows just as well as I do that the Postmaster-General in reply to him stated that he did not believe the amount of his estimates was sufficient to carry on the postal service for the current fiscal year, but that it was cut down in Cabinet meeting against his will, and especially by the direction of the Secretary of the Treasury. In his replies (in which I give him credit for being exceedingly temperate, calm, and dignified under the circumstances) he furthermore said that after the estimates were sent in two thousand additional routes had been added by Congress and he had placed four hundred and thirty-four thousand dollars' worth of service out of the \$5,900,000 on those new routes, which were not estimated for because they were made after he had sent in his estimates to Congress. Fair dealing with a man requires that this statement should go upon the record.

Mr. BECK. The Postmaster-General estimated not only for the existing routes but for what he thought would be a proper increase. He was under no sort of obligation to place service upon those new routes unless he thought the good of the service required it. While the suggestion was made that that was the cause of the great expenditure when he was demanding \$2,000,000 and admitting that he had put service on in excess of the appropriations \$1,720,004, only the pitiful sum of \$434,000 was expended in all the two thousand new routes which he said Congress had thrown upon him about which there was so much parade. Upon one of these new routes, from Vinita to Las Vegas, through the Indian Territory, where there are only a few military posts, with hardly anybody to receive or send mail-matter, he paid \$144,262, when there were two thousand new routes ordered by Congress. Nearly half of what he paid was on one little route in the Indian Territory that he let for \$6,000 and increased up to over \$140,000. Is that good, honest, or economical administration?

Mr. MAXEY. I will ask the Senator from Kentucky, in that connection, if he does not know that the Postmaster-General made it known to him that the General of the Army recommended the route from Vinita to Las Vegas as one of the most economical measures that could be adopted, because it aided in the solution of the Indian troubles, and would do more than all the laws of Congress, and as a measure of wise economy it ought to be adopted. In the exercise of that discretion which the law gave him he stated that he took into account this statement of General Sherman, as well as the statement of General Davidson, who commanded the troops there at Fort Elliot in the pan-handle.

Mr. BECK. The General of the Army of course wanted easier riding; the General of the Army recommended it, and the military men at the posts would want it, and the Senator from Texas recommended everything, too, of course. What of that?

Mr. MAXEY. I cannot answer that kind of an argument.

Mr. BECK. It is popular to recommend those things, and it is right to recommend them, but that forms no excuse for the Postmaster-General to take \$144,000 to put on a route of that sort and curtail 10,300 routes in order to do it. Here is the General's letter, I think.

Mr. MAXEY. I have got it here, if the Senator has not got it.

Mr. BECK. There are only two or three sacks of mail carried over it, and the General of the Army recommended it; but you will see that the General of the Army (if there is to be any more authority

in what he says than to what a private citizen says) fears it will cost too much to do it. Still he recommended it. He said:

I am sure a daily mail carried in coaches from Vinita, Indian Territory, via Fort Reno, Camp Supply, Fort Elliott, Bascomb, Union, &c., will contribute largely to the settlement of that region, and would be most valuable, but I fear the cost would hardly be justified for a few years yet. Still I approve the above.

That is the strong recommendation of the General of the Army, and he fears that the cost will hardly be justified for a few years yet.

Mr. MAXEY. Another statement that the General of the Army made—and it might just as well have been read in the same letter—is as follows:

The establishment of these transcontinental roads, such as the Yellowstone, Platte, Arkansas, and El Paso, has done more to settle the everlasting Indian question than all the laws of Congress.

You will find in a letter which I wrote in regard to the lines down on the Rio Grande I stated:

I am impressed with the belief, and shall, when I can secure time, make it appear in a communication to you on that point, that increased mail facilities around the entire Rio Grande front would be a splendid cordon of pickets in many ways and do much toward establishing peace on the border, and thus a measure of wise economy.

All these things in the very nature of the case must be taken into consideration by the Postmaster-General in the exercise of a wise discretion such as the law gives him.

Mr. BECK. It all comes back to the same proposition that there is no discretion given to the Postmaster-General to exceed the appropriations made by law for the business of the fiscal year. On the contrary, the prohibition is positive that he shall not exceed them. There is no discretion given him to make contracts to involve the Government for the payment of more than the amount appropriated; and the law says he shall not do it. Yet the Postmaster-General admits he has exceeded the appropriation to the extent of a million and a half; and he has expended it all so as to make it necessary to cut down the star routes to weekly service on the 1st of March; and the chairman of the Committee on Post-Offices and Post-Roads thinks he has the right under the law in the exercise of his discretion to do it, although it will cost over \$600,000 in money and the loss of four months' mail service to keep him technically within the law. I say there is not a man in the country who will not say that the very state-

ment of the proposition answers the argument. It is absurd to assume that Congress ever intended any such thing or that any just man would assume that any such power was given to him. As well might the War Department use all the appropriation made for the Army in six months and let it starve for the rest of the year, as well let the Navy go at the end of six months, as well might any other of the great Departments of the Government come and demand more money or say that the service shall be discontinued, as for the Postmaster-General to come and make these demands now.

The sections I am arguing to-day are sections relating to administration. I am trying to show that this Department is badly administered and that the money that was spent was not spent in any proper way, although it may not have been a direct violation of the law to do it if appropriations had been made sufficient for the purpose. The Postmaster-General had the authority to pay double for double service, that I admit; I do not know how many routes he doubled. I have shown that in every instance where he doubled the mail service he doubled the compensation. I want to know from the Senator from Texas whether or not the frontier of Texas is protected any more by the route from Fort Worth to Fort Yuma going at the rate of four miles an hour than it was when it was going at three miles an hour, for before the \$164,000 or \$165,000 was given a mail was going along that route every day. There was a few hours' difference perhaps at near points and a day or two at the utmost, but one mail every day was going over that route at \$134,000, and while we know that mails and roads and everything else open countries up, why should expedition be put on to double and quadruple what was paid originally be added because of speed when the people are getting no increase of mail, only receiving the mail every day as they did before?

I have in my hand a list of twenty routes, showing the original cost of the trips as let, the cost of the extra trips, none of them running up to daily trips, the cost of the expedition, the present total cost, the cost if the trips had been made daily and doubled every time. The present cost now paid because of expedition, where they are getting only four and five, and only in one or two cases six trips a day, we are paying for that expedition \$397,784 more money than it would cost to give the people on every one of those routes daily trips even though every time they doubled the service they doubled the cost of the original service.

Statement showing a few instances of many where routes have been increased from one and two to three trips per week, then expedited. If they had been increased to seven trips (daily) at pro rata pay per trip, leaving schedule time untouched, expedition would have been unnecessary, for there would have been a delivery every twenty-four hours instead of forty-eight and, from Friday until Monday, of seventy-two hours, as frequency would have taken the place of expedition.

States and Territories.	Number of routes.	Original pay.	Original trips.	Trips now.	Pay for trips.	Pay for expedition.	Present cost.	Cost if made daily.	Amount saved daily over expedition.
Texas.....	31542	\$630 00	1	2	\$1,260 00	\$3,990 00	\$5,880 00	\$4,410 00	\$1,470 00
Dakota.....	35015	398 00	1	5	2,033 00	3,680 00	6,131 90	2,451 90	3,680 00
Dakota.....	35051	2,350 00	1	6	39,700 00	27,950 00	70,000 00	16,450 00	53,550 00
New Mexico.....	39104	1,748 00	1	2	3,496 00	7,866 00	13,110 00	10,488 00	2,622 00
New Mexico.....	39109	14,900 00	3	4	54,435 96	21,876 55	91,212 51	34,766 66	56,445 85
New Mexico.....	39114	3,500 00	1	2	7,000 00	21,000 00	31,500 00	24,500 00	7,000 00
Arizona.....	40101	18,500 00	3	4	77,700 00	39,775 00	135,975 00	41,166 66	92,808 34
Arizona.....	40103	7,400 00	2	5	41,963 00	17,537 00	66,900 00	23,900 00	43,000 00
Arizona.....	40104	2,982 00	1	6	29,733 00	19,318 00	52,033 00	19,274 00	32,159 00
Arizona.....	40107	4,999 00	3	4	5,684 00	21,384 00	34,076 00	10,665 67	23,410 33
Arizona.....	40109	2,670 00	3	4	3,869 00	10,798 00	17,337 00	6,230 00	11,107 00
Arizona.....	40113	1,568 00	1	2	3,136 00	9,408 00	14,112 00	10,976 00	3,136 00
Utah.....	41119	1,168 00	1	2	5,426 00	12,718 00	19,312 00	8,170 00	11,136 00
Idaho.....	42121	4,750 00	3	3	4,750 00	12,667 00	22,167 00	11,083 33	11,083 67
Oregon.....	44140	2,408 00	1	2	4,816 00	14,486 10	21,603 96	17,376 00	4,227 96
Oregon.....	44145	8,288 00	2	5	45,584 00	18,648 00	72,520 00	58,016 00	14,504 00
Oregon.....	44160	2,882 00	1	2	5,776 00	12,836 00	21,500 00	20,216 00	1,284 00
California.....	46132	1,182 00	1	2	2,376 00	5,346 00	8,910 00	8,316 00	594 00
California.....	46207	6,975 00	3	3	6,975 00	13,950 00	27,900 00	16,275 00	11,625 00
California.....	46247	5,988 00	2	1½	8,982 00	17,964 00	32,934 00	20,993 00	11,941 00
Saved on twenty routes by substituting trips for speed.....									397,784 15

That statement shows that it is not to give the people mail facilities that these allowances for expedition are made; it is to enable the great contractors to run their stages and break down the express companies, competing with them and making their money otherwise. The Postmaster-General says, and so does his Second Assistant and so do all the contractors, "Cut down the number of trips if you please, but do not cut down the speed; it is the speed that has enabled us to build up a lucrative business." They care nothing about the mails for the people. We say, "Give them daily mails." No, the contractors do not want that; therefore the Department does not want it, and they protest against the cutting down of the expedition which enables them to give pay as they like in proportion to the number of horses, mules, or men that the contractor swears he will have to put on because of the increased speed, and without any information except his own say-so as to the proportion which the increase of mules, horses, and men bore to the original cost in that which is given him; and he gets it for four years. How is it done? The moment a man gets a

route in his possession it is his for good. Mr. Salesbury understands that well. He is a very good contractor so far as I know—the largest in the United States—and he gives very good bonds. He gives Messrs. Haggin & Fevis, of San Francisco, on his bond. The Senators from California no doubt know who they are. Mr. Salesbury was questioned by myself:

Question. After you once obtain possession of a route by having it awarded to you, can there be any competition by anybody else in regard to increase of service or expedition?

Answer. Provided I cannot perform the services required by the Government.

Q. But if you can, no one can compete with you?

A. No, sir; not during the term of four years.

Q. Therefore, your avowal of competency at any price prevents the Department from giving it to anybody else, so far as expedition is concerned?

A. I think it does so far as any one else is concerned, but they can refuse it to me if they see fit.

Q. They can; but they are obliged to give it to you in order to expedite the business if you avow a willingness to perform it?

A. That is my understanding.

Mr. MAXEY. Is that the fault of the Postmaster-General or the fault of the law?

Mr. BECK. That is the fault of the law?

Mr. MAXEY. That is what I supposed.

Mr. BECK. And that is the only law that I know of that the Postmaster-General is seeking to amend. When the Senator from Texas was arguing yesterday that the Postmaster-General was seeking to amend the law that was the law to which he referred. The law under which I was arraigning the Postmaster-General was the law under which he was spending money in excess of the appropriations and making contracts in violation of law, and not with regard to this law at all.

Mr. MAXEY. The Senator from Kentucky will allow me to suggest that on I think page 14 of the report of the Postmaster-General for the year 1879, the one sent to us at the present session, he will find at the same right-hand page that the Postmaster-General recommends the amendment of both section 3960 and section 3961.

Mr. BECK. I am trying to show the bad management heretofore under them both. The Senator from Texas, the chairman of the Committee on Post-Offices and Post-Roads, will not do his duty as well as he generally does it if he does not promptly report a bill to correct those laws, and I do not see why it was not done long ago.

Mr. MAXEY. I stated to the Senate yesterday what, I presume, the Senator from Kentucky did not hear, that on the 2d day of June, 1879, a bill was introduced in the House of Representatives and that a substitute was reported on the 16th day of December, 1879, from the Committee on Post-Offices and Post-Roads by the chairman, [Mr. MONEY,] and the bill is there pending, but has never been touched by that House, so far as the RECORD shows; so that there is no need for the Post-Office Committee here introducing a bill when a corresponding bill in the House is pending there.

Mr. BECK. Why does not the Committee on Post-Offices and Post-Roads of the Senate, who know so well about these bad laws and know all the evils, and who are in constant communication with the Postmaster-General, introduce and bring before the Senate a bill which will at least remedy some of the flagrant evils which they themselves confess exist in the management of these affairs?

Mr. MAXEY. Because a like bill is now pending in the other House.

Mr. BECK. I hope my argument will do something to stir up the Senator from Texas and show him the abuses that are now practiced. With increases from \$6,000 to \$146,000, increases from \$134,000 in his own State to \$299,000, when a railroad has advanced three hundred miles in the mean time that is not being used and Mr. Huntington is dividing the great profits now given by the Post-Office with that route, and from Prescott to Santa Fé, where Mr. Walsh comes in and swears that he is getting \$136,000, and is only sorry that he did not ask \$200,000, and if he had been a little smarter he would have had that instead of the other, why does not the Committee on Post-Offices and Post-Roads remedy those things? If I have helped to make them do that I have accomplished a good work.

Mr. MAXEY. I desire to state to the Senator from Kentucky that the chairman of the Committee on Post-Offices and Post-Roads is about as attentive to his business, or thinks he is, as the Senator from Kentucky, and he needs no prodding to do his duty. I do not ask any aid in that regard. The chairman of the Committee on Post-Offices and Post-Roads stated here, and has repeated over and over again, the fact that a bill was regularly reported from the Committee on the Post-Office and Post-Roads of the House, and is now pending in the House, having been favorably reported, to accomplish these objects. Therefore, according to my view of business, there is no need of repeating that operation here.

Mr. BECK. I know how attentive the Senator from Texas is, and I know how sensitive he is, particularly upon subjects of that sort; but I remind him, as I have been doing all day, that the Post-Office Department, which he says is run in the interest of poor men having as much right to the benefits of the service as the banker in North Middletown has, gives to his State and the western Territories for thirty-eight thousand miles of road two million and a half dollars, while in my State and in ten others, with seventy thousand miles of exactly such routes, we are getting less than \$2,000,000. These new States and Territories are now getting a much larger percentage of the star service than the State of Kentucky or any of these older States. The Territories, the Indian Territory and all, according to the tables, are getting largely in excess of what we are getting, and now our mails are to be stopped because the Postmaster-General has seen fit to order it, and we are to have nothing, and that is said to be right and in accordance with law!

Mr. MAXEY. I desire to remind the Senator of one thing. Let us have fair play.

Mr. BECK. Certainly.

Mr. MAXEY. The Senator makes a comparison of the number of miles, and would have one suppose and have the country believe that the star service east of the Mississippi river is corresponding in troubles and difficulties with the star service west of that river. I say to the Senator that there are but six routes east of the Mississippi river one hundred miles long. One of them is a canal route over here in Virginia. While you have your ten thousand routes that you are talking about, some of them one mile long, some two miles long, others three miles long, the general average being twenty miles long,

where your man has got nothing to do but to hire a boy and a mule, with your taverns already fixed, with corn in the country, and everything in plenty—to compare that with a route fifteen hundred and sixty miles long, a large portion of which is through a wilderness, where you have got to dig your wells, make your station-houses, make your stables, haul your provisions and corn one hundred miles, is to my mind an absolute absurdity. The comparison will not do.

Mr. BECK. I know how absurd the Senator from Texas can imagine things are, but I think it will strike the country as being still more absurd that after a contract had been made along the very route of which he spoke, and bond and security given to comply with it at \$134,000 a year, when the service was being performed and a mail was being furnished every day to the people, merely to make it go a little bit faster in the interest of contractors and give them a little more pay, that much money has to be withdrawn from other routes that really need it, even the three miles or five miles or any other mile routes in the Eastern States, and they are to be told it is more important when a contractor had contracted to carry the mails for \$134,000 a year to give him \$164,000, furnishing the people no more mail, that the Postmaster-General is right, and it is good management that he could cut down all the mails east of the Mississippi River from a daily and weekly service in order that that could be done.

Mr. COKE. If the Senator from Kentucky will allow me, I will say that that very route was appropriated for by Congress.

Mr. BECK. I said before and I will say again that the Fort Worth and Yuma route was established a year ago. I admit it was run faster a year ago than it was at the last letting.

Mr. COKE. But the appropriation was made at the last session of Congress for it.

Mr. BECK. Certainly.

Mr. COKE. No money was therefore taken from any other route to run it.

Mr. BECK. I am not finding fault with that route any more than I am with any other route.

Mr. MAXEY. I will ask the Senator from Kentucky if he thinks it is not a matter of the slightest importance whether the mail runs fast or slow, if he thinks that is a matter of no consequence to the people out West? They are poor, that is true. How would you like the mail running between New York and San Francisco, costing about \$1,800,000, to be put on a freight train so that it would not cost more than \$200,000? One is a seven-days schedule; the other is twenty-five days. If your principle is good, apply it to the great line from New York to San Francisco, and you would have a howl that you would remember.

Mr. BECK. Here is another table. The original schedule of time on twelve routes is given and the increase per mile of the expedited schedule is given, swelling it up from about one-third, or 33.13, to 50.16. The difference in miles per hour is given, varying from one to one and a half and in one instance two; and the difference in cost of these twelve routes because of that expedition alone, without delivering a single mail more than before, is \$735,182.20. I said yesterday about \$750,000 out of the \$930,000 of this increase. This is the table, here are the routes, and all the country gains is the speed a little bit faster, and along all these lines of road the average speed is much greater than it is in many of the older States even along their good roads.

Statement of miles per hour of original schedule, expedited schedule, difference, and cost of difference.

Number of route.	Names of termini.	Miles per hour of the original schedule.	Miles per hour of the expedited schedule.	Difference in miles per hour between original and expedited service.	Cost of expedition alone.
32024	Vinita to Las Vegas.....	2.66	3.80	1.14	\$100,658.03
35051	Bismarck to Fort Keogh.....	3.00	3.85	.85	55,900.00
31454	Fort Worth to Yuma.....	3.50	4.57	1.07	165,000.00
36107	Bozeman to Fort Keogh.....	2.47	4.30	1.83	46,766.81
37110	Rock Creek to Fort Custer....	1.60	4.28	2.68	61,251.81
39109	Las Vegas to Las Cruces.....	2.94	3.53	.59	56,445.84
40101	Prescott to Santa Fé.....	3.00	4.80	1.80	92,508.00
40103	Prescott to Mohave.....	4.00	5.03	1.03	40,919.99
40116	Phoenix to Prescott.....	1.46	4.40	2.94	27,200.32
44155	The Dalles to Baker City.....	2.30	3.82	1.52	43,592.00
46120	Soledad to Newhall.....	4.54	5.73	1.19	21,750.00
46247	Redding to Alturas.....	1.66	2.50	.84	19,960.00
		33.13	50.61	17.48	735,182.20

Average miles per hour, 2.76, 4.22, 1.46. Or an increase of speed from 23 miles to 41 costs \$735,182.20 on twelve routes alone, and the fastest line of all, No. 46120, Soledad to Newhall, California, gets the least pay.

But I have spoken much longer than I intended. While I believe that the House had very good reason for finding fault with the administration, the Committee on Appropriations of the Senate did not intend to cut down any of the service now or to try to find who was guilty or who was not guilty. I concede to the contractor a right to get all he can; but our officers ought to get the service done as cheaply

for us as they can. They have not done it; they have not tried to do it. The proof shows that they have been reckless and careless in their expenditures, grossly extravagant; and while I do not believe that the head of the Department himself has been guilty of it, he is responsible for all that is done under him, and he is the only person to whom Congress can speak. The others are his subordinates nominally.

Therefore while we first agreed with the House to give \$970,000—and I believe that is enough, and I think I can show it—for fear that somebody might say we were pinching the mail service, by the amendment now pending we have agreed to make it \$1,100,000, which we all know is ample. And why do we say so? According to the statement of Mr. Lilley, the Assistant Sixth Auditor, the amount necessary for all the contracts is \$1,155,000. For the current six months there are no deductions for fines and penalties off that. For the first six months of the year there were \$101,000 of fines and penalties imposed. If half that amount is imposed for the current six months, then it brings it down to exactly the sum that we have given, and there will in all probability be quite as much for the current six months as there was for the last, and then they have other sources besides of making money and saving money. Let me read a case furnished to me by the chairman of the sub-committee on Appropriations of the House of Representatives and taken from the order books of the Department to see what their administration is:

No. 2038, January 22, 1880.

Number of route, 40104.

Termini of route—Mineral Park, Arizona Territory; Pioche, Nevada.

Length of route, two hundred and thirty-two miles; number of trips per week, seven; contractor, J. W. Dorsey; pay, \$52,033.33 per annum; sub-contractor, M. C. Perrell; pay, \$52,033.33.

The mail bills received by inspection division showing little mail-matter passing over this route, as per files of said division, and that the service is most irregularly and inefficiently performed:

Ordered, That service on said route be reduced from the 1st day of February next to what it was at original letting, both as to trips and speed, without one month's extra pay.

[This on face in red ink:]

From February 1, 1880, reduce service from seven trips per week to one trip per week and increase running time from sixty to eighty-four hours; decrease contractor's pay \$49,051.33 per annum, being amount allowed by orders bearing date December 31, 1878, (number 11446), and July 23, 1879, (number 6334), for increase of trips and expedition of running time, without one month's extra pay on service dispensed with. The present pay is \$2,982.

There is a clear case of confession that they gave a contractor \$52,033.33 on a route originally let for about \$2,900; and now the good of the service requires as shown by their own order-book that \$49,051.33 be stricken from that \$52,033.33, and the service go on from Mineral Park to Pioche at the \$2,900 originally given. There is \$49,000 more that they have and can apply to the service that is needed; and they can do the same on a great many other routes.

Mr. KIRKWOOD. That is just what they propose to do with all the routes over the country east of the Mississippi River.

Mr. BECK. Just about; and pay \$600,000 for the privilege of doing so!

Mr. BOOTH. Will the Senator from Kentucky allow me to ask him a question?

Mr. BECK. Certainly.

Mr. BOOTH. I understood him to say a few minutes ago that the Department had recklessly and without reason increased the cost of this star service. I should like to ask the Senator for information how the cost per mile for the present year compares with the cost per mile for previous years for the same service?

Mr. BECK. I understand that it is about the same. That was the testimony of the Postmaster-General, if I recollect aright. The Senator from California was on the sub-committee with me, and I think he will remember that the Postmaster-General said about the same. I can turn to it in a moment.

Mr. BOOTH. I thought, perhaps, the Senator had the testimony directly before him.

Mr. BECK. The exact amount is nine and a quarter, about.

Mr. BOOTH. My impression is it is lower this year than any other time with the exception of one year.

Mr. BECK. The Senator will recollect that the Second Assistant Postmaster-General, Brady, further stated that he was now getting the service much lower. The bids were much lower for the service this year than ever before. This question was asked him:

Question. Generally, on those long routes out there, did the last year's lettings rule above or below the figures of the preceding year?

Answer. They were generally much lower. We saved in that section at that letting some \$1,200,000, I think.

They were let that much lower; and I desire to say that it is perfectly obvious that if laws could be passed prohibiting the payment for increase of trips beyond 25 or 50 per cent., and for increase of expedition cut it off altogether, and make the original letting at a reasonable rate of speed, say three or four or five miles an hour, which is the fastest they ever go, millions could be saved, instead of giving the routes for almost nothing to pet contractors and then building them up by increase of trips and expeditions, as was done in the three routes to which I have referred from \$6,000 to \$150,000, from \$13,000 to \$135,000, and from \$134,000 up to \$299,000, which is absolutely squandering the money of the people.

I will not trouble the Senate longer.

Mr. TELLER. Mr. President, I do not intend to enter into any very extensive and general discussion of the questions which have been discussed by the Senator from Kentucky. I find that the bill reported from the Committee on Appropriations contains a preamble which recites that the Post-Office Department, disregarding and in violation of the law, has made certain expenditures. "Disregarding the law" is the term used. The Senator from Kentucky has to a considerable extent based his argument on a violation of the statute, and he has arraigned the Department for a failure to obey and observe the provisions of the statute that requires the Department to keep within the appropriations. He admits, however, that there is a discretion vested in the Postmaster-General with reference to expediting service and with reference to the increase of service. So it seems to me that the quarrel that the Senator from Kentucky has with the Department is that he doubts the proper exercise of discretion on the part of the Department, while the statute confers this power upon the Department. While the statute says the Department shall have a discretionary power, the Senator says it has not wisely and properly exercised that power.

I submit to the Senator from Kentucky and to every other Senator that when a discretionary power is lodged or vested in an officer, he alone is the judge when it is proper to exercise that power; and it is utterly impossible for that power to be properly and safely lodged in any officer if the Senate, the House, or anybody else is to come in and overhaul it. If we can come in here and say to the Postmaster-General, "it is true the statute said you might judge of the emergency that required expedited service or increased trips, yet we do not think it was proper to increase the trips on this route to six times a week, we think five would have been ample; we do not think it was proper to expedite this route to fifteen days when twenty-five would have been all that was necessary." What is the use of the law vesting this discretion in the Post-Office Department? There can be no violation of the law if the law has thus vested in this officer a discretionary power.

But the Senator says the statutes provide in another section that no Department shall exceed the appropriations. These appropriations are made with a view to the service that is proposed at the time; they are made for the railroad service in existence, made for the steamboat service in existence, and made for the star-route service in existence at the time, and then an estimate is made of the number of new routes necessary to be established and their cost. There never is any estimate and never has been any estimate made that I have been able to find for expedited service, nor any estimate made of the cost of increased trips. That is a matter which is intrusted to the discretion of the Department. Besides, you must take the statutes together, the statute that says the Department shall not exceed the appropriations, and the statute that says the Department may judge of the emergency of the case and expedite or increase the service.

The Senator from Kentucky says the head of this Department is personally a very honest man, but officially he argues that he must be very dishonest. I suppose by that he means to say that he has not stolen any of the public funds; by that he means to say that the head of this Department has not had any hand or finger in this increase, and does not make any money out of the operation. Sir, the Senator need not have said that. With all the clamor that has been made over this star service nobody has yet been found to charge the head of this Department with any impropriety except, perhaps, as it is charged, an abuse of discretion. It is said that he has exceeded what good judgment would have required. It is said that he has been guilty of an error of judgment. That is what we have to expect whenever we intrust to a public officer the exercise of discretionary power. But it is not true that he has misused the discretionary power vested in him by the statutes. It is not true that the head of this Department has exceeded the authority given him by the statutes.

The star service is the great service of the country. It is the expensive service in one sense of the term. It has long routes through forests, over mountains, and through deserts; but it does not cost the money that the railroad service and the steamboat service cost. A fair analysis of the appropriations will show that the railroad and steamboat routes cost the Government of the United States but a trifle less than \$13,000,000 every year, and in that we do not include the advantage that the people have who live along those lines of free delivery in the cities that add very largely to the expenses of the postal Department. Leaving that out, it costs twice as much to run the steamboat and railroad routes as it does the star service in the West.

Mr. President, everybody should take into consideration in determining this question of expense the vast magnitude of the territory over which the star-route service extends. If you exclude Alaska and if you exclude Washington Territory, which is not affected by this bill as it came from the House, because none of the routes in Washington had been expedited or increased, more than one-half of the entire area of the United States lies within the territory included in the one hundred and seven routes which are affected by the bill. If you include Washington Territory, that is directly affected if this bill is so framed as to strike down the great routes, then 225,000 square miles of territory, more than one-half of the whole area of the country, are interested in this bill.

It has been my fortune for a good many years to live where the mail service was the star-route service. I have seen a good deal of

this star-route service, and I know what every man ought to know who has given attention to the history of the country, whether he lived in the West or whether he lived in the East, that these star-route services are the great engines that open up the western country to civilization. We first open with a slow mail, and we supply a few hardy pioneers who put themselves on the line of that route. In a little while come heavier settlements, more people, and they demand, as they have a right to demand—for I believe, as the Senator from Texas said, that the mail service is the poor man's service as well as the rich man's—increased facilities, increased opportunities of conversation, so to speak, with their friends whom they have left in the East. The mail service to the people in the West is a more important thing than it is to the people in the East. The people who live on the lines of railroads running east and west and north and south, and who have every hour of the day, almost, a train passing through their town carrying the United States mail, and who, as has already been said in this debate, have five or six times a day their letters laid upon their tables, have very little idea of the consequences to the people in the West of the curtailing and restricting of this service. It is not a simple question of letters, it is a question of books; it is a question of newspapers. More than half of the libraries in the West to-day have gone through the mail; more than half of all the reading matter of the people in an area bigger than all the country east of the Mississippi River comes through the mail. Not only that, but since the laws have enabled them to send merchandise in the mail a large part and portion of the little comforts and luxuries that they use in their families, in the way of small dry goods and millinery and that class of goods, come through the mails.

I have heard it said in this debate, and I have had my attention called to it, that some gentlemen in the East, living in the great city of New York and other big cities, have claimed that they support the mail service. That is not the fact. The great city of New York, which furnishes more net money to the mails than any other place, does not furnish over and above its population any greater proportion of the postal revenue than the people in Nevada, Colorado, or California. They send out immense quantities from their stores and from their publishing-houses by the mail, upon which we pay the postal duties and not they, and they get the credit because the matter starts at that office. In the city of New York, in the city of Philadelphia, in the city of Chicago are vast establishments that are in the dry-goods trade which are practically supported to-day by the people who buy through the mails; and every mail that goes to Idaho and that goes to Montana and that goes to the far West, beyond the railroad lines especially, is freighted with this material that pays to the Government sixteen cents a pound, and that it costs the Government less than that to transport it from the city of New York.

One of the witnesses before the Senate Committee on Appropriations testified in reference to the mail going into the Deadwood country. He said that the expense to the Government was about five cents a pound, while the express charge was much greater—twice or three times that, if I recollect—and that induced people to buy every little article they could buy in this way and send it by mail, and that includes everything that does not weigh more than four pounds; and women and men, too, will send to the great cities and buy fifteen or twenty pounds of material and have it done up in packages of four pounds each and pay their sixteen cents a pound for it and have it shipped over these lines. Said one of these men when before the committee, "When I commenced running on this line I had one hundred pounds of mail-matter a week; now my mail-matter is from ten hundred to twenty hundred pounds a day."

Who gets the advantage of this? The Government of the United States in part, and the people in part. The Government gets well paid for the transportation, and the people in the far West have the advantage of a direct and easy communication with the people of the East at reasonable rates.

It cannot be claimed that this service ought to be supported by the people affected. There are very few States in the Union that furnish sufficient to support their postal service. The extreme West does its proportion. There are ten States in the Union that furnish less to the postal revenues than the State I in part represent. It is not the extreme West, then, that is depleting the public Treasury by calling for appropriations in this direction.

But if it was true that the extreme West was making the deficiency in this branch of the public service, is there any reason why these people should not have mail facilities? Is there any reason why the Government should not support the postal service as it supports the Army? Is there any reason why it should not support this service as it supports the Navy? It comes nearer to the people; it affects their health, their intelligence, in a greater proportion than any other service, and this is the service of all others that ought to be paid for out of the public Treasury and out of the public collections.

The service is neither unreasonable in the West nor very expensive. There has been a demand made upon the Post-Office Department during the last year for expedited service and increased trips, and in the State that I in part represent there are seven routes, long trunk routes, affected by this bill as it came from the House. Upon every one of the applications for expediting and increasing the service on these routes I think it will be found that my name is entered as approving, indorsing, and urging the Department to do what has been

done. I went day after day at the demand of my constituents, believing I was discharging a duty that I owed to them and to the country, and urged this expedited service and these increases of trips; and I propose, so far as I am concerned, to take the full responsibility of it, and I believe it has been done not in violation of law, but in perfect accordance with the law, and demanded by the necessities and the wants of the people.

There has been an emigration to the West within the last two years, within the last year indeed, unusual. A witness before this committee the other day said that the emigration into the mining regions of the West has been more in the last year and a half than in the preceding ten years altogether. Is no provision to be made for those people? Who are they, and from whence have they come? They are from New England and from New York and from the South, from all portions of the country who go out there to make a home and to build up States, and they have lost none of their rights because they have been, unfortunately perhaps, compelled to leave the endearments of home and the luxuries of the East and go out in the West to rough it. They ought to have the fostering hand and care of this Government, and they ought to have mail facilities equal to those they had in the States they left. No portion of the West to-day can compare with the State of Kentucky and many of the older sections of the country in facilities for receiving and sending out mails.

It is said that some expense attended this. Undoubtedly; and yet it can be shown that this Department has not increased the expenses except as it was necessary to increase the service, and I have here a table, which has been prepared and handed me, that I believe to be correct, and which I am willing to indorse, of long lines of routes under this present administration in the western country, which shows conclusively that this administration has been an economical one. I want to say a word here about this administration. Since I have had any knowledge of public affairs, since I have been in the western country and seen these operations of the public mail service, I say that there has been no administration that so thoroughly understood the wants of the people in this particular as the present postal management with Mr. Key at its head. He has given us a service infinitely better than was ever given to the people west of the Mississippi River at any time since my attention has been called to it, and that is for nearly twenty years, and it has been done cheaper and has been done better, and reflects the highest credit upon him, both with reference to the economy and with reference to the zeal that he has manifested in furnishing these people with mail facilities.

I desire to call the attention of the Senate to some of these routes and the old prices, not by way of disparagement, not by way of finding fault with former prices, but to show that the charge of extravagance and inattention to the interest of the Government in this particular is not well founded. Take the route from Kelton, in Utah, to The Dalles, in Oregon, a distance of six hundred and ninety-five miles. From August 1, 1870, up to June 30, 1874, the annual expense of that mail was \$224,000.

Mr. DAVIS, of West Virginia. What is it now, I ask the Senator?

Mr. TELLER. I will tell the honorable Senator. It would not be any very great object for me to give the one, without giving the other. I want to make a comparison, and show that the mail is now carried much cheaper than formerly.

Mr. DAVIS, of West Virginia. It would be well for the Senator to take some of the routes talked of here, instead of some others that have not been talked of at all.

Mr. TELLER. I am making this speech myself. When the honorable Senator comes to reply, as I understand he proposes to do in defense of this preamble and bill as it originally came here, he can present his own side of the case. He will probably make a great deal better speech; but it will be his and not mine.

Two hundred and twenty-four thousand dollars was the price for service on that route up to 1874. From March 1, 1875, to June 30, 1878, it was \$134,700. Under the present Postmaster-General, from 1878 to 1882, the rate is \$84,500.

Take then the route from Boise City to Winnemucca, Idaho, a distance of two hundred and eighty miles. From July 1, 1875, to June 30, 1878, that route was let at \$47,000. For the term from 1878 to 1882, it was let at \$30,000.

