

**THE PRESIDING OFFICER.** The Senator from Pennsylvania suggests, the Chair will be allowed to state, that the bill respecting certain naval officers, Senate bill No. 1210, be taken up after the disposition of the appropriation bill.

**MR. VOORHEES.** It will be entirely impossible to get such an understanding if it requires unanimous consent.

**MR. JONES, of Florida.** It does not.

**MR. VOORHEES.** We shall have a vote, then, on it. I do not know who is the majority of the Senate, the Senator from Florida or myself.

**MR. JONES, of Florida.** If the Senator will listen one moment to understand the status of this case, I think he will not insist on the objection.

**MR. VOORHEES.** I understand it pretty well. I understand that it will lead to a protracted and acrimonious debate.

**MR. JONES, of Florida.** That is not the question now. There is an understanding already had. The Senate has already indicated through its presiding officer that this measure should come up, because we had it under consideration when the pension appropriation bill was called up. It was then the regular order, and by general consent, as here recorded, it was agreed that after the pension bill was disposed of the consideration of that bill should be resumed. The consent of the Senate was given to that agreement, and it is so recorded, and if the Senate goes back on its own consent I have no more to say.

**MR. VOORHEES.** As a matter of course the Senator from Florida knows I would not stand one moment against what is recorded as the unanimous understanding of the Senate; but if that bill is to be taken up I should like to have a unanimous understanding that the Senate, each member of which is as much interested as I am in the Library question, shall take up and consider the Library bill. If I can have that understanding, I will be content. I ask for that unanimous consent, Mr. President, if I have the right and power to do it.

**THE PRESIDING OFFICER.** The Senator from Pennsylvania and the Senator from Florida, the Chair understands, ask for an understanding that after the disposition of the Post-Office appropriation bill Senate bill No. 1210 shall be considered, and the Senator from Indiana asks that there be a unanimous understanding that after Senate bill No. 1210 shall have been disposed of the Library building bill may be considered.

**MR. WALLACE.** No, Mr. President, I simply desire to take up the Post-Office appropriation bill and allow the Senate to dispose of its own understandings as they are found upon the CONGRESSIONAL RECORD. I am content that the bill of the Senator from Florida may have its position when it comes to that point, but I ask that the appropriation bill, which has the right of way, be taken up unfettered with conditions of any kind.

**MR. VOORHEES.** I do not want to displace the bill of the Senator from Florida; I do not want to violate what he supposes to have been the understanding of the Senate; but I do want the Senate to indicate its purpose, if possible, to take up the Library building bill immediately thereafter. I do not want to antagonize the Senator from Pennsylvania with his appropriation bill, of course. I do not think that the bill which I am interested in will take much time. If I could have such an understanding I would be glad to have it.

**MR. PENDLETON.** Mr. President—

**THE PRESIDING OFFICER.** The Chair will state the question. The pending question is on the motion of the Senator from Pennsylvania to proceed to the consideration of the Post-Office appropriation bill; pending which the Senator from Florida asks that there be a unanimous understanding (which does not by the course of practice go upon the Journal, but only depends upon the will of the Senate afterward) that Senate bill No. 1210 be considered; and then the Senator from Indiana asks a similar understanding that after that the Library building bill shall be considered. The Chair will ask for an expression of assent first to the application of the Senator from Florida.

**MR. JONES, of Florida.** With due deference to the Chair I will say that in asking the consent of the Senate to my proposition I am only asking that it shall remain by the assent already given. It is not an original proposition. The assent of the Senate has been already given, and I am only asking that it shall keep its faith. This measure was under consideration, and those representing the Naval Committee yielded to the Senator from California to call up the pension bill, with the understanding on the RECORD here that when the consideration of that bill was terminated this bill should resume its place, and the Senate assented to that unanimously. I am willing that the appropriation bill referred to by the Senator from Pennsylvania shall be considered, but I still insist that the original assent of the Senate given in this case shall be carried out.

**MR. PENDLETON.** I desire to call the attention of the Senate, while these various demands are being made upon it, to the fact that last week the Indian severity bill was informally laid aside during the afternoon and a bill in which I feel an interest, Senate bill No. 1441, was taken up for consideration, and then at the request of many Senators I agreed that it should go over upon an agreement on all sides by unanimous consent that it should be taken up immediately after the Indian severity bill, which was informally that day laid aside. I desire to say to all the gentlemen who are asking unanimous consent, that this consent has been already given to me, and as soon

as I get the opportunity, after the Indian severity bill comes up, I shall insist upon it.

**MR. ANTHONY.** I think that the request of the Senator from Florida is perfectly just and reasonable. The bill which he advocates was before the Senate on Saturday, and it was laid aside on Monday with the understanding that it would come up after the bill then before the Senate was disposed of. He is not asking for a new agreement, but merely asks that the agreement which the Senate had previously made be carried out.