Take the route from Watson's to Deer Lodge, Montana, a distance of one hundred and sixteen miles. From 1875 to 1878 the contract price was \$17,750. Under the expedited schedule from July 28 to June 30, 1882, it is \$14,591.

Mr. BOOTH. How much was that expedited in point of time?

Mr. TELLER. I am not able to give the time, but it is an expedited service, and still the service costs \$3,159 less than under the previous letting.

The route from Helena to Missoula, Montana, is a distance of one hundred and forty miles. From 1875 to 1878 the price was \$21,089. I am giving in all these cases the rate per annum. Under the present expedited schedule, from July 1, 1878, to June 30, 1882, the contract price is \$18,739.

From Sidney to Deadwood, and from Cheyenne to Horsehead, Dakota, one route being two hundred and fourteen and the other two hundred and ninety-eight miles, the original letting was \$80,000. The present pay, with expedited service, is \$45,765, a saving of \$34,235 per year.

From Eureka to Pioche, Nevada, a distance of two hundred and

sixty-seven miles, from March 1, 1875, to June 30, 1878, the contract price was \$31,400. Under the present management, from July 1, 1878, to June 30, 1882, the service is let for \$30,600.

From Franklin to Helena, Montana, a distance of four hundred and twenty-two miles, from July 1, 1874, to June 30, 1878, the service cost \$65,000 a year, and from July 1, 1878, to June 30, 1882, the price is \$54,000 a year.

There can be no expedited service of course without an increased price; it cannot be expected. If the service is increased from one trip a week to seven trips a week, we naturally expect that there will be an additional amount of pay; and if that is all that is done, in most cases the pay will not be more than seven times as much, and I think an examination of the increased service here will show that the Department have generally kept within that rule. When you come to the expedited service, it is a little difficult to say what the allowance for that shall be; yet the statute has provided what shall be the ratio and how they shall arrive at it, and in every case that has been presented they have kept within the statute, and have allowed less than the statute would have justified them by the rule that was laid down and that has been on the statute-book, I suppose, for half a century at least; at any rate, it has been so long on the statute-book that I am utterly unable to find when it originated and passed into the statutes, and I am told by a member of the Committee on Appropriations that it has been there for very many years.

When everything is taken into consideration, when you consider the increased business of this country, it is clear that there has been a wise exercise of discretion on the part of the Government. Take the State of Colorado, and I will take that which is familiar, and I might make a dozen illustrations in that State; I will select the town of Leadville. On the 12th day of July, 1877, the postmaster at Leadville was commissioned with an annual salary of \$12. Before he made his fourth quarter that year he had five or six clerks, beside the work he did himself, and the last return from the Leadville post-office was a return of more than \$40,000. Take the city of Denver, that went from \$60,000 in 1877 to \$150,000 in 1879. Take the money orders in that section of country—and what is true of Denver will hold good of very many other portions of the State—and I think in proportion to the population all of the money-order offices in the State have grown in importance with Denver. In 1877 the money orders at Denver were \$530,000; in 1878, \$750,000; in 1879, \$1,459,000.

You may take Silver Cliff, and you may take a dozen places that I can mention that when I came into the Senate in December, 1876, had no existence, were unknown even to the people of Colorado, the places where they now are being a bleak, howling wilderness, and they return now a respectable revenue; they return many thousands of dollars to the Government every year. Large and thriving towns have grown up, and their people are swelling the receipts of New York and other great cities. It is there that they buy their newspapers; it is there they get their magazines; it is there they get their merchandise; and all those things go through the mails, fill up the mails, and fill up the Treasury also. If this bill had passed as it came from the House the Leadville route would have been cut down to a weekly service. Leadville, with a population of at least forty thousand, I suppose, would have been left with its weekly mail. That is not a matter merely in the interest of Leadville; that is not a matter merely in the interest of the people of Colorado. Leadville and its vicinity are paying into the coffers of men largely living in the city of New York more than half a million dollars in dividends, clean money, every month of the year. They have some interest in having frequent communication with the source of their wealth. Take Rosita, a town that has grown up within the last two years, with from five to ten thousand people, with some of the largest producing mines in the country, sending its wealth back to the eastern people who have had the enterprise and the good sense to go there and invest, and they are as much interested in the keeping up of this service in its efficiency as the people of Colorado, if not more so. Other portions of Colorado are in the same condition, but I need not mention Colorado alone, because it is true of Utah, and it is true of Dakota, and it is true of other sections of the country that are included within the one hundred and seven routes affected by the bill.

If the amount of money included in the bill is sufficient to keep up this service, as the member of the committee who reported the bill stated, and I think I shall take his word for that, I am satisfied with the amount, but I am not satisfied to put upon the record a condemnation of this Department that has done more for the people that I am attempting to represent here, has done more for the people west of the Mississippi River in this matter than any other Department of the Government. I am not willing to put upon the record what I know to be untrue and what I believe ought not to be charged under any circumstances. That portion of this bill I am very much opposed to.

I think, as I said before, this Department is entitled to great credit, and I think if it has exceeded a sound judgment at all, as it is said it has, it has been in the interest of intelligence; it has been in the interest of the people who have been demanding as the people never before demanded mail service. Look at the list of names signed to the petition that the Senator from Texas presented here yesterday, a list of distinguished gentlemen that had pressed the Department to exercise a discretion that the Government had vested in that Department for half a century; and it would be a remarkable administration, it would possess a class of virtues that I do not want to see any

administration that I support possess, that could resist such an array of intelligent talent and such urgent appeals.

Mr. President, we have wanted this service, we have worked for this service, we have deserved this service, and when we got it we felt grateful to the administration of public affairs, and the whole people felt that they were being somewhat compensated for the privations that every man must necessarily endure who goes into a new country. And I say to cut it down now is not only unkind but very unwise and detrimental to the public interests, and it ought not to be done.

Mr. GARLAND. Mr. President, yesterday, in the speech of the Senator from Texas, in his citation of the different applications that had been made to the Post-Office Department for the increase of service and the change of mail routes, it appeared that my name was to a number of them. For that reason, aside from the general interest in this proposition of the people that I represent in the Senate, it would seem to be necessary that I should make a few suggestions in regard to this bill to the Senate.

Those applications that I signed are distinctly recollected by myself. I signed them conscientiously, and with a view to the service of the people in the regions of country through which these routes passed. They are entitled to a substantial and beneficial mail service. I did it also conscientiously on my part after an examination of the law, feeling that what was asked for was within the discretion of the Postmaster-General. At the same time that I arrived at that conclusion, I did not do so without some doubt; but that was my interpretation of the law. The Senator from Kentucky [Mr. BECK] denies that such is the law. The Senator from Texas, [Mr. MAXEY], as well as the Senator from Colorado, [Mr. TELLER], with equal emphasis, insists that it is the law. There are honest differences of opinion among gentlemen. The Senator from Texas being the chairman of the Committee on Post-Offices and Post-Roads, it became necessarily his duty to examine this question. We note a wide and marked difference between the Senator from Kentucky and the Senator from Texas upon this proposition. The Postmaster-General and the Second Assistant Postmaster-General insisted, in response to the Senator from Kentucky, that these are matters within their discretion.

Now, let the Senate consider what it all amounts to at last. It is simply, as was clearly stated by the Senator from Texas yesterday, a mere allegation of an abuse of discretion in the simplest form that you can use the word "abuse," a mere mistake as to the existence or exercise of that discretion under the law. If the Department has made this error of judgment, has exercised a discretion, in other words, that did not belong to it under the law, the head of the Department did it under the pressure of gentlemen interested for the benefit of the country, and he made the error on the side of the wishes of the people to be benefited by these routes. That is all there is of it at last. No tribunal can punish him, no tribunal can do more than say he exercised a discretion which did not belong to him; but we will not brand him with infamy, we will not declare him unworthy of the trust he holds, because he has exercised this discretion as he has. I feel sure that never in the exercise of any trust for any length of time, much less the tremendous trust the Postmaster-General has in his hands, has it been executed without some abuse of discretion—no, that is not the proper expression—without exercising a discretion that does not under the law belong to him. Here has been an exercise of it, if it all, through mistake, on the application of gentlemen all over the country for the benefit of a large number of people and for the good of the service distributed beyond the Mississippi River. He certainly is not to blame, he certainly is not to be accused of committing any error that would make him amenable to any process at the hands of Congress or any tribunal in the country.

In the clear statement made yesterday by the Senator who has the bill in charge [Mr. WALLACE] it was shown that the shearing process of the House shall not pass the Senate and that substantially the differences between gentlemen on this proposition are accommodated; that is, this bill as amended appropriates sufficient for this service, and so far it is satisfactory to me. Yet I have my doubts, notwithstanding the showing made by the Senator from Kentucky, whether it is sufficient or not. But then substantially that is agreed upon. And yet, while in one part of the bill we say to the Postmaster-General "You may have what is necessary," we say in another breath, "You are not worthy to manage this trust." Then what have we accomplished? We really do put in his hands money enough for this service, and yet we say in one part of the bill that he is unworthy to control and manage it. It is inconsistent upon its face. It is improper for that reason. But there are other reasons to my mind which are conclusive why it should not be done.

In the first place, after examining the precedents, I find that it is not the custom when we vote an appropriation or a deficiency of an appropriation to a Department, to condemn in that bill, either by preamble or in the body of the bill, the officers intrusted with the disbursement of that money. It is sufficient that the law-making power knows that the deficiency exists, and that it ought to be supplied, without incorporating into the bill that supplies the deficiency a charge against the very person who is to disburse the money appropriated to supply the deficiency.

In the second place, is it a proper charge under any state of the case? Suppose, for the sake of the argument, that the powerful state-

ment of the Senator from Kentucky is correct; suppose I yield that it is true; is this the proper mode to reach the Department? Is it proper to undertake to condemn the Postmaster-General in this manner? It is not. The Senator from Kentucky coolly and calmly would not contend that you should condemn the Department in this manner. It is unknown to the laws of the country; it is unknown to parliamentary usage and parliamentary practice.

But over and above all, let us see the condition in which the Senate would place itself by adopting this measure as it stands. The Senator from Kentucky says that the Postmaster-General has willfully and stubbornly and wantonly disregarded and violated the law in the premises. If that be true the Postmaster-General is liable to impeachment; the grand jury sitting at the other end of the Capitol must impeach him, and this body must try him. Now, it is proposed to try him in advance of articles of impeachment, in advance of the articles to be preferred against him by the managers. If the House should impeach him for this wanton abuse of his power and this bill were voted as it stands, the Senate would be incompetent to try him. They could not in self-respect try the Postmaster-General upon articles of impeachment, for we should have condemned him without due process in advance, we should have condemned him in a preamble to an appropriation bill, and condemned him to all intents and purposes unheard, contrary to the law of parliamentary procedure and contrary to the Constitution of the United States.

Mr. President, I submit that this is not the proper way to deal with this great subject. The bill is correct in itself; it appropriates a sufficient sum of money, though, I fear, grudgingly, if not stingily. The service is secured—that great service that is important to the people beyond the Mississippi River; the contractors may go their way; but it is not proper, it is not fair, it is not law, and when it is not law that is enough, to condemn the Postmaster-General or the head of any other Department in this way.

I give notice that at the proper time I shall move to strike out from the preamble the four lines beginning with the word "caused," in the fourth line, down to the word "appropriations," at the end of the seventh line, inclusive; and I hope the Senator from Kentucky, now that he has made his speech, able and powerful as he always does speak, will consent that those words in the preamble shall go out.

Mr. KIRKWOOD. Mr. President, I propose to consume a very short time upon this subject, and I do so for the reason that I think the Postmaster-General has been unfairly and unjustly dealt with.

What is the trouble? At the last session of the last Congress we appropriated a certain sum of money to be applied to the star-route mail service for the current fiscal year ending on the 30th of June next. That was the sum of \$5,900,000. It was a gross sum of money to be applied to a particular service; it was not an appropriation of \$5,900,000 that by law was to be apportioned around among existing mail contracts, but it was a gross sum to be applied to the star mail service in the United States.

Mr. JONES, of Florida. Right there, may I put a passing question? Was it not both for service then existing and for service that might afterward be created?

Mr. KIRKWOOD. Yes, sir. The matter of what shall be the star mail service is, and has been for years, in the discretion of the Postmaster-General. There is not a single mail contract let for railway mail service, steamboat mail service, or star mail service, that does not contain a provision in itself that it is in the power of the Postmaster-General at any time to annul it and set it aside. More than that, the same law authorizes the Postmaster-General to establish new service upon any post-route that we by law create, or to increase existing service; so that the whole matter is left by law in his hands.

He was authorized to spend the sum of \$5,900,000 in managing, as he believed for the best interest of the country, that portion of our mail service which is called the star service, which is the service outside railways and steamboats.

It has been argued here as if he were compelled by law to carry on every existing contract at the time the appropriation was made. That is not the law, as I understand; it never has been the law, as I understand. I venture to say that there has not been a year in which we have had a Post-Office Department at all in magnitude equal to what it is now in which in every State in the Union the star mail service has not been increased or diminished as in the judgment of the Postmaster-General it was deemed important that it should be so increased or diminished.

If I am right in thus understanding the law as it stands, it follows that the Postmaster-General had the right to order new routes, to increase the service on established routes, and to expedite the mail over them. He had the right to do that, but he was required by the law referred to again and again by the Senator from Kentucky to keep within the sum of \$5,900,000 in doing it. And in order to keep himself within that sum he might curtail the existing star mail service in portions of the country where he believed the public interest would not suffer by doing it in order to enable him to have the funds thus saved to apply to the star mail service in other portions of the country where it had not been established or where it was required to be increased or expedited. If I am wrong in thus understanding the law, then my argument based upon it is certainly wrong.

After this appropriation was made, in the judgment of the Postmaster-General it became necessary for the public service to increase

the amount of star mail service in the Western States and Territories, to establish new routes, to increase the number of times within a week that a mail should be carried over those routes, and to expedite the time in which the mail should be carried over those routes. In his judgment the public interest demanded that that should be done. Was he not the person to determine whether it should be done or not, under our law as it stands? He did believe that it should be done. So believing, what should he have done otherwise in order to have subserved the public interest? He might have estimated what the new service that he deemed necessary for the public interest in that portion of the country would require, and he might have curtailed the existing star service in the older States to an amount that would furnish him with the funds necessary to establish the new service where it was needed. That it would have been competent for him to do.

He might have done what he did do. He might have said in his own mind "The public interest requires this increase in the service in the new sections of the country. I will order it to be done under the discretionary power I have; I will not decrease the amount of service in the older portions of the country where service already exists, unless I am compelled to do so. When the Congress of the United States meets I will submit to them the question whether or not this new service was required and ask them, if in their judgment they so believe, to furnish the means to pay for it. If Congress decides against me, if Congress decides that this work was not needed to be done, that it should not be paid for, then I shall have to fall back upon the power that I already have in my hands to curtail in other portions of the country the service existing there to pay for this that I deem to be just as essential in the new portions of the country as the existing service is in the older portions; and so I will keep myself within the limits of the law which provides that I shall not spend more than \$5,900,000 in money, or enter into contracts that will require the expenditure of more money than that." That is what he chose to do; that is what he has done; and now it seems to me the question addressed to the sound sense and the judgment of Congress is, was the work that he authorized to be done in these western States and Territories needed or not?

Mr. DAVIS, of West Virginia. The Senator might add, and did he increase the service too extravagantly?

Mr. KIRKWOOD. That is a portion of the subject that I do not propose to argue.

Mr. DAVIS, of West Virginia. That is the important point.

Mr. KIRKWOOD. None of these routes is within the State in which I live. They are within the State of Colorado, the State of Texas, and within Territories that are not represented here. The Senators from those States are much more familiar with those questions than I, and I do not propose knowingly to argue questions that I do not to some extent understand.

Mr. BOOTH. Will the Senator from Iowa allow me one moment to answer the question of the Senator from West Virginia?

Mr. KIRKWOOD. Certainly.

Mr. BOOTH. I simply want to put one statement on record in answer to the suggestion of the Senator from West Virginia and to a great deal that was said by the Senator from Kentucky in reference to pet contractors and reckless, extravagant, and arbitrary contracts. The fact is to-day that the service on the star routes is better and more expeditiously performed than ever before. The mail matter carried is largely greater than ever before. The cost of everything purchased by the contractor is higher than it has been for five years, and the cost of transportation to-day per mile is lower than it has been at any time within twenty-five years, with the exception of a single year.

Mr. DAVIS, of West Virginia. Then how is it, if the Senator will allow me—

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. KIRKWOOD. If it does not take too long.

Mr. DAVIS, of West Virginia. How is it that we have a greater deficiency now, a greater amount paid for mail service than ever before? As the Senator from California has said, there is a greater amount of mail matter in transit. The whole revenue from that is used, of course, by the Post-Office Department, and a great deal more money is being asked from year to year to be given to that Department from the Treasury of the United States than formerly. Yet the Senator says that the mails are going now with more regularity and with less expense, when the truth is, when you come to look at the facts as to the amount taken from the Treasury for mail service, that the cost has been largely increasing. It was comparatively a few years ago that the mail service paid its own expenses, and now when we come to the present year the deficit is larger than it has been for many years.

Mr. MAXEY. When was it that the revenues of the Department paid the expenses, I ask the Senator from West Virginia?

Mr. DAVIS, of West Virginia. In 1866 the Department more than paid its expenses, and along about 1850 and for several years it was a source of revenue to the Government.

Mr. BLAINE. The whole service taken altogether?

Mr. DAVIS, of West Virginia. The whole service.

Mr. BLAINE. Of the whole United States?

Mr. DAVIS, of West Virginia. Of the whole United States.

Mr. BLAINE. The Senator is certainly mistaken.

Mr. DAVIS, of West Virginia. If I am mistaken the figures of the official reports are mistaken. I have got them here.

Mr. KIRKWOOD. Mr. President, I like to talk about one thing at a time, and I propose to continue in the line I am on so far as I am able. I have said already that I have not examined the changes in the contracts made in the new routes in the new western country, but I have formed in my own mind an opinion as to whether or not the items allowed for work are too much or too little. I know that Senators here representing States in which those routes were ought to be, and I had no doubt they were, much better informed than I was upon that subject. But I will allude very briefly to one route to show that there are two sides to some of these matters alluded to so eloquently and so frequently by the Senator from Kentucky. Take any particular route. The service over it under the original contract was, we will say, once a week, and the time a certain number of days. It is changed to three times a week, and a much less period is allowed for carrying the mail than was before. He gives the figures of the original contract and the figures allowed under the new contract, and they look to be out of proportion. He doubtless has examined them to know whether they are out of proportion or not, or he would not say they were; but it is possible he may have overlooked in some particulars all the facts. Let me read here a statement in regard to one of these routes in Montana Territory. Whether the statement be true or not I do not know.

Mr. BECK. What route is that, please?

Mr. KIRKWOOD. It is a route from Rock Creek on the Union Pacific Railroad by Fort Fetterman and Fort McKinney to Fort Custer, Montana—three hundred and fifty-eight miles.

Mr. BECK. I did not allude to that, if the Senator will allow me.

Mr. KIRKWOOD. I will give the statement made in regard to it. The contractor says:

I commenced the service April 14, 1879, tri-weekly, with eight days' time each way, pay, \$10,507.25. The long time was objectionable. I was, however, compelled to use it in order to keep within the mail pay.

Petitions and requests from all parties interested were sent to the Department praying for daily service and a shorter time. June 11, 1879, the Department ordered four additional trips per week at a cost of \$14,009.66—

Which I presume is in exact proportion to the former price allowed for three trips a week—

and an expedition of time from eight days to three days and three hours, at a cost of \$64,251.21 per annum.

That is, the contractor was required to run in three days and three hours over a route to run which he was allowed eight days under the original contract, and for that expedited time he was allowed the sum of \$64,251.21 per annum. That looks out of proportion. A person merely reading that and looking no further would say that certainly is out of proportion, but look at the facts as given. He says:

While I only required eight stations for eight days' time tri-weekly, twenty-four stations were required for three days' time daily. I built fifteen of the twenty-four stations at my own cost, and assisted in building the others. They were stocked with hay and grain to last to June 1, 1880.

Corn is all shipped from Omaha seven hundred miles by railroad, and then hauled the length of the route, three hundred and fifty-eight miles. It averages me \$2.80 per bushel, delivered along the route. Hay is cut on the line, and costs from \$15 to \$30 per ton; having often to haul it fifty miles.

I have two hundred horses and mules, with an entire outfit of hacks, buckboards, harness, &c., now in use on this three hundred and fifty-eight miles of road, put there at great expense to meet the service ordered by the Post-Office Department.

It is easy to see when you compel a man to establish new stations and buy the additional stock and outfit that would be required to run the route in three days and three hours instead of eight days, that expediting it increased the expense much beyond the real increase of the number of trips. The Senator from Kentucky may know, the Senator from West Virginia may know, that this is out of a due proportion for the increased service, but I do not know it, and because I do not know it, I will not condemn any one for having given it.

But to come back to where I was. The question in my mind is, Is this new service that the Postmaster-General has put in our new States and Territories needed for the public benefit? If it is needed, why should they not have it? What are we here for, I should be glad to know? What do our constituents send us here for, if not to see that the public interests are served where they can be served? The Senator from Kentucky may tell me that when the appropriation of \$5,900,000 was made it was not known to the Post-Office Department that this additional service would be needed. Very possibly it was not known. They do not know everything. It was not known to the Committee on Appropriations, when they appropriated \$5,900,000, that this additional service would be needed.

Mr. DAVIS, of West Virginia. Let me say to the Senator that the Committee on Appropriations gave the Postmaster-General down to the very cent that he asked.

Mr. KIRKWOOD. I understand that perfectly.

Mr. DAVIS, of West Virginia. They gave him the full amount asked for.

Mr. KIRKWOOD. I understand that perfectly, but there is this about that—

Mr. DAVIS, of West Virginia. Let me say a little further to the Senator, that in the Postmaster-General's report sent to Congress at this session in December, not one word is said to Congress about a deficiency, and there is no intimation that Congress had not appropriated enough money.

Mr. KIRKWOOD. I understand that perfectly well; but that does not touch the question whether this work is needed or not. That is the question. The Postmaster-General, when he made the report to the Committee on Appropriations a year ago, did not perhaps know very well what the service would require. There are a great many things the Postmaster-General does not know; a great many things he has yet to learn.

Mr. DAVIS, of West Virginia. Will the Senator allow me a moment? When the service was appropriated for to the full amount required the question which the Senator from Kentucky and the Senator from West Virginia wish to have considered specially is whether the discretion in the Postmaster-General and his subordinates was not abused when he expended in nine months what ought to have been done for twelve months. In other words, taking the route which the Senator from Kentucky has given, when the Postmaster-General started at a cost of \$2,000 in round numbers and is now paying \$70,000 for the same service, are we not to take that into consideration?

Mr. KIRKWOOD. I am only arguing that at least I did not suppose the Postmaster-General knew anything.

Mr. DAVIS, of West Virginia. He knew, however, that he was paying these tremendous amounts over and above the letting of the contracts.

Mr. KIRKWOOD. I will come to that. I am not to be diverted from the point I am on by any side issue. I suppose when the Postmaster-General made that estimate to the Appropriations Committee, if he had known that this additional service would be required, he would have estimated for it, and I have supposed that he did not know it; I have supposed an almost unsupposable thing, that the Appropriations Committee did not know it. They are supposed to know everything, but somehow or other when they were making provision for this part of the governmental service a year ago they did not know that this additional service would be required.

Mr. DAVIS, of West Virginia. They had no right to know it. Let me say that the Postmaster-General estimates and the committee is instructed to go by his estimates. If we had done otherwise the Senator himself would have complained.

Mr. KIRKWOOD. I am a remarkably good-natured man, but I know that the chairman of the Committee on Appropriations will have the privilege of closing this debate and correcting any error I may have fallen into.

Mr. DAVIS, of West Virginia. Thank you, sir, I will not disturb you further.

Mr. KIRKWOOD. Being somewhat of a modest man, and not used to public debate, I may be embarrassed somewhat if I am continually interrupted. What I was going on to remark is this: The Postmaster-General, I presume, did not know that this service would be needed at the time he made the estimate of \$5,900,000. I presume if he had known that the service would be needed he would have estimated for it. I presume, also, (I hope the Committee on Appropriations will pardon me for the presumption,) that the Committee on Appropriations did not know it, or they would have provided for it without the estimate of the Postmaster-General, because I cannot suppose that the Appropriations Committee of this Senate or of the House would allow the public interest to suffer because some departmental officer did not inform them that unless appropriations were made it would suffer, if they have the means of knowing it themselves.

Mr. MAXEY. Will the Senator allow me to interrupt him a moment?

Mr. KIRKWOOD. Yes, sir.

Mr. MAXEY. In reply to a question which I put to the Senator from West Virginia, when he had interrupted the Senator from Iowa by stating so positively that the Post-Office Department was self-sustaining, when I asked him to name the year, he pitched on the year 1866.

Mr. DAVIS, of West Virginia. Let me say to my friend that I may have missed the year.

Mr. MAXEY. In the year 1866 the revenues were \$14,386,936; the expenditures were \$15,352,079. In the years laid down here from 1790 to 1879 there are not six where the expenditures were not in excess of the appropriations. One of those is the year 1835 where the revenues were \$14,556,159 and the expenditures were \$13,694,728, to which if the Senator will please to add the salaries paid to postmasters, \$3,383,382, he will find it amounts to seventeen million and odd dollars, largely more than the revenues, and so he will find all through these years from 1790 the Post-Office never has been a self-sustaining Department, and for many years it never was intended to be self-sustaining.

Mr. DAVIS, of West Virginia. I misquoted the year; that is all. It is the year before, the year 1865 and not 1866; and in 1864.

Mr. MAXEY. And then the salaries of the postmasters were over \$3,000,000, and with that addition the expenditures largely exceeded the revenue.

Mr. DAVIS, of West Virginia. That you cannot add.

Mr. MAXEY. Oh, yes, you can.

Mr. DAVIS, of West Virginia. I have a table showing the exact figures which I will publish.*

Mr. KIRKWOOD. Mr. President, I will come back to the point I was trying to explain to the Senate. I do not like to repeat, but I have to do so. I have said that it is to be presumed that when the Postmaster-General estimated and when the Appropriations Committee made the appropriation of \$5,900,000 he was not aware of the vast changes that would occur before the year ran around in our Western States and Territories. If he had anticipated then, he doubtless would have estimated higher than he did. The Appropriations Committee did not anticipate them, for if they had, I was arguing that they would have appropriated enough money, although the Postmaster-General might not have estimated for it, because I was saying that we could not believe that the Committee on Appropriations would allow the public interests to suffer because some officer of the Government had not made the proper estimates and they knew it. It was unknown then to the Postmaster-General and unknown (improbable as that may seem) to the Appropriations Committee that a sum additional to the \$5,900,000 would be needed. But as time passed on it was found that great changes were occurring in those Territories, and that new routes must be established, more frequent trips allowed over the older routes and shorter time allowed over the older routes. It was found out that the public interest required that to be done.

What had the Postmaster-General then to do as a faithful public officer? Was he to see that the public interest in this regard was served or left unserved? Was he to come to Congress when it met and say to it, "Here, I have found what I did not know; I have found what you did not know; that the public interest required this additional expenditure to be made, and believing that I can satisfy you that the public interest did require it, and believing that if you are so satisfied you will appropriate the money to do it, I have gone on and had the work done and the public interest served by it."

Now, that is all the question there is. If you do not choose to do it, do not do it, and the Postmaster-General will throw himself upon the power given to him by the law in cutting down the service in other parts of the country, and bring his expenditures for the star service within your \$5,900,000. He will bring his expenditures within that amount; but you will howl instead of the men living west of the Mississippi River. That is the difference. It will be a matter of little importance, perhaps, to many that the men living west of the Mississippi River should go without this mail service for months and months, but when you come to bring the curtailment to yourselves you will find that it will make a very considerable difference whether you have mail facilities or not.

I say that, so far as the means I have at hand of judging enable me to say, in doing what he has done the Postmaster-General has shown himself to be, what I believe him to be, an honest, upright, faithful, capable public servant. He has done his duty well, and the question with us is whether we shall do our duty as well as he has done his. He has seen to it that the public interest has been served, and we are asked whether we will see to it that so far as it depends upon us that interest shall also be served.

A few words more. Something was said by the Senator from Kentucky yesterday in regard to what he claimed to be conflicting state-

ments made by the Second Assistant Postmaster-General, as I understood him, and the Sixth Auditor of the Treasury, who is the Auditor for the Post-Office Department, as I understand. Am I right in that?

Mr. MAXEY. Yes, that is right.

Mr. KIRKWOOD. It was claimed, as I understood, by the Senator from Kentucky—his remarks are not yet in print, and I may not quote accurately the substance of them—that the Second Assistant Postmaster-General had not dealt ingenuously in his communication to Congress stating the necessity for an additional appropriation, that he had stated it at a sum much larger than was really required, and was thus seeking by a false pretense almost, as I understood the Senator from Kentucky, to get an appropriation from Congress of a larger amount than was necessary. Let me read a few sentences from the communication of the Second Assistant Postmaster-General:

I have the honor to state that the appropriation for inland mail transportation on star routes, for the current fiscal year, has proved insufficient to meet the wants of the rapidly growing service.

The annual cost of the service now in operation is \$7,620,004, while the appropriation is but \$5,900,000. Not only will the present appropriation allow no increase of mail facilities during the year, but it will be necessary to curtail the existing service in order to bring its cost within the appropriation.

Believing that this cannot be done without great injury to many deserving communities, and further that pressing necessity exists for increased service in many places, I venture to suggest a method of relief.

During the four fiscal years last past, namely, 1876 to 1879, there has been covered back into the Treasury of unexpended balances of appropriations for inland mail transportation, \$3,965,468.27.

That is, appropriations that have been made for this particular kind of service, but not expended. Now he ventures to suggest:

In view of this fact, I have the honor to request your recommendation to Congress—

The letter is to the Postmaster-General—

that about one-half this amount, say \$2,000,000, be reappropriated for mail transportation on star routes. This will enable the Department to maintain the present service, and besides afford a margin for reasonable and necessary increase during the remaining half of the fiscal year.

The communication does not go upon the ground that the sum of \$2,000,000 was required to meet existing contracts, but it goes upon the ground that it might be required to meet existing contracts, and to meet additional contracts which might be required by the public interest as well. The Senator from Kentucky says that the report of the Sixth Auditor shows that the statement of the necessities of the service given in some place as being \$1,700,000, I think, was untrue, because the report of the Sixth Auditor showed that for the two preceding quarters less sums had been needed than it was supposed would be needed for the remaining two quarters.

Mr. WALLACE. The Senator from Iowa is mistaken. The Sixth Auditor gives us the sums actually expended for the past two quarters and what is necessary to conduct the service to the end of the current fiscal year upon the basis of the contracts as they actually exist.

Mr. KIRKWOOD. Yes; I understand that. That is the report of the Sixth Auditor; but let us see how the two reports are made out. I assume it to be true that taking the contracts as they stand they will require the sum of \$1,700,000—I do not remember the precise amount.

Mr. WALLACE. No, sir; the Senator from Iowa is mistaken. The report made to us by the Sixth Auditor of the Treasury is upon the basis of the contracts as they now exist.

Mr. KIRKWOOD. I will explain myself so that the Senator from Pennsylvania will understand me. I say taking the contracts as they stand, and taking the sums of money required by those contracts to be paid on their face, it will require a larger sum than the sum named by the Sixth Auditor of the Treasury.

Mr. WALLACE. No, sir.

Mr. KIRKWOOD. Let me explain. The amounts as shown by the Sixth Auditor of the Treasury are the amounts of the contract prices, less the fines and less the penalties.

Mr. BECK. No, sir, that is not true.

Mr. WALLACE. That is a mistake.

Mr. BECK. There is not a dollar of penalty deducted for the last six months of the year in his account, and he says so.

Mr. KIRKWOOD. Then there is a question of fact upon which the Senators from Kentucky and Pennsylvania and West Virginia and myself differ. We shall have to ascertain which of us is misinformed and who is well-informed.

Mr. BECK. The Sixth Auditor testified to the truth of that statement.

Mr. KIRKWOOD. I have stated my understanding. Of course nobody wants to misrepresent either the Sixth Auditor or the Second Assistant Postmaster-General; but I understand, and I repeat it, that the statements made by the Second Assistant Postmaster-General were made upon the basis of the amounts of money required to be spent to meet the face of the contracts, and that the estimates made by the Sixth Auditor of the Treasury are made upon the settlement of accounts from which are deducted the fines and penalties.

Mr. BECK. For the first six months he gives the amount of fines and penalties as \$101,000, and the Second Assistant Postmaster-General gives the same amount, and shows that he knew it to a cent; and for the last six months not one dollar of fines is deducted according to the Sixth Auditor's statement.

Mr. KIRKWOOD. Let us get at this thing exactly. Suppose a certain number of contracts require upon their face the payment of \$1,500,000; that is, if the contractor performs his duty according to the terms of his contract he is entitled to receive during a year

* The following is the table referred to by Mr. DAVIS, of West Virginia:

Years.	Number of post-offices.	Extent of post-routes in miles.	Revenue of the Department.	Expenditure of the Department.	Amount paid for—	
					Salaries of postmasters.	Transportation of the mail.
1852.....	20,901	214,284	\$6,925,971	\$7,108,459	\$1,296,765	\$4,225,311
1853.....	22,320	217,743	5,940,725	7,982,957	1,406,477	4,906,308
1854.....	23,548	219,935	6,955,586	8,577,424	1,702,708	5,401,382
1855.....	24,410	227,908	7,342,136	9,968,342	2,135,335	6,076,335
1856.....	25,565	239,642	7,620,822	10,405,286	2,102,891	6,765,639
1857.....	26,586	242,601	8,053,952	11,508,058	2,285,610	7,230,333
1858.....	27,977	260,603	8,186,793	12,722,470	2,355,016	7,246,054
1859.....	28,539	260,052	8,608,464	15,754,093	2,453,901	7,157,629
1860.....	28,498	240,594	8,518,067	19,170,610	3,532,868	8,608,710
1861.....	28,586	140,139	8,349,296	13,606,759	2,514,157	5,309,454
1862.....	28,875	134,013	8,299,821	11,125,364	2,340,767	5,853,834
1863.....	29,047	139,598	11,163,790	11,314,207	2,876,983	5,740,576
1864.....	28,878	139,171	12,438,254	12,644,786	3,174,326	5,818,469
1865.....	20,550	142,340	14,556,159	13,694,728	3,383,352	6,246,884
1866.....	23,828	180,921	14,386,966	15,352,079	3,454,677	7,630,474
1867.....	25,163	203,245	15,237,027	19,235,483	4,033,728	9,336,286
1868.....	26,481	216,928	16,292,601	22,730,593	4,255,311	10,266,056
1869.....	27,106	223,731	18,344,511	23,698,131	4,546,958	10,406,501
1870.....	28,492	231,232	19,772,221	23,998,837	4,673,466	10,884,653
1871.....	30,045	238,359	20,037,045	24,390,104	5,028,282	11,529,395
1872.....	31,863	251,398	21,915,426	26,658,192	5,121,665	15,547,821
1873.....	33,244	256,210	22,996,742	29,084,946	5,235,468	16,161,314
1874.....	34,294	269,097	23,477,072	32,126,415	5,818,472	18,881,339
1875.....	35,547	277,873	26,791,360	33,611,309	7,049,936	18,777,201
1876.....	36,383	281,798	27,895,908	33,263,488	7,397,397	18,361,048
1877.....	37,345	292,820	27,468,323	33,460,392	7,295,251	18,529,238
1878.....	39,258	303,966	29,277,517	34,165,084	7,977,852	19,262,421
1879.....	40,855	316,711	30,041,983	33,449,899	7,185,540	20,012,872

\$1,500,000, but if he fails to perform his contract according to its terms, if he fails to make a trip that he is required to make, or if he takes more time than that in which he is required to make his trip, then the Post-Office Department deducts from his contract a certain sum for every failure to make a trip, and a certain sum for every time in which he does not make a trip within the time his contract calls for.

Mr. WALLACE. Will the Senator from Iowa permit me to read the letter from the Sixth Auditor in order to show him the exact position?

Mr. KIRKWOOD. I am merely stating my judgment in regard to this matter and the facts as I understand them. I will look into the matter, and if I find that I have been misinformed I shall of course correct what I say; but I am stating what I understand to be the fact.

Mr. WALLACE. But this will correct the Senator at once.

Mr. KIRKWOOD. Very well; let us hear what it is.

Mr. WALLACE. The letter is as follows:

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, March 2, 1880.

SIR: In compliance with your request of yesterday, I have the honor to transmit herewith statements showing by States and quarters the paid and unpaid amounts chargeable to the appropriation for star transportation for the fiscal year ending June 30, 1880, according to the contracts, orders, &c., on file in this office.

In addition to the total amount shown in this statement, the sum of \$40,000 should be added, being the amount paid for the supply of special officers.

I am, respectfully, your obedient servant,

F. B. LILLEY, Acting Auditor.

HON. JAMES B. BECK,
United States Senate.

Then follows the statement in detail, which shows the amount actually expended and to be expended according to the contracts and the orders adding expedition or increased trips on file in the office on the 2d of March, 1880.

Mr. KIRKWOOD. Am I mistaken in this statement: A contractor agrees to carry the mail between A and B, two terminal points, and he gets \$150,000 a year by the face of his contract for doing it; he is to carry a mail once a week, or twice a week, or three times a week, and he is to carry it on each trip in a certain number of hours. Now, if he drops out a trip, the proportionate amount is taken from his contract price, is it not?

Mr. WALLACE. Yes, sir.

Mr. KIRKWOOD. That is so, is it not?

Mr. WALLACE. But it is not deducted in the statement furnished to us.

Mr. KIRKWOOD. But I am asking the question. Under that contract itself he is liable to have deducted for every trip he loses the proportionate value of that trip?

Mr. WALLACE. That is true.

Mr. KIRKWOOD. Then, further, if in addition to that he fails to make a trip within the time limited by the terms of the contract, he is liable for doing it, and that is to be taken from the amount which he is to receive on the face of his contract, is it not?

Mr. WALLACE. Yes, sir.

Mr. BECK. That would diminish instead of increasing the Auditor's statement.

Mr. KIRKWOOD. That is the case every quarter. Now, the amount that will be deducted from a contractor's pay for the first quarter of a year cannot be determined until that quarter has ceased and the accounts come in, and they are made up during the second quarter, and during the second quarter the deduction is made. Is it not so?

Mr. BECK. If the Senator from Iowa will allow me I will say that therefore it is that from the 1st day of January till the 30th day of June the statement as made by the Sixth Auditor embraces the whole amount as per contracts, without a dollar being deducted on account of possible fines; and with that fact existing it still amounts only to a deficiency of \$1,155,000, instead of \$1,720,000, or \$1,500,000, as the Second Assistant Postmaster-General stated to us, which was proved not to be true.

Mr. KIRKWOOD. Then I am misinformed, Mr. President. I think it possible that the Senator from Kentucky is himself mistaken in regard to the facts. I shall endeavor to inform myself.

Mr. BECK. There it is.

Mr. KIRKWOOD. It is possible for the Senator from Kentucky to be mistaken as well as the rest of us. It is a very violent presumption, I know; but I have reason to believe that the estimates made by the Second Assistant Postmaster-General were made upon the face of the contracts, and that the estimates made by the Sixth Auditor of the Treasury were made upon the settled accounts after the deductions had been made for failure of trips, and for fines and penalties. As it is impossible to know in advance of any quarter what failures of trips will be made or what fines and penalties will be incurred during that time, it is impossible for any man to estimate with accuracy, to do more than guess, what will have to be paid out during a coming quarter.

Mr. BECK. The Senator will allow me one word. The statement of the Sixth Auditor shows in so many words that in the statement he makes to us he deducts fines as ascertained to the amount of \$101,000 from the 1st July to the 31st of December, 1879, and he gives the whole amount of the contracts without deducting a dollar for fines from the 1st of January to the 1st of June next; and he sends this to us.

Mr. KIRKWOOD. I will read from the testimony before the Senator's committee a statement made by the Second Assistant Postmaster-General.

Mr. BECK. I admit it; and I assert that that statement he made to us demanding \$1,720,004 as the cost of the actual service was absolutely untrue.

Mr. KIRKWOOD. Very well. Let me read what he says. In reply to a question by Senator WALLACE, Mr. Brady says this:

Mr. BRADY. There is an apparent discrepancy, and always is at the end of every year, between my reports and the Sixth Auditor's; and some gentlemen, I understand, who have taken the Sixth Auditor's estimate of what will be the probable deficiency of the year, have made unfavorable comments, and suggested that I was asking for more money than I needed. The Sixth Auditor's statement of the actual amounts paid for service is never a correct basis for making an estimate, as his statement includes the deduction of all fines and deductions imposed upon contractors for poor service or failures to perform trips, and all that sort of thing, and during the last two quarters they have been running very heavily.

That is the statement made by the Second Assistant Postmaster-General. It may be that he has been lying about it, as the Senator from Kentucky says. I do not know, but I do not presume that against a public officer in the absence of proof.

Mr. BECK. I do not care about using the word "lying" myself. I do say, however, that the Sixth Auditor's statement makes it absolutely certain that this officer's assumption that there was an actual deficiency of \$1,720,004, as he officially certified on the 8th day of December, is not true, and I do not believe the Sixth Auditor lies.

Mr. KIRKWOOD. Let me read a little further.

We adopted a very stringent rule a year ago in the inspection division, that where we expedited and increased the service, contractors had to perform it up to the strict letter of the contract. They must be on schedule time everywhere, and they must perform first-class service; and where they do not do it, we put on the fines and make heavy deduction. The consequence is, that while our contract prices call for contracts that would bring us out with a deficiency of nearly \$1,700,000, as I stated, the Sixth Auditor, basing his statement upon the payments for the last two quarters ending September 30 and December 31, brings out the probable deficiency as \$1,297,198.

That is what the Second Assistant Postmaster-General says.

Mr. BECK. And that is absolutely untrue, because he brings out a deficiency of \$1,155,000, and yet told us it was \$1,500,000.

Mr. KIRKWOOD. I will state to the Senator from Kentucky that I would much rather believe that there was a misunderstanding between the Second Assistant Postmaster-General and the Sixth Auditor of the Treasury than believe that any gentleman occupying the position that either of them occupies told a deliberate untruth to this Congress. I do not believe that I am called upon here in the discharge of my duties to presume that any man holding a public position tells a deliberate untruth unless it be known, and I should be very backward to make a charge of that kind against any public officer who stands well before the country unless I have proof of it, so that it cannot be a mere misunderstanding.

Mr. BECK. Allow me one word, and I am done with this matter. It impresses me that the Senator from Iowa is endeavoring to make the Senate believe that the Sixth Auditor had not told the truth—

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

Mr. BECK. When he said that the total amount was \$7,005,000. The Second Assistant Postmaster-General stated that the Sixth Auditor, basing his statement upon the payments made, brought out a probable deficiency of \$1,297,000, when he had the fact before his face and the paper in his hand that the Auditor made out a deficiency of \$1,155,000 instead of \$1,297,000; and I merely desired to say that I did not believe the Sixth Auditor was a liar. That is all.

Mr. KIRKWOOD. I do not believe either of them has lied. I do not believe any man occupying the position either of these gentlemen occupies would come before the Congress of the United States and deliberately state that which he knows to be untrue and which he knows can be proven to be untrue. I do not believe that all the honesty or all the integrity of the public officials of the United States resides in the Congress of the United States. I believe there are men outside of Congress holding office under the Government of the United States who are just as honest men and have the interests of this country at heart just as much as any man who holds a seat on this floor; and where there is a possibility or probability of a misunderstanding between men as to what is or what is not a matter of fact, I will not take it to be that either of them has made an untruthful statement, where there is a chance that an apparent discrepancy may arise from a misunderstanding. Of course my rule in this matter for my own conduct is no rule for any other Senator in regard to his conduct. But we should complain bitterly, and we should have a right to complain bitterly, if persons commenting upon our public action here were to charge every misunderstanding among us to deliberate untruthfulness on the part of those who might differ in opinion.

I have now said all I desire to say in regard to this matter. I have endeavored to show that in doing what he has done the Postmaster-General has done what an honest, faithful, capable public servant should have done, what I am satisfied I would have done had I been in his place, because I would have had, as he had, faith to believe that if I could show to the Congress of the United States that Congress in making appropriations had failed in this particular to make such appropriations as the public interest required should be made and I had had the public interest at heart, I would have felt the utmost confidence that Congress would have come forward promptly for the doing of that which the public service required to be done. I would

not have held that I was violating the law in doing it. I do not believe that the Postmaster-General was violating the law in doing it. It has been my fortune in the State where I live to serve the people of that State both in a legislative and in an executive capacity.

Mr. EDMUNDS. Their fortune, it would be better to say.

Mr. KIRKWOOD. While I was serving them in an executive capacity I did once and again without any authority of law, and according to my personal recollection in violation of law, expend their money, not taking it from the treasury, because I could not get it, but I incurred expenses once and again and again that I believe I would have been derelict in my duty as the chief executive of my State if I had not incurred, although there was no law for it, and a general law prohibited the expenditure of any money not appropriated by law.

Let me instance a case. One of the penitentiaries in my State—the only one we had at that time—accidentally had a fire in it; all the workshops were burned down. Our legislative sessions are biennial, and some eighteen months would have expired before we could have a new session of the General Assembly. If the shops had not been rebuilt our convicts would have been compelled to stay in their cells idle nearly all the time. I took the responsibility of going to work and building those shops; I had no authority of law for doing it at all, but I had it done in as short a space of time as I could get it done, and I put the men to work again. By the time the Legislature met they had earned a large part of what the shops cost. The Legislature indorsed my act and said, "Well done, good and faithful servant."

Mr. EDMUNDS. But as a general rule you would not hold that it was wise, except in an extreme emergency, to do that thing.

Mr. KIRKWOOD. No; but I do hold that occasions arise when a man fails to do what he ought to do if he is not willing to take some little responsibility.

Let me give another case. During one of my terms of service there, a riot broke out in one part of our State. It was under peculiar circumstances. Some ten or fifteen hundred misguided men got together and produced a great alarm in a certain section of the State. The sheriff of the county where it occurred lost his head; he was not the man for the emergency; and I had to go to work and did without following the due process of law (because there was not time to do it)—called out ten companies of soldiers and put two pieces of artillery there, and the result was that there was not a soul hurt and the men scattered and went to their homes peaceably and quietly. I, of course, had to incur expense in doing it. The General Assembly when they met said that I had done very well, and they said, "Well done, good and faithful servant."

I believe, Mr. President, that the law as it stands on our statute-book prohibiting an expenditure of any money not appropriated by law or the making of any contract for any purpose not provided for by law, is in some respects a good thing, but in some respects it works badly. It is like almost everything provided by human intelligence; it is not perfect. I may some day give my ideas about that and what I think would be a remedy for some difficulties.

Mr. BLAINE. If I do not interrupt my friend, I would suggest that we are getting our RECORDS printed every day now in absolute defiance of law.

Mr. EDMUNDS. That is an aggravation of the offense. [Laughter.]

Mr. KIRKWOOD. I intend to vote for this bill, but I intend to vote to strike out the preamble, which I believe to be grossly unjust and grossly injurious to a faithful, honest, and capable public servant.

Mr. DAVIS, of West Virginia. Mr. President, as almost the entire debate has been upon the preamble and not upon the bill, and as I believe the Senate is almost unanimous upon the provisions of the bill, I rise to state what the committee have decided to do. The Senator from Iowa has just stated that he intended to vote for the bill, but did not like the preamble. I am instructed by the Committee on Appropriations to offer what I shall send to the desk and have read for information, which, if adopted, as I hope it will be—and I have no doubt the Senate will be unanimous in adopting it—will obviate the necessity of the preamble; and the committee then direct me to move to strike out the preamble. That being so, and there being a pressing necessity for the passage of the bill, not only for the Post-Office deficiency but also for the printing, (an amendment is to be offered to this bill to help the printing,) I hope we shall come to a vote. I had intended to review some of the remarks of gentlemen, but desiring a vote, and hoping it will come soon, I shall forbear. I send to the desk the amendment to which I have alluded, to be read for information, which is to take the place of the preamble, as far as the committee is concerned.

The PRESIDING OFFICER. The amendment will be read for information.

The CHIEF CLERK. At the end of the bill it is proposed to add:

SEC. 3. Nothing in this act contained shall be deemed or construed as a ratification of any unlawful act or omission of any officer of the United States, or affect any proceedings therefor.

Mr. BLAINE. Does my honorable friend state that that is from the committee?

Mr. DAVIS, of West Virginia. A majority of the committee direct me to offer this not exactly in the shape of but really as a substitute for the preamble. We all know the bill must be acted on before the preamble.

Mr. BLAINE. I am entirely in favor of striking out the preamble and entirely opposed to putting that on. What the honorable Senator states is correct or he would not state it, that a majority of the committee authorized him to offer that. I dissent from it as one of the minority of the committee, and shall express my dissent.

Mr. DAVIS, of West Virginia. The Senator of course understands that I consulted him among other members.

Mr. BLAINE. Certainly; and the Senator understood me as dissenting.

Mr. DAVIS, of West Virginia. A majority of the committee directed me to offer this in the nature of a substitute, though it is not in order to act on the preamble until after the bill is disposed of.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Appropriations in line 3, section 1, to strike out "nine hundred and seventy" and insert "eleven hundred."

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will report the next amendment proposed by the Committee on Appropriations.

The CHIEF CLERK. The next amendment is in section 1, line 8, after the word "year," to strike out all down to and including the word "number," in line 19, as follows:

At or within contract prices as they existed on February 1, 1880: *Provided*, That upon any route where there has been an increase of the original contract price during the last or the current fiscal year for expediting the delivery of mails on any such route, at the rate of more than \$2,500 per annum, the compensation for expedited service on such route shall be reduced to the terms of the original contract, on and after the 1st day of March, 1880; and nothing herein contained shall be construed to require the reduction of the number of trips per week over any such route below the present number.

The amendment was agreed to.

The next amendment was, in section 1, line 21, after the word "service," to insert "or increase of trips;" so as to read:

During the remainder of the current fiscal year no further expediting of service or increase of trips on any postal star route shall be made.

Mr. EDMUNDS. I should like to ask the chairman of the Committee on Appropriations what a star route is? It may have been stated several times, but this seems to be a proper time to make the inquiry again if it has been made before. This says "expediting of service or increase of trips on any postal star route." I have read the statutes of the United States with some care several times, and I do not remember to have seen that expression before. What is a postal star route?

Mr. WALLACE. This is the language of the bill as it came from the House, the Senator from Vermont will understand.

Mr. EDMUNDS. I am speaking of the statutes. What I wish to know is what is a postal star route?

Mr. WALLACE. The custom of the Department, as I have already said, indicates all other modes of transportation than those by steamboat or railroad as star service.

Mr. MAXEY. I will answer the question of the Senator from Vermont. In the very appropriation bill under which we now act there is an item "for transportation on star routes, \$5,900,000."

Mr. EDMUNDS. That is an appropriation bill. I am speaking of the organic body of the law.

Mr. MAXEY. Still it is a statute of the United States.

Mr. EDMUNDS. We may appropriate for building a railroad to the moon; but that appropriation has gone by.

Mr. MAXEY. This is an appropriation for star routes under that statute.

Mr. EDMUNDS. And I am just as ignorant as before. What is a star route?

Mr. WALLACE. It is certainly not defined by statute, but it is by the practice of the Department. It is well understood there, and has been for a number of years, and, I presume, the Senator from Vermont understands it as well as the rest of us.

Mr. EDMUNDS. I do not know but I do. I want all of us to understand it.

Mr. WALLACE. It means any other mode of transportation of the mails than by steamboat or railroad, and the Departments so construe the term.

Mr. EDMUNDS. With that authoritative definition I am satisfied.

Mr. PLUMB. I hope that this amendment in line 21 reported by the committee will not be adopted. It will work very great injustice indeed to the western portion of my State, and in fact to the western portion of Nebraska and to all portions of the Territories where new settlement is constantly going on. According to this bill we take up this service just where it is, arrest it just where it is, provide for carrying it on as it is, and prevent any further increase for the residue of this fiscal year. The increase of population during the remaining months of this year will be as great as during any similar period for many years past, and we propose to cut off the people who have not been fortunate enough to have had an increase provided for heretofore, and say that for the next five months they shall not have any increase at all.

Mr. EATON. Only three months.

Mr. PLUMB. Well, if it is only three months the principle is the same. The fact is that hungry people go out from Connecticut and all other portions of the Eastern States carrying with them their principles and their desires for mail facilities. They want the daily

papers and they want mail facilities just as much during these three months as during any other three months of the year.

Mr. EATON. They can wait.

Mr. PLUMB. I understand there is a very general disposition to let people out in that country wait; but the people in that country are not as much disposed to wait as others are to have them wait. In the western portion of my State there are at least thirty thousand people that have no mail service whatever except such as they provide themselves with. I have a letter here on my table which I received to-day from the northwest corner of the northwest county of that State, representing the urgent necessity for mail service in that section. In very many portions of that State also there are weekly mails which should be now daily mails, very many more that should be semi-weekly, very many more that should be tri-weekly; but those people have to be postponed because of a little spasm of economy that has now come to afflict Congress on the subject of the transportation of the mail.

I hope this injustice will not be done. If they can wait for three months it must be because the service is not very important; and if it is not very important, it is not going to cost a great deal of money. But to a man who has gone out on the frontier, as all these people have, expecting that the Government will accommodate the service to his needs as well as those of his neighbors, this is a most injurious and unjust discrimination. There certainly can be no reason whatever for it.

We have been generous, and I think on the whole just in this bill as it now stands, to the service already established.

But I would call the attention of the Senate to the fact that this money that is provided for here was practically appropriated by the Post-Office Department months ago; and when they have appropriated this money, when they have enlarged the service on these long routes—and I am not complaining of that at all; I think on the whole it was done wisely, except in a comparative way—they then propose to cut down on the small routes in the different States. So for months there have been accumulating in the Post-Office Department petitions for the increase of service that is required for immigration that has gone into that country during the last five or six months, and during that period of time there has been no increase whatever. In the State which I have the honor in part to represent, the entire increase of the number of trips in the last twelve months has been only to the amount of about \$11,000—no increase at all compared with the increase of population during that time; no increase at all compared with the actual increase of the income of the Post-Office Department within that time; none whatever as compared with the actual increase in the amount of mail matter which has been required to be sent.

It is just as important that these people should have their mails within the next three months as during any past three months, or any three months yet to come; and it would look like saving at the spigot and losing at the bung to come in here and make this large appropriation for these great routes, properly made, too, and yet to say that because we are making this liberal appropriation we will cut off these frontier people for the next three months, and so arrange that they shall not have any increase of service at all. It seems to me like trifling with these people, trifling with the interests of the service, in every way unworthy of Congress, to attach to the bill such an inhibition as that.

This service is essential to these people in more ways than one. It has become a part of the policy of this Government to do a large express business. On a recent trip to New York I was invited to go into a room where there was an agent who had been in business several years, and whose business was the placarding of merchandise to be sent by mail through the Western States and Territories. There were shawls, fancy articles, dry goods, everything going into the stock of a country dry goods merchant, for transportation to New Mexico, Arizona, and all over the western country. These people take advantage of that because the Government has invited them to do it. Anything weighing four pounds or under may be transported in that way. It has become a regular business. Men who go to that country go out with the knowledge of the fact that the Government is doing this business; they go out expecting to be supplied to a large extent by this method, and they have a right to expect that service. The Government has stepped in and usurped a business formerly carried on by private corporations and private persons, and the people have gone there with the expectation that they shall still be served in that way. If a part of the people can be served in that way, why not all of them?

More than that, the people who go out there go from the centers of civilization in the Eastern States, and they are not citizens of Kansas yet; they are constituents of other gentlemen on this floor. They are the men who go out from New England and the Middle States. They have been in the habit of having daily newspapers and weekly papers, and they want papers there as often as once a week. They do not want it postponed two weeks or a month by a dilatory process of carrying the mails. If they take a daily paper they want it carried every day. The mail they get is as of much importance to them now as in the locality where they formerly lived. It has been a part of the policy of this Government to carry that mail to them, and it ought to continue to do so. If it is to be a part of the policy of the Government to say that for the purpose of a little beggarly saving of ten or twenty thousand dollars for three months we will sus-

pend this service, is there anything meaner or more contemptible than such economy as that after giving \$1,100,000 by the bill to the great routes? Because we vote \$1,100,000 in the bill it is proposed to strike down a whole service, and for three months save something, to have your poor people out on the frontier make up for what you have given liberally in the forepart of the bill.

Let us give the people of the United States the service they are entitled to all over and all alike, or else give them none. This is a discrimination, as it seems to me, aimed at what the Postmaster-General had in his mind when he said that if he was obliged to bring the service within the appropriation he would reduce it all over the country; but the committee go back of him and say "you shall not do that; you shall not reduce it in that section of the country where you have increased the service before." That affects practically only the western portion of the country; it affects the frontier; it affects Kansas, Texas, Nebraska, Idaho, Montana, Washington, Oregon, and California, and does not affect any community lying east of the Mississippi River. Twenty-five thousand dollars, perhaps \$10,000—certainly \$25,000 would be ample to cover the service for which I am pleading. For the lack of that these people must be without service three months. It is an affront to them; it is a break in the uniformity of the postal service of the United States; it is bringing down economy and applying restrictions to this Executive Department in the very smallest part of it.

Why did not the committee say that before this thing was done there should be some restrictions somewhere? Why did they wait until the last moment and provide in regard to all the service that has not been expedited, this trifling service, this small service that costs three, four, or five hundred dollars a year, that there shall be no increase there while the increase that has been made on all the routes which cost \$150,000 or \$200,000 a year shall go on just exactly as it has been according to the contracts made by the Postmaster-General?

I do not complain of the routes that have been increased and expedited. It is a necessity that should have been done. If I made any complaint it would be as to the manner in which the fund has been distributed; but the Postmaster-General went on, I suppose, without calculating the exact amount he was expending until the money was exhausted or liable to be so, and then he had to wait until Congress met, and when Congress met it dallied with the question for months, and meantime people were going without the service, and at the last moment we are to be told that there cannot be any increase on these routes, notwithstanding the lavishness with which we have appropriated money for the longer routes. I hope this amendment will not be adopted.

Mr. WALLACE. I trust the Senator from Kansas will be satisfied with the bill as it stands. It proceeds upon the assumption that the \$1,100,000 is a large amount of money to vote to continue the service as it now exists. When \$5,900,000 were all that was asked by the Department for the service of this year, the Senator from Kansas it seems to me ought to be content with what the committee recommend here.

Beside that, the second section of the bill provides for giving money for new service. There is \$100,000 appropriated for new service. In every case in which a new route is opened, money is voted by this bill for that service. And the cases put by the Senator do not apply at all. It is only the case of a route in which there being perhaps a weekly mail the neighborhood wishes a semi-weekly mail or a tri-weekly mail, and that is denied by Congress until the end of this fiscal year. They have the mail on that route now. They can probably wait for three months.

Inasmuch as the new service that is needed in that country is provided for by the second section, it seems to me that the deprivation of increase of trips, indeed the prohibition of the expenditure of any more money than is necessary to conduct the service as it exists to-day to the end of the fiscal year, is very proper in view of the facts that have been elicited in this debate and that now exist. The exercise of such a discretion by that Department as has been shown, if it be passed over in silence, if voting the money that Congress proposes to vote by this bill, it ought to be accepted by those who have the results of that expedition and the large increase in expenditure that the Department made in the last year.

Mr. PLUMB. I desire to say in reply to the Senator from Pennsylvania that if the committee had been desirous solely of saving money, that is, money worth saving as such, it would have saved it by cutting off three months of the large surplus to which the \$1,100,000 is appropriated. I do not say they ought to have done so, but I say that, after treating that service liberally and fairly, it was decidedly unjust and illiberal in the last degree to then sit down so thoroughly on the new communities where a small sum of money would go a great way. They have been lavish with great contractors, lavish with the long routes, and then their economy has come in at the last moment; and after expending, as they seem to insinuate, \$1,100,000 extravagantly, they propose to save three, ten, fifteen, or twenty thousand dollars at the end. That is what I object to.

If there had been an intention to save money, if that had been the purpose, it should have been saved elsewhere. I object that this places an unjust discrimination in carrying on the mail service of the United States. I say there is no reason in the world why the people who are entitled to increased service during the next three months

should not have it as well as the people who were entitled to it six months ago. If the argument is that they can wait three months, how does the Senator from Pennsylvania know that they cannot wait twelve months, or until the end of time? It has been the policy of the Government always to give the people wherever they went mail facilities, not next month or next year, but all the time, every day. Wherever a man has gone on the frontier, into the mountains or anywhere else, the very moment he is there located and has made his wants known, it has been the policy of the Government to extend the mail service in order to reach him, and not merely to extend it to reach him, but to anticipate him, in order that by that anticipation there should be greater inducement to other people to go there as well. It is a part of the settled policy of the Government, and this seems like making an unworthy exception to that liberal, just, enlightened policy which has done so much to build up the western portion of the continent.

Besides, it accomplishes nothing. If the Senate wants to say that this branch of service shall not exceed \$25,000 or \$50,000, I do not object to that. But there are to-day hundreds of applications from my own State and from Nebraska, as I happen to know, because the service of the two States is connected, on file in the Post-Office Department for increase of service on small routes from weekly to semi-weekly. All the service granted during the calendar year 1879 in my State was only \$11,000, and that \$11,000 was well spent, and results in giving a large increase of service to the people of that State. I have no doubt \$10,000 more would do it. But I am not speaking for Kansas alone; I am speaking for the entire frontier. If after appropriating \$1,100,000 you stick at \$25,000 or even at \$50,000 for the purpose of giving increased service to the people who are on the ground who have gone there on the supposition that they would be met there by mail facilities, facilities to be increased from time to time as circumstances should warrant, then, as I say, we have made a discrimination against the very class of people who most ought to meet with favor here.

Mr. BLAINE. I think there is a good deal in what the honorable Senator from Kansas states.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

The question being put, the amendment was declared to be rejected.

Mr. DAVIS, of West Virginia. I do not think that the question was understood.

Mr. WALLACE. I understood a motion was made to strike out, and that was the question that was put.

The PRESIDING OFFICER. The Chair perhaps was at fault in not stating distinctly what the amendment was; but the question was on the adoption of the amendment in line 21 of the first section, recommended by the Committee on Appropriations.

Mr. DAVIS, of West Virginia. So I thought.

Mr. WALLACE. How did the Chair decide the motion?

The PRESIDING OFFICER. The Chair has decided that the amendment failed. It is perfectly competent for the Senator to call for a second vote.

Mr. TELLER. Let it go.

Mr. WALLACE. Does the Chair decide that the committee's amendment has failed?

The PRESIDING OFFICER. The Chair has so held.

Mr. DAVIS, of West Virginia. Then I move to reconsider the vote. It was not understood.

Mr. EDMUNDS. The Chair can put the question again if there was any misunderstanding.

The PRESIDING OFFICER. If there be no objection the Chair will put the question again. The amendment will be reported.

The CHIEF CLERK. The amendment is in line 21 of section 1; after the word "service" insert "or increase of trips."

The PRESIDING OFFICER. The question is on the adoption of the amendment reported by the Committee on Appropriations to insert these words.

The question being put, there were on a division—ayes 30, noes 23.

Mr. TELLER. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. BLAINE. I do not think the suggestions that were made by the honorable Senator from Kansas have been quite met by the committee of which I am a member. I am very frank to say that. Take the Senator's own State and States that lie alongside and further on, the very season of the year to which this inhibition is to apply is the very season of the year at which immigration is the largest and settlement the most rapid. You propose to say that a rule hitherto existing in the Post-Office Department without question, and hitherto exercised according to discretion, shall over the whole of that vast region be suspended; and that where a route exists on which there has been a very sparse population last year, and now by the influx of immigration there is a very large population, and there has been only a weekly trip heretofore, and in the judgment of the Postmaster-General and in the judgment of every impartial man those settlers are entitled to a semi-weekly, or tri-weekly, or, it may be, a daily mail for three months of the year of grace 1880, that function of the Post-Office Department shall remain suspended. It has been exercised from the inauguration of George Washington to this moment; it will be exercised after the 30th of June; and we sit here, and, for some reason not known to law nor to logic, so far as I have heard it, we say—

Mr. PADDOCK. Will the Senator allow me to remind him that the inhibition is not only for three months, but it is for six months, because during the past three months, on account of the want of money, and on account of these existing complications, it has been an utter impossibility to secure any increase of service.

Mr. BLAINE. They cannot go back and do the service for a time that is past; therefore it is for the time that is ahead.

Mr. PADDOCK. But the applications are on file.

Mr. BLAINE. The principle which the Senator suggests of course is correct. I do not see, Mr. President, the logic of this amendment, I am free to say, although I am a member of the committee and consented to its insertion, not specially noticing or knowing a great deal about it until the Senator from Kansas presented the case. I do not see why for three months of this year a power should remain dormant in the hands of the Post-Office Department to be invoked again at the beginning of the next fiscal year, and hitherto always exercised without question. I think I shall have to unite with the Senator from Kansas.

Mr. DAVIS, of West Virginia. Just a word, for I do not wish to consume time. If this amendment of the committee is lost then we must increase the amount of money that has been appropriated, for we propose to appropriate just the amount of money that it takes to carry out the service for the present year with the present mail facilities as they now stand. On the basis they now stand we have appropriated, according to the Sixth Auditor's report, the amount of money necessary.

Mr. BLAINE. Then I submit to my honorable friend the chairman of the committee of which I am a member, whether on the whole our committee can afford or the Senate can afford to stand upon the principle that there shall be a suspended function for three months of the year because of some little difference we have got into as to the transcending of appropriations or some little conflict of authority with the Post-Office Department which we propose here in a preamble to censure—whether on that account or for any other reason we shall be justified by our constituents and by ourselves in saying to the people in the remotest Territory of this country (not to speak of many States that rely so largely on the star service) "You must not expect until the three months have elapsed that the ordinary functions of the Post-Office Department shall work for your relief, for we have ordered through Congress that animation in that Department shall be suspended for ninety days." I do not believe that proposition can be maintained.

Mr. DAVIS, of West Virginia. Just one word. It will be noticed that this is for increased trips. The same mail facilities which now exist in the Western States will continue, and the committee, as the Senator from Maine well knows, have reported \$100,000 for new service, so that, if there are any new routes, or if persons have gone to new neighborhoods and require new routes, there is a provision here of \$100,000 given for that purpose. It appears to me, in the face of what has occurred during the past year, we are appropriating \$1,100,000 now for the increased service and expedited trips, we ought to stop it. There must be a stop somewhere.

Mr. BLAINE. If there was a new express train put over the Baltimore and Ohio Railroad, on which my honorable friend lives, everybody along that route would be clamoring to have a new mail by that train. I live in a remote New England town. We have four mails a day coming into my town by rail, and if there was a fifth train we would struggle hard to have one on that. Now we are proposing to apply to what is known as the star service that which the communities that reside on the railway service would not be expected to submit to. My colleague on the committee [Mr. EATON] shakes his head.

Mr. EATON. We have to submit to it.

Mr. BLAINE. I submit to the honorable Senator that just in proportion to the extension of the railway service in this country, and in proportion to the number of trains largely, the mail service has increased. Where you had one mail a day, you get two a day, or three a day where there is an extra train; and I do not know how many more the large cities that are specially favored receive. This is an inhibition that does not apply at all to any other service.

Mr. EATON. If my friend will permit me, it is the large cities, not the small ones, as he and I understand perfectly well. Take the road from New York to Boston, if you please, where there are half a dozen trains a day. There are applications made every day from such towns as Wallingford and Meriden, where my colleague resides, and so on, that all trains should stop there; but they do not. They say, "No; such and such a train after leaving New York shall only stop at Stamford, at Bridgeport, at New Haven and Hartford and Springfield." Therefore all the towns, and large towns, too, are not provided for.

Mr. BLAINE. My friend is mixing up passenger traffic with mail transportation. The great express train about which he speaks is, in my judgment, not a mail train at all. The struggle there is for passenger accommodations, quite another thing.

Mr. EATON. So they are all mixed up here. Passengers and mails are mixed up on the star routes.

Mr. BLAINE. The proposition of the Senator from Kansas refers especially to mail service. Now my honorable friend, referring to that train on which he and I travel a good many times a year, knows that in order to make that train as expeditious as it is between the two terminal points it cannot be a way train.

Mr. EATON. It is a mail train.

Mr. BLAINE. No, it is not a mail train; the mail train starts two hours ahead of it; and yet so persistent have been the constituents of my honorable friend from Connecticut that they have absolutely delayed that train for from forty-five minutes to an hour, and delayed all the eastern travel in order that sundry and divers Connecticut stations might be included in it.

Mr. EATON. My honorable friend from Maine is mistaken now, as he has been a great many other times. It is not delayed, for it is not stopped within the limits of my State but three times.

Mr. BLAINE. Stamford, Norwalk, Bridgeport, New Haven, Meriden, Hartford, and once beyond. I go over it every year a dozen times, more or less, sometimes more and sometimes less.

But that is not the point at all. That is a mere question of passenger traffic and people who want to get on that fast train. This relates to the rights of the frontiersmen to have a tri-weekly or semi-weekly mail as much in the spring of 1880 as in the spring of any other year, past or future, if the demand is the same. That is what I understand the proposition of the honorable Senator from Kansas to be.

Mr. EATON. I have no doubt it is the opinion of my honorable friend from Maine that it is very important that they should have it during the coming three months. [Laughter.]

Mr. EDMUNDS. Mr. President, if this amendment of the committee is not agreed to, then the Senate ought to strike out the clause of the House bill altogether, as it appears to me. The clause is—

During the remainder of the current fiscal year no further expediting of service on any postal star route shall be made.