**THE PRESIDING OFFICER.** Is there objection to the request of the Senator from Florida that after the disposition of the Post-Office appropriation bill Senate bill No. 1210 shall be considered? The Chair hears none; but the Chair will state that, as in all cases of this kind hitherto, it is an understanding of the Senate that is not entered upon the Journal, and it only binds Senators as they may feel themselves obliged to observe it. Then the Senator from Indiana asks unanimous consent that after Senate bill No. 1210 shall have been disposed of the Library building bill may be taken up. Is there objection?

**MR. COKE.** I object.

**THE PRESIDING OFFICER.** Objection is made. The question now is on agreeing to the motion of the Senator from Pennsylvania to proceed to the consideration of the Post-Office appropriation bill.

The motion was agreed to.

**THE PRESIDING OFFICER.** The bill (H. R. No. 6972) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes, is before the Senate as in Committee of the Whole, and will be read.

#### EXECUTIVE SESSION.

**MR. SAULSBURY.** I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session the doors were reopened, and (at five o'clock and twenty-seven minutes p. m.) the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 9, 1881.

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

The Journal of yesterday was read and approved.

#### ORDER OF BUSINESS.

**MR. ATKINS.** I call for the regular order.

**MR. SPRINGER.** What is the regular order?

**THE SPEAKER.** The regular order is the morning hour for the call of committees for reports.

**MR. ATKINS.** I move to dispense with the morning hour for the call of committees for reports.

**THE SPEAKER.** This will require a vote of two-thirds.

The motion was agreed to, two-thirds having voted in favor thereof.

**MR. FRYE.** Mr. Speaker, I intended, as I gave notice heretofore, that I would call up the rule touching the order of business reported on Monday from the Committee on Rules this morning. But in my judgment the legislative bill may in this hour be disposed of, and therefore I will waive the privilege of calling up that order this morning; but now give notice that I will call it up for consideration immediately after the declaration of the result of the count of the electoral votes for President and Vice-President.

**MR. TOWNSHEND, of Illinois.** I wish to make a parliamentary inquiry.

**THE SPEAKER.** The gentleman will state it.

**MR. TOWNSHEND, of Illinois.** I desire to know whether the gentleman from Maine [Mr. FRYE] has the right to call up that rule at any time?

**THE SPEAKER.** The gentleman from Maine does not now call up the rule for consideration. When the point arises, if the gentleman from Illinois chooses to make it, the Chair will then decide.

**MR. TOWNSHEND, of Illinois.** I give notice, then, I shall make the point of order against it at that time.

#### LEGISLATIVE, ETC., APPROPRIATION BILL.

**MR. ATKINS.** I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the legislative appropriation bill.

The motion was agreed to.

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

**THE CHAIRMAN.** The House is now in Committee of the Whole for the consideration of the bill (H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes. The Clerk will resume the reading of the bill.

The Clerk read as follows:

In the office of the Commissary-General: One chief clerk, at \$3,000; one clerk of class 4; three clerks of class 3; four clerks of class 2; ten clerks of class 1; two clerks, at \$1,000 each; one assistant messenger, two laborers, and two watchmen; in all, \$31,680: *Provided*, That the Secretary of War, if the public necessity requires it, may detail not exceeding ten enlisted men for clerical service in this division.

Mr. ATKINS. I offer the following amendment to this paragraph:

On page 51, in line 1240, strike out the word "division" where it occurs and insert "bureau" in lieu thereof.

The amendment was agreed to.

The Clerk read as follows:

For contingent expenses of the Adjutant-General's Office, in the old Navy Department building and in the building on F street above Seventeenth street, including fuel, light, heating apparatus, matting, cleaning, labor, and incidental items of care of two floors of the old Navy Department building, \$2,800.

Mr. ATKINS. I offer an amendment to this paragraph.

The Clerk read the amendment, as follows:

On page 54, lines 1318 and 1319, strike out the words "and in the building on F street above Seventeenth street;" and in line 1322 strike out the word "eight" and insert the word "five."

The amendment was agreed to.

The Clerk read as follows:

For the rent of that portion of the building on the northeast corner of Twelfth street and Pennsylvania avenue, Washington, District of Columbia, now occupied by the Pension Office, or any other fire-proof building or buildings that the Secretary of the Interior may select, \$24,000; and the Secretary of the Interior is hereby authorized to contract with the owner of said building or buildings for the rent thereof to the Government, at a rate not exceeding \$24,000 per year, from June 30, 1881, with the privilege for four years from June 30, 1882, at the same rate, contingent upon the making by Congress of the necessary appropriation.

Mr. ATKINS. I offer the following amendment to this paragraph:

In line 1527, after the word "or," where it occurs, insert the word "other."