The committee propose to add after "expediting service" the words "or increase of trips." It is not clear to my mind that those two subdivisions of service are of exactly the same class, and therefore the amendment of the committee is merely to make perfect the provision of the bill. If there is any force in what the Senator from Kansas and the Senator from Maine have said, as of course there always must be as they say it, it applies just as strongly to expediting the service as it does to the increase of trips.

This bill, Mr. President, is a deficiency bill. A very extraordinary state of circumstances now exists. It appears that, in spite of the appropriation of Congress upon the recommendations of the Department a year ago, there is now a very large and unprecedented deficiency in this service, owing to the extension of the service and the making of contracts which the law and the appropriation had not provided for. Now, we are called upon to furnish money enough to carry on what the Department has begun, to the end of the year. That is the object of the bill. In order to guard against a further supposed misappropriation of money—I do not express my opinion upon it now, whether it is so or not—

Mr. DAVIS, of West Virginia. And a further deficiency.

Mr. EDMUNDS. And a further deficiency—as a consequence, the House inserted the provision that there should be no further expediting of service, which is the increase of the rapidity of a given number of trips, and the Committee on Appropriations has added to that "or increase of trips," so that if the House proposition be agreed to it cannot be "walked around," as the phrase is, by the Post-Office Department, where there is now a semi-weekly mail by getting around the provision that that should not be made more rapid by putting on a tri-weekly mail. The answer to it by the Senator from Kansas is that the western frontier—which is a very patriotic and very indefinite phrase—is filling up, and is going to fill up very fast this spring as soon as the snow melts off and the roads get good—

Mr. TELLER. It is filling up now.

Mr. EDMUNDS. Filling now, and consequently that the United States cannot wait until the 1st of July in providing for this alarming deficiency to see what further provision ought to be made in respect of increasing the trips on already established routes.

Another provision in the bill is adequate to any new settlement where a new service is to be instituted, and provision is made for it; but where there is an existing community with an existing service the House undertook to say, imperfectly, that owing to this alarming state of things in respect to the spending of money we should pull up until the 1st of July. The Committee on Appropriations have said, to make that perfect, we must also declare that you shall not only not expedite the service but you shall not make any increase of trips on the existing routes until the 1st of July. It does not appear to me that that is so very bad a thing.

The Senator from Maine says that there are four mails a day at Augusta; I believe that is where my friend lives. The city of Washington, according to the best of my knowledge, information, and belief, where I get my mail, has only three mails a day. That is all we Senators get, if other Senators are treated as I am. Yet we get on very well.

Mr. TELLER. Three mails from where?

Mr. EDMUNDS. Three mails from anywhere that are delivered to me. I do not know how many come in from various parts of the country.

Mr. TELLER. More than that come in.

Mr. EDMUNDS. There are not more than three mails between the city of New York and Washington delivered during a day.

Mr. TELLER. The mail from New York is not the only mail that comes in; some other mails come from the West and from the South, but the people in these little towns get only one mail from any portion of the world.

Mr. CONKLING. Is there any one direction from which mails come more than three times a day?

Mr. EDMUNDS. The inquiry of my friend from New York *sotto voce*, is the very one I was going to put. There is no one route, I think I am safe in saying, that comes into the capital of this nation, that has more than three mails a day from any one direction. And speaking for one, trying to do my small share in the transaction of public business and to answer correspondence promptly, I think it would be just as well for the public interest if there were not more than two mails that came into the city of Washington over any one route, in a day; and if three mails requiring the running of three trains cost more than two, I should be willing, according to my present knowledge, subject to a change of course, to vote to reduce the number to two in this very city if the expense of three is greater than it is of two.

Mr. BLAINE. You would save more by reducing the number to one.

Mr. EDMUNDS. And we could save still more by reducing it down to nothing. We may say on the same principle that the Senator from Maine by his private remark to me seems to imply, that because it is useful and wholesome for a man to eat four slices of bread in a day, it ought to be useful and wholesome for him to eat a barrel of flour. It may be so in Maine, but it is not so in Vermont. [Laughter.] A reasonable and proper limit for all things, moderation and temperance and economy, is the true thing to look at. That being the state of the case, it appears to me that the committee is perfectly right in perfecting this bill in providing that for the time being and in making up this deficiency and providing in another section for new routes, for new settlements of people, we will keep the service where it is until the 1st of July.

Mr. BECK. I know how useless it is to fight against the power and patronage of the Post-Office Department. That is demonstrated now; and the meaning of this increase of trips for the next three months means for four years, or as long as the present contracts run on all the routes where the increase is given, unless it be that the Department concludes to pay a month's extra pay for nothing, to stop service.

Mr. BLAINE. May I ask the honorable Senator if the suppression of them for the next three months means their suppression for four years?

Mr. BECK. No; but it means that whenever a new increase is granted it remains for the residue of the contract term, unless a month's extra pay is given to the contractor for nothing when the service is taken off. Is not that true? Since we are granting now \$1,100,000 to supply a deficiency which never ought to have existed, because we are willing to stand by what has been done, pending an investigation in the House relative to the merits of that, it surely is a very small matter when we have given \$100,000 for new routes, to say that you shall stop, pending that investigation, increasing those routes at any rate you please, and the expedition at any rate you please, until the 1st day of July, while we have this investigation going on.

Mr. BLAINE. But the Senator from Kentucky will observe that whereas the investigation relates to a number of routes that you can count on your fingers, the inhibition covers 10,700 routes, and you are going to make 10,700 routes stand still under this inhibition while the House of Representatives is finding out whether there has not been some abuse on some large star routes, not as numerous as the fingers I am using. That does not seem to be exactly logical.

And while I am up, allow me another word. If the Senator from Vermont does not see the distinction, he is the only Senator who does not, between inhibiting the expediting of an existing route and the holding down of a weekly mail where the increase and inflow of population demands a tri-weekly or daily mail. If the increase of trips upon an existing route is not a very different principle from the giving of a large sum of money to carrying an existing mail a great deal more rapidly, I have only to say that the Senator from Vermont is the only one who does not observe it.

Mr. WALLACE. Mr. President, it seems so impossible to close this bill to-night that I move that the Senate adjourn.

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

HOUSE OF REPRESENTATIVES.

TUESDAY, March 16, 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.

KANSAS CITY, FORT SCOTT AND GULF RAILROAD COMPANY.

Mr. NEWBERRY. I move, Mr. Speaker, that joint resolution (H. R. No. 240) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company, which was introduced yesterday by the gentleman from Kansas [Mr. RYAN] and referred to the Committee on Railways and Canals, be withdrawn from that committee and referred to the Committee on Pacific Railroads.

Mr. RYAN, of Kansas. I have no objection whatever to that change of reference.

There being no objection, the Committee on Railways and Canals was discharged from the further consideration of the joint resolution, and it was referred to the Committee on Pacific Railroads.

POST-OFFICE BUILDING AT QUINCY, ILLINOIS.

Mr. SINGLETON, of Illinois. Mr. Speaker, I move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 5074) to provide for the erection of a public post-office building in the city of Quincy, Illinois, and for other purposes, for the purpose of putting it upon its passage at this time. It is purely a local matter, and has been here for over a year. It is important I should get the action of the House at as early a day as practicable; and I hope my request will not be denied as I have heretofore given the House but little trouble in this way.

The SPEAKER. What does the gentleman propose to do with the bill?

Mr. SINGLETON, of Illinois. I ask by unanimous consent to bring it before the House in order to put it upon its passage at this time. It does not appropriate any money whatever.

Mr. BLOUNT. There are a great many bills of this sort, and I must object.

Mr. SINGLETON, of Illinois. It does not make any appropriation.

The SPEAKER. Objection is made.

SATURDAY FOR DEBATE.

Mr. FERNANDO WOOD. I move, Mr. Speaker, that by unanimous consent the session for Saturday next be set apart for discussion of the refunding bill in the Committee of the Whole House on the state of the Union; no other business whatever to be transacted.

There was no objection, and it was ordered accordingly.

Mr. FERNANDO WOOD. I move to reconsider the vote just taken; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BREWER. I demand the regular order.

Mr. SAWYER. I rise to a privileged question. Notice was given on Thursday last that the contested-election case of Bradley vs. Slemmons would be called up for consideration to-day. I move now to proceed to the consideration of that election case.

The SPEAKER. The gentleman from Missouri moves that the House do now proceed to the consideration of the election case of Bradley vs. Slemmons.

Mr. MCMAHON. I propose to raise the question of consideration of this bill for the purpose of proceeding with the deficiency bill, and at the proper time will move to dispense with the morning hour.

The SPEAKER. The gentleman from Ohio raises the question of consideration of the election case named with a view to proceeding with the general deficiency bill, and it is for the House to determine the question.

Mr. WEAVER. Is that question debatable?

The SPEAKER. Priority of business is not debatable.

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

The SPEAKER. The gentleman will state it.

Mr. HOOKER. I do not know what the question is—

The SPEAKER. That is not a point of order.

Mr. HOOKER. If the Speaker will bear with me for a moment I will state the point of order. I rose to ask the question whether or not the report of the Committee on Elections should not, under the rules, be first considered by the House, and in preference to any other business, that being a matter of the very highest privilege that the House can consider.

The SPEAKER. The Chair recognized the gentleman from Missouri to move to go into the consideration of that question, and the gentleman from Ohio raised the question of consideration, and it is for the House to determine.

Mr. HOOKER. The rule does not prescribe—

The SPEAKER. The rule prescribes and the practice of the House also prescribes that the gentleman from Ohio has the right to raise the question of consideration.

The question was taken on the motion of Mr. SAWYER.

The House divided; and there were—ayes 56, noes 108.

So the House refused to consider the election case of Bradley against Slemmons.

Mr. MCMAHON. I now move to dispense with the morning hour and proceed with the consideration of the deficiency bill.

The SPEAKER. This would require a two-thirds vote.

The House divided; and there were—ayes 124, noes 28.

So (two-thirds voting in favor thereof) the House determined to dispense with the morning hour.

Mr. MCMAHON. I now move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the general deficiency bill.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. CARLISLE in the chair.

DEFICIENCY APPROPRIATION BILL.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering the general

deficiency bill. The gentleman from Connecticut [Mr. HAWLEY] is entitled to the floor.

Mr. HAWLEY. Mr. Chairman, I am glad the House has decided to take up this bill. It contains some twenty-seven items supplying deficiencies in the service, and they are all, in the judgment of the Appropriations Committee, in which I as a member most heartily concur, immediately indispensable to the service. To pass the bill is a work of necessity, I might say of mercy; that is to say, I speak of the bill as reported from the committee.

I was a little surprised, to some extent grieved, to have notice given that there are two amendments proposed. One is a somewhat extensive bill, certainly an important amendment, changing the manner of choosing the Congressional Printer. Another amendment proposes to incorporate in this deficiency bill an appropriation for the payment of United States marshals. The first changes existing law, and is also the substance of another bill pending before the House, and ought to be out of order on an appropriation bill. The second is also the substance of a pending bill, and virtually changes, certainly defeats, existing law. Points of order have been reserved, and personally I hope they will be ruled out. But if they should not be, I hope the House will refuse to incorporate them. I for one shall be glad to vote for the bill as it stands. I reserve the right to vote against it if we are to have political legislation incorporated in it.

The proposed section for the payment of marshals is to pay the marshals and their general deputies. We have a bill pending before the House, reported, I believe, from the committee, proposing to devote \$600,000 to the marshals and their general deputies, and containing a proviso forbidding the use of any of this money for the payment of expenses under the national election laws. I understand it is proposed to drop the latter clause; but nevertheless by retaining the term "general" the same effect is reached. None of the money can be appropriated for the payment of expenses incurred under the general election laws save as marshals or general deputies may have been engaged, and most of the marshals so employed are special marshals. Therefore dropping the prohibitory proviso is nearly immaterial so far as the practical effect is concerned.

It appears, therefore, Mr. Chairman, that at the very first opportunity the democratic majority of this House renews the tactics that compelled the long, excited, and expensive extra session of last summer. And it does not appear thus far that the democratic party has learned anything from the debates of that session or from the public opinion of the country. The leaders seem determined to prove all that was charged against the party.

Now, sir, against this policy of what I shall term thumb-screw legislation I now, as I heretofore have done, enter my vehement and indignant protest. It is not the treatment that we have the right to expect from our associates in the great work of legislation.

The character of attempts of this kind has been very fully discussed and explained and appropriately designated before. It is practically revolutionary. I am astonished to see those gentlemen especially who are always protesting that they are misunderstood by the House and the country supporting tactics of this description. During the debate on the rules and at other times we have heard from members of the majority, a large number of them, protests that they were opposed to political legislation on appropriation bills. They have agreed in substance with us of the minority in disapproving that policy. Yet we see no indication in their actual votes that they are not to continue it. They avow it; they take the responsibility of it.

It has been claimed here in the House that the radical and revolutionary faction of the democracy has lost its control over the party. I perceive no evidence of it. There was nothing in what was done last summer that is anything more radical or revolutionary than what gentlemen propose here.

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

Mr. HAWLEY. I will, once. If I have made any mistake of fact, I am willing to be corrected.

Mr. WILSON. I wish to ask the gentleman if he is aware of the fact that the proposed amendment coming from the Printing Committee is in terms, or in substance at least, exactly a bill that was passed while the republican party had the control of both branches of Congress?

Mr. HAWLEY. That was not the point I made. I believe it, however, to be in terms a bill already pending and therefore subject to the point of order that it cannot be brought in as an amendment. But the true point is this. Here is a political matter sought to be incorporated with an appropriation bill so that in dealing with it we are compelled to vote for or against appropriations according to our judgment for or against the political measure.

Mr. WILSON. Is it not the fact that the rule now is substantially as it was then, and that the amendment offered here now is in substance identical with the bill pending on the Calendar?

Mr. HAWLEY. That is a point which can be better argued when the point of order is made on the amendment. If the gentleman is correct, the amendment he speaks of should be ruled out.

THUMB-SCREW LEGISLATION.

I propose very briefly to review this practice of tacking or of attaching political legislation to appropriation bills. The attempt was made to justify this by reference to the history of Great Britain. There

can be found precedents in that history previous to 1688, when Great Britain was engaged in a great political revolution. Since 1688 it has not been British practice. And since 1710 there has been an absolute rule of the House of Lords prohibiting it. It is regarded there as revolutionary and destructive of the rights of the House of Lords, barring that House from a free expression of its opinion upon bills of supply.

It is sought to justify it by reference to precedents in the legislation of Congress while it was under republican control. That cannot be done, in my opinion; because while the republicans, when they had a majority of both Houses, and the President, also, on their side, were in the very bad habit at times of putting general legislation on appropriation bills, it had not the effect then of thumb-screwing the Executive. And when some of the most illustrious examples of this bad habit occurred they had a two-thirds vote in both Houses, and it was therefore, as far as compelling the Executive was concerned, a mere matter of form; they could pass the bill, whether he approved or disapproved.

Mr. WILSON. I wish to ask the gentleman—

Mr. HAWLEY. Better not. I wish to proceed now without interruption.

The practice, however, is not justifiable because republicans were at times guilty of it. The only example furnished by republicans which is in reality applicable to the present discussion is that occurring during the great Kansas agitation, when they proposed to forbid the use of the Army in Kansas to enforce certain wicked legislation. In that instance the republicans, having brought about an extra session and come to a serious consideration of the subject, abandoned the attempt, being satisfied that they were wrong in proposing to coerce the Government in that way; and among the protests against tacking, against thumb-screwing legislation, there are none more logical and impressive than those made by eminent democratic Senators.

The judgment of the country is against this. The history of constitutional legislation is against it. Some of the States of the Union condemned it as early as 1776. In their first constitutions they emphatically condemned it and for the very reasons that we are in the habit of assigning on this side. As time passed, constitution after constitution has been so altered as to prevent it. Twenty-eight of the State constitutions rendered it impossible by a variety of provisions, but a great many of them containing this simple rule: "Bills shall contain but one subject which shall be distinctly described in the title." Other constitutions permit the executive to veto some while approving other sections of appropriation bills. And when the confederates came to adopt a constitution they took the existing Constitution of the United States with certain modifications. Among the modifications which their veteran politicians and legislators thought it necessary to make are clauses that rendered it utterly impossible to do what the democratic party of this House is seeking to do here to-day. We have the history of the State constitutions, the general progress of constitutional legislation in the country, the judgment of the Houses of Congress before this agitation in repeated instances, and what I am sure will weigh strongly with some gentlemen and which weighs somewhat with all, the thoughtful action of the confederate convention considering the defects of the Federal Constitution.

Under this policy of the democratic party there can be nothing like deliberate legislation. The work becomes a farce; we are not free to vote as we please; bills become a patchwork of general and political legislation and appropriations; the freedom of voting becomes the freedom of one subject to the highway robber, subject to the black-mailer, subject to the torture of inquisition. The call of the roll in a sense brings with it an insult, because it asks me to vote upon brass and clay, and silver and gold all mingled in one image. No legislative body has a right to bring a member to that emergency.

Now, as to the provision concerning the marshals, of which I hope I shall speak still more briefly. The Committee on Appropriations decided to make it an independent bill, which was rightly done. It is now proposed to put it on this appropriation bill, which is wrongly done. There is due marshals and special deputies in California some \$7,500 for labor under the election laws. The supervisors of elections are paid out of the Treasury under a permanent statute. This is not a matter of discretion with us, whether or not we will incur indebtedness of this sort. While the statute stands any two reputable citizens applying to the marshal have the right to demand that special deputies be appointed, and the marshal is imperatively directed by law to appoint those special deputies, whose very wise and proper duties are very carefully pointed out in the statute, and whose compensation is fixed. The indebtedness, therefore, may be incurred at any time by the marshal and two reputable citizens, without waiting for a specific appropriation. To refuse to pay it is to refuse to pay a lawful debt of the United States, and that is what is proposed in this instance.

The gentleman from Ohio, [Mr. McMAHON,] of the Committee on Appropriations, says that the majority of this House will appropriate nothing for special deputies, supervisors, or anything of that sort, and will not do so while the election law exists. I call upon this House and upon the country to properly stigmatize the character of that declaration. If the majority had in the first place brought before us a bill repealing or modifying the election laws I could listen

with more charity. I hold it to be their first duty, before adopting this policy, even if they are ever justifiable in doing so, to show us how far they desire to modify the election laws, or whether they desire to entirely repeal them. They have not done that. In fact, by leaving in some of the appropriation bills provisions relating to supervisors, last summer, they admitted the propriety of the law, or at least they declined to put themselves in square opposition to it by supporting a bill repealing it.

It appears, then, that they declare positively that they will not afford the necessary means for executing laws which they do not like. Now General Grant's doctrine is very much better; that the best way to bring about the repeal of an obnoxious law is to enforce it. I do not say that in some great revolutionary crisis Congress might not declare that it would not appropriate money to carry out existing law. But if it be the deliberate judgment of the democracy that the laws protecting elections are of the description that justify revolutionary measures, I shall be glad to have the declaration frankly made, so that the country may understand it.

THE NATIONAL RIGHT TO PROTECT NATIONAL ELECTIONS.

The Constitution of the United States provides very clearly that—The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.—Article 1, section 4.

Now the construction of that section of the Constitution was very well understood in the constitutional convention. It was very thoroughly debated and defended by Mr. Madison and other eminent gentlemen, on the exact ground that it is indispensable to the Government of the United States that it should have the power to protect the people in electing members of that Government.

It has been claimed that this power is to be exercised by Congress only in cases where the States have failed or neglected to provide for proper congressional elections. That point was made also in the constitutional convention, and it was there overruled. When the State conventions came to consider the new Constitution they were to some extent dissatisfied with this provision; and in six of those conventions the point was again raised, and an amendment to the Constitution was proposed, providing that Congress should not legislate on this subject of elections except in cases where the States had failed to legislate.

These proposed amendments came before the first Congress of the United States under the Constitution. They were deliberately debated in that Congress; Mr. Madison renewed his own arguments made in the constitutional convention. A proposition to submit to the State Legislatures an amendment giving to article 1, section 4, the construction described was voted down by 23 yeas to 23 nays; and the attempt has never been renewed.

The constitutional convention, the State conventions, and the first Congress under the Constitution understood that subject precisely as the republican party to-day understands it. Since that time the legislation of Congress has been in accordance therewith. Some of the States were in the habit of electing their congressional delegates in gross—by general ticket. Congress provided that Representatives should be elected by single districts. The States were in the habit of electing Representatives at different times; Congress provided that Representatives should all be elected on the Tuesday after the first Monday of November. The States were in the habit of electing their Senators at different times and in various ways, and with such irregularities that the people sometimes remained unrepresented in the Senate for long periods, and serious dissensions arose.

The Congress of the United States provided in minute detail for the election of Senators of the United States, going into the State Legislatures and prescribing the duties of clerks and presiding officers and members, commanding them to assemble at a certain hour in the day—twelve o'clock—and vote *viva voce* for a Senator; to assemble in joint convention the next day at twelve o'clock and read the distinct record of the ballot in each house; directing them, in case the record showed disagreement, to vote jointly and *viva voce*, and directing that in case they made no choice they should meet in joint convention day after day at twelve o'clock till they had made a choice. It is impossible, therefore, that Congress could have shown any more clearly its understanding of that section and of the right and duty of Congress to supremely regulate the election of Congressmen. And what it can "regulate" it can protect.

The democracy now say that an election law passed by Congress in direct, clear, incontrovertible execution of that section shall not be carried out, and they propose to put what is equivalent to that into this little deficiency bill—a work of necessity and mercy, as I have called it. I am obliged to say that this is a part of the general hostility manifested by a large body of people in this country to Federal power—just and constitutional Federal power of every description—hostility to the Army, hostility to the Executive, hostility to the Supreme Court, hostility to the protection of Federal officers by Federal courts while they are executing Federal laws, hostility to any attempt on the part of the General Government to protect the rights of the people in the sacred duty of voting.

I pass on to discuss

THE GOVERNMENT PRINTING OFFICE,

and what has been said concerning the Public Printer, apropos to the amendment which has been submitted to us providing for a new

method of electing that officer, and also appropriately under the item of the bill appropriating \$400,000 to carry on the work of that office.

Up to 1860 the Government was very much annoyed in endeavoring to get its printing done. Every system that has lately been spoken of in debate, nearly every system imaginable, had been tried; and of all the greatest failures was the attempt to do the work by contract. This is shown in the debates of 1852 and 1860 in speeches of members of both parties, whig and democratic.

In 1852 the attempt was made to escape these difficulties by appointing a superintendent of public printing who should supervise the work; and under his supervision the evils were not quite as great. In 1860 it was decided to have a Government Printer, and a Government Printing Office as well as a Government Printer. Since that time there have been comparatively few difficulties. I might say there were next to none until the printing of the CONGRESSIONAL RECORD was taken away from private parties, and put into the Government Printing Office. From that time there has been a constant war upon the Public Printer and upon the establishment—promoted I am bound to say from what I see in the public prints and hear everywhere—promoted largely by disappointed and discharged persons and by persons anxious to get the place of the Public Printer, which they fancy is one of great emolument, though the salary is only \$4,000 and the position one of the most laborious and vexatious under the Government. In addition to this, the opportunities of that department for what people call political plunder or patronage are greatly exaggerated; for there are but from one thousand to fifteen hundred men, women, boys, and girls employed there.

I incorporate in my speech a brief description of the work done by the Government Printer, taken from the minority report in the Hatcher and Finley investigation:

The amount is large, and the question naturally arises, for what is this expenditure made? The items for which expenditure is made consist of salaries paid the Public Printer and his assistants; wages of employés; expenses of the office of the Public Printer; the public printing; paper for the public printing; lithographing and engraving; public binding; CONGRESSIONAL RECORD, miscellaneous reports, and blank-books. A more detailed statement shows that the Government Printing Office does the work for the Department of State, including books of instruction, blank-books, and blanks for consuls throughout the world; books, blanks, and blank-books for the Treasury Department, including the custom-houses, mints, sub-treasuries, and internal-revenue offices for all parts of the United States; for the Post-Office Department, including all the post-offices, numbering over thirty-nine thousand, and the money-order offices of the country; for the War Department, including the books and blanks for the Army of the United States, arsenals, depot quartermasters, the Signal-Office, Surgeon-General's Office, &c.; for the Department of the Interior, which includes the land offices in all parts of the country, the large bureaus of the Patent and Pension Offices, and the offices of pension agents; for the Navy Department, including the Navy, the navy-yards, the Marine Corps, Naval Observatory, Nautical Almanac Office, and Hydrographic Office; for the Department of Justice, the Supreme Court of the United States, the supreme court of the District of Columbia; the Department of Agriculture; the Library of Congress; both Houses of Congress; and the Court of Claims.

Naturally enough the quantity of this work has grown from year to year, for the Government and the business of the country grow. During the year ending June 30, 1879, there were 110,749 pages of type set up; the number of distinct copies of books, reports, documents, bills, resolutions, &c., printed by order of and for Congress was 15,248,112; the cost of the paper was \$154,205.45; the cost of binding was \$133,298.95; the total cost, \$556,114.23. And this was what may be called congressional printing, and does not include the printing of the Departments, the extraordinary amounts of which I shall show.

On the 11th of January, 1878, the House ordered a general investigation of all the departments, including especially the Government Printing Office. Mr. HATCH was chairman of the committee, and the gentleman from Ohio [Mr. FINLEY] was chairman of the sub-committee. With him were associated the gentleman from Mississippi, [Mr. MANNING,] a democrat, and Mr. Burdick, of Iowa, a republican. They conducted that investigation steadily during the long session and during the winter of 1878-79. The last hearing—at least the last reported stenographically—was on the 27th of January, 1879. The investigation was conducted with closed doors—a somewhat unusual course I suggest.

Mr. FINLEY. I desire to say to the gentleman that his statement is not correct. That investigation was not conducted with closed doors. The doors were open; it was a public examination.

Mr. HAWLEY. I am very glad to hear that statement. I was assured by one of the parties that the examination was conducted with closed doors. I am glad it was not. There is one error corrected; I have enough faults left to comment upon. The committee had power to send for persons and papers. The sub-committee sat in the Government building much of the time during the spring of 1878, having full access to and full power over everything. The expert employed, Mr. Carlisle, had a room in the Government Printing Office devoted to himself. In short, nothing could be done more thoroughly, to all appearance, than was the work of these gentlemen, with a slight exception or two.

Let me incorporate an extract from the testimony of the expert, taken from Report No. 119, Forty-fifth Congress, third session—

By Mr. BURDICK:

Question. What experience if any, have you had in the keeping of accounts?
Answer. I have examined the accounts of the Treasury Department, the Post-Office Department, and the accounts of the Public Printer at different times.
Q. Do you consider yourself an expert?

A. I do consider myself an expert.

Q. Did you suggest this method of making up and preparing these statements which you have presented?

A. I do not think I did. My recollection is that I made up these statements by or under the direction of the committee.

Q. As an expert, would you say this was the proper way to make up an exhibit showing the receipts of the Public Printer and the disbursements made by him?

A. I think not, sir; no, sir; not to arrive at the exact condition.

Q. Might not a statement made in this manner show an untrue or deceptive result?

A. That might be the result from the manner in which the reports of the Printer are made up usually.

Q. If these statements are wrong and incorrect, it is in consequence of the method they are prepared, is it not?

A. Yes, sir.

Q. And not in the work itself?

A. No, sir; the difference is in the attempt to itemize the disbursements. The difference may have been made when they made up their annual report.

And, moreover, this expert testifies, as appears on page 611 of that testimony, that he had spent a very considerable time in connection with this business. He was repeatedly asked his opinion as to whether the business was conducted crookedly, or whether he discovered any crookedness whatever, and he disclaimed anything of the kind over and over again; that he had discovered nothing to justify suspicion even. I quote from page 611 of the report:

By Mr. KEIGHTLEY, (January 24, 1879):

Question. You have spent considerable time in the examination of the accounts in connection with the business done there?

Answer. Yes, sir; I have.

Q. From your examination of the accounts, I want to ask you what is your opinion as to whether the business is conducted crookedly or otherwise?

A. I am not prepared to answer that question fully. As far as I have gone, I have discovered nothing to lead me to suppose there has been any crookedness.

Q. Why can you not answer?

A. I have not completed my examination.

Q. You have spent much time in the examination of the papers, you regard yourself as an expert, and so far as you have gone you have discovered nothing to lead you to suppose that the Government Printing Office was conducted in any other way than honestly?

A. No, sir; because I have only gone so far.

By Mr. FINLEY:

Q. In what kind of shape did you find the books kept, good or otherwise?

A. Not in accordance with any idea of the manner in which books should be kept—as to the system. That is my opinion.

By Mr. BURDICK:

Q. What would be the true and correct method of ascertaining whether there is a deficiency in the accounts of the Public Printer or not?

A. By a comparison of the books of the Public Printer as to receipts and disbursements made by him with his accounts with the Treasury.

And again, on page 612 of that report, Mr. Burdick examines and the expert answers:

Question. Are accounts kept at the Treasury Department with the Public Printer?

Answer. They are.

Q. Have you consulted those accounts?

A. I have not; no, sir; except the account which has been before your committee.

I have compared that with the books of the Public Printer.

Q. If you had, acting on your own motion, desired to ascertain the true condition of the accounts of the Public Printer, would you not have examined the accounts kept with him at the Treasury?

A. I would, sir.

Q. Would you, as an expert, be satisfied with the result attained without an examination of his accounts there?

A. No, sir; I would not.

Q. Why have you not examined the accounts there?

A. I have had no opportunity.

Q. Have you been acting, in making out these statements, as your best judgment dictated?

A. No, sir; not as my best judgment dictated.

His statement at one time showed a deficiency of \$119,000. That was all brought forward by the sub-committee, as I have been told by persons who were present, to the committee of investigation, and it was shown that the errors arose from an expenditure of something like \$107,000 in printing agricultural reports. In short, the deficiency vanished under anything like a fair examination.

This expert was asked whether he was ever sent to the Treasury Department to examine the account kept with the Public Printer, and he said that he was not. He said it was impossible to make a fair and full examination unless that was done.

Mr. FINLEY. The gentleman from Connecticut will allow me to say I do not wish to take up his time, but simply desire to say to him that Mr. Carlisle, the expert, testified before the committee that all he undertook to do was to make a comparison between the reports of the Public Printer to Congress and his books, and that on such comparison he found the Public Printer had received, as appeared from his books, \$119,000 more than he reported to Congress he had received. He did not undertake to say it was a deficiency; he only said that he found this difference between his reports and his books.

Mr. HAWLEY. I have listened attentively and carefully to what the gentleman has said, and I read from the testimony, report, page 608. (Mr. Burdick asked the expert concerning the sum of \$107,986.35, disbursed for the Agricultural Report in 1877-78:)

Question. But this amount is reported as a deficiency in this statement prepared by you?

That is, Mr. Carlisle.

Answer. Yes, sir; that makes up one of the items.

In pages 600 to 604, the expert speaks of a "deficit" and a "deficiency," but he does say it cannot be fairly stated without examination of the books of the Treasury Department, which he was never asked or directed to examine.

Now, the committee at large overruled, as I understand, that special sub-committee and refused to report to Congress there had been a deficiency or that there was anything like a defalcation or fraud in the Department. I understood the gentleman from Ohio [Mr. FINLEY] to say the other day to the House that there was a deficiency of \$119,000. Yet, sir, there is none such; every single dollar to which the Public Printer is entitled is recorded in the books of the Register of the Treasury, and every single dollar he has drawn is accounted for and a voucher for every dollar, placed there.

Now, when that full committee, in which the gentleman from Ohio was chairman of the sub-committee, came to make its final report, this is the sum and substance of the judgment which it found. It had spent one year diligently endeavoring to find fraud, corruption, wrong-doing, waste, extravagance; it was a good service—it was right to look for it, but when they had spent this long time on this service they summed up as follows:

The testimony submitted by your committee shows, it is believed, abuses of authority, usurpation, unjustifiable practices, and dereliction of duty, and that the affairs of the Government Printing Office should in many respects be thoroughly reformed. To the determination thus reached there follows the corollary that a law should be passed which will close the many avenues to corruption, extravagance, and malfeasance now invitingly open to most officers of that vast establishment.

This is very indefinite and, as political judgments go, a very harmless one; for the specifications of abuses of authority amount to nothing or are exceedingly trifling. No count of indictment is framed upon them. The avenues to "corruption" and "malfeasance" are declared to be open, but it is not said that any one entered. All the usurpation amounts to is this man claimed the right to buy something for the Government in a slightly different way from what perhaps it ought to have been done, but there was no fraud in it. The article was honestly bought and went into the service of the Government. As to "unjustifiable practices," I hardly know where they are in this volume. In their report they might have specified one or two and framed a count upon them. "Dereliction of duty," that is another harmless expression. This was all they could make after one year's most thorough and painstaking examination with an expert; but the expert said it was not conducted, according to his judgment, in the manner in which it ought to have been done; that he did not examine the Register's books in the Treasury as he thinks he ought to have done, and that he found no "crookedness" whatever from the beginning to the end.

That is the substance of the report. The usual nineteen hundred copies were printed under the rules and the report died, the House taking no action on it. The report was valuable, showing this Government office was better than we had supposed; otherwise no service was done to the world or the country except to furnish materials for a century of speeches from the gentleman from Ohio.

PURCHASE OF INK.

I hastily notice a few of the minor specifications of wrong-doing. The Printer is charged with purchasing ink improperly for the office; that is, without inviting competition; but that was done long ago under Mr. Clapp. Mr. Defrees took an entirely different course. Mr. Clapp used to aim to buy the best inks he could get, and buy at fair market prices. He did his work as any good business man would aim to do it. But Mr. Defrees felt compelled to resort to the contract system. He asked for bids, and he received them from nine cents up to twenty-two or twenty-five cents for ordinary kinds, with a higher price for some few special inks. I believe Mr. Defrees did not get as good ink as he thinks, but he got it a little cheaper, just as a man who should ask Chatham street to make bids for his clothing might get it cheaper, but would find himself not well or really so economically clothed, and I rather think that Mr. Defrees did not get quite as good ink as Mr. Clapp received. I differ with Mr. Defrees in that respect. I think that the ink he got was not as good. Probably it was not so well ground, or the lamp-black or other components were not so good. I think it is altogether possible that you might be able on some pages to rub a black shade across the printed sheet even with clean fingers, [laughter,] because the ink is not absolutely perfect.

But that Mr. Clapp bought honestly under his system and that Mr. Defrees bought honestly under his system no man denies; and he got his inks cheaper, and for many purposes—for many of these documents—it undoubtedly answers very well and is an economy in that respect.

PURCHASE OF PAPER.

The book-paper used at the Government Printing Office is bought under the supervision of the Joint Committee on Printing in a very careful and systematic way. The joint committee of the two Houses issue proposals; the paper-makers are invited to bid; the committee award, and contracts are signed. The Printer gets a good paper at a fair price, but some little difficulty arises. It is quite impossible to make the paper of absolutely uniform tint and absolutely uniform quality, and men who are critical, as Mr. Spofford, of the Congressional Library, will point out defects. You cannot have so good and so uniform paper as if you made long contracts, ordering all of a certain class from one mill. You are subject to the accidents of the competition. Every business man understands that in a moment.

Mr. SINGLETON, of Mississippi. I hope the gentleman does not want to mislead the House.

Mr. HAWLEY. Certainly not.

Mr. SINGLETON, of Mississippi. Do I understand the gentleman to say that the Committee on Printing had the supervision of the purchase of ink?

Mr. HAWLEY. No, sir; but only the purchase of paper. The larger portion of the paper is purchased under the charge of the Committee on Printing.

Mr. SINGLETON, of Mississippi. I misunderstood the gentleman's statement.

Mr. HAWLEY. The paper for binding is bought by contract after competition, but not under the supervision of the joint committee. The mass of the book-paper is bought in that way.

PURCHASE OF MACHINES.

Now, another allegation is made concerning the machines which have been purchased there. The Government Printer simply did as any wise manager of business would do. He saw machines which would do the work of three, four, five, six, eight, or ten hands, and he bought them. In the first place he tried one or two, and then bought nine, and afterward four more of the wire-sewing machines. Now, sir, one of those machines running a fair number of hours, an average number of hours, for a year will save its \$1,500. I will not detain the House by reading the certificates which I hold here from the foremen of those different branches. I have them here, however, and beg leave to print.

OFFICE OF THE PUBLIC PRINTER,
Washington, March 13, 1880.

DEAR SIR: The machinery introduced in the electrotype and stereotype foundry at the Government Printing Office during the past year has resulted in great economy of time and expense, as well as a very manifest improvement in the quality of the work.

I am, very respectfully, &c.,

TO Hon. J. R. HAWLEY,
House of Representatives, Washington, D. C.

ALEX. ELLIOTT, JR.,
Foreman of Foundry.

OFFICE OF PUBLIC PRINTER,
Washington, March 13, 1880.

DEAR SIR: I hereby certify that the recent introduction of improved fast-printing machinery in place of the old, worn-out Adams presses has enabled me to do twice the amount—and of a far superior quality—of press-work that I was able to do on the old presses, and at a less cost for labor.

Respectfully, &c.,

O. H. REED, Foreman Press-Room.

Hon. J. R. HAWLEY.

OFFICE OF PUBLIC PRINTER,
Washington, March 13, 1880.

Hon. JOSEPH R. HAWLEY:

I hereby certify that the recent introduction of Chambers's book-folding machines in the Government Printing Office will enable me to do the character of folding which can be done on them for at least one-half the cost when done by hand.

The wire-stitching machines do the work better than by hand, and at a saving of two-thirds.

J. W. Jones's hydraulic paper and book-pressing machines are a great saving, and are invaluable to this office.

Respectfully, &c.,

THOS. B. PENICKS,
Superintendent Folding-Room, Government Printing Office.

OFFICE OF PUBLIC PRINTER,
Washington, March 13, 1880.

MY DEAR SIR: I hereby certify that the introduction of the wire book-sewing machine in the Government bindery has resulted in a great saving of the public money, as is shown by the table herewith inclosed.

Respectfully,

J. H. ROBERTS,
Foreman United States Government Bindery.

Hon. J. R. HAWLEY.

Number of signatures sewed on the wire-sewing machines for ten months in 1879, and two months in 1880, printed work, 24,768,434.

Cost of same if sewed by hand	\$18,873 89
Cost by machine	5,155 58

Saving

Number of blank-books sewed on wire-sewing machines from July 14, 1879, to February 23, 1880, 18,959 books, 66,330 quires.

Cost of same if sewed by hand	\$3,316 50
Cost by machine	326 67

Saving

2,989 83
The treasurer of the Wire Book-Sewing Machine Company, of Philadelphia, both telegraphs and writes me that his company alone has—

Ever made or can make in the United States the wire book-sewing machines. No machines have ever been sold or offered by any one connected with the company for less than the price at which they were sold to the United States Government.

One hundred and twenty-four of these machines are in use in this country and Europe, and they were in use in the great binderies of Sir Sidney Waterlow and others, in Europe, months before this Government ever took them on trial.

One reason we are able to do more printing in late years than before, and not increase the cost in proportion, is found just here in the introduction of these machines. The new inventions enter every field in the office, save in the labor of type-setting, and in time that will be done by machinery also.

PURCHASE OF PRESSES.

Mr. Defrees was charged with buying printing-presses improperly; that is, by direct purchase without bidding, and yet what use is there

in advertising that one wants so many Cottrell & Babcock presses or so many Adams presses, for no one can furnish them but Cottrell & Babcock and Adams. Why should he issue proposals for a Hoe press or a Walter press? It would be foolish for him to do otherwise than he has done—that was to buy at the market price of the makers of standard presses. There is no specification that any of these articles have been bought above the market price.

His coal, oil, cloth, flour, envelopes, lead-pencils, horse-feed, leather, and ice have been duly purchased of competing bidders.

THE PURCHASE OF TYPE.

A charge has been made against him in the matter of his purchase of type. I will put into my printed speech a letter of Bruce's Son & Co., who sold that type:

OFFICE OF GEORGE BRUCE'S SON & CO.,
No. 13 CHAMBERS STREET, NEW YORK,
December 24, 1878.

SIR: Yours of the 21st instant, inclosing slip from newspaper about Representative FINLEY's committee, headed "Rotten to the core," is received. It is not, we perceive, a regular report of the examination, but a sensational article, as evidenced by its very headings.

You ask us what truth there is in the testimony that deductions have been made on prices of type to private establishments, and also state that it is very likely we will be brought before the committee.

Our answer we wish to make very plain in order to avoid the discomfort of a journey for the purpose of appearing before the committee, though we are well aware it is not under oath. However, we are willing to make it so.

We know nothing about this investigation except that which is in your printed slip, and, in order to make our statement clear to you or to any one else, will proceed *seriatim*.

According to this article, Mr. John G. Judd testifies that it was customary to make a discount of 5 to 15 per cent. from same price-list.

The article goes on to state that before this discount was made nonpareil was fifty-eight cents per pound; brevier, forty-eight cents; long primer, forty-two cents, &c. This article is evidently garbled, and we do not believe that Mr. Judd swears to that.

The new price-list lowering the prices of those articles was made after your type was bought and delivered, about the 20th of November, 1878, by most of the type foundries in the United States meeting at Cleveland, Ohio, and making that new low list to take effect December 16 and not before. We inclose you a circular from the northwestern type-founders, received 21st instant, and dated September 16, giving their reasons for this reduction. We do not belong to the Type Founders' Association, but cannot fight the whole country even with a better article, and so since the 16th of this month have come down in our prices, as you will see by the bill of December 21, *pica* thirty-eight cents, long primer forty-two cents, and brevier forty-eight cents, which agrees precisely with Mr. Judd's last statement. All your late purchases of Roman type, except that just referred to, had been made before the reduction took place: Long primer fifty cents, brevier fifty-five cents, and nonpareil sixty-six cents, which were until then our printed price, and may be found on page 3 of our abridged specimen book. We print thereon, in capital letters, that these prices are net cash. What is the use of driving away custom if we do not stick to it. [By not sticking to it!]

Mr. Larcombe, the next witness, according to this article, testifies correctly as to the prices we charged your office before the 16th of the month when the new prices took effect.

We sold you from April 1 to August 10, \$1,476.01; August 30 to December 11, \$37,091.33; total, \$38,567.34. What other firms supplied the balance of the \$41,470.02 we know not.

Mr. Thomas J. Brady, according to this article, testifies that recently his office at Muncie, Indiana, had to be replenished and he bought type at 35 to 43 per cent. discount from price-lists which were 7 to 10 per cent. below Bruce & Co.'s. The type-foundry lists, ours included we believe, are all uniform, and we do not believe the statement that he bought so cheaply. [Mr. Brady said 10 to 30 per cent. discount, on a few small things 35 to 43. He said: "We had been trading a long time at Cincinnati, and Chicago wanted to get the trade away from Cincinnati."]

To conclude, we sold you on our regular terms, and all orders your office may send us will be filled in the same way.

If you had delayed your large order till December 16 you would have been supplied cheaper, but you did not know that, nor did we. Type have been sold cheaper and they have been sold dearer than we sold you lately, and we ourselves and other type-founders have sold below cost for some small amount to beat those who have electrotyped our articles and stolen the production of our brains. But we will not do that for any large amount, as we do not intend to work for nothing. Some of our western foundries have been cutting one another's throats, we are aware, and are sick of it. (*vide* the circular.) The prices in that circular are the standard prices since the 16th instant.

The fonts we have supplied you with are uniform; they have the accents to match them, not imperfectly, but exactly—Roman lower-case, caps, small caps; Italic lower-case and caps; longs and shorts of both Roman and Italic. You need not be ashamed of it. We consider it a first-rate advertisement. We doubt very much if any other foundry could supply your order so well and so quickly as we did, and many of the foundries could not furnish you with the sorts as quickly as you must have them.

We sold you at our regular prices, as we supplied the two mercantile agencies in this city with forty thousand pounds of agate each at full printed prices. They were afraid their orders would not be executed promptly by other parties, and we presume you may have been in the same situation.

Allow us to call your attention to the fact that when you first ordered brevier from us, in 1861, you wished a large-bodied brevier, such as was then in use in your office, which would consume about one-tenth more paper than that we furnished you according to our regular size; and seeing the economy you took our regular size.

We mentioned casually to your predecessor, Mr. Clapp, that type should be contracted for, as we had bid for it once or twice. He replied that the Printing Committee had decided that type were not printing materials.

If you wish your type to match with that you had formerly for justification, and the works you now turn out to be uniform with the others from the Government Office from its foundation, you could not be supplied elsewhere without a great expenditure.

Compare the type made by us with the work turned out by Wendell. Senator ANTHONY, who is an old printer, must understand this. Perhaps it would be well to let the committee read this letter. We do not know if it is the Printing Committee or a special committee.

Your obedient servants,

GEO. BRUCE'S SON & CO.

JOHN D. DEFREES, Esq.,
Public Printer, Washington, D. C.

It is charged in that report, and has been charged I believe in the debate here, that he paid too much for type. He bought a large in-

voice of type in the summer and autumn of 1878. On the 16th of December the leading type-founders of the country entered into an agreement, very considerably reducing their prices. He could have bought after December 16 at a lower figure; and it is very easy for one who does not fairly state the whole case to make it appear he paid an extravagant price. But it is said, why did he not invite public competition? The Government Office began in 1861 with Bruce's type—there is none better in the world. Now type do not wear out uniformly. Any one can see that the type used daily wears rapidly. The blocks called "quads" which cause the spaces do not touch the rollers or the press at all and will last through generations of the types that contain letters. Then, again, the types which contain the exclamation points, the chemical signs, algebraic formulæ, the fractions, accents, quotations, and like, making a large proportion of the "sorts," as printers call them, do not wear out so fast because they are not so much used. Sometimes pages of the RECORD will contain none of them.

In an establishment like this the printer buys only what he needs for renewal. Should he open the purchase to competition he would receive type that would not "justify," as it is called, with the old. They would not precisely fit, and it is absolutely indispensable that the fitting should be precisely accurate. His most economical way is to go to the firm which furnished the first supply and get from them enough to make his assortment complete again, thus from time to time filling up what is worn out. Again, if he tries to buy whole fonts from the lowest bidders, he must sell off whole fonts as old metal, when they were only worn out in certain sorts. It would be found a most extravagant process, as any business man can very readily understand. That is the reason why Mr. Defrees went and bought his type as a prudent man would have done, buying it all from one firm, so that the new supplies fit the old. And the successive volumes of the RECORD and of numberless other publications have a uniform appearance.

WORKING ON TIME AND BY THE PIECE.

A very large part of the work in the establishment is done by the piece, and the rest is done on time. A small amount of that on time is done by men having permanent annual salaries. There are a great many there who work by the hour; but if there are but two hours' work in a day they are discharged at the end of two hours and paid only for two hours. This, of course, is nearly equivalent, as a matter of economy, to working by the piece. Sometimes these men are called upon to work twelve or even eighteen hours a day, and then they are paid accordingly. To those working by the piece the price for "composition" is apparently large. The law says the Public Printer shall pay not to exceed fifty cents per thousand ems. That is a rather large price as things are now; but it is not thought to be wrong on the whole. He is not bound to pay so much as that if he can get the work done more cheaply. But in estimating what should be the price these things had to be considered: sometimes a printer has a night's work of twelve hours and then come three days of light work or next to nothing to do, when Congress has adjourned over a few days, or has very brief sessions, or has ordered very little work. The man one night will get seventy-five cents' worth of work and then on another night he will get five dollars' worth, scarcely stopping to eat. Then there is the vacation in the summer, when sometimes there is little or nothing to do for many of the compositors. It is evident that if he has to live here and work for the Government he must have a pretty good price while he does work if his pay is to be on an average equal to that of decently paid workmen elsewhere.

RUNNING OVER THE FISCAL YEAR.

The gentleman from Ohio [Mr. McMAHON] said that Mr. Defrees could not tell what work would come within this fiscal year and what would run over into the next. It is obviously impossible for him to tell. Take what occurred last year. Take the extra session. That came unexpectedly and threw upon the Public Printer a vast amount of work and a great deal of what he was already engaged to do had to pass beyond the 1st of July into the next, or this, fiscal year. He said the RECORD work was done in the last fiscal year. No, sir. Only the daily RECORDS were completed in that year. The great bound volumes were shoved over past the 1st of July and came into the current fiscal year.

WASTE.

It was said that no intelligent explanation was given in regard to the waste paper and rags and all sorts of things of that description. Sir, every dollar of that is accounted for and is entered upon the books of the Treasury. Sales of extra documents are reported every month. If the investigating committee had sent its expert to the Treasury Department he would have found all this accounted for.

WASTE GOLD-LEAF.

A large space is covered by an attempt to account for the waste gold-leaf. Under the old system that was considered fairly a perquisite of the workmen in the bindery, and they used to save the rags and sponge with which they wiped off the gold-leaf, and in the course of a year they would be able to put a few dollars in their pockets from the sale of the gold. But in a fit of economy the old usage was abandoned, and by saving up the old rags and sending them to the Mint and having them carefully burned and assayed the Public Printer was enabled to get two or three or four hundred dollars in one year.

It was hardly worth while for the committee to waste many pages of testimony and to call many witnesses in regard to that matter.

ECONOMY.

The gentleman from Ohio [Mr. FINLEY] said that he believed he could show that \$500,000 a year more than is necessary is expended on printing. Well, I wish he had shown it. It would have been a most marvelous thing. The total cost of the congressional printing, outside of the printing for the Departments, as given on page 27 of the report, was only \$556,114.28. Now, I do not know where the gentleman could have saved \$500,000 out of that; certainly the work could not have been done for \$56,000.

There is not one Department of the Government that is able to show a surplus in its printing account. I have before me here the figures from the Department of the Interior, showing that that Department will need \$44,000 more for its printing this year than last year, owing to the new bureau of the Geological Survey and the large increase of work in the Land Office, Pension Bureau, &c.; and in the Post-Office Department there will be needed a large amount more than in previous years. The first six months, compared with the first six of last year, called for \$22,850.43 more. This is due to constantly increasing business, notably in the money-order business, foreign and domestic, the change in the registered-letter system dispensing with old blanks and calling for new stereotyping, printing, &c., &c.

The Treasury Department keeps even, but must have more next year. The War Department resolutely obeys orders and lives within its appropriation, but it is badly cut down, and needs more as a measure of economy.

THE VAST WORK DONE.

Members of Congress generally have a very slight idea of the amount of work done in this office. If they really desire hereafter or now to pursue the investigation, I advise them in the first place to read thoroughly the two speeches of Mr. Burdick, of Iowa, made in the last Congress and placed on our tables this morning. He spent a year on that investigation with the gentleman from Ohio, [Mr. FINLEY,] and in his speeches gives a thorough explanation of the whole matter. In the next place I advise members to go into the Printing Office and talk with the very intelligent foremen there. And that reminds me that I must do justice to one of them who is a constituent of mine. He has been there for many years; he did not get his appointment through me, and I did not know he was here until he introduced himself a few years ago. I refer to Mr. Roberts, the foreman of the bindery. The gentleman from Ohio [Mr. FINLEY] speaks of him as "that man Roberts," and refers to a transaction which took place many years ago and which he thinks was discreditable to Mr. Roberts. A firm in this city, Philp & Solomons, used to furnish the blank-books for the Government. That was stopped and the work was turned over to the Government Printing Office. At the time that was done Philp & Solomons had on hand a few hundred blank-books made chiefly for the Treasury Department, and naturally they wanted to get rid of them.

Now, Mr. Roberts, the foreman of the bindery at the Government Printing Office, bought those blank-books as blank paper. He told a little white lie about it. They were bound up into blank-books, but he bought them as blank paper, because he had a right to buy that; but he did not feel justified in buying blank-books, for it was his business to make such for the Government. But, mind you, while he bought them for \$234, at about the price of the blank paper in them, with the knowledge and approval of all parties, the transaction was recorded, and resulted in a handsome saving to the Treasury, and Mr. Roberts put nothing into his own pocket by the operation. Yet some people tried to make a scandal out of that. Now I know the man, and you may work at him as long as you please, and you will always find that he is a very faithful, capable, patriotic, and honest man.

Mr. CHITTENDEN. I know him.

Mr. HAWLEY. During this session of Congress the orders for papers printed to the extent of what is called the "usual number" of documents, that is to say 1,900, have amounted to 1,234; and 918 of the documents have been printed, amounting to 1,839,200 copies. Some of those documents are of but one page, some of them two or three or four pages; others of them make considerable volumes. By resolutions of the Senate, outside of these orders of the House, there have been ordered to be printed 42,275 copies; by resolution of the House 25,300 copies; making a total of documents ordered, and nearly all printed this session, of 1,916,675 copies.

Now if you add to that the larger volumes, such as the President's message with the accompanying documents, and large executive documents which are printed under a permanent statute, you will vastly increase the number of copies of documents printed at the Government Printing Office. I have not the number here, but the cost of printing such documents for the corresponding period of last year was \$118,000. That work has been going on, and is now very nearly completed.

Gentlemen, let me surprise you a little by exhibiting one day's work in this House. One week ago to-day, March 9, resolutions were offered in this House for the printing of certain octavo volumes. They were 100,000 copies of the report upon forestry by Dr. Hough, and a further edition of 50,000 copies of a previous volume on forestry prepared under the Commissioner of Agriculture by the same gentleman;

20,000 copies of the report upon beet sugar and the manufacture of sugar from beets; 300,000 copies of the report of the Commissioner of Agriculture; 100,000 copies of the special report of the Commissioner of Agriculture upon the diseases of swine. Those resolutions were offered (I do not say the volumes were ordered) in one afternoon here, and referred to the Committee on Printing. You know from the titles that these volumes are likely to be printed. All will be printed in greater or less numbers. I venture to say that any one of those resolutions proposed to the House to-day would be carried by a large majority. They are all no doubt valuable books. Whether the exact number proposed ought to be printed or not I do not say. But what did this amount to in one day? Five hundred and seventy thousand octavo volumes—one day's proposed work!

Let me surprise you still more. I have here a letter from Mr. Defrees, the Public Printer, explaining the deficiency partly provided for in this bill. It is as follows:

SIR: The last session of the Forty-fifth and the first (extra) session of the Forty-sixth Congress ordered an amount of printing and binding greatly exceeding that ordered by any preceding sessions.

When the appropriation was made for the fiscal year ending the 30th day of June, 1880, no estimate was made for the printing and binding for the extra session, as the necessity for holding it was not known.

The printing ordered at these sessions will make (exclusive of the RECORD) 44,118 octavo pages and 2,699,625 octavo volumes or copies, 25,862 quarto pages and 270,374 quarto volumes or copies, aggregating 69,000 pages and 2,969,999 volumes or copies, and many of them having costly illustrations.

The requisitions made by the Executive Departments for blanks and blank-books also exceed those of any other year.

The price of paper to be paid for from the first of the present month for the ensuing year is 15 per cent. greater than last year, as shown by the contracts just entered into by direction of the Joint Committee on Printing.

Of the amount appropriated for the present fiscal year there remains unexpended the sum of \$300,000; so that, in view of the above facts, it will not be possible to do without the further amount of \$450,000 as a deficiency, which I most respectfully ask shall be appropriated at once.

Very respectfully, yours, &c.,

JNO. D. DEFREES,
Public Printer.

HON. J. C. D. ATKINS,
Chairman of Committee on Appropriations.
FEBRUARY 5, 1880.

It shows that the printing ordered in the last session of the Forty-fifth and the first session of the Forty-sixth (that is the extra session) amounted to 44,118 octavo pages—that is, pages of type, 2,699,625 octavo volumes, 25,862 quarto pages, 270,374 quarto volumes, the aggregate being 69,000 solid pages of type and 2,969,999 volumes or copies, many of them having costly illustrations. That was the work of the last session of the Forty-fifth Congress and the extra session of the Forty-sixth.

Now, I have said that the printing proposed here last Tuesday amounted to 570,000 volumes. Everybody can see that the Congressional Library is a magnificent establishment. Everybody who goes there is impressed by those long and lofty rooms and those crowded alcoves. How many volumes are there? Three hundred and seventy-six thousand, with a little more than one hundred thousand loose pamphlets. Many of the volumes are very thin and small; they do not equal the average of our documents in size; but if we suppose that they do, we last Tuesday were asked to print 194,000 volumes more than there are in the entire Congressional Library. In the last session of the Forty-fifth Congress and the extra session of the Forty-sixth there were ordered printed 3,000,000 volumes, which, without making allowance for the difference in size, (which ought to be allowed for,) amounts to eight times the entire number of books in that grand Congressional Library.

If you make allowance for the difference in the size of the books you would find the proportion nine or ten fold; for 270,000 of these documents were great quartos like the bound volumes of the RECORD, while the Congressional Library has not near so many of that size; many of the books are small, thin volumes. Undoubtedly in those two sessions you ordered at least eight times the number of volumes contained in that magnificent library. Yet you grumble when the Public Printer comes here for an extra appropriation. If you can show where he stole a dollar or wasted a dollar, that is all right; but do not blame him for the large cost of this work until you have counted up what you have ordered him to do. You gave him but \$1,500,000 for this year. The average cost for printing during the last sixteen and three-quarters years (during which the country has grown greatly) is \$1,668,000.

[Here the hammer fell.]

Mr. HAWLEY. May I have five minutes more?

Mr. KEIFER. I move that the gentleman be allowed five or ten minutes more to finish his remarks.

The CHAIRMAN. The Chair hears no objection.

Mr. HAWLEY. The average expenditure for public printing during the last sixteen and three-quarters years was \$1,668,516.63; and you gave the Public Printer for this year \$1,500,000, which was \$168,000 less than the average for all these years. He says that you piled up this work so that it was impossible to do it without \$450,000 additional. Now, I hope the Committee of the Whole will not be so unwise as to adopt the amendment of the gentleman from Ohio, [Mr. McMAHON,] which proposes to reduce this appropriation to \$300,000. You ought rather to make it \$450,000. The alternative is to appoint somebody who knows enough—somebody whom you can trust—to cut down the number of volumes. Undoubtedly if you provide that

only twenty-five thousand of the Agricultural Report shall be printed, only ten thousand of the report on the diseases of swine, &c., you can appropriate less money; but I say the better plan is to meet this demand and be a little more careful for the future. I do not say that the aggregate is any too great, for I do not pretend to pass upon the wisdom of having all these works printed. There was one year, many years ago, when the printing amounted to \$2,200,000. Considering the length of the extra session, and the number of valuable works increasing naturally from year to year, I am not sure but \$1,950,000 is a moderate expenditure. Ten or fifteen years ago the same amount of work would have cost very much more. Last year the Printer got his paper at a moderate price. Now he is paying 15 per cent. more for white paper. Paper is one of the enormous items.

You ask if it is an economical office. It is vastly economical in comparison with the old extravagant and corrupt system. I would not have the Government go back to the contract system. It was full of dishonesty and waste. It was understood that when contracts were awarded large percentages went to a few newspapers, and for other political purposes. Look at the Covode investigation. It is a fact those things were done in those days; whatever we may say against ourselves we do not permit those things in our day. The political system then was full of it.

I do not say if the Harpers had that establishment, running it for themselves, in New York City, they might not run it a little more economically; but it is doubtful then. I mean only in this way; they might be able, living in New York, to jew the compositors down to a lower figure; but here the work being irregular, fifty cents one day and \$2 the next, and the third nothing, fifty cents a thousand ems is not extravagant. They might manage in some way to get it down a little more cheaply, but in no other way can the Government have it done so cheaply. You make eight hours a day's work, and those who work by the day quit at the end of eight hours. Do not blame the department for that, if one-fifth less work is done in a day. A large part is done by the hour; so that does not make much difference.

I say the management of that office generally is good. I never looked into it with care until within three days, when I have been driven to it by the turn this debate has taken. I have read over a number of these documents and conversed with the very intelligent and capable foremen and clerks, and have been gratified to find how excellent that management is. The system on the whole is good. Mr. Defrees asked the First Comptroller of the Treasury and one of the Auditors to come over and look at his system and see whether any better plan of doing his business could be suggested. They came and examined, but recommended no change.

It is a matter of national pride. There is no such establishment in the country. Clearly no private citizen could afford such. Is it enterprising? I have known the printer to bring in here in the morning punctually eighty-eight pages of this RECORD, equivalent to a bound volume of two hundred and seventy-five or three hundred pages, which his office had set up and struck off in twelve hours. Both Houses ran their mills all the afternoon and evening, and made eighty-eight quarto pages, yet the literal report was on time. About five or six years ago, when the revisers completed the first edition of the Revised Statutes, a ponderous volume of some eleven hundred pages, it was over to the printer on Tuesday. It was laid on these tables printed and bound, a splendid volume, on Friday of that week. Who can do better? I append a statement from the First Auditor of the Treasury:

TREASURY DEPARTMENT, FIRST AUDITOR'S OFFICE,
March 13, 1880.

Hon. J. R. HAWLEY.

House of Representatives:

I hereby certify that vouchers are on hand in this office, belonging to the Public Printer, for the appropriation of 1880, amounting to \$1,072,771.52; and further that vouchers have passed this office for payment for paper out of same appropriation, amounting to \$323,751.34, and that accounts have passed this office, and are on the way to draft, amounting to \$10,890.70; and that the Public Printer, by accounts rendered to this office, has accounted for all the moneys advanced to him by requisition, except the balance shown in accompanying statement, with which balance the Public Printer's accounts agree, as rendered.

R. M. REYNOLDS,
Auditor.

Amount of appropriation	\$1,504,000 00
Amount added from sales of waste-paper	29,089 17
Total	1,533,089 17
Vouchers on hand in the First Auditor's Office	\$1,072,771 52
Amount paid by draft to private parties	323,751 34
Accounts on way to draft	10,890 70
Total	1,407,413 56
Left of appropriation	125,675 61
In Treasury	55,334 13
Held by Public Printer	70,341 48
Total	125,675 61

[This is not dated, but is the statement referred to in and accompanying letter of March 13, 1880.]

Mr. SINGLETON, of Mississippi. Mr. Chairman, I had not intended to take part in the general discussion of this bill, and should not have done so except for the fact that the Committee on Printing of this House has been referred to by several of those who have made speeches on this bill, and by the gentleman from New York [Mr. HISCOCK] on Friday, seemingly with an effort to connect said committee

with whatever of crookedness might be found in the Printing Office itself. I will endeavor before I take my seat to explain the connection which the Printing Committee has with that establishment, and to show that we have no more control over it except in the purchase of one article, to wit, paper, than we have over any other Department of this Government.

This bill is not one of our regular appropriation bills. It is what is termed a deficiency bill, a bill to add something to the amount already granted for carrying on the business of the several Departments of the Government. And while, Mr. Chairman, bills of this character are regarded by me with great disfavor, the necessity for them growing, as it frequently does, out of the extravagant and unnecessary expenditure of money in these several Departments above and beyond that set apart for their use, yet candor compels me to admit that this is not always the case, but that sometimes the necessity for a deficiency bill comes of the fact that Congress has failed to make, at the proper time, sufficient appropriations, and at other times, out of circumstances which are unforeseen and which, as a matter of course, are not provided for in the general appropriation bills.

Such is the case to a certain extent in regard to the two largest items mentioned in this bill. The six-hundred-thousand-dollar item which it is asked shall be appropriated for the payment of marshals and their regular deputies grows out of the fact that, at the last session of Congress, there was a failure to appropriate for this purpose. The circumstances under which that failure occurred, I do not propose to discuss to-day. The history of the matter is familiar not only to the members of this House but to the whole country. It will be remembered that Congress put on the bill a rider which provided that no part of the \$600,000 which we were ready to appropriate should be used for the purpose of paying special deputies who were to supervise elections, as we on this side believed, in the interest of the republican party.

The President was not willing to receive the \$600,000 which we offered him upon the conditions we saw fit to prescribe, and the consequence was that the President having vetoed the bill, we adjourned without making that appropriation. Now the Committee on Appropriations comes forward and presents a bill proposing to appropriate \$600,000 for the marshals and their regular deputies without any condition annexed; but gentlemen on the other side of the House, if I understand their purposes, propose to amend the bill and put upon it a provision for the payment of the special deputy marshals. And the argument which was used by the gentleman from New York on Friday last is that the law authorizing the employment of these special deputies having been declared constitutional by the Supreme Court of the United States, therefore we should make haste and appropriate money for their payment and that an amendment should be put on this bill to that end.

While I admit, the law having been declared constitutional by the Supreme Court of the United States, Congress has no right to resist it, and while in the future it may be deemed right and proper to make appropriations for these special deputy marshals, I hold that there is no duty imposed upon us requiring that we hasten into the presence as it were of said court with heads uncovered and feet unshod, saying, "May it please your honors we are ready to do your bidding; to appropriate this money, and to postpone other important business." These special deputy marshals are *functus officio*. They are no longer in office, and there is no special necessity for haste in this matter. We want some time to deliberate on it. It may be that we can couple some other provisions with the act making this appropriation which will save us from the presence and dictation of these pimps and spies hereafter, and therefore we ask that you accept the \$600,000 we tender in good faith, and that you do not delay the passage of this bill by any offer on your part to put upon it an amendment such as is contemplated.

It is true the Supreme Court of the United States has decided the case. Its connection with it has ceased; it can deal with it no further. It is then a matter purely for the consideration of Congress, whether it make that appropriation to-day, or whether it will make it at some future day, or whether it will make it at all.

It may be the pleasure of this House to amend the bill according to the views of gentlemen on the other side, and make the appropriation in this bill; but if it does not, then no injustice has been done, because the same question will come up some other time during the session when we can all discuss it and vote upon it according to our respective views. We say, therefore, you had better take the \$600,000 that is offered you in good faith and not undertake to encumber this bill with amendments. The purpose of the bill, not being a general but a special deficiency bill, is to meet cases of emergency. This is the view that the Committee on Appropriations has taken, and delay in passing the bill will undoubtedly work great detriment to individuals as well as to the Government. But no such argument can be made with regard to these special deputies, and the question in reference to their payment can be determined at any time hereafter. It is not urgent at this time.

Again, as to the \$400,000 for the Government Printing Office. It will be remembered that in our regular appropriation bill for the present fiscal year we set apart for carrying on the Printing Office \$1,500,000. We had before us the Public Printer and his chief clerk, and after a full discussion of the matter it was agreed on their part that this would be sufficient for all the necessities of the Printing

Office during the current year. We gave them, therefore, all that was asked; but when we called the Public Printer before us at this session and asked the reasons why he wanted this additional appropriation of \$450,000 he gave the following reasons, to which we should give due weight. Whether they explain fully the propriety of this demand or not, and how far these reasons satisfied the minds of the several members of the Appropriations Committee, will be found out before we get through with the question by the speeches and votes of gentlemen of the committee on both sides of the House. The reasons offered were—first, the extra session of Congress, which extended over a period of three months, which was entirely unanticipated when his estimates were made, and consequently no provision was made for it.

This we know to be true, and accounts in some measure for the deficiency appropriation demanded.

Again, he urged as a reason that there had been an increase in the prices of material to be purchased for the use of the Printing Office, especially in printing-paper, which has risen above 20 per cent. I think the contracts made will show that to be a fact. The third reason was that an extraordinary amount of printing had been ordered by the Forty-fifth Congress, (the two sessions of that Congress,) and the extra session of the Forty-sixth Congress. You have heard to-day what was said by General Hawley on that subject. It is perfectly certain to my mind, as chairman of the Committee on Printing, that an unusual number of books have been ordered to be printed, as stated by the Public Printer.

Gentlemen might say: are you not responsible for it as chairman of the Committee on Printing? To some extent I feel myself responsible, but to a very large extent I am not responsible; nor is any member of that committee responsible. For, be it known to you, that oftentimes when we make our reports to this House in favor of printing a limited number of a particular book or report the House will take charge of the matter and order perhaps four times as many books as your committee thought necessary. Such was the case when my friend from South Carolina [Mr. AIKEN] overran the committee on the question of printing a certain book—I forget what it was at this moment.

Mr. AIKEN. The report on forestry.

Mr. SINGLETON, of Mississippi. Yes, the forestry report; which has already been alluded to to-day as a most unnecessary expenditure of the public money.

Again, you find that in the last days of the last session of the Forty-fifth Congress there were numbers of books ordered to be printed, as to the printing of which adverse reports had been made by the Committee on Printing. To illustrate: Here is a work called a catalogue of the subjects—not of the books merely, but of the subjects contained in every one of the antiquated books that have been placed in the library of the Surgeon-General. Why, sir, there are thousands and thousands of volumes there, and a catalogue of the books had already been printed; but that was not satisfactory to the Surgeon-General and his friends. They must come to Congress and ask that a catalogue of all the subjects of the books contained in that vast library should be published for the benefit of the medical fraternity. The Committee on Printing, year after year, declined to recommend this printing, but in the last days of—I am not sure whether it was the extra session or the last session of the Forty-fifth Congress—on the very last day or day before the Congress adjourned, by a resolution sprung upon the House by some gentleman, the first two volumes of that catalogue were ordered to be printed. It was said there would be eight volumes of it, and five thousand copies of the first two volumes will cost the Government \$20,000. And when you get through the work, even supposing the cost to be limited to \$20,000 for each two volumes, you will find the eight volumes will cost you \$80,000. And that is not the end of it. This library will continue to increase, the number of books will be augmented, and you will find from year to year, having commenced this work, the same demand will be made; it will be said, "We have gone into this matter; we have spent eighty or a hundred thousand dollars, and now we must have money to finish the job." It is a perennial outgoing stream. There is no end to it that I can see.

So of the Black Hills report which was gotten up, as I believe, in the interest of private individuals. A commission ordered by the Secretary of the Interior was sent out to survey the Black Hills in order doubtless to find where the rich lands were and where the gold mines were located; the idea being that the Indians would be driven out from the Black Hills, and then the gentlemen in possession of this knowledge, gotten up without any authority of law, would have the power to go and locate these lands ahead of those who had not this information. This work was ordered by the Interior Department. It was begun and carried on by that Department. And when it was found that matters did not take exactly the course that was anticipated, then the party that made the surveys that had been ordered by the Interior Department was remitted to Congress for his pay; and some thousands of dollars were voted to pay for the same. Congress, notwithstanding the Committee on Printing, time and again, refused to recommend the publication of the work, overruled the committee and ordered it to be published.