The amendment was agreed to.

The Clerk read as follows:

Indian Office:

For compensation of the Commissioner of Indian Affairs, \$3,500; chief clerk, \$2,000; one financial clerk, at \$2,000; five clerks of class 4; eight clerks of class 3; one stenographer, at \$1,600; twelve clerks of class 2; ten clerks of class 1; thirteen clerks at \$1,000 each; eight copyists, at \$900 each; one messenger; one assistant messenger; and two laborers; in all, \$82,750.

Mr. ATKINS. I offer the following amendment to this paragraph:

In line 1582, after the word "dollars," where it occurs, strike out the word "five" and insert "one principal book-keeper, \$1,800; four."

This simply changes the title of one of these clerks to that of principal book-keeper. It does not increase the salary but simply designates him as book-keeper and leaves the number of clerks the same as before.

The amendment was agreed to.

The Clerk read as follows:

Pension Office:

For compensation of the Commissioner of Pensions, \$4,000; deputy commissioner, \$2,400; chief clerk, \$2,000; medical referee, \$2,250; forty-five clerks of class 4; seventy-five clerks of class 3; one hundred clerks of class 2; one hundred and forty-eight clerks of class 1; ten clerks, at \$1,000 each; thirty copyists, at \$900 each; one engineer, at \$1,200; one assistant engineer, at \$1,000; one messenger and twelve assistant messengers; and for ten laborers and four watchmen; in all, \$586,410.

Mr. COFFROTH. Mr. Chairman, I offer the following amendment to this paragraph:

In line 1597 strike out the words "forty-five clerks of class 4" and insert "thirteen clerks of division, at \$2,250 each; thirty-two clerks of class 4."

Mr. ATKINS. I raise the point of order that the amendment increases expenditures and changes existing law.

Mr. COFFROTH. This is a very important amendment, and should be adopted in the interest of the Pension Bureau. The next paragraph appropriates \$40,000 for investigating attempts at fraud. There might be \$10,000 stricken out from that appropriation, for the reason that by the report of the Commissioner of Pensions it appears but \$26,000 of this money was spent last year. When we reach that paragraph I shall move to strike out \$40,000 and insert \$30,000. Therefore I submit that the proposition, taken altogether, is in the interest of economy.

Mr. ATKINS. I cannot call to mind, Mr. Chairman, at what time the salaries of the clerks were fixed; I think thirty, or forty, or fifty years ago. Since the passage of that original act the clerks of class 4 have received \$1,800.

Mr. BAKER. The salaries were fixed last in the Revised Statutes.

Mr. ATKINS. I am aware of that. But when the clerks were originally organized as first, second, third, and fourth class clerks, the salaries were fixed at \$1,200, \$1,400, \$1,600, and \$1,000, and those salaries never have been changed from the time they were first organized until this time. The chiefs of divisions generally receive \$2,200 or \$2,250 and sometimes \$2,500. And I suppose, although the gentleman from Pennsylvania [Mr. COFFROTH] has not fixed any sum in his amendment for the salaries of these chiefs of divisions, they would receive \$2,250, which will be an increase of \$450 for each chief of division over and above the sum which these fourth-class clerks now receive.

I say there is no law which authorizes the giving these additional chiefs of divisions to the Pension Bureau. And besides, if I am permitted to come to the merits of the question, I want to say to this House the Commissioner of Pensions was before the Committee on Appropriations, and if we understood him aright he was entirely satisfied with the bill as it has been presented to the House.

Mr. COFFROTH. I will ask the gentleman from Tennessee if the Revised Statutes do not fix the compensation of the chiefs of divisions at \$2,250; if that is not fixed as the compensation for clerks who act as chiefs of divisions?

Mr. ATKINS. I believe that is the fact. So much the worse for the gentleman's position.

Mr. COFFROTH. I wish to state that the Commissioner of Pensions has divided off the business of his bureau into thirteen divisions, and there are thirteen clerks who are acting as the principal examiners or chiefs of divisions. But under this appropriation bill they get only \$1,800 a year, while if they were put in here as chiefs of division they would, under the Revised Statutes, get \$2,250 a year.

Mr. ATKINS. It may be that the Commissioner of Pensions has for his own convenience divided up his work and made chiefs of divisions arbitrarily. But it is not a fact that the duties of each division are equally onerous. The duties of some of those divisions are much more onerous than of others. Yet the gentleman from Pennsylvania proposes to pay all the chiefs of divisions the same sum.

The CHAIRMAN. Is there any question about the fact that this amendment proposes to change existing law?

Mr. ATKINS. Not at all. I have been merely discussing a little the merits of the question in order to satisfy the gentleman from Pennsylvania.