Congress has thus ordered printing to be done in these and in many cases without reflection in all probability. It has been done oftentimes over the head of the Committee on Printing and against their

protestation. And yet, when the Public Printer comes and demands money for the publication of the works, you say the Printing Office has been most egregiously abused and the money has been misapplied.

I am no defender of the Printing Office. When I made my report to the Forty-fourth Congress on that subject, an elaborate report, and when I made a speech upon this floor explaining my views upon it, I thought and then said this Government Printing Office could be conducted more efficiently and economically, and that it ought to be so conducted. I have had no occasion to change my mind since. I have watched the management of this office, and while I am not able—I speak it in all truthfulness and I speak it because it is the truth—while I am not able to put my finger upon a single dollar which I believe has been stolen from the Government, yet I believe that by a change in that printing office, by putting a new man in charge, we can institute reforms that are necessary, and that a great saving can be made to this Government. I want it understood that I am no apologist for anything that has been done there. I know it has been sometimes said because I have not been ready to join in the hue and cry without knowing what I was doing, that I was favoring the present incumbent of the Government Printing Office.

The man who ventured upon that statement simply gave utterance to a falsehood, and he would not have said that much to my face. But I do not propose to throw dirt indiscriminately upon any officer of the Government without proof that he deserves such treatment.

I repeat again that I believe great reforms can be instituted in that printing office, and that they ought to be instituted. To that end I have offered an amendment, to which I shall presently speak, to change the Public Printer and see if something can be effected in that way. As it is now, the Public Printer is not amenable to this House nor to the Senate for his conduct. It is not right and proper that he should be so amenable. He oftentimes bears confidential relations to us. We are responsible to the country for the amounts of money we appropriate and for the use which is made of those amounts. The Public Printer makes his reports to this House, and we supervise his conduct and look over his accounts, although he settles them primarily at the Treasury. Yet he makes report to us of the amount of money expended by him, and it is not only the privilege but the duty of every member of Congress to look over his reports and see whether the money has or has not been properly expended according to the wish and the will of Congress.

I come now to speak of the amendment which I have proposed. It is no new thing here; it is no innovation upon the old system. I do not claim its paternity, nor can you consider it, as is sometimes the case in law, as *filius nullius*, the child of nobody. It has a respectable father in a gentleman from New York, once a member of this House, whose name was Ladin. It was introduced into this House by him. There are gentlemen here now, members of this House, who were present at the christening, and I might almost say that the present Executive of the United States stood godfather to the child, for I believe he voted for the measure throughout.

The proposition is a simple one and easily understood. If members will give me a patient hearing I will explain to the House in a few words the features of this amendment. It proposes simply to do away with the office of Public Printer, who is now a Government official, nominated by the President and confirmed by the Senate, and confer upon this House the power to elect a Congressional Printer who shall be responsible to this House, and who shall do the work of this House and the work of the Senate as well.

Then there is attached to the proposition a proviso which I deem vastly important, and I think gentlemen will agree with me. It is that this Congressional Printer shall, upon his election and qualification, make to this House an inventory of all the property in and about the Government Printing Office that comes into his hands, and that annually thereafter he shall make such inventory. There has never been any law providing for an inventory of this sort to be returned to Congress or to any Department of this Government. Whatever goes into the hands of the Public Printer he uses at his discretion, very much as he pleases. If the presses are worn out, in his judgment, he sells them and buys new ones. If the fonts of type become old and unfit for use, he buys new fonts. And so it is with his wagons, and horses, and everything necessary to carry on the establishment. As it is, you do not know what amount of public property is there belonging to the Government.

This provision of law should have been enacted long since, for the reason that at the end of each year we should know what property we have in and about the Printing Office; and still further, we should know whether the officer has abused his privileges in purchasing property, new type, new presses, horses, wagons, and the like; we should be able to understand whether he has squandered the money set apart for his use. It seems to me no gentleman can object to that proviso.

The question comes up whether there is any constitutional difficulty in the way of making this printer a Congressional Printer. According to the views which I have upon the subject, there is no such difficulty. I ask gentlemen for a moment to turn to the Constitution of the United States. In the last clause of section 2 of the Constitution is the following language:

The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

In section 3 is this language:

The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

Then further on, in section 5, will be found this language:

Each House shall keep a journal of its proceedings, and from time to time publish the same.

Now, it seems to me that these provisions of the Constitution remove all difficulties. If we are authorized to elect our own officers, and we elect a Congressional Printer, and if it is our duty to keep a record of our proceedings and publish them from time to time, how can it be better done than through an officer responsible to this House for his election and the tenure of his office? I find that this same view of the subject was entertained by distinguished republicans in the Senate when the question was under consideration in that body. I will refer to some portions of the debates which then and there occurred:

Mr. WILLIAMS, of Oregon. I should like to ask the honorable Senator who has charge of this bill if he is clear that there are no constitutional objections to its passage?

Mr. ANTHONY. I do not suppose my opinion on a matter of constitutional law would be of much value by the side of that of my friend from Oregon. I suppose it would not be competent for the Senate to elect a Superintendent of Public Printing, but it is competent for the Senate to elect a Congressional Printer, who shall be deemed an officer of the Senate. It is so stated in the bill. Then I suppose it is competent by law to devolve on that officer of the Senate any duties we see fit. * * * But I will leave the lawyers of the Senate to settle the constitutional point; it has not distressed me any.

Mr. LANE, of Indiana. I think the Senate has a perfect right to elect this officer by virtue of express power granted by the Constitution. By the Constitution each House is permitted to elect its own officers. By the Constitution each House is required to keep a journal of its proceedings. These duties may be legitimately devolved upon an officer elected by the Senate.

If these duties may be legitimately devolved upon an officer of the Senate, of course they may be devolved upon an officer of the House, for we have the same right to elect our officers that the Senate has to elect its officers.

Says Mr. Lane further:

After the Senate has elected a Public Printer, an act of Congress may transfer into his hands all the duties which now devolve upon the Superintendent of Public Printing. I think these two express grants of power in the Constitution cover the whole case—the right of each House to elect its own officers, and the constitutional obligation to keep a public journal of its own proceedings.

We find by referring to the yeas and nays in the Senate upon the passage of this bill, voted on in 1867, when both Houses of Congress were republican, the yeas were 27 and the nays 8. Among those voting "yea" were Messrs. ANTHONY and Chandler, and Mr. Sherman, at present a member of the Cabinet.

The bill was then sent to the House, and passed by this body—yeas 99, nays 38. Among those voting in the affirmative were Mr. DAWES, now a Senator; Rutherford B. Hayes, now President of the United States; the gentleman from Pennsylvania, [Mr. KELLEY,] and I believe my friend from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. The gentleman is mistaken. I did not vote for the bill. I have the record here.

Mr. SINGLETON, of Mississippi. Let us see now how this matter stands.

Mr. GARFIELD. The present Speaker of the House voted against the bill, I notice, as well as every other democrat except two or three.

Mr. SINGLETON, of Mississippi. I may have misapprehended the gentleman; but I do not think I have.

Mr. GARFIELD. I can assist the gentleman to the page, if he wants it. Thirteen hundred and fifty-one is the page of the Globe, of February, 1867.

Mr. SINGLETON, of Mississippi. Wait one moment; let us go a little back of that, if you please.

Mr. GARFIELD. That is the vote on the passage of the bill.

Mr. SINGLETON, of Mississippi. Well, I believe the gentleman did not vote upon the passage of the bill; but when the proposition was made to lay on the table the House bill introduced by Mr. Laffin, the gentleman voted against laying it on the table.

Mr. GARFIELD. Certainly; for I wanted some legislation; I did not want to kill the bill as the democrats wanted to do.

Mr. SINGLETON, of Mississippi. The gentleman voted against laying the bill on the table, which was immediately afterward passed without a division.

Mr. GARFIELD. Yes, sir.

Mr. SINGLETON, of Mississippi. I find the gentleman's vote recorded here with others. Here are the names of some of them, Mr. GARFIELD, Mr. Hayes, Mr. KELLEY, Mr. O'NEILL, Mr. ORTE, Mr. PRICE—

Mr. GARFIELD. Certainly.

Mr. SINGLETON, of Mississippi. All of whom voted against the proposition made from this side of the House to lay on the table the House bill which gave the House power to elect the Public Printer.

Mr. GARFIELD. Certainly; we wanted to amend it and make a decent bill of it.

Mr. SINGLETON, of Mississippi. A few minutes afterward, as the record goes on to show, the bill was passed, and no protest was made by the gentleman against it.

Mr. FRYE. That was a republican House; was it not?

Mr. SINGLETON, of Mississippi. It was.

Mr. FRYE. Well, we might be willing to trust a republican House when we would not trust a democratic House.

Mr. SINGLETON, of Mississippi. I think it very likely. You are blind enough to trust a republican House with anything. I think you are unable to see any fault in the members of your party, and are willing to "go it blind."

Mr. McMAHON. The people differ with the gentleman from Maine, [Mr. FRYE.] They would rather trust a democratic than a republican House.

Mr. SINGLETON, of Mississippi. Now, Mr. Speaker, this is the whole matter—the beginning and the end—the Alpha and Omega of the proposed amendment. When the Printing Office was first established the Superintendent of it was a Government officer—was nominated by the President and confirmed by the Senate; and so he continued until 1867 when Mr. Laffin, concluding that a change was necessary, introduced a bill substantially the same as the proposition I have presented here—a bill which was amended by the Senate in unimportant particulars, the only important amendment being the striking out of the provision for electing a Congressional Printer by the House and inserting a provision for electing him by the Senate, making him an officer of the Senate instead of an officer of the House. That bill passed this House as I stated without a division, after a vote had been taken refusing to lay it on the table. The bill went to the Senate, as I have said, and, after the amendments I have stated, became a law. So the law continued from 1867 until the Forty-fourth Congress, when a report was made showing great abuses, as we believed, in the Printing Office, and so aggravated in character that it was deemed proper to get clear of the incumbent. Upon the proposition in the Forty-fourth Congress to abolish the office of Congressional Printer and establish the office of Public Printer I believe the yeas and nays were never called. My recollection is that it was the general sentiment of the House that we ought to abolish the office of Congressional Printer and create that of Public Printer, so as to get rid of the incumbent.

Under that system matters have gone on until this time. We now simply propose by this bill to put the election of Printer into the hands of the House, as you gentlemen once had it, or if you please, into the hands of the Senate, if the Senate shall think proper, making this officer responsible for his conduct directly to one House or the other, with power to remove him without the tedious process of impeachment. This is the whole question. I submit it for the consideration of the House. Not wishing to detain the House longer, and asking pardon for the length of time I have consumed, I yield the remainder of my hour to my friend from West Virginia, [Mr. WILSON.]

Mr. WILSON. Mr. Chairman, I was not aware until a few minutes ago that I was to have the opportunity of saying anything on this subject, and, in what I do say, I do not propose to evince any of that acrimony which, so far, seems to crop out on both sides of this House. I have statistics which I propose to refer to and from them draw such conclusions as may seem proper and just.

The Committee on Printing, of which I am a member, have not during this Congress investigated the Government Printing Office. The investigations to which reference has been made were had by committees of previous Congresses. Those committees came to the conclusion that the Government Printing Office was not managed in the interests of economy. I do not propose to hold Mr. Defrees, the gentleman at the head of that office, responsible, or to treat him other than his action shall deserve. He is an old man now, "in the sore and yellow leaf," and as he himself stated in a letter printed in the National Republican, "I have arrived at that time of life when I cannot long expect to have any interest in public printing." He is at the head of the largest printing establishment in the world, and if we are to rely on the testimony taken before these investigating committees of previous Congresses there is waste everywhere in that department, and the large deficiency which is said to exist there calls for an investigation on the part of this House to secure if possible some better management of that vast establishment.

Inasmuch as the chairman of the Committee on Printing, the gentleman from Mississippi, [Mr. SINGLETON,] has discussed very ably the proposed amendment from that committee, I will not take up the time of the House further on that subject, but will call attention to several points which have not heretofore been made as far as I am aware.

I take it there are none more familiar with the workings of that department than the employes who have been engaged in the public service there for a long time, and gentlemen who have been indorsed as credible and honest by Mr. Defrees himself; men whom he employed in that department because of their capacity, their integrity, and their honesty. Therefore I wish to bring the attention of this House to an important statement made by those employes in a letter which they addressed to Congress or to the public. For, sir, if they are correct in their statement there is an egregious error in the accounts of Mr. Defrees, an error which this House ought to correct by changing the management of that department.

I hold in my hand this letter, signed by Alfred Thomas and others who have been employed by Mr. Defrees. They say in this letter:

What was applicable to the case last March has been presented to us in a more aggravated form since that time, for during the months of April and May last one-half of the entire force of the office was furloughed, and in June the business of the office was almost entirely suspended.

This House is informed by those gentlemen who are conversant with the facts by their personal experience that in those months named more than half the force was furloughed. Turn to Mr. Defrees's account and see how he disbursed for these months the money appropriated to that office, and see how it squares with the statement made by these employes. By looking to the last report of the Public Printer, on page 29 you will find a statement showing the disbursements of pay to employes on account of public printing (except the CONGRESSIONAL RECORD) for the fiscal year ending June 30, 1879.

Understand, these employes say that for the months of April and May the force was more than half reduced. You will find for the month of April the payment was \$61,052.67, for the month of May \$51,105.54, and for the month of June, when the force was almost entirely out of the building, \$55,683.97, or, in round numbers, \$56,000. You will discover in this report that in December, January, February, and March, when the work was up to its fullest capacity, when these employes were all there, the pay-roll is but little larger; that for the month of February he charged on pay-roll \$66,294, and for the month of March \$58,812.93; while for April, the time when these gentlemen say the force was not half there, he charged on account of pay-roll \$61,052.67; that for the month of May, when half the force was away, \$51,105.54; and for the month of June, when, according to the statement of these gentlemen, there were but half of the employes there, \$55,683.97. I do not undertake to say this is correct or incorrect; but I do undertake to say if those employes have given correct information there is something wrong in the accounts of the Public Printer.

Nearly a year ago, or last year, there was a pamphlet laid on the desks of members of this House, published by Mr. Franklin Rives, a gentleman who heretofore published the proceedings and debates of Congress in the Congressional Globe. He is said to be a gentleman of reliable character, of integrity and honor, who has had the indorsement, time and again, of both parties in this House and the Senate, a gentleman familiar with the workings of a printing office—and I desire to call attention to some points in that pamphlet in the hope some friend of Mr. Defrees may be able to explain the deficiency charged against the Government Printing Office. On page 6 of Mr. Rives's pamphlet there is the remarkable statement that, in four years and nine months, there has been a deficiency in the accounts of the Public Printer of \$1,021,346.86.

Mr. HAYES. Why do you not investigate it and find out whether it is true or not?

Mr. WILSON. My friend across the way received the pamphlet when I received it, and he has had the same opportunity to investigate it that I have had.

Mr. HAYES. Then do not bring in charges trumped up by parties who want to break down the Printing Office in order to secure the contract for themselves.

Mr. WILSON. I quote from a gentleman who is regarded to be as reputable as any man connected with the public printing.

Now, sir, from that statement we find from September 30, 1873, to June 30, 1878, four years and nine months, taking stock on hand, labor performed, and money paid out, &c., there is a deficiency or balance unaccounted for of \$1,021,346.

Mr. TOWNSHEND, of Illinois. How long a period?

Mr. WILSON. Four years and nine months.

Mr. TOWNSHEND, of Illinois. A pretty lively deficiency.

Mr. WILSON. Now, I undertake to say—and I ask my friend and colleague on the committee, Mr. HAYES, the question—I ask him to say to this House, from what he knows on that subject, whether he does not believe, candidly and honestly, printer as he is, that he can take charge of that department and save the Government a quarter of a million dollars a year?

Mr. HAYES. I want to say this, that if what the gentleman has read from that pamphlet be true, if he believes it to be true, the democratic majority in this House should be arraigned before the country for not investigating such a fraud as that.

Mr. FINLEY. In reply to that I desire to say that the democratic party in the Forty-fifth Congress did investigate it and endeavored, over and over again, to get it before the House; but gentlemen on that side of the House objected.

Mr. HAWLEY. Did not the gentleman from Ohio spend one year in investigating that matter, and did he report one line of this deficiency to Congress?

Mr. FINLEY. I will say that the "gentleman from Ohio" did investigate the Government Printing Office, and I did make a report to this House, and every time we undertook to bring that report up objection was made by gentlemen on that side of the House.

Mr. HAYES. Why did not the gentleman impress upon the democratic majority of the House the fact that he had some evidence of a substantial character to justify the charges he made? If they are judged by their action they have not a word of evidence in support of the assertion the gentleman from Ohio made.

Mr. WILSON. I yield to the gentleman from Mississippi.

Mr. SINGLETON, of Mississippi. As the gentleman has sought to arraign this side of the House for not having acted in this matter, I propose to remind the gentleman from Illinois [Mr. HAYES] of a certain fact in connection with the Forty-fourth Congress. It will be remembered that an elaborate report was made showing the corruption in the Printing Office and in the head of that office. But when

the office of Public Printer was abolished, and he was turned out, because of his malfeasance or corruption in office, yet, sir, the republican President at once restored him to office, and he remained until Mr. Hayes came in.

Mr. HAYES. When was that?

Mr. SINGLETON, of Mississippi. In the Forty-fourth Congress.

Mr. HAYES. What report is that to which you refer?

Mr. SINGLETON, of Mississippi. It was the report made by Mr. Vance and myself.

Mr. HAYES. Did the democratic House take action upon that report?

Mr. SINGLETON, of Mississippi. Unquestionably we did.

Mr. FINLEY. The democratic House passed the bill recommended, but the republican Senate refused to pass it.

Mr. SINGLETON, of Mississippi. We put a resolution through this House calling upon the courts of the District to indict the incumbent then in office, but no notice was ever taken of it.

Mr. HAYES. That was not Mr. Defrees at all.

Mr. SINGLETON, of Mississippi. No; but it was the head of that office.

Mr. HAYES. Charges were not made against Mr. Defrees.

Mr. SINGLETON, of Mississippi. We have no control over the Public Printer. He is your Public Printer, and we only look to the management of the office and the appropriations for its support.

Mr. HAYES. But the gentleman from Mississippi has admitted in his speech that you have the power of impeachment over this officer.

Mr. SINGLETON, of Mississippi. We can impeach, it is true, but we have had experience in that line, and everybody knows what it amounts to. We can impeach him and the Senate can turn him loose.

Mr. HAYES. But the Senate is democratic.

Mr. SINGLETON, of Mississippi. That may be so at present, but it was not democratic then. He is confirmed by a republican Senate. He is your Printer, not ours.

Mr. FINLEY. I hope the gentleman from West Virginia will allow me to say a word in response to what has been said by the gentleman from Illinois. I cannot consent for the remark of the gentleman to go unanswered when he says that the action of the democratic party on this side of the House showed that that party had no confidence in the report which I made on this subject. I want to say to the gentleman from Illinois in reply to that, that the report submitted to the Forty-fifth Congress was signed and adopted by every democrat on my committee. It was a majority report, and we were here on the floor of the House time and again, day after day, asking action for two months; but inasmuch as the committee was not called we could only get it in by unanimous consent; and time and again when we tried to get unanimous consent objection was made by gentlemen on that side of the House, so that it will not do now for gentlemen to say that the action of this side of the House went to show that no faith or credence was given to this report. It was not this side but that side of the House that refused to allow this report to come in at all.

Mr. HISCOCK. Do I understand the gentleman from Ohio to say that their report charged the Public Printer with malfeasance or dishonesty or any irregular practices?

Mr. FINLEY. If the gentleman will read the report he will find that it does most emphatically.

Mr. HISCOCK. I ask if those charges which were incorporated in the report in the first instance were not stricken out by democrats?

Mr. FINLEY. There were no charges stricken out by democrats.

Mr. WILSON. I cannot yield further. I asked my distinguished friend from Connecticut [Mr. HAWLEY] to indulge me to propound a question or two, and he denied me the privilege. I have been more liberal to others than others have been to me, but I must now resume the floor.

I stated what the charges were which were made by Mr. Frank Rives. Let us now turn to the Senate debate and see how he was indorsed by Senator ANTHONY, a republican, at the time he was printing the congressional debates:

It is but fair to say in the beginning that the Congressional Globe, by Rives & Bailey, has been printed to the entire satisfaction of Congress. The work has been done well and promptly, and we have had no complaint of it. Like good air and good water and good health, we do not hear anything about it until we begin to miss it.

That gentleman received as unqualified and as high an indorsement from both sides of this Chamber and from both parties in the Senate as perhaps any Congressional Printer ever did.

I am not invoking any democratic testimony here but I propose to refer to the testimony of gentlemen who are high in the republican ranks, gentlemen whose word, I take it, will pass current on the other side of the Chamber. I refer to the testimony of Mr. Brady, and quote from the report of the printing investigating committee, page 13:

Hon. Thomas J. Brady, Second Assistant Postmaster-General, testifies that on a recent purchase of type and other printing materials, of the gross amount of \$2,000, the seller made a reduction of from 35 to 43 per cent. This committee, therefore, believes that had the Public Printer complied with the law inviting competition in the purchases made, he would have secured the same advantage of low prices and proportionate discounts and reductions upon the purchases he has made, which would have saved to the Government within the past year alone many thousands of dollars.

Now, look at the report of the Public Printer and take the aggregate amount paid out by him for the purchases he has made, take

the rebate, the reduction extended to the Post-Office Department, and you will find that a large amount in this regard, and in all perhaps several hundred thousand dollars, could have been saved.

The other day a proposition was made to take that printing office at 10 per cent. less than what it now costs and pay to the Government \$100,000 for the use of the office annually. It may be that Mr. De-frees is so far advanced in life as not to be physically able to manage this most extensive printing house in the world.

I will not attempt, Mr. Chairman, to follow gentlemen in the discussion of the amendment we propose to offer. There is one important item in that amendment that we think will save to the country a very large amount of money. That is the amendment requiring that there shall be an invoice made of the property in the Government Printing Office. Perhaps there is no government establishment of this kind in the world as large as this, and I will undertake to say there is no private establishment conducted as loosely and carelessly as this one is. It wants a safeguard and protection thrown around it. An invoice of the property should be made, so that Congress may be informed of the amount of material it has on hand.

There is only one other point to which I propose to call the attention of the House. I propose now to read from the evidence of two gentlemen who heretofore held high positions, as I understand it, in the Government Printing Office. They are Mr. H. T. Brian, for seven years foreman of the Government Printing Office, and Mr. M. D. Helm, foreman of the CONGRESSIONAL RECORD, as I have been informed. Those gentlemen, who were thoroughly educated to the printing business, thoroughly acquainted with all its minutiae, having had many years of experience in that business, and one of them at least in that establishment, testify that in their opinion there can be some 30 to 40 per cent. of saving effected in the amount expended. If that saving can be effected it will amount in the aggregate to \$250,000, or \$300,000, or perhaps \$400,000 a year. In 1877 the Public Printer asked for \$2,040,000; there was appropriated in all \$1,524,000. In 1879 he asked for \$1,991,000; there was appropriated \$1,793,000. I do not give the fractions.

Now, if these two experienced gentlemen, familiar with the details of the office, familiar with all its workings and all its ramifications, have given testimony which is reliable, the Government can save 30 to 40 per cent. per annum on this expenditure; it would save 30 to 40 per cent. on \$1,700,000. It seems to me we are not offering a proposition that is improper or unconstitutional. We offer a bill which simply proposes to do exactly what the republican party did at the time when President Andrew Johnson put a democratic printer in charge of that office, when he appointed Cornelius Wendell. He was in office a short time, perhaps not more than a few months, when, as I understand, a bill was originated in this House proposing to take from the President the appointing power. It passed the House, giving the appointing power to the House, and received the sanction of every republican on this floor.

It went to the Senate and was there amended so as to allow the Senate to elect the Congressional Printer, and so amended it received the sanction of every republican there; and here upon the floor of this House President Hayes voted for that bill when it was first reported, authorizing the House to make the appointment. It came back from the Senate amended so as to have the appointment made by the Senate, and President Hayes voted for it again.

I have heard it stated that the probability is that he might veto this bill. I have too high a regard and too much respect for President Hayes to believe that he would veto now a bill which received his sanction when he was a member of this House. As a member of Congress he took an oath to support the Constitution and to discharge his duties faithfully; as President, he took an oath to support the same Constitution. Now, I take it that if it were proper for him then as a member of Congress, acting under the solemnity of an oath, to do a particular thing, he will not now repudiate it.

I will not now detain the committee longer; but if this amendment shall be offered, I propose then to say something further upon the subject.

MESSAGE FROM THE SENATE.

Here the Committee informally arose; and Mr. HUNTON having taken the chair as Speaker *pro tempore*, a message from the Senate by Mr. BURCH, its Secretary, was received, announcing that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. No. 1408) to further amend the act entitled "An act to reorganize the courts of the District of Columbia, and for other purposes," approved March 3, 1863, and to amend section 861 of chapter 24 of the Revised Statutes of the District of Columbia.

DEFICIENCY APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. CANNON, of Illinois. The gentleman from Ohio [Mr. McMAHON] on Friday last, when he reported this bill, took occasion to make the statement that the bill providing for the pay of marshals was submitted to the Committee on Appropriations on the 21st of January, and that it had been withheld from that time to the present by the unanimous instruction of the committee. That is true, but stated as the gentleman states it it has a tendency to mislead the House and the country.

The facts of the case are these: the estimate came to Congress

early in December, and before the House commenced considering its new rules there was substantially one month in which to report a deficiency bill making appropriations to pay the fees due the marshals; but the Committee on Appropriations did not consider or report such a bill, nor did the House take any action on the subject. I speak of that merely to correct a misapprehension that might wrongfully grow out of the remarks of the gentleman from Ohio.

There are but two provisions in this bill that provoke discussion. As to all the other provisions of the bill, I apprehend that there will be no dissent in this Committee of the Whole, and there will be none in the House.

One of the objectionable provisions is the rider which it is proposed to place on the bill by direction of the Committee on Printing, represented by its chairman, the gentleman from Mississippi, [Mr. SINGLETON.] The other is the provision in relation to the pay of marshals, which is objectionable because it does not go far enough.

I do not want to take a great while in considering the rider which it is proposed to place upon this bill, provided you can run over the point of order and stretch the rule broad enough to make it cover the proposed amendment. I say I do not want to talk long about it, because the committee reporting this bill has not made any very thorough investigation of the matter. I have upon my own motion made a slight investigation, by examining reports and such data as I could get. I have listened attentively to the remarks made by the gentlemen on the other side, the gentleman from Ohio, [Mr. FINLEY,] the gentleman from West Virginia, [Mr. WILSON,] and the gentleman from Mississippi, [Mr. SINGLETON.] I have come to this conclusion, and I will give you the reason for it in a few words: they undertake without one particle of evidence, without any man rising in his place and making himself responsible for the facts he states under cover of loose charges, to blacken the character of a white-haired old man whose whole life has been blameless, in order that they may turn him out of office and put in his place one of their party friends.

Mr. UPDEGRAFF, of Ohio. That is it exactly.

Mr. CANNON, of Illinois. It would have been more manly for you to have said: "We want to turn out this Public Printer; we have no fault to find with him, but we want his place in order that we may put in it one of our own men; and we propose to change the law for that purpose by means of a rider upon an appropriation bill." That would have been the manly way, and that is almost the ground upon which the gentleman from Mississippi [Mr. SINGLETON] did put it.

But it remained for the gentleman from Ohio, [Mr. FINLEY,] and the gentleman from West Virginia, [Mr. WILSON,] without any evidence, upon mere suspicion, to get up and try to impugn the character of this gray-haired old man who, it may be said, has one foot in the grave. I admire the manliness of the gentleman from Mississippi, [Mr. SINGLETON,] far more than—I was going to say the cowardice of the gentleman from Ohio, [Mr. FINLEY,] and of the gentleman from West Virginia, [Mr. WILSON;] and I do not use the term in any objectionable sense.

Now, what is this amendment? It is merely a proposition to change the Public Printer.

Mr. WILSON. I beg permission to ask the gentleman whether he made any allusion to me just now?

Mr. CANNON, of Illinois. I did speak of the gentleman from West Virginia [Mr. WILSON] and said that I admired the courage of the gentleman from Mississippi, [Mr. SINGLETON,] who marches up bravely and says that he cannot place his finger on one dollar of misappropriation of the Public Printer, far more than I do the want of outspoken fairness on the part of the gentleman from West Virginia, [Mr. WILSON,] who seeks to do the same thing under cover that the gentleman from Mississippi does publicly and avowing it.

Mr. WILSON. I beg leave to say to the gentleman that if he means to intimate that I have acted improperly or dishonorably—

Mr. CANNON, of Illinois. Oh, no; not at all.

Mr. WILSON. I have attempted nothing under cover; what I do is done publicly and above board, and I am responsible for it.

Mr. CANNON, of Illinois. Certainly, there is no necessity for any excitement about this matter at all. I am not speaking of the gentleman in regard to his personal character; I am speaking of the manner and mode of the attack which he chooses to make upon an officer of the Government.

Mr. WILSON. I have simply read from republicans high in your party, their testimony and their estimate. If they are to be believed, there can be effected a saving of three hundred or four hundred thousand dollars in that department.

Mr. FINLEY rose.

Mr. CANNON, of Illinois. I decline to yield.

The CHAIRMAN. The gentleman from Illinois declines to yield.

Mr. CANNON, of Illinois. There has been much talk about the abuses of the Government Printing Office, the loose manner of keeping accounts, the chance to steal, the chance for property to walk away in the night-time, the want of accountability on the part of the Public Printer to Congress and the country. Why, gentlemen, you have investigated this office twice. All through the Forty-fourth Congress you investigated. During the last Congress you investigated until you made a book of nearly seven hundred closely printed pages. Did that investigation or either of them lead to a report to prevent any abuses? What amendment to the law have you made

or recommended changing the manner of keeping accounts by the Public Printer? What avenue of stealing have you shut up? What reform have you suggested? Where is it? Do you propose it in your report, or in either of your reports? Not at all.

Mr. FINLEY. I beg the gentleman's pardon, but—

Mr. CANNON, of Illinois. I do not yield.

Mr. FINLEY. The gentleman puts a question, and then declines to yield.

The CHAIRMAN. The gentleman from Ohio will please understand that the gentleman from Illinois does not wish to be interrupted.

Mr. FINLEY. All right.

Mr. CANNON, of Illinois. Do you report resolutions of impeachment against the present Public Printer or did you against the former Public Printer? Not at all. Did the gentleman from Ohio, when he made this report, place in it even a recommendation that the present Public Printer should be impeached? Not at all. Oh, no! The crimes for which impeachment would lie are to be intimidated by the opposition upon the floor of this House rather than pointed out and sustained by evidence. While I am a member of this or any other Congress, no man, let his politics be what they may, shall be blackened with my consent by intimation and insinuation. If you have anything against any office-holder, state it, prove it, and hold him responsible. If he is in your way, turn him out like men, and say you want the place.

The gentleman from Ohio, when he was upon the floor once before to-day, claimed that the republicans would not allow him to press this report for consideration. These republicans are awful fellows. According to the gentleman, though they were in a decided minority in the last Congress, they had power enough to prevent the other side for two whole months from doing what they wanted to do. Heavens! if a minority is so powerful what would we do if we had a majority?

This is the excuse that is made for not having the report considered and for not amending the law. Have you not every chance now under this proposed motion? Is not the way to amend the law open? I have before me the amendment which my friend from Mississippi is going to move. Does it propose any change in the method of keeping accounts—any reform whatever? It is printed in the RECORD of last Saturday morning. Now that you have every opportunity, where is the revision of your code touching this Printing Office which you have been saying needed revising? I find it not upon the page of the amendment. If you will read the amendment and read it intelligibly, read it in a few words, it would be: "Resolved, That Mr. Defrees be turned out; and resolved, That we elect one of our fellows to fill his place." That is all there is in it. If there can be stealing done under the law as it now exists, there can be stealing done under the law as you propose to amend it.

But, said my friend, the gentleman from Mississippi, [Mr. SINGLETON,] the President appoints this officer; and we want a man elected by the House, so that we can hold him responsible to the House, and if he does not do right can turn him out. I thought my friend was not happy in that argument, because I recollect that during my short career in Congress, while the democratic party has had control of this House in two Congresses—this being the third, there have been one of your journal clerks and two of your Doorkeepers, whom the President could not possibly appoint under the Constitution, whom you have had to muster out.

Mr. SINGLETON, of Mississippi. Will the gentleman allow me?

Mr. CANNON, of Illinois. Certainly.

Mr. SINGLETON, of Mississippi. We have been so busy following up the rascals of your party, members of the Cabinet and others, that we have not had time to look over our own House. The gentleman said a moment ago that in the reports on the subject of printing nothing was proposed to be done in regard to the Public Printer. Now, if he will turn back to the report made by Mr. Vance, he will find that we adopted a preamble and resolution directly condemning the Public Printer and asking the courts of the District of Columbia to take cognizance of the matter and punish him for his misdeeds in office. What more could we do?

Mr. CANNON, of Illinois. Was not the Public Printer impeachable?

Mr. SINGLETON, of Mississippi. You had as well go to his Satanic majesty with an impeachment against one of his imps as expect a republican Senate to sustain such a proceeding against one of its officers. [Laughter.]

Mr. CANNON, of Illinois. Ah, the gentleman, with his democratic House to sustain him, was called upon to place on record articles of impeachment if this officer was guilty of any impeachable offense.

Mr. SINGLETON, of Mississippi. When we undertook to prefer articles of impeachment against Mr. Seward, who acknowledged his sin, you will recollect how you filibustered and prevented us from doing so.

Mr. CANNON, of Illinois. Oh, what foolishness for a man having a majority of nearly two-thirds of his party to support him to come in and say, "The minority filibustered and would not let us do it," when you could depose the Speaker, when you could change the rules, when you could do anything and everything that a majority wanted to do! You can to-day change the rules; and do it if you want to. That excuse will not avail.

Mr. SINGLETON, of Mississippi. The gentleman "is not very happy" in that argument.

Mr. CANNON, of Illinois. I do not yield.

The CHAIRMAN. If the gentleman from Illinois will give the Chair an intimation when he yields and when he does not yield, the Chair will protect him in his rights.

Mr. CANNON, of Illinois. The gentleman said further, "we have been giving so much attention to the Cabinet officers and to the thieves in the republican party we have not had time to look after the democratic thieves." Well, when not looking after them in the House of Representatives, if you can catch one journal clerk and two Doorkeepers in two short Congresses, what in the name of heaven would you do if you went at it for a steady business? [Laughter.]

Mr. SINGLETON, of Mississippi. We would put them out whenever we found them to be doing wrong, as we did in the cases to which the gentleman has referred.