The CHAIRMAN. The Chair is compelled to sustain the point of order, upon the ground that the amendment changes existing law and does not retrench expenditures. It is not sufficient to make the amendment in order that it does not increase expenditures. If it changes existing law it must actually retrench expenditures to be in order under the third clause of Rule XXI.

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

The Clerk read as follows:

In lines 1602 and 1603 strike out the words "one assistant engineer at \$1,000."

Mr. BAKER. I desire to hear some explanation of the reason why this assistant engineer should be stricken out.

Mr. ATKINS. This appears in the bill by mistake. It was not estimated for and I propose to strike it out.

The amendment was agreed to.

The Clerk read the following paragraph:

For contingent and miscellaneous expenses of the Patent Office, namely: For construction and repair of model-cases, stationery, portfolios for drawings, furniture, and labor connected therewith, repairing, papering, painting, plumbing, gas-fitting, carpets, ice, advertising moneys refunded, printing engraved patent-heads, paper for the same, international exchanges, and other contingencies, \$25,000.

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

The Clerk read as follows:

After line 1663 insert as follows:

"For preparing, under the direction of the Commissioner of Patents, a classified abridgment of all letters-patent of the United States the sum of \$10,000: *Provided*, That said abridgment shall be printed and one copy of each shall be furnished to each Senator, Representative, and Delegate in Congress; one copy to each of the eight libraries to be designated by each Senator, Representative, and Delegate, and two copies to Library of Congress; also to such foreign governments as the Commissioner of Patents may designate. Copies may also be sold at the cost of printing, and the sums received for such sales shall be paid into the Treasury.

Mr. ATKINS and Mr. BAKER made the point of order that the amendment changed existing law and did not retrench expenditures.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read the following paragraph:

For photolithographing or otherwise reproducing copies of drawings destroyed or damaged by fire or otherwise exhausted, including pay of temporary draughtsmen, \$30,000; the work of said photographing, or otherwise producing plates and copies, referred to in this and the two preceding paragraphs, to be done under the supervision of the Commissioner of Patents, and in the city of Washington, if it can be there done at reasonable rates; and the Commissioner of Patents, under the direction of the Secretary of the Interior, is authorized to make contracts therefor.

Mr. WARNER. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

At line 1678, after the word "at," insert the word "as;" and in line 1679, after the word "rates," insert the words "as elsewhere."

Mr. WARNER. The chairman of the committee, I understand, accepts this amendment.

Mr. BAKER. Now I desire to hear read that portion of the paragraph as it will read if amended. I reserve the right to raise the point of order, if there be one, on the amendment after hearing it read.

The Clerk read as follows:

The work of said photographing, or otherwise producing plates and copies, referred to in this and the two preceding paragraphs, to be done under the supervision of the Commissioner of Patents, and in the city of Washington, if it can be there done at reasonable rates as elsewhere.

Mr. CANNON, of Illinois. I want to say, Mr. Chairman, that this amendment is clearly not right. I desire to be heard on the point of

order first, and afterward on the merits, if the point of order is not sustained.

Mr. ATKINS. I ask the gentleman from Illinois to yield for a motion that the committee rise.

Mr. CANNON, of Illinois. I yield for that motion.

Mr. ATKINS. I move that the committee do 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 having had under consideration the bill (H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, had come to no resolution thereon.

#### ADMISSION TO THE FLOOR OF THE HOUSE.

Mr. SINGLETON, of Mississippi. I submit the resolution which I send to the Clerk's desk.

The Clerk read as follows:

*Resolved*, That the privileges of the floor of the Hall of the House of Representatives be accorded to ladies during the count of the electoral vote for President and Vice-President.

The SPEAKER. The Chair desires to state that in accordance with the resolution adopted yesterday there was a space set apart in the galleries sufficient to accommodate three hundred and fifty persons; but direction was given in that resolution for the issuing of seven hundred and fifty tickets of admission. The consequence is that a large number of persons who were intended to be included in the scope of the resolution of yesterday have not been able to find seats. The resolution in regard to the issuance of tickets has been literally executed.

Mr. SPRINGER. The resolution should be amended so as to apply only to those holding tickets.

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

The SPEAKER. The gentleman will state it.

Mr. ROBINSON. I would inquire of the Chair if under Rule XXXIV the Chair can entertain the resolution of the gentleman from Mississippi?

The SPEAKER. It can be entertained by unanimous consent.

Mr. ROBINSON. Will the Chair direct Rule XXXIV to be read?

The SPEAKER. The Chair will do so.

The Clerk read as follows:

The persons hereinafter named, and none other, shall be admitted to the Hall of the House, or rooms leading thereto, namely: The President and Vice-President of the United States and their private secretaries, judges of the Supreme Court, members of Congress and members-elect, contestants in election cases during the pendency of their cases in the House, the Secretary and Sergeant-at-Arms of the Senate, heads of Departments, foreign ministers, governors of States, the Architect of the Capitol, the Librarian of Congress and his assistant in charge of the law library, such persons as have, by name, received the thanks of Congress, ex-members of Congress who are not interested in any claim or directly in any bill pending before Congress, and clerks of committees when business from their committee is under consideration; and it shall not be in order for the Speaker to entertain a request for the suspension of this rule or to present from the Chair the request of any member for unanimous consent.

The SPEAKER. The gentleman from Massachusetts, as the Chair understands, makes the point of order that it is not competent for the Speaker to entertain such a request.

Mr. BLACKBURN. I would inquire of the Chair if the rule just read by the Clerk applies to any sessions of this House except a legislative session, or a purely House session?

Mr. ROBESON. Certainly not.

Mr. BLACKBURN. Does it apply to a joint session of the two Houses of Congress? I think it does not.

The SPEAKER. The Chair understands that the gentleman from Illinois [Mr. SPRINGER] proposes a substitute for the resolution of the gentleman from Mississippi, [Mr. SINGLETON.] The Chair would suggest that whatever action is taken by the House must be taken immediately.

Mr. SPRINGER. I offer a substitute for the resolution and call the previous question on the resolution and amendment.

The substitute was read, as follows:

*Resolved*, That the Doorkeeper be directed to admit to the floor of the House ladies having tickets issued for the members' gallery during the joint session for the count of the electoral vote.

The SPEAKER. That is to provide for the families of Senators, Members, and Delegates. The Chair will admit the resolution under the circumstances, and believes that the rule just read does not apply to a joint convention of the two Houses.

Mr. HEILMAN. I object to the resolution and want to adhere to the programme. My folks came up here according to the programme and I had to turn them off, and I know several others who are in the same situation.

The SPEAKER. The Chair admits the resolution under the circumstances.

The substitute was agreed to, and the resolution, as amended, was adopted.

#### ORDER OF BUSINESS.

Mr. ATKINS. I move that the House now take a recess until one minute before twelve o'clock.

Mr. SPRINGER. Would it not be in order to inform the Senate that we are now ready to receive them?

The SPEAKER. The concurrent resolution requires that the two Houses should meet in joint convention at twelve o'clock to-day, and the Chair is advised that the Senate is now on its way to the Hall of the House.

The motion of Mr. ATKINS was agreed to; and the House accordingly (at eleven o'clock and fifty-eight minutes a. m.) took a recess.

At eleven o'clock and fifty-nine minutes a. m., the recess having expired, the House resumed its session.

The SPEAKER. The Chair desires to announce that the two front rows of seats on the right and on the left of the Chair have been reserved for Senators during the session of the joint convention of the two Houses.

#### COUNTING THE ELECTORAL VOTE.

At twelve o'clock m. the Doorkeeper announced the Senate of the United States.

The Senate entered the Hall preceded by its Sergeant-at-Arms and headed by the Vice-President and the Secretary of the Senate, the members and officers of the House rising to receive them.

The Vice-President took his seat as presiding officer of the joint convention of the two Houses, the Speaker occupying the chair on the left of the Vice-President.

The VICE-PRESIDENT. The two Houses have assembled in pursuance of the Constitution that the votes may be counted and declared for President and Vice-President of the United States for the term of four years from the 4th day of March, 1881. It becomes my duty under the Constitution, as the President of the Senate, to open the certificates of election of the several States of the nation, in the presence of the two Houses, and I now proceed to discharge that duty. The tellers appointed on the part of the Senate and the House will please take their seats.

Senators HAMLIN and THURMAN, the tellers appointed on the part of the Senate, and Mr. HOUSE and Mr. CROWLEY, the tellers appointed on the part of the House, took their seats at the Clerk's desk, at which the Secretary of the Senate and the Clerk of the House also occupied seats.

The VICE-PRESIDENT. I open the package purporting to contain the certificates of election of the State of Alabama and hand those certificates to the tellers to be reported.

Senator HAMLIN (one of the tellers) read in full the certificate of the vote of the State of Alabama, giving 10 votes for Winfield S. Hancock, of the State of Pennsylvania, for President of the United States, and 10 votes for William H. English, of the State of Indiana, for Vice-President of the United States.

Mr. HOUSE (one of the tellers) then read at length the certificate of the vote of the State of Arkansas, and announced the electoral vote of that State for President and Vice-President.

Senator THURMAN (one of the tellers) then read the certificate of the vote of the State of California, and announced the electoral vote of that State for President and Vice-President.

Mr. REAGAN. Mr. President, I suggest that, by unanimous consent of the joint convention, the reading of the formal parts of the certificates be omitted.

The VICE-PRESIDENT. That may be done by unanimous consent, and was the course pursued at the counting in 1857. Is there objection to the course suggested by the gentleman from Texas? [After a pause.] The Chair hears none, and that course will be pursued.

Senator EDMUNDSON. I would suggest, in view of the unanimous consent that has been given, that the tellers might examine the certificates as to their formalities, and the Chair could pass down in advance one of the certificates in order that it might be examined by the tellers, while one of the tellers is announcing the vote of the State preceding.

The VICE-PRESIDENT. The Chair will adopt the suggestion. The tellers then proceeded to announce the electoral votes of the States of Colorado, Connecticut, Delaware, and Florida.

The VICE-PRESIDENT. The Chair now hands to the tellers the certificate of election of the State of Georgia.

Mr. SPRINGER. I call for the reading of that certificate in full.

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

Mr. CROWLEY (one of the tellers) then proceeded to read in full the certificate of the vote of the State of Georgia, but before concluding,

Mr. SPRINGER said: Mr. President, I withdraw my demand for the reading in full of the certificate of the State of Georgia.

The VICE-PRESIDENT. The further reading will be omitted, and the result of the vote will be announced.

Mr. CROWLEY (one of the tellers) then announced the result of the vote of the State of Georgia for President and Vice-President of the United States.

The VICE-PRESIDENT. It appearing from the certificates just read that the votes of the State of Georgia were cast on a day other than that fixed by act of Congress in pursuance of the Constitution of the United States, the result of those certificates will not be recorded until, in the language of the concurrent resolution under which the count proceeds, "it shall appear whether the counting or

omitting to count such votes will essentially change the result of the election." When that fact shall appear the record will be made agreeably to the provisions of the concurrent resolution.

The certificates of the remaining States were then opened, and the votes announced as they appear in the following statement submitted by the tellers:

Number of electoral votes to which each State is entitled.	States.	For President.		For Vice-President.			
		James A. Garfield, of Ohio.	Winfield S. Hancock, of Pennsylvania.	James A. Garfield, of Ohio.	Winfield S. Hancock, of Pennsylvania.	Chester A. Arthur, of New York.	William H. English, of Indiana.
10	Alabama		10		10		10
6	Arkansas	6	6	1	1	6	6
6	California	5	5	3	3	5	5
3	Colorado	3		6	6	3	
6	Connecticut	6				6	
3	Delaware		3		3		3
4	Florida		4		4		4
11	Georgia		11			11	
21	Illinois	21		21		21	
15	Indiana	15		15		15	
11	Iowa	11		11		11	
5	Kansas	5		5		5	
12	Kentucky		12		12		12
8	Louisiana		8		8		8
7	Maine	7		7		7	
8	Maryland		8		8		8
13	Massachusetts	13		13		13	
11	Michigan	11		11		11	
5	Minnesota	5		5		5	
8	Mississippi		8		8		8
15	Missouri		15		15		15
3	Nebraska	3		3		3	
3	Nevada		3		3		3
5	New Hampshire	5		5		5	
9	New Jersey		9		9		9
35	New York	35		35		35	
10	North Carolina		10		10		10
22	Ohio	22		22		22	
3	Oregon	3		3		3	
29	Pennsylvania	29		29		29	
4	Rhode Island	4		4		4	
7	South Carolina		7		7		7
12	Tennessee		12		12		12
8	Texas		8		8		8
5	Vermont	5		5		5	
11	Virginia		11		11		11
5	West Virginia		5		5		5
10	Wisconsin	10		10		10	
369		214	155	214	144	214	155
							214
							144

When the votes of all the States had been severally announced, Senator THURMAN (one of the tellers) said: The tellers report that the whole number of the electors appointed to vote for President of the United States is 369, of which a majority is 185. Were the votes of electors for the State of Georgia, cast on the second Wednesday of December, 1880, being the 8th day of said month, to be counted, the result would be: For James A. Garfield, of the State of Ohio, for President of the United States, 214 votes, and for Winfield S. Hancock, of the State of Pennsylvania, for President of the United States, 155 votes. If not counted, the result would be: For James A. Garfield, for President of the United States, 214 votes, and for Winfield S. Hancock, for President of the United States, 144 votes. In either event James A. Garfield has received a majority of the votes of the whole number of electors appointed.

And the state of the vote for Vice-President of the United States, is as follows: The whole number of the electors appointed to vote for Vice-President of the United States is 369, of which a majority is 185. Were the votes of electors for the State of Georgia, cast on the second Wednesday of December, 1880, being the 8th day of said month, to be counted, the result would be: For Chester A. Arthur, of the State of New York, for Vice-President of the United States, 214 votes, and for William H. English, of the State of Indiana, for Vice-President of the United States, 155 votes. If not counted, the result would be: For Chester A. Arthur, for Vice-President of the United States, 214 votes, and for William H. English, for Vice-President of the United States, 144 votes. In either event Chester A. Arthur has received a majority of the votes of the whole number of electors appointed.