Mr. CANNON, of Illinois. Ever since I have been coming to Congress, a period of some six or seven years, I have been deluged and snowed under almost by circulars, by letters, by papers, said to emanate from a man by the name of Rives who used to print the Globe for Congress. I would not be able to swear where Rives lives; never saw him in my life, but have been told he roosts over about the Blue Ridge, whether in the district of the gentleman from West Virginia or not I do not know, but it does not make any difference. I will tell you what I do know, that when I turn to the tables showing the facts I find this wonderful statement to be there: that for the last seven years under the contract system of printing for Congress, from 1853 to 1860, inclusive, the cost of printing for Congress was \$5,200,000; the number of pages 361,000; cost per page, \$1.76; labor, \$2.75 per day. I find for seven years prior to 1878, and including 1878, this same printing cost \$4,370,000, over \$800,000 less than it did in the seven years I speak of under the contract system. I find further that there were 617,000 pages printed; that it cost seventy-five cents a page instead of \$1.76. In other words, for the last seven years prior to the year 1878 you did over twice the public printing for \$800,000 less money than you did it for the last seven years under the contract system, from 1853 to 1860. These are the facts and figures. I undertake to say it does not lie in the mouth of the other side with these facts staring them in the face to come here and talk about extravagance in the public printing.

Mr. SINGLETON, of Mississippi. Will the gentleman allow me one moment?

Mr. CANNON, of Illinois. I prefer not to yield; but, however, I will.

Mr. SINGLETON, of Mississippi. Just one word. The gentleman must recollect that in the Forty-fifth Congress an offer was made and a bill was introduced from the Committee on Printing, of which I was chairman, proposing to reduce the public printing \$175,000, according to the estimates made by the Public Printer himself, and that when it was moved as an amendment Mr. Hale, on that side of the House, rose and objected to it as not being in order, and it was ruled out, so we were thus prevented from saving that amount of money to the Treasury. The gentleman cannot have forgotten that.

Mr. CANNON, of Illinois. I was busy while the gentleman was making his statement and did not catch the drift of it, and hence will not attempt to answer it. I apprehend, whatever may have been the facts about the matter, the gentlemen seeking to place a rider on an appropriation bill to have it dragged through by the appropriation bill, or to have it drag the appropriation through, it was properly objected to. I do not recollect about the circumstances, however, so I cannot state anything about it. Nor is it material.

Before I leave this branch of the subject I desire to say a word about the constitutional power of the House of Representatives to elect a Public Printer. It may be that the House has the power to elect an officer who shall do the printing for the House; but I call attention to the amendment of the gentleman from Mississippi. It proposes the House shall elect a Public Printer, and that Public Printer shall do the printing not only for the House but also for the Senate, and, in addition thereto, for all the Departments—the Army, the Navy, the Treasury Department, the Post-Office Department, including all blanks for postmasters, and for the State Department—in fact, all the printing of every kind that is done for the Government. Now, he would do more work for the Departments than he would for the House, and, to my mind, he is clearly such an officer as the Constitution contemplates should be appointed by the President and confirmed by the Senate, as provided by the latter clause of section 2, article 2, of the Constitution, which is as follows:

The President * * * shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, * * * and all other officers of the United States, &c.

The gentleman from Mississippi finds his authority in the last clause of section 2, article 1, for this amendment, as follows:

The House of Representatives shall choose their Speaker and other officers.

Now, if you can enact a law making a printer an officer of the House and empower him to do all the printing for the Government, then the name of the officer determines the power of the House and not his duties; and in this way you could by law elect officers for the House of Representatives and call them officers of the House and empower them to do some service for the House, and in addition act as marshals, ambassadors, &c., thereby rendering utterly null the power of the President to appoint the officers of the United States.

My friend from Mississippi believes in a strict construction of the Constitution, and that is one of the cardinal doctrines of the democratic party. It is wonderful how the chance of lifting a hungry democrat into office liberalizes the minds of our friends in construing the Constitution. They should amend their platforms so as to favor a strict construction of the Constitution, except when there is a chance to get office by a liberal construction thereof.

Mr. Chairman, I now proceed to the other clause in this appropriation bill which elicits discussion. It is as follows:

For payment of the fees and expenses of United States marshals and their general deputies earned during the fiscal year ending June 30, 1880, \$600,000.

This appropriation is necessary on account of the refusal of the democracy to appropriate for these officers at the extra or special session, and they have been performing their duty since the 1st of July last without compensation. You will observe that the bill does not appropriate for special deputy marshals, a class of officers provided for by general law whose duty it is to assist in keeping the peace and to sustain the supervisors in preventing frauds at the election of members of Congress under certain conditions and restrictions; and, to use the words of the gentleman from Ohio in charge of this bill, "it," speaking of the Committee of Appropriations, "has failed or refused to appropriate any sum for special deputies."

The gentleman from Ohio [Mr. McMAHON] in charge of the bill, speaking for his party, admits that the Supreme Court has lately decided that the United States election laws are constitutional which provide for the appointment and payment of these special deputy marshals, and then says "that, although that court has decided the constitutionality of the law, when we come as legislators to appropriate money, it is our duty to say: 'Is this law constitutional; or, if constitutional, is it a good law, and are we bound to appropriate money for it?'" The gentleman also announces the willingness of his party to assume the responsibility of refusing to appropriate money to carry out these election laws.

As to payment for the service of the special deputy marshals already performed the gentleman cites section 3679 of the Revised Statutes, which provides—

That no Department of the Government shall expend in any fiscal year any sum in excess of appropriations, or involve the Government in any contract for the future payment of money in excess of appropriations—

and says this section prohibits the creation of any claim against the United States for service of special deputy marshals at congressional elections, unless the money is appropriated prior to such service.

In reply I have to say this same argument would deny the claim of marshals and their general deputies for compensation, unless money is appropriated prior to the performance of services by them. Section 780, Revised Statutes, provides that the marshal "may appoint general deputy marshals," while section 2021, Revised Statutes, provides "whenever an election at which Representatives in Congress are to be chosen is held," &c., "the marshal, on application of two citizens, shall appoint special deputy marshals, whose duty shall be," &c. Observe, the power to appoint general deputies is permissive, while the command to appoint special deputies is mandatory. Yet we are told by the gentleman from Ohio that we are bound to pay for the service of the general deputies, and that the services of the special deputies are no claim against the United States. I will state, however, that section 3679 of Revised Statutes does not apply to the services of either general or special deputies. Neither of them are appointed by any Department of the Government, and do not come in the scope of the section 3679. Section 2022 provides that the marshal and his general and special deputies shall keep the peace, &c., at a congressional election, while section 2031 provides the pay of special deputies shall be \$5 per day, while section 5521 provides that special deputy marshals for failure or refusal to perform their duties shall be subject to fine and imprisonment therefor.

The law is their warrant, and while that law remains unrepealed there is no power in the Government that can interfere with the performance of their duties, and the United States is bound for their payment; and this bill should be so amended as to pay all special deputy marshals for services heretofore performed.

Mr. Chairman, I now desire to inquire as to the animus of the democratic party in refusing to appropriate money to enforce these laws. These laws have been in force since 1871. They are laws of the United States, under which, in elections for members of Congress, the powers of the United States can be invoked to secure a fair election. Without these laws, in the performance of the most important act affecting the interests of the United States, the United States would be wholly dependent upon the State laws. They were enacted under the leadership of the republican party. To secure their repeal the democracy forced the extra session. To the same end you proposed to withhold the necessary supplies to support the Government unless the President would assent to their repeal. Failing in the coercion of the President, you then appealed to the country, and in the elections last fall were rebuked by the people. You denied the constitutionality of these laws. The Supreme Court held them to be constitutional. Defeated by the people, and set down on by the Supreme Court, you announce through your leaders that your refusal to vote money to enforce these laws nullifies them, and then declare you will not vote the money.

In other words you cannot repeal the law without the approval of the President. But the House and Senate or either of them can re-

fuse to appropriate and the law stands a dead letter on the statute-book, and then you ask the republicans and the people "What are you going to do about it?"

If these laws are fairly executed, and each freeman could deposit his ballot without intimidation and have it counted, you could not carry a solid South, and without a solid South you cannot elect a President.

The same is true as to New York. So by the proposed nullification of these laws you think you have nothing to lose and you may gain.

The cardinal doctrine of the ruling element in your party was and in spirit still is that the States may nullify a Federal law.

Secondly. That a State could secede at pleasure and thereby destroy the United States Government.

Thirdly. That the Federal Government was and is a mere creature of the States, without power to protect its citizens at home or perpetuate itself.

I grant you honesty of conviction and bravery in defense of those convictions. This only renders the situation more grave and perilous.

You were overcome but not convinced.

As the needle to the pole, so are you to your convictions when given power. For these doctrines you brought on the war, robbing the cradle and the grave, as you yourselves express it, in their defense. For these doctrines you opposed reconstruction. For these doctrines you opposed the constitutional amendments as a party both North and South.

Is there a man to-day who indorsed those doctrines and fought for them on the other side of the House that is willing to rise in his place and say that his convictions touching them are changed? For these doctrines you keep the South solid. For them thus you bulldoze and assassinate and proscribe and persecute. You glorify tissue ballots and clothe your magnificent manhood, which the world admired even in the defense of an unjust cause, in the garments of fraud and deceit. For them you commit frauds in New York, and sought to revolutionize Maine. And now under the lead of my supple colleague, Mr. SPRINGER, of Illinois, chairman of the Committee on Elections, you are ready to set the voice of the people at naught, and unseat WASHBURN of Minnesota, and seat his opponent, and ORTH of Indiana, and seat his opponent, and all that you may secure the votes of Minnesota and Indiana in the election of a President, in the event there is no election by the people, or if it suits your purpose not to count the electoral vote of a part of the States. You are ready to dare all things to come into possession of the Government.

The nullification of the Federal election laws is boldly avowed on this floor before the ink is hardly dry upon the record of the highest court in the land announcing their constitutionality, and all this to enable you to march over the highway of fraud to success. I have no hatred toward individual democrats. I would not wantonly wound the feelings of any man North or South; but I would protect every citizen everywhere in all his rights, including that highest of all privileges, the right to a free and untrammelled ballot and the right to have it counted. And when I see a great party deliberately refusing to enforce the law to insure a free ballot, I should be recreant if I did not cry aloud and spare not.

In conclusion I have to say the country views with alarm the prospect of the democratic party obtaining full control of the Government. From the very make-up of that party it cannot be trusted to guard and protect the results of the last twenty years, wrought under the lead of the republican party. Given the power, it would nullify the results of the war and make the Federal Government what it was twenty years ago—a mere thing without power to protect its citizens at home, and without force to perpetuate itself.

The spirit of the democratic party has its home not in the South alone, but as well in the North. It makes no difference whether it is the descendant of the Cavalier under the burning sun of the South, or the Puritan among the snow and ice of the North, the spirit of your party everywhere exerts the same fell influence upon men; under its lead fraud and force go hand in hand together to defeat the will of the majority. Republicans, the contest is upon us. It has already commenced; the notice in this debate and the action of the opposition upon this bill is a part of the contest. The fruits of the war and the progress made by the country under the theories and practice of the republican party are at stake. Let us acquit ourselves with energy and fidelity to principle and party. Let all minor differences as to who shall lead be accommodated. The majority in this as in all other cases should control. Victory waits upon us if we are worthy to receive her.

I now yield to the gentleman from Indiana, [Mr. BAKER,] my colleague on the Committee on Appropriations.

Mr. SPARKS. Will my colleague allow me to ask him what all of that has to do with this appropriation bill?

Mr. CANNON, of Illinois. I will answer the gentleman; it will take but a minute, and I hope it will not come out of the time of the gentleman from Indiana, [Mr. BAKER.] In this bill is an appropriation to pay marshals and general deputy marshals only. And your leader from the Committee on Appropriations opened the debate upon this bill by giving notice that your side of the House would not submit to an amendment to appropriate money to enforce the election laws, Supreme Court or no Supreme Court.

Mr. SPARKS. Mr. Chairman—

Mr. BAKER. I cannot yield further.

Mr. SPARKS. My colleague discussed the election contest of Donnelly against Washburn. What has that to do with this bill?

Mr. BAKER. I cannot yield further. I believe since I came into Congress there have been some eighty-four investigating committees organized by the party in the majority here. Of these eighty-four committees, two have been trying during five years to investigate the condition of the Public Printing Office. We are now in the last year of the presidential term of the present incumbent, and another presidential election is just at hand. Failing to find anything as the result of five years of investigation that would justify the turning out of the Public Printer, and conscious of the fact (because I take it it is an admission of that consciousness) that they will be unable either to come into the Forty-seventh Congress with a majority or to elect a President through whose acts they could obtain the control of the Public Printing establishment, they now try in this Congress, for the sole purpose of obtaining spoils which they despair of being able to obtain by the consent of the people to be expressed at the ballot-box next fall—we find the democratic party without a single valid reason which has been established, urging the decapitation of the Public Printer and the election of a democrat in his place, for the sole and only purpose of giving some pickings to the hungry horde of political bummers and camp-followers who have come up here from all over the country and are besieging our democratic friends on the other side of the Chamber to give them place and position. As was stated the other day by the gentleman from Cincinnati, [Mr. BUTTERWORTH,] and I was not surprised at it because he stated the truth, the democratic party is "an embodied hunger and an organized appetite." We must expect that wherever by fair means or foul they can get hold of any official position that will give them some public plunder their hands will be reached out for that purpose.

It is not my purpose, however, to spend any time in the discussion of that matter. I come now to the second obnoxious feature of this bill, and on that I propose to submit some remarks.

Mr. Chairman, the item in this bill for the deficiency for pay of marshals looks to the nullification of the whole body of laws relating to the supervision of national elections, by a willful refusal to appropriate any money for their enforcement. It seeks to assassinate the whole of the election laws by a political rider. It provides only for the payment of marshals and their general deputies. It is thus worded to prevent the payment of any special deputy marshals for election purposes. With more courage at the extra session the attempt was openly made to repeal these laws on the ground that they were unconstitutional and were measures born of the hates of the war. The country was informed that they were grievances of so intolerable a nature that supplies necessary to the existence of the Government should be withheld until an unwilling Executive should assent to bills for their repeal. So impatient was the hot haste that it was declared that "he who dallies is a dastard and he who doubts is damned." Now it is sought to so frame an appropriation bill that special deputy marshals employed in the execution of the election laws shall be denied their fees for services which they have performed. If a special deputy marshal having a warrant arrests a criminal at the polls on election day charged with a violation of a national statute touching elections he is denied his lawful fees. Why this attempt to nullify the law by refusing to vote money to enforce it? It is far more courageous and manly to fight openly to repeal an obnoxious law than to seek covertly to nullify it by refusing to vote an appropriation. Gentlemen mistake the understanding and temper of the American people who think that nullification is more tolerable than open resistance. The country will not be deceived. It will attribute your abandonment of open resistance to cowardice, and not to a conviction that your policy was wrong and sprang from bad partisan motives. It will attribute the withdrawal of your steering committee from public sight to the sinister purpose of misleading the people as to the mischievous objects you have in view.

It is sought to justify this nullification of the election laws upon two grounds: first, because Congress does not possess the constitutional power to legislate for the supervision of the election of Representatives; second, because if Congress does possess such power no necessity exists for such legislation. I shall only speak on the first question. That Congress ought to possess such power is manifest from the consideration that the people in each district have a direct and immediate interest that there shall be a free and fair election in every other district in the United States. Every member here in a measure represents and makes law for the whole country. It therefore concerns every citizen that no member shall sit here and engage in laying taxes and shaping the future of this Republic who is not chosen by a pure and peaceable ballot. It would be a serious, if not a fatal, defect in our system if the General Government had no power to guarantee and protect the purity of our representation.

Since the Supreme Court has affirmed the constitutionality of these laws it is sought by the democratic press to poison the public mind by the claim that the decision is partisan; that it is contrary to the doctrine of the framers of the Constitution; and that it inaugurates a new and dangerous policy looking to the overthrow of the just powers of the States. In these insidious assaults upon the just authority of the judgment of the court the democracy follows the policy which it has pursued, both on the battle-field and in the forum, to destroy the nationality of the Government of the United States. It will be my purpose to show that the Constitution, as it came from the hands

of its framers, gives to Congress full and complete power over the subject of the election of Representatives in Congress. In doing this I shall rely largely on the expressed opinions of those who framed and procured the adoption of the Constitution.

It has been argued that the legislation embodied in the Revised Statutes touching elections is unconstitutional on two grounds: first, because the Constitution does not prescribe the qualifications of electors, and hence that there are no national voters; and, second, because Congress has not the constitutional power to establish a system for the conduct of elections for Representatives. It must be conceded that if Congress has the power to make or alter all the regulations touching congressional elections, it must have the power to enact these provisions of the statute in controversy, as the greater includes the less. It will be my purpose to show that Congress possesses the power, whenever it chooses to exert it, to provide an entire electoral system for Representatives.

Under the Articles of Confederation the States had sole jurisdiction over the appointment of Representatives. They had the power, which was exerted by one of the States, to refuse to send Representatives to the Continental Congress. This was one of the seeds of dissolution existing under the confederacy which the framers of the Constitution undertook to remove. They undertook to form a more perfect Union, to establish a government of the people having within itself the power to perpetuate its own existence. They provided for the choice of Representatives by the people every two years, and prescribed who should be eligible as electors. The Constitution provides in article 1, section 2:

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

This provision fixes definitely who are electors, and their qualifications. The several States have prescribed the qualifications of electors for the most numerous branch of their State Legislatures. They have thus invested certain persons with the right of suffrage for certain State purposes, while this right is denied to the residue of the people. But being made voters for State purposes, the Federal Constitution expressly invests them with other electoral rights of a national character, namely, the right to vote for Federal Representatives. Now, if the persons who are made voters by State constitutions and laws possessed the right by being voters in the State to vote for Representatives in Congress, then the framers of the Constitution are chargeable with folly in prescribing who should be electors for Representatives. If the fathers had not thought this provision of the Constitution conferred some new and additional right, what folly to place it in the Constitution. That the framers of the Constitution considered it important to provide who should be voters for Representatives in Congress is apparent from the language employed in No. LII of the Federalist:

The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States would have been improper for the same reason, that it would have rendered too dependent on the State governments that branch of the Federal Government which ought to be dependent on the people alone.

Of what use would it be to "define and establish the right of suffrage" if Congress cannot protect the voter in its enjoyment?

The Federal Constitution having secured to the electors in the several States the right to vote for Representatives, Congress must have the power to guarantee and protect this right. The States are not required to enact laws and provide tribunals to enforce the rights conferred by and existing only under the Federal Constitution. The State governments are provided to protect and enforce State rights; while the Federal Government is established to protect national rights. But if it was a duty incumbent on the States to guarantee to each of its citizens the enjoyment of every right conferred by the Federal Constitution, still Congress would possess no method of compelling the States to secure this constitutional right to vote against denial or abridgment. It is contrary to sound principle to remit to the States the protection and enforcement of rights conferred by the Federal Constitution. It was upon this very rock that the Articles of Confederation so nearly made shipwreck of the Union. And notwithstanding the perils and solemn warnings of the past, the State-rights democrats of to-day would impel the nation on the same fatal rock. If Congress cannot guarantee and protect the citizen in the free and peaceable enjoyment of his constitutional right to vote, then the right is a mere glittering generality, dependent for its enjoyment upon the interests or passions of the party leaders controlling the States. Such is the modern doctrine of State rights—a doctrine which strikes a fatal blow at the power and supremacy of the nation. When the people of this country consent to surrender to the States the enforcement and protection of rights secured to them by the Federal Constitution, the dissolution of the Union cannot be long postponed. Those lately engaged in armed rebellion and their sympathizers are now employing the delusive cry of centralization to blind the people to the fatal tendency of the new State-rights conspiracy. The triumph of these doctrines under the specious guise of State rights and local self-government would be fatal alike to liberty and union. But the power of Congress to enact laws to protect and guar-

antee the rights secured by the Constitution is delegated to it expressly.

The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

These are not the only provisions of the Constitution conferring upon Congress the power to guarantee and protect the citizen in his right to vote for Representatives. The first clause of section 4, article I, of the Constitution confers this power. We copy it:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

It has been strenuously argued that Congress cannot make or alter the regulations touching the times, places, and manner of conducting elections unless the States fail or refuse to make appropriate regulations therefor. This claim is shown to be indispensable both by the debates in convention on this clause of the Constitution and by the express language of the clause itself. The words "Congress may at any time by law make or alter regulations" touching the conduct of elections for Representatives are too clear and comprehensive to admit of doubt or debate. The power may be asserted by Congress at any time. Doubtless it was not contemplated that the power would be exerted by Congress unless an emergency arose which seemed to demand it. But Congress alone was made the judge at the time when and the extent to which it would legislate on this subject—whether it would provide exclusively for the election of Representatives, or exert only a portion of its power, leaving to the States a partial control of the elections.

It has been argued, too, that this clause of the Constitution does not confer upon Congress the power to enact a system of election laws to protect and guarantee to the citizen his right to vote and to provide the requisite officers and machinery to conduct the elections. By a specious process of reasoning it is sought to prove that if Congress can by its officers conduct elections for Representatives and protect and guarantee to the voter his right of suffrage, that Congress could also appoint officers to supervise the election of Senators by the State Legislatures. It is claimed that Congress could not provide officers to supervise the election of Senators, and that, by a parity of reasoning, it cannot provide for the supervision and conduct of the election of Representatives. There is, however, so little in common between an election by the people and by a legislative body that the same methods cannot be applied to each. The people cannot of their own authority hold an election; a legislative body can. Officers must be appointed, polling places prescribed, voting precincts established, boxes for ballots, poll-books, tally-sheets, returns, &c., provided before the people can participate in an election. The election officers must be clothed with power to pass on the qualifications of electors, as the body of the people have no power to do so. So also officers must be provided to protect the voters and the ballots. Without these and other things being provided in advance by the Government the people can hold no lawful election. But a State Legislature is a corporate body, having as an inseparable incident to its existence the exclusive power to determine who are its members and entitled to vote, and also to determine the methods of its own procedure. It possesses within itself and as a part of its own organism the means to protect itself against violence and fraud. It has as a part of its organism its own officers to receive, count, and declare its vote. If Congress should deprive a Legislature of its officers and substitute strangers in their place, it would cease to be an organized Legislature.

These considerations would seem to establish the conclusion that the constitutional provision, when applied to the election of Senators, does not and cannot have the same scope as when applied to the election of Representatives by the people. The scope of meaning to be given to a phrase or clause generally depends on the subject-matter to which it relates. As applied to the election of both Senators and Representatives, this clause of the Constitution was manifestly intended to confer on Congress so much power as was needful to enable it to provide for the election of Senators by the Legislature and of Representatives by the people. As it would destroy a Legislature to permit any other person or body than itself to determine who were to be its members or officers, it cannot be fairly argued that this clause of the Constitution confers any such power. It is alike fallacious to so construe this clause on the one hand as to enable Congress to destroy the State Legislatures, or to so construe it on the other hand as to deny to Congress the power to provide for an election by the people. Without spending further time on this line of discussion, I return to the real question, namely: Does this clause of the Constitution confer upon Congress the power to protect and enforce the right of the electors to vote for Representatives and to provide all the officers and appliances necessary to the full and complete enjoyment of this right? It seems plain that it was intended to confer on Congress the same power over the subject of elections as the States have. Such seems to me to be the obvious meaning of the provision. And that this is the true meaning is susceptible of proof in a variety of ways.

1. One of the mischiefs under the Articles of Confederation was that the States alone had the power to appoint Representatives in Con-

gress. It was the avowed purpose of the framers of the Constitution to remedy this mischief by withdrawing this power from the States.

2. It is contrary to all sound policy to create a system of government and deny it the power to preserve its existence, or to make its existence depend upon the pleasure of its members. No government can safely intrust the sole power of choosing its officers to another and perhaps hostile government. I should long hesitate to attribute such folly to the wise and far-seeing men who laid the broad foundations of the Republic.

3. The testimony of the fathers on this subject is abundant and uniform. It all conduces to prove that they meant to clothe Congress with complete power over the whole subject of congressional elections. Madison, Hamilton, and Jay, all great names, certainly equal in learning and solidity of judgment to the State-rights politicians now in Congress, and having participated in framing the Constitution, knowing its intent and meaning better, all agree that the Constitution does invest Congress with complete power over this subject. The necessity and propriety of so doing is discussed in a powerful and luminous manner in No. LIX of the *Federalist*.

I proceed to make some extracts therefrom:

I am greatly mistaken if there be any article in the whole plan more completely defensible than this. Its propriety rests upon the evidence of this plain proposition, that every government ought to contain in itself the means of its own preservation.

Again in the same number it is said:

Nothing can be more evident than that an exclusive power of regulating elections for the National Government in the hands of the State Legislatures would leave the existence of the Union at their mercy. They could at any moment annihilate it by neglecting to provide for the choice of persons to administer its affairs.

Again in the same number it is said:

If the State Legislatures were to be invested with an exclusive power of regulating these elections, every period of making them would be a delicate crisis in the national situation, which might issue in a dissolution of the Union, if the leaders of a few of the most influential States should have entered into a previous conspiracy to prevent an election.

The framers of the Constitution believed that they were giving Congress the power to provide for national elections when "the States should neglect to provide for the election of persons to administer its affairs" or when "the leaders of a few influential States had conspired to prevent an election." Neither neglect nor treason and conspiracy of the leaders of the States to prevent the election of persons to administer its affairs can annihilate the National Government. Why? Because Congress possesses the power, to quote the language of the *Federalist*, "to provide for the choice of persons to administer its (the nation's) affairs." The State-rights doctrine is that the States, and not the nation, possess this exclusive power. Such was not the doctrine of the fathers of the Republic. Threats have been made that supplies should not be voted unless the nation surrendered this great power without which the wise and patriotic men who formed the Constitution declared that "the existence of the Union would be entirely at the mercy of the States." The success of this doctrine means peaceable secession. It is fraught with more danger than the recent attempt to shoot the nation to death. War strikes at the nation's life in open day. No man can be deceived as to its meaning and purpose. Not so with the attempt to destroy the nationality of the Republic. The false and brazen clamor that the republicans favor centralization, Caesarism, and an empire, while the democracy seek only local self-government, may deceive and mislead some credulous but patriotic citizens. It will not deceive enough to enable its enemies to destroy the nation. This State-rights doctrine is a deadly poison, which, if it should penetrate the Constitution, would paralyze its powers and leave the Union to perish. This new conspiracy is more dangerous, because it is more insidious, than the treason and rebellion of 1861. By a different method it seeks the same object, namely, to prostrate the nation at the feet of the States. I warn the country against this dangerous dogma and against the men who uphold it. It is the last refuge from which the enemies of the Republic seek to annihilate the nation by sapping the foundation of its power.

A part of this conspiracy is the retention in the new code of rules of the power to put political riders on appropriation bills. The claim that this power is necessary in the interest of economy is shown to be a false pretense by the contest which went on for days to defeat any modification of the rules which would limit the right to change existing laws except as to amounts of money only. You still retain the power to coerce the Executive to approve obnoxious laws by placing them in appropriation bills. You still retain the power to degrade both the Senate and the Executive, as co-ordinate branches of the law-making power, by refusing appropriations except upon the condition of their agreeing to such provisions as you see fit to place upon appropriation bills. Your denial of power in the nation to protect the citizen in his rights as a voter at national elections, and your assertion of power to coerce the Executive under penalty of starving the Government to death, are simply new forms of the old treason which plunged the nation into the red sea of war.

I shall conclude what I have to say by quoting the opinions of the great and patriotic men whose matchless wisdom laid the foundations of the Republic. These opinions will, with their calm and sagacious reasons, overthrow the wicked dogmas of the modern democracy as to the power of the nation to control the election of members of Congress.

In the Virginia convention for ratifying the Constitution, on the 13th of June, 1788, the following occurred:

Mr. Monroe wished that the honorable gentleman who had been in the Federal convention would give information respecting the clause concerning elections. He wished to know why Congress had the ultimate control over the time, place, and manner of elections of Representatives, and the time and manner of that of Senators; and also why there was an exception as to the place of electing Senators.

Mr. Madison said: Mr. Chairman, the reason of the exception was that if Congress should fix the place of choosing the Senators it might compel the State Legislatures to elect them in a different place from that of their usual sessions, which would produce some inconvenience and was not necessary for the object of regulating the elections. But it was necessary to give the General Government a control over the time and manner of choosing the Senators to prevent its own dissolution. With respect to the other point, it was thought that the regulation of the time, place, and manner of electing Representatives should be uniform throughout the continent. Some States might regulate the elections on the principles of equality, and others might regulate them otherwise.

This diversity would be obviously unjust. Elections are regulated now unequally in some States, particularly South Carolina, which has a representation of thirty members. *Should the people of any State by any means be deprived of the right of suffrage, it was judged proper that it should be remedied by the General Government.* It was found impossible to fix the time, place, and manner of the election of Representatives in the Constitution. It was found necessary to leave the regulation of this, in the first place, to the State governments, as being best acquainted with the situation of the people, *subject to the control of the General Government* in order to enable it to produce uniformity and *prevent its own dissolution.* And considering the State government and General Government as distinct bodies, acting in different and independent capacities for the people, it was thought the particular regulations should be submitted to the former and the general regulations to the latter. *Were they exclusively under the control of the State governments the General Government might easily be dissolved.*

In the debate in the national convention on the 9th of August, 1787, when the question of the method of electing Representatives in Congress was under consideration, the following occurred:

Mr. Madison and Mr. Gouverneur Morris moved to strike out "each House" and to insert "the House of Representatives;" the right of the Legislatures to regulate the times and places, &c., in the election of Senators being involved in the right of appointing them; which was disagreed to.

A division of the question being called for, it was taken on the first part down to "but their provisions concerning," &c. The first part was agreed to *nem. con.* Mr. Pinckney and Mr. Rutledge moved to strike out the remaining part, namely, "but their provisions concerning them may at any time be altered by the Legislature of the United States." The States they contended could and must be relied on in such cases.

Mr. GORHAM. It would be as improper to take this power from the National Legislature as to restrain the British Parliament from regulating the circumstances of elections, leaving this business to the counties themselves.

Mr. MADISON. The necessity of a general government supposes, that the State Legislatures will sometimes fail or refuse to consult the common interest at the expense of their local convenience or prejudices. The policy of referring the appointment of the House of Representatives to the people and not to the Legislatures of the States, supposes that the result will be somewhat influenced by the mode. This view of the question seems to decide that the Legislatures of the States ought not to have uncontrolled right of regulating the time, places, and manner of holding elections. It was impossible to foresee all the abuses that might be made of the discretionary power. Whether the electors should vote by ballot or *à viva voce*; should assemble at this place or at that place; should be divided into districts or all meet at one place; should all vote for all the Representatives, or all in a district vote for a number allotted to the district. These and many other points would depend on the Legislatures, and might materially affect the appointments. Whenever the State Legislatures had a favorite measure to carry, they would take care so to mold their regulations as to favor the candidates they wished to succeed. Besides, the inequality of the representation in the Legislatures of particular States would produce like inequality in their representation in the National Legislature, as it was presumable that the counties having the power in the former case would secure it to themselves in the latter. What danger could there be in giving a controlling power to the National Legislature? Of whom was it to consist? First, of a Senate to be chosen by the State Legislatures. If the latter, therefore, could be trusted, their Representatives could not be dangerous. Secondly, of Representatives elected by the same people who elect the State Legislatures. Surely, then, if confidence is due to the latter, it must be due to the former. *It seemed as improper in principle, though it might be less inconvenient in practice, to give to the State Legislatures this great authority over the election of the Representatives of the people in the General Legislature, as it would be to give to the latter the like power over the election of their Representatives in the State Legislature.*

Mr. KING. If this power be not given to the National Legislature, their right of judging of the returns of their members may be frustrated. No probability has been suggested of its being abused by them. Although this scheme of erecting the General Government on the State Legislatures has been fatal to the Federal establishment, it would seem as if many gentlemen still foster the dangerous idea.

Mr. Gouverneur Morris observed "that the States might make false returns and then make no provision for new elections."

Mr. Sherman did not know but it might be best to retain the clause, though he had himself sufficient confidence in the State Legislatures.

The motion of Mr. Pinckney and Mr. Rutledge did not prevail. The word "respectively" was inserted after the word "State."

On the motion of Mr. Read, the word "their" was struck out and "regulations in such cases" inserted in place of "provisions concerning them;" the clause then read, "but regulations in each of the foregoing cases may, at any time, be made or altered by the Legislature of the United States." This was meant to give the National Legislature a power not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether. Article 6, section 1, as thus amended—being now section 4 of article 1—was agreed to *nem. con.*

On the 21st of August, 1789, the constitutional amendments being under consideration in the House of Representatives, Mr. Burke, of South Carolina, said:

I move you, sir, to add to the articles of amendment the following:

"Congress shall not alter, modify, or interfere in the times, places, or manner of holding elections of Senators or Representatives *except when any State shall refuse or neglect or be unable by invasion or rebellion to make such election.*"

Mr. Ames said he thought this one of the most justifiable of all the powers of Congress. It was essential to a body representing the whole community that they should have power to regulate their own elections, in order to secure a representation from every part and prevent any improper regulations calculated to answer party purposes only. *It is a solecism in politics to let others judge for them, and is a departure from the principles upon which the Constitution was founded.*

Mr. MADISON. If this amendment had been proposed at any time, either in Committee of the Whole or separately in the House, I should not have objected to the discussion of it; but I cannot agree to delay the amendments now agreed upon by

entering into the consideration of propositions not likely to obtain the consent of either two-thirds of this House or of three-fourths of the State Legislatures. *I have considered this subject with some degree of attention, and, upon the whole, am inclined to think the Constitution stands very well as it is.*

Mr. Smith, of South Carolina, said he hoped it would be agreed to; that eight States had expressed their desires on this head, and all of them wished the General Government to relinquish their control over the elections. The eight States he alluded to were New Hampshire, Massachusetts, New York, Pennsylvania, Maryland, Virginia, North Carolina, and South Carolina.

Mr. Carroll denied that Maryland had expressed the desire attributed to her.

Mr. FITZSIMMONS. The remark was not just as it respected Pennsylvania.

Mr. Sedgwick, of Massachusetts, moved to amend the motion by giving the power to Congress to alter the times, manner, and places of holding elections, provided the States made improper ones; for as much injury might result to the Union from improper regulations as from the neglect or refusal to make any. It is as much to be apprehended that the States may abuse their powers as that the United States may make an improper use of theirs.

Mr. Ames said that inadequate regulations were equally injurious as having none, and that such an amendment as was now proposed would alter the Constitution. It would vest the supreme authority in places where it was never contemplated.

Mr. Sherman observed that the convention were very unanimous in passing this clause; that it was an important provision, and if it was resigned it would tend to subvert the Government.

Mr. Madison was willing to make every amendment that was required by the States which did not tend to destroy the principles and the efficacy of the Constitution; he conceived that the proposed amendment would have that tendency; he was therefore opposed to it.