The VICE-PRESIDENT. Wherefore, I do declare that James A. Garfield, of the State of Ohio, having received a majority of the votes of the whole number of electors appointed, is duly elected President of the United States for four years commencing on the 4th day of March, 1881.

And I do further declare that Chester A. Arthur, of the State of New York, having received a majority of the votes of the whole number of electors appointed, is duly elected Vice-President of the United States for four years commencing on the 4th day of March, 1881. [Loud applause on the floor and in the galleries.]

The business for which the joint convention of the two Houses assembled having been completed, the Senate will return to its Chamber.

The Senate accordingly retired from the Hall; and (at one o'clock and forty minutes p. m.) the Speaker resumed the chair and called the House to order.

Mr. CONGER. I move that the House take a recess for ten minutes. The motion was not agreed to.

#### LAND AT FORTRESS MONROE FOR HOTEL PURPOSES.

Mr. JOHNSTON. I ask unanimous consent that the bill (S. No. 1843) to authorize the Secretary of War to grant the use of certain land at Fortress Monroe, Virginia, for the erection of a hotel, be taken from the Speaker's table and referred to the Committee on Military Affairs.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs.

#### ORDER OF BUSINESS.

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

Mr. HOUSE. I hope the gentleman will withdraw that motion for a moment.

Mr. ATKINS. For what purpose?

Mr. HOUSE. In order that the report of the tellers in relation to the count of the electoral vote may be submitted.

Mr. ATKINS. I withdraw the motion for the present.

Mr. HOUSE. I submit the report which I send to the desk.

The SPEAKER. The report of the tellers on the part of the House recording the vote as counted and declared for President and Vice-President of the United States will be read.

The Clerk read as follows:

The tellers on the part of the two Houses report that they have counted the votes of all the States cast for President and Vice-President of the United States of America for the constitutional term of four years from the 4th day of March, 1881, and find that on the first Wednesday in December, 1880, the electors of all the States assembled in their respective States, being the day prescribed by law for the assembling of the electors, except the electors of the State of Georgia. That of those who assembled and cast their votes on the said first Wednesday in December, 1880, James A. Garfield, of the State of Ohio, received 214 votes for President of the United States; Winfield S. Hancock, of the State of Pennsylvania, received 144 votes for the same office.

That for Vice-President of the United States Chester A. Arthur, of the State of New York, received 214 votes; William H. English, of the State of Indiana, received 144 votes.

That from the report of the electors of the State of Georgia, it appears that the electors of that State assembled in Atlanta, the capital of that State, on the second Wednesday of December, 1880, being the 8th day of said month, and, so assembled on that day, did cast the electoral votes of that State, 11 for Winfield S. Hancock, of the State of Pennsylvania, for President of the United States, 11 for William H. English, of Indiana, for Vice-President of the United States.

From all of which it appears that the whole number of electors appointed to vote for President and Vice-President of the United States is 369, of which a majority is 185. Were the votes of electors of the State of Georgia, cast on the second Wednesday of December, 1880, being the 8th day of said month, counted, the result would be: For James A. Garfield, of the State of Ohio, for President of the United States, 214 votes, and for Winfield S. Hancock, of the State of Pennsylvania, for President of the United States, 155 votes; and for Chester A. Arthur, of the State of New York, for Vice-President of the United States, 214 votes, and for William H. English, of Indiana, for Vice-President of the United States, 155 votes. If the votes of the electors of the State of Georgia, cast as aforesaid, were not counted, the result would be: For President of the United States, James A. Garfield, of the State of Ohio, 214 votes; Winfield S. Hancock, of the State of Pennsylvania, 144 votes; for Vice-President of the United States, Chester A. Arthur, of the State of New York, 214 votes; William H. English, of the State of Indiana, 144 votes. In either event James A. Garfield, of the State of Ohio, has received for President of the United States, and Chester A. Arthur, of the State of New York, has received for Vice-President of the United States, respectively, a majority of the votes of the whole number of electors appointed.

II. HAMLIN.  
A. G. THURMAN,  
Tellers on the part of the Senate.  
JNO. F. HOUSE,  
RICHARD CROWLEY,

*Tellers on the part of the House of Representatives.*

Mr. CROWLEY. I now offer the following resolution—

Mr. CONGER. Before that resolution is read I desire to ask the gentleman who made the last report whether he followed the usual form?

Mr. HOUSE. Yes, sir; it was prepared according to the usual form.

Mr. CONGER. Whether he followed the usual form in this respect in saying we have counted the electoral vote, or whether the other form was not the electoral votes were counted?

Mr. HOUSE. No; I think this is the usual form.

The SPEAKER. The Chair thinks it is the exact form adopted in the year the resolution as agreed to between the two Houses was passed.

Mr. CONGER. It was in reference to that form I asked whether it was the same.

The Clerk read as follows:

Whereas the House of Representatives having met the Senate, in accordance with the fifth section of the act 1st March, 1792, relative to the election of President and Vice-President of the United States, and the electoral votes having been opened by the President of the Senate in the presence of the two Houses of Congress, and counted by the tellers appointed on the part of the two Houses, and it appearing that the whole number of electors appointed to vote for President and Vice-President of the United States is 369, of which a majority is 185, and it further appearing that James A. Garfield, of Ohio, had received 214 votes for President of the United States, and that Chester A. Arthur, of New York, had received 214 votes for Vice-President of the United States, which number is a majority of the votes of the whole number of electors appointed, and the same having been duly declared by the President of the Senate in the presence of the two Houses: Therefore,

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the two Houses are of opinion that the Constitution and laws have been duly executed, and that no further declaration of these facts is necessary.*

The resolution was adopted.

The SPEAKER. If there be no objection, the preamble will be considered as adopted.

There was no objection, and it was ordered accordingly.

#### ORDER OF BUSINESS.

Mr. FRYE. I gave notice that I would call up the resolution reported by the Committee on Rules touching the order of business in the House immediately after the declaration of the electoral count, but as it will not take more than an hour or so to complete the consideration of the legislative appropriation bill I will waive it for the present, and now give notice I will call it up after the committee has finished that bill.

#### LEAVE OF ABSENCE.

Mr. NICHOLLS, by unanimous consent, was granted leave of absence indefinitely, on account of sickness in his family.

#### LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ATKINS. I move the House resolve itself into the Committee of the Whole House.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill

(H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, Mr. CARLISLE in the chair.

The CHAIRMAN. When the committee rose there was pending an amendment presented by the gentleman from Ohio, [Mr. WARNER,] upon which the gentleman from Indiana [Mr. BAKER] had made a point of order.

Mr. BAKER. And I desire, Mr. Chairman, to state that point of order. It is that it changes existing law and it does not appear on its face that it retrenches public expenditure. You will observe by examination of the clause of the appropriation bill for the current fiscal year, on page 25, that the phraseology of the existing law is identical with the text of the bill as it stands in the pending bill before this amendment was proposed.

You will further observe, Mr. Chairman, that the fourth section of the legislative appropriation bill for the current year repeals all acts and parts of acts in conflict with the provisions of that act. Therefore the law now is as it stands in the text of the bill reported from the Committee on Appropriations, and this amendment changes that existing law and does not on the face of it retrench expenditures.

Mr. WARNER. The gentleman from Indiana in making the point of order claims, as I understand him, that the language of this bill is exactly the language of the appropriation bill of last year and which became a law; that this changes the law to a certain extent without on its face reducing expenditures.

Mr. STEVENSON. I should like to know what the amendment is.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Ohio.

The Clerk read as follows:

In line 1678, after the word "at," insert the word "as," and after the word "rates" insert the words "as elsewhere;" so, after amended, it will read:

"For photolithographing or otherwise reproducing copies of drawings destroyed or damaged by fire or otherwise exhausted, including pay of temporary draughtsmen, \$30,000; the work of said photographing or otherwise producing plates and copies referred to in this and the two preceding paragraphs to be done under the supervision of the Commissioner of Patents and in the city of Washington, if it can be there done at as reasonable rates as elsewhere; and the Commissioner of Patents, under the direction of the Secretary of the Interior, is authorized to make contracts therefor."

The CHAIRMAN. The effect of the amendment will be to permit this work to be done elsewhere than in the city of Washington, if it can be done as cheaply.

Mr. WARNER. That can be done now under the law.

The CHAIRMAN. The Chair desires to direct the attention of the gentleman from Ohio to the statement that the appropriation bill for the present year not only confines it to the city of Washington but repeals all laws inconsistent therewith, which is not always the case, as the gentleman knows.

Mr. WARNER. This bill does not as it now reads confine this work to the city of Washington. It is done in the city of Washington if it can be there done at reasonable rates. Now, my amendment simply defines what reasonable rates should be—rates as reasonable as elsewhere. The bill I consider does not limit it to Washington, and on its face I submit as reasonable as elsewhere is *prima facie* reduction of the cost.

Mr. BLACKBURN. Mr. Chairman, on this point of order I desire to say but one word. The Chair has called the attention of the gentleman from Ohio who offered the amendment to the existing law, which repealed all former laws inconsistent with its own provisions. That was done after due notice given and perfectly intelligently by the House, upon the recommendation of the Secretary of the Interior, supported by the letter of the Commissioner of Patents. The House then did not act unadvisedly in adopting the present, the existing law, which repealed