Mr. Tucker objected to Mr. Sedgwick's motion of amendment, because it had a tendency to defeat the object of the proposition brought forward by his colleague, [Mr. Burke.] *The General Government would be the judge of inadequate or improper regulations; of consequence they might interfere in any or every law which the States might pass on that subject. He wished that the State Legislatures might be left to themselves to perform everything they were competent to without the guidance of Congress.*

Mr. Goodhue hoped the amendment never would obtain. Rather than this amendment should take effect he would vote against all that had been agreed to. *His greatest apprehensions were that the State governments would oppose and thwart the general one to such a degree as finally to overturn it. Now, to guard against this evil, he wished the Federal Government to possess every power necessary to its existence.*

Mr. BURKE. I believe that many of those gentlemen who agreed to the ratification without amendments did it from principles of patriotism, but they knew at the same time that they parted with their liberties; yet they had such reliance on the virtue of a future Congress that they did not hesitate, expecting that they would be restored to them unimpaired as soon as the Government commenced its operations conformably to what was mutually understood at the sealing and delivering up of those instruments. It has been supposed that there is no danger to be apprehended from the General Government of an invasion of the rights of election. I will remind gentlemen of an instance in the government of Holland. The patriots in that country fought no less strenuously for that prize than the people of America; yet by giving to the States general powers not unlike those in this Constitution, their right of representation was abolished. That they once possessed it is certain, and that they made as much talk about its importance as we do; but now the right has ceased. All vacancies are filled by the men in power. It is our duty, therefore, to prevent our liberties from being fooled away in a similar manner.

Mr. Madison observed that it was the state governments in the seven united provinces which had assumed to themselves the power of filling vacancies, and not the general government; therefore the gentleman's application did not hold.

The question on Mr. Sedgwick's motion for amending Mr. Burke's proposition was lost. A vote was taken on Mr. Burke's motion by yeas and nays, which was rejected—yeas 23, nays 28.—*Annals of Congress*, vol. 1, pages 768 to 772, August 21, 1789.

Mr. CANNON, of Illinois. I now yield the remainder of my time to the gentleman from Pennsylvania, [Mr. WARD.]

Mr. WARD. I rise simply for the purpose of replying by facts and figures to what I consider the erroneous statements made the other day by my friend from Ohio, [Mr. FINLEY,] and especially with reference to one or two items in his statement in which he made any approach whatever to specific charges in this controversy about the Government Printing Office. The result of all the inquiry that has been made, the result of every investigation, has been to show that the particular public officers who at this time are under fire, to wit, the Public Printer and the foreman of the bindery, Mr. Roberts, have not only not been found guilty of any dereliction of duty or departure from the strict line of rectitude in the administration of their respective offices, but they have displayed a prudence and an economy and a business tact in the administration of the affairs of that vast establishment which entitles them, instead of partisan criticism and scandal in this House, to the commendation and respect of the Representatives of the people. I say this because I find that in the only two instances in which anything like figures or facts are given, the charges against them have been totally disproved.

I will not now stop to allude to the charge against Mr. Roberts in regard to purchases of paper. That charge has been sufficiently met by my friend from Connecticut, [Mr. HAWLEY,] and besides I have not time.

I come now to the matter of the wire-sewing machine, because I know where they are manufactured. The party who is at the head of that concern resides in my district; the store where they are sold is in the district of my colleague, [Mr. O'NEILL,] and the factory where they are made is also in his district. I say that in the purchase of these wire-sewing machines the Public Printer displayed a regard for the public interest and economy in the public service the absence of which would have shown him to be unfit for the position which he holds.

Now, what are the facts? The Public Printer's report, issued December 19, 1878, and covering the fiscal year ending June 30, 1878, explains clearly the reasons for the introduction of the wire book-sewing machines. On page 15 it states as follows:

Nine book-sewing machines have also been put in operation, by which books are sewed with wire instead of thread, and at greatly reduced cost.

To ascertain the economy in their use a daily record is kept of the work done on each machine, and contrasted with the cost of hand-sewing.

The following table shows the saving made the week ending on the 21st of last month, being about the same as several previous weeks:

Number of machine.	Character of work.	Hours.	Number of books.	Signatures.	Average per hour.	Pay received.	Cost if done by hand.
No. 8 ..	Revised Statutes	48	600	55,200	1,150	\$11 00	\$96 00
No. 4 ..	Agricultural Report	48	1,710	63,270	1,318	11 00	58 14
No. 1 ..	do	48	1,587	58,719	1,223	11 00	53 95
No. 2 ..	do	48	1,700	62,900	1,310	11 00	57 80
No. 7 ..	do	48	1,616	59,792	1,246	11 00	54 94
No. 5 ..	do	48	1,446	53,502	1,114	11 00	49 16
No. 9 ..	do	48	1,660	61,420	1,280	11 00	56 44
No. 3 ..	do	48	1,533	56,721	1,182	11 00	52 12
No. 6 ..	do	48	1,101	40,737	836	11 00	37 43
Total			12,353	457,061		99 00	515 98
Saving on the nine machines one week							99 00
Saving on the nine machines one week							416 98

Thus, in 52 weeks, there will be a saving of \$21,632 over the old method, should the machines be constantly at work.

The saving is still greater in sewing larger books, such as the CONGRESSIONAL RECORD and the Revised Statutes.

The result on the last edition of the Revised Statutes, being 15,000 copies, is as follows:

If sewed by hand	\$2,400
By the machines	300

At a saving of

In addition to this saving, the binding is more substantial than if done by the old method, as the book may be opened at any part without injury, which cannot be done when sewed with thread.

The edition of 300,000 volumes of the Agricultural Report if sewed—

By hand would amount to	\$8,214
By the machines	2,220

At a saving of

An improved method of pressing sheets after being printed and folded, by which at least \$5,000 per annum will be saved, has been adopted.

The foresight of the Public Printer is amply exemplified by the results. Since July, 1878, when these machines were first introduced, and covering the period of their experiment and trial, the total savings in favor of the machines over hand-work have amounted to \$22,676.14—more than \$1,000 per month for the whole time.

Mr. FINLEY. Will the gentleman yield a moment?

Mr. WARD. I would like to do so.

Mr. FINLEY. I yielded to the gentleman.

Mr. WARD. I know that; and I would like to return the compliment.

Mr. FINLEY. Are you willing to do so?

Mr. WARD. Yes, sir.

Mr. FINLEY. I wish to ask the gentleman this question: if these machines have saved that amount of money in the current fiscal year, why is it that the Public Printer has increased the number of employees?

Mr. WARD. I know that there is an increase of work, as explained by the gentleman from Connecticut, [Mr. HAWLEY.] Not only has the work of the extra session accumulated, but order after order, piled up almost mountain high, issues from this House to the Public Printer. We subject him to criticism and to penalties for not obeying our orders, and then condemn him for an honest effort to obey the directions we give him.

[Here the hammer fell.]

Mr. WARD. I would like about five minutes more.

Mr. McMAHON. I must object to any further extension of time. The gentleman can print the conclusion of his remarks.

Mr. WARD. I lost time by yielding to the gentleman's colleague, [Mr. FINLEY.]

Mr. FINLEY. I hope my colleague will withdraw his objection.

Mr. McMAHON. I tried my best to keep my colleague from interrupting. [Laughter.]

Mr. WARD. That is very hard to do. I do not wonder that the gentleman failed. I do not expect the gentleman from Ohio to succeed in that; but I do expect him to allow me to make up the time I lost in that way.

Mr. FINLEY. I hope my colleague will withdraw his objection.

Mr. McMAHON. Very well; let the gentleman go on for five minutes.

The CHAIRMAN. The Chair hears no further objection.

Mr. WARD. The number of wire book-sewing machines now in use in the Government Printing Office is thirteen, introduced from time to time as their efficiency and economy became apparent, the last two very recently. The total cost of all these machines has been \$20,000. And this remarkable economical result is exhibited, that these machines by their savings have paid for themselves in a few months, and the Government owns them absolutely "just as good as new."

During this fiscal year, to which the bill now under consideration applies, the capacity of these machines to "retrench expenditures"

is manifested more clearly. The savings by months during this period have been as follows:

1879:

July	\$1,176 43
August	1,586 45
September	1,086 17
October	1,580 30
November	1,460 59
December	2,604 42

1880:

January	1,887 73
February	1,833 07

13,215 16

During the above-named eight months the total expenditure for the wire-sewing machines was \$6,500, for four purchased.

The Public Printer has followed the example and has been guided by the experience of other governments as well as private enterprise. In France and England the economical labor-saving qualities of these wire-sewing machines have introduced them into the public printing offices, and have found ready use in such extensive and carefully-managed private establishments as those of McKibbin, New York; Altemus & Co., Philadelphia; Becktold & Co., Saint Louis; Cox & Co., of Chicago; and Hart, of Harrisburgh.

Hon. Theodore W. Burdick, of Iowa, who, as a member of the Committee on Public Expenditures, had fully examined this question, in a speech in this House, on February 27, 1879, which will be found in CONGRESSIONAL RECORD, Forty-fifth Congress, third session, of March 5, 1879, said:

Another instance of charged extravagance on the part of the Public Printer rested on a purchase of certain wire book-sewing machines recently purchased for use in the Government Office from the manufacturers in Philadelphia. These are new machines and a new invention. Before making the purchase the prudence and caution of the Public Printer induced him to have set up in the office one of these machines and the same to be thoroughly tested and tried. After a thorough trial, the Public Printer becoming satisfied that the machine was labor-saving to an astonishing degree and completely successful, he ordered the purchase of nine machines at a cost of \$1,500 each. This purchase has been fully investigated. The manufacturers from Philadelphia were called before the committee. The testimony, instead of establishing the fact that the purchase of these machines was a useless and extravagant expenditure of money, showed the fact to be that each of these machines would fully pay for itself in one year by the saving it would effect in the bindery department. This is not an exaggerated statement. The testimony taken confirms it.

A correct account of the work done on these machines since their purchase has been kept. This account shows not only the amount and kind of work done, but it also shows the name of the operator of each machine, the amount paid such operator, and it is easy to estimate what the same work would cost if done by hand.

An exhibit prepared and sworn to, covering the period from October 10, 1878, to January 1, 1879, shows that these nine wire book-sewing machines effected a saving to the Government during two and one-half months of over \$3,500. This is such a striking example of apparent extravagance, yet of actual and great economy, that I ask attention to the testimony. The fact that \$13,500 was paid for nine book-sewing machines for the bindery might lead to the inference that it was an unnecessary outlay, in that it seems a large expenditure. The result shows that they do the work of fifty hands, and should not be dispensed with for any consideration. The testimony further shows that the machines do better work than can be done by hand, are easily and successfully operated, and do all kinds of work.

The Public Printer acted wisely, for the best interest of the Government, and is fully justified in the purchase of this machinery.

Now, Mr. Chairman, such being the merits of these marvels of inventive ingenuity, these wonders of American mechanism, saving to the Government their cost in this short time and leaving the machines as good as new, the absolute property of the Government without royalty or license, I appeal to the House whether the Public Printer would not have been sleeping while the thunders of the progress of the age were rolling around him if he had failed to avail himself of those labor-saving contrivances? If he had so failed, would he not have been to-day open to our criticism and our just condemnation because he had not been alive to the movement of the times, and because he had kept his eyes shut to the value of machinery which would have worked economy to the Government? In other words, would he not have been guilty of extravagance by refusing to avail himself of the best means within his reach for saving the public money and curtailing expenses?

Mr. COBB addressed the committee. [His remarks will be found in the Appendix.]

Mr. SINGLETON, of Mississippi. I think I have the floor; the gentleman from Indiana [Mr. COBB] yielded to me.

The CHAIRMAN. The Chair would like to understand to whom the gentleman from Indiana [Mr. COBB] yields the floor?

Mr. COBB. I thought I stated distinctly that I yielded to the gentleman from Mississippi, [Mr. SINGLETON.]

Mr. FINLEY. I understood the gentleman to yield to me.

The CHAIRMAN. The gentleman from Mississippi [Mr. SINGLETON] is entitled to the floor and will proceed.

Mr. SINGLETON, of Mississippi. I have but a word to say in addition to what I have already said. Under the law, as it was read by the gentleman from New York, [Mr. HISCOCK,] at the beginning of each year the Public Printer is required to submit to the Joint Committee on Printing his estimate of the amount of paper that will be needed in his office for that fiscal year. The Joint Committee on Printing examines his estimates, and unless we know that there is something wrong about them—and we are not expected to know very

much about it in fact—we direct him to advertise according to the law for bids for supplying that amount of paper for the year.

That was done at the beginning of this year. There were numerous bids sent in; I suppose twenty of them, perhaps fifty. The competition was very lively. After the bids were all opened and tabulated the Committee on Printing decided to whom of these parties the contracts for furnishing the paper should be awarded, giving them to the lowest bidders if there was no well-founded objection to their receiving them, such as the fact that any one of them had before furnished paper that was not suitable, or could not give proper security, &c. And after that we had nothing further to do with it.

Mr. ROBINSON. I understand that you approved the purchase of paper to the full amount estimated for.

Mr. SINGLETON, of Mississippi. Yes, sir; whatever amount was estimated to be necessary the Joint Committee on Printing has always approved.

Mr. ROBINSON. Then the Joint Committee on Printing have always recommended the call of the Public Printer for so much paper, and afterward indorsed the proposals and the purchase of that amount?

Mr. SINGLETON, of Mississippi. No sir, we did not call upon him for any amount of paper at all; that matter was with him. We asked him to furnish an estimate of what would be necessary, but we specified no amount ourselves, for that is a matter with which we had nothing to do. He submitted his estimate, and upon that, as I have said, we ordered him to advertise for bids; and when these bids were put in and tabulated we awarded the contracts to the lowest bidders.

Mr. EINSTEIN. You are on the Joint Committee on Printing?

Mr. SINGLETON. I am.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McMAHON. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes, and had come to no resolution thereon.

DAVIS'S POLARIS NARRATIVE.

The SPEAKER laid before the House a communication from the Secretary of the Navy, in reference to the printing of an additional number of copies of Admiral Davis's Polaris Narrative; which was referred to the Committee on Printing.

FUEL ALLOWANCE TO ARMY OFFICERS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a petition for the repeal of the law in regard to the payment of officers of the Army for fuel; which was referred to the Committee on Military Affairs.

ENFORCEMENT OF INTERNAL-REVENUE LAWS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a report of the Commissioner of Internal Revenue to the Secretary of the Treasury in reply to a resolution of the House of February 10, 1880, making inquiry for information tending to explain the necessity for the employment of armed men in the enforcement of the internal-revenue laws.

Mr. FRYE. I move that the communication, with the accompanying documents, be referred to the Committee on Ways and Means, and ordered to be printed.

The motion was agreed to.

CENTENNIAL CELEBRATION OF THE BATTLE ON GROTON HEIGHTS.

Mr. WAIT. I introduced yesterday a bill appropriating money for the centennial celebration of the battle of Groton Heights, Connecticut; and I also presented a memorial upon the same subject. I ask unanimous consent that they be printed in the RECORD as referring to a matter of national interest.

The SPEAKER. Does the gentleman ask to have printed a memorial or a bill?

Mr. WAIT. It is a memorial accompanied by a bill.

The SPEAKER. Which does the gentleman ask to have printed in the RECORD?

Mr. WAIT. I desire to have them both printed.

There was no objection, and it was so ordered.

The bill, with the accompanying memorial, is as follows:

The Groton Heights centennial committee, appointed by the Groton Monument Association and the towns of Groton, New London, Ledyard, and Stonington, in the county of New London, State of Connecticut, beg leave to represent to the Congress of the United States—

That they are appointed to make arrangements for the commemoration of the one hundredth anniversary of the last great battle of the American Revolution, before the surrender of the British forces at Yorktown, which took place at Fort Griswold, in the town of Groton, Connecticut, on the 6th day of September, 1781, known in history as the battle of Groton Heights and the massacre of Fort Griswold.

That their organization for this purpose has been so far recognized and encouraged by the State of Connecticut as to be awarded an appropriation of \$3,000 to aid in the proposed centennial commemoration.

That by additional appropriations and private subscriptions the committee hope to raise a sum sufficient to make the occasion worthy of our State and of the whole country,

That the massacre of Fort Griswold and the burning of New London and Groton were really occasioned by the Virginia campaign which resulted in the surrender of Cornwallis about six weeks afterward, as may be seen by the following correspondence of Sir Henry Clinton:

"On the 2d of September, while the American Army was marching through Philadelphia, Sir Henry Clinton sent a courier vessel to Yorktown with the following dispatch:

"Clinton to Cornwallis—in cipher—received 15th September.

"SEPTEMBER 2, 1781.

"Mr. Washington is moving an army to the southward with an appearance of haste, and gives out that he expects the co-operation of a considerable French armament. Your lordship, however, may be assured, that if this is the case, I shall either endeavor to reinforce the army under your command by all the means within the compass of my power, or make every possible diversion in your favor."—*Carrington's Battles of the American Revolution*, page 624.

And so it happened that a fleet of thirty-two vessels, under command of Brigadier-General Arnold, the traitor, set sail from New York on the afternoon of September 4, 1781, arrived off the harbor of New London on the morning of September 6th, landed in two divisions of eight hundred men each, one on either side of the river; that on the west side, under command of Arnold, burned the town of New London; that on the east side, under command of Lieutenant-Colonel Eyre, attacked Fort Griswold, then in command of Colonel William Ledyard, with a garrison of one hundred and sixty men, mostly farmers hastily gathered from the surrounding country, and after a loss of about two hundred British regulars and their two highest officers, stormed and carried the fort by superior numbers, killed Colonel Ledyard with his own sword after his surrender, massacred almost the entire garrison, burned the village of Groton, and stole away under cover of night, not daring to encounter the fury of the then awakened country.

In view of the fact that the scene of this tragedy of the Revolution is the property and is now in possession of the United States Government, and that the event itself is a part of the great campaign which culminated in the surrender of Cornwallis, the committee respectfully represent that this monument and this centennial should share in the nationality which is to be accorded to Yorktown.

That the battle-field of Groton Heights belongs to and is the property of the United States, and the committee respectfully ask permission for the use thereof at such times as may be necessary for the centennial services. Being a national possession, in which respect it differs from most if not all others where centennials have taken place, the committee respectfully ask Congress to contribute a portion of the expense necessary to make it worthy of the nation.

That Groton Monument, a granite structure of hewn stone one hundred and twenty-seven feet in height, was built, adjoining the scene of the massacre in the years 1826-'30 by an association formed for that purpose and authorized by the Legislature of the State of Connecticut, and the monument is still in charge of the Groton Monument Association.

That the monument needs repairs at the top, the sides and in the interior, and if not made soon it may crumble and decay. The stairway should be made safe and convenient, the outlook from the summit improved, and its general appearance, as it towers on the heights beside the thoroughfares by land and by water between New York and Boston, over which thousands are daily passing, should be made more in keeping with the event that it commemorates.

Therefore, the Groton Heights centennial committee respectfully ask the Congress of the United States to appropriate the sum of \$5,000 for repairing and preserving the Groton Monument, and the sum of \$5,000 to aid in the centennial commemoration at Fort Griswold on the 6th of September, A. D. 1881.

J. GEO. HARRIS, President,
JOHN J. COPP, Secretary,
And 36 others.

A bill (H. R. No. 5097) appropriating money toward the expense to be incurred in the centennial celebration of the battle on Groton Heights, and for other purposes.

Whereas the battle of Groton Heights was one of the closing events of the American Revolution, preceding the final surrender of the British forces at Yorktown, in Virginia, only one month and thirteen days, and is logically and historically connected with that great event; and

Whereas the State of Connecticut has already commenced preparations for the centennial celebration of this battle, the massacre attendant upon the capture of Fort Griswold, and the burning of New London, all scenes in the bloody drama of September 6, 1781; and

Whereas the people of the other States of the Union, proud of the part which their fathers took in achieving American Independence, and actuated by the feeling of a common brotherhood, must desire to unite with the people of Connecticut in paying a proper tribute to the patriotism, dauntless courage, and heroic sacrifice of the noble band of men who fought valiantly against superior numbers of British troops, and chose death rather than surrender their homes to the brutality and lust of the invaders: Therefore,

Be it enacted, &c., That the sum of \$5,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be expended by the centennial committee of the Groton Monument Association, under the direction of the Secretary of War, for the purpose of aiding to defray the expenses which will be incurred in celebrating the one hundredth anniversary of the battle and massacre at Fort Griswold, on Groton Heights, and the burning of New London, on the 6th day of September, 1781, in such manner as shall best fit the historical significance of that event, and be indicative of the present power, prosperity, and greatness of the United States as a nation.

SEC. 2. That the further sum of \$5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of thoroughly repairing the granite monument erected in 1826 on Groton Heights, and to be disbursed under the direction of the Groton Monument Association.

SEC. 3. That the centennial committee of the Groton Monument Association are hereby authorized to enter upon and use the battle-field on Groton Heights at such times and in such manner as may be necessary for the centennial services.

DEFICIENCY APPROPRIATION BILL.

Mr. CALKINS. I desire to inquire of the gentleman who has charge of the bill which we have just been considering in Committee of the Whole how long this general debate is to run.

Mr. McMAHON. I desire to state to the House that to-morrow, in moving to go into Committee of the Whole, I will also move to cut off debate—to limit it to five or ten minutes, or to one minute, so that we may proceed under the five-minutes rule. A pay-roll of at least \$3,000 a day is dependent upon this bill; and I think we ought to pass it promptly.

Many MEMBERS. That is right.

Mr. SPRINGER. I give notice that as soon as this bill is concluded I shall call up, and ask the House to consider, the contested-election case of Curtin vs. Yocum.

PENSION TO SOLDIERS OF THE WAR OF 1812.

Mr. DIBRELL, from the Committee on Pensions, reported back, without amendment, the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to inform Congress by what authority the Commissioner of Pensions is withholding pensions allowed soldiers in the war of 1812 under the act of 9th of March, 1878, for moneys paid them under former acts of Congress.

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

The latter motion was agreed to.

DONATION OF CONDEMNED CANNON.

Mr. BUTTERWORTH, by unanimous consent, introduced a bill (H. R. No. 5250) donating condemned cannon to the Fort Stephenson Park, Fremont, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OBSTRUCTIONS AT DELAWARE BREAKWATER.

Mr. MARTIN, of Delaware, by unanimous consent, introduced a joint resolution (H. R. No. 246) construing an act approved January 23, 1880, for the removal of obstructions from the harbor at the Delaware breakwater; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. ATKINS. I move that the House adjourn.

The motion was agreed to; and accordingly (at four 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. ANDERSON: The petition of druggists of Abilene, Salomon, and Enterprise, Kansas, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. BOUCK: The petition of Henry J. Rogers and others, of Outagamie County, Wisconsin, against the reduction of the duty on paper—to the same committee.

Also, the petition of John Peslin and others, of Outagamie County, Wisconsin, of similar import—to the same committee.

By Mr. BRIGGS: The petition of Almon L. Sleeper and others, of Hillsborough County, New Hampshire, 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.

By Mr. CARPENTER: The petition of L. J. Rice and others, of Boone, Iowa, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. CONGER: The petitions of John Kendall and 7 others, druggists of Winona, Minnesota, of similar import—to the same committee.

Also, forty-two petitions of druggists of Illinois, Iowa, Kentucky, Missouri, Michigan, Ohio, and Wisconsin, of similar import—to the same committee.

By Mr. COWGILL: The petition of the editor of the Dispatch, Kokomo, Indiana, for the abolition of the duty on type—to the same committee.

By Mr. DEUSTER: The petition of Robert Martin, of Milwaukee, Wisconsin, for reimbursement of moneys expended in purchasing certificate of location, locating, and improving one hundred and sixty acres of military bounty land—to the Committee on the Public Lands.

By Mr. DUNNELL: The petition of 20 citizens of Dresbach, Minnesota, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. GILLETTE: The petition of Hon. John A. Elliott and 90 others, business men of Des Moines, Iowa, for the passage of a bankrupt law—to the Committee on the Judiciary.

Also, the petition of James Callanan and 80 others, business men of Des Moines, Iowa, of similar import—to the same committee.

Also, the petition of M. E. Thorpe and 30 others, citizens of Lucas County, Iowa, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. HASKELL: The petition of citizens of Linn County, Kansas, for the passage of the bill to equalize bounties of soldiers of the late war—to the same committee.

By Mr. HATCH: The petition of 55 citizens of Putnam County, Missouri, for the passage of the Weaver soldier bill—to the same committee.

By Mr. HENDERSON: Resolutions of the board of supervisors of Lee County, Illinois, favoring the extension of any system of public works to insure and provide sufficient water for the safe navigation of the Mississippi River to Rock River and Lake Horicon—to the Committee on Commerce.

By Mr. HULL: The petition of citizens of Marion County, Florida, for an appropriation for deepening the entrance to Cumberland Sound between the States of Georgia and Florida—to the same committee.

Also, twenty-one petitions of citizens of the counties of Hernando, Marion, Sumter, Orange, Volusia, Alachua, Santa Rosa, Saint John's, Columbia, Jackson, Madison, Clay, Bradford, Hamilton, Putnam, and Suwannee, Florida; and also the petition of the executive and judicial officers of the State and members of the State Legislature, for an appropriation to deepen and otherwise improve the Saint John's Bar, at the mouth of Saint John's River, in the State of Florida—to the same committee.

By Mr. HUMPHREY: The petition of C. S. Ellison, editor of the Tribune, Eau Claire, Wisconsin, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. HUNTON: The petition of B. F. Grafton and H. O. Claughton, for the incorporation of the G Street Railway Company, Washington, District of Columbia—to the Committee on the District of Columbia.

By Mr. JONES: The petition of P. E. Edmondson, publisher of the Argus, Flatoma, Texas, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. KELLEY: The petition of printers, publishers, stereotypers, and type founders of Philadelphia, against granting the petition for the abolition of the duty on printing-type—to the same committee.

By Mr. McLANE: The petition of MacKellar, Smiths & Jordan and others, in behalf of American type founders, against abolishing the duty on type—to the same committee.

Also, resolutions of the Baltimore Board of Trade, favoring a reciprocity treaty with Canada—to the same committee.

Also, the petition of Shipley, Smith & Co., of Baltimore, Maryland, to have refunded taxes paid to the United States on an erroneous assessment—to the same committee.

By Mr. McMAHON: The petition of Isador Rohner, for a pension—to the Committee on Invalid Pensions.

By Mr. MILES: The petition of Andrew A. Osborne and other route agents, of Connecticut and Massachusetts, for an increase of salary—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLS: The petition of citizens of Bell County, Texas, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. NEWBERRY: The petitions of 71 citizens and of 65 citizens of Detroit, Michigan, for a bridge across Detroit River at Detroit—to the same committee.

By Mr. O'NEILL: The petition of the National Association of Bleachers and Dyers, for the removal of the prohibitory duty imposed upon chrome iron ore and bichromate of potash—to the Committee on Ways and Means.

Also, the petition of Henry A. Bovell and 24 others, druggists, of Philadelphia, Pennsylvania, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

Also, the petition of H. Everett, against the extension of the Herman Miller patents—to the Committee on Patents.

By Mr. PHELPS: The petition of Edwin F. Hendricks and 70 other soldiers, of New Haven and Hamden, Connecticut, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. DAVID P. RICHARDSON: The petition of soldiers of New York, for the equalization of bounties—to the same committee.

By Mr. RICHMOND: Papers relating to the claim of George W. Henderlite, for pay as collector of internal revenue for the eighth district of Virginia—to the Committee on Ways and Means.

By Mr. ROSS: The petition of F. W. Houghton, for a modification of the United States laws relating to seamen—to the Committee on Commerce.

Also, the petition of the Bulletin Company, of Plainfield, New Jersey, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. THOMAS RYAN: The petition of A. E. Buck and J. H. James, for the passage of the bill granting a pension to Mrs. E. S. Seeley—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: The petition of James Inman and 17 other soldiers, of Beaver County, Pennsylvania, against the passage of Senate bill No. 496—to the same committee.

Also, the petition of G. L. Eberhart and 22 other soldiers, of Beaver County, Pennsylvania, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. P. B. THOMPSON, JR.: The petition of George Denny, of Garrard County, Kentucky, for pay for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. WILLIAM G. THOMPSON: The petition of Hans O. Olsen and others, for the payment of the public debt in legal-tender paper currency, &c.—to the Committee on Banking and Currency.

By Mr. THOMAS UPDEGRAFF: The petition of William P. Eno and 77 others, citizen of Iowa, for a law to compel railroad companies to clean and disinfect all cars in which live stock has been transported, before being returned to place of shipment—to the Committee on the Origin, Introduction, and Prevention of Epidemic Diseases in the United States.

By Mr. VAN AERNAM: Nineteen petitions of druggists of Chautauqua and Cattaraugus Counties, New York, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, the petition of 157 merchants, manufacturers, and consumers,

that the prohibitory duties now levied upon chrome iron ore and bichromate of potash may be removed—to the same committee.

By Mr. WARNER: The petition of Joseph Kemsy, of Monroe County, Ohio, and 15 others, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. WASHBURN: The petition of Peter Larsen and others, of Morrison County, Minnesota, for a post-route from Royalton to Ehn-dale, Minnesota—to the Committee on the Post-Office and Post-Roads.

Also, the petition of W. W. Satterlee, publisher of Liberty Blade, Minneapolis, Minnesota, for the abolition of the duty on type—to the Committee on Ways and Means.

Also, the petition of Hon. George Huhn and others, of Minneapolis, Minnesota, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

Also, resolutions of the Chamber of Commerce of Saint Paul, Minnesota, in regard to the improvement of the harbor of Duluth—to the Committee on Commerce.

Also, memorial of the Chamber of Commerce of Duluth, Minnesota, asking for an appropriation of \$50,000 to improve the harbor of Duluth—to the same committee.

By Mr. WHITEAKER: Three petitions of publishers of Oregon, 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 petitions of publishers of Oregon, for the abolition of the duty on type—to the same committee.

By Mr. WHITTHORNE: A bill to establish a post-route from Newburgh to Voorhies Store, in Lewis County, Tennessee—to the Committee on the Post-Office and Post-Roads.

By Mr. WILBER: The petition of citizens of Burlington, New York, that the proceedings of Congress be published weekly in newspaper form and sent free to each family in the United States—to the Committee on Printing.

Also, two petitions of publishers of New York, for the abolition of the duty on type, 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. CHARLES G. WILLIAMS: The petition of W. C. Brown & Co., publishers of the Express, Milton, Wisconsin, for the abolition of the duty on type—to the same committee.

Also, the petition of E. A. Egley, F. W. Starbuck, and Cart. M. Treat, publishers of Racine, 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.

By Mr. WRIGHT: The petition of John Burk and others, citizens of California, for the passage of a bill making lands held under Spanish grants subject to entry in the General Land Office—to the Committee on the Public Lands.

Also, the petition of citizens of Ishpenning, Michigan, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the same committee.

Also, the petition of Clinton Furbish and 27 others, citizens of Greenpoint, New York, of similar import—to the same committee.

IN SENATE.

WEDNESDAY, March 17, 1880.

Prayer by Rev. BYRON SUNDERLAND, D. D., of Washington, District of Columbia.

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

QUORUM.

The VICE-PRESIDENT. There is evidently no quorum present. The Chair will not proceed with the morning business until a quorum shall appear.

Mr. SAULSBURY. I suggest that there be a call of the Senate.

The VICE-PRESIDENT. The roll will be called.

The Secretary proceeded to call the roll.

Mr. McMILLAN, (when Mr. WINDOM's name was called.) My colleague [Mr. WINDOM] I presume is engaged in his committee-room for a few moments, it is so near the hour of meeting. He will be here in a very few minutes, I am satisfied.

The Secretary concluded the call of the roll, and thirty-four Senators answered to their names.

Mr. COCKRELL. I was detained in committee-room, but was present in the Capitol, and am now present in the Senate Chamber.

Mr. SLATER. I desire to say that my colleague [Mr. GROVER] is detained at home on account of sickness in his family.

Mr. ANTHONY. I have the same apology as my friend from Missouri, [Mr. COCKRELL.] I was detained in committee. I am now here.

Mr. BLAINE. I was in committee, also.

Mr. INGALLS. I have been detained at a meeting of the Committee on Indian Affairs.

Mr. CAMERON, of Pennsylvania. I was in committee, also, and am now here.

Mr. BLAIR. I was detained on business at one of the Departments.

The VICE-PRESIDENT. A quorum is now present, and business will proceed.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a communication from the Chief of Engineers, United States Army, relative to the bill (H. R. No. 4928) to confirm the survey of the pueblo of San Francisco; which was referred to the Committee on Private Land Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. MORRILL presented the petition of the representative committee of the Illinois yearly meeting of the Society of Friends, representing twelve hundred and sixty-one members, officially signed, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. BLAINE. I present the petition of Annie E. Gardiner, widow of John W. T. Gardiner, late a major on the retired list of the Army of the United States, praying to be paid for services rendered by her husband. I move that it be referred to the Committee on Military Affairs. It is purely a construction of the military law on which the claim arises.

The motion was agreed to.

Mr. RANDOLPH presented the petition of J. W. Burbridge & Co., during the late war residents of New Orleans, and Robert H. Montgomery, a British subject, praying to have their claim for the proceeds of sales of certain sugars alleged to have been taken by the officers of the United States, under the order of Major-General Butler, known as "General Orders, No. 91," at New Orleans, referred to the Court of Claims for adjudication; which was referred to the Committee on Claims.

Mr. GROOME presented the petition of Samuel H. Johnson, late private Company K, First United States Colored Troops, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. CONKLING presented the petition of Jacob Kern and others, of New Oregon, New York, soldiers in the late war, praying to be paid the difference between the value of gold and greenbacks at the time they were paid for their services as soldiers; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. HEREFORD, from the Committee on Claims, to whom was referred the bill (S. No. 816) for the relief of Theodore F. Hartridge and William G. Christopher, sureties on the official bond of Felix G. Livingston, collector of customs at Fernandina, Florida, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the letter of the Secretary of War, in answer to Senate resolution of March 4, 1878, communicating information concerning the data from which the positions of troops were added to the Government maps of the battle of Gettysburg, submitted a report thereon, accompanied by a bill (S. No. 1490) to complete the survey of the Gettysburg battle-field, and to provide for the compilation and preservation of data showing the various positions and movements of troops at that battle, illustrated by diagrams.

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

Mr. CAMERON, of Pennsylvania, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 813) to amend section 1402 of the Revised Statutes, relative to the appointment of assistant naval constructors, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 918) for the relief of certain volunteer officers of the Navy, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. McMILLAN, from the Committee on Claims, to whom was referred the petition of W. P. Burwell, praying compensation for certain tobacco lost and destroyed by the alleged wrongful and illegal action of the collector of customs at Richmond, Virginia, reported adversely thereon.

Mr. JOHNSTON. There is no bill accompanying the petition?

Mr. McMILLAN. No, sir.

Mr. COCKRELL. I ask that action be delayed on that case. There was a communication from the claimant which the committee did not have time to hear this morning, it having been presented just before the committee adjourned and after the meeting of the Senate. I should like action to be withheld.

Mr. McMILLAN. I withdraw the report then.

Mr. WITHERS. I was just going to move that the petition be recommitted.

The VICE-PRESIDENT. The report is withdrawn.

Mr. McMILLAN, from the Committee on Claims, to whom was referred the bill (S. No. 378) for the relief of the heirs and legal representatives of Captain Lambert Wickes, asked to be discharged from its further consideration, and that it be referred to the Committee on Revolutionary Claims; which was agreed to.

Mr. JONES, of Florida, from the Committee on Public Lands, to whom was referred the bill (S. No. 666) relating to the public lands of the United States, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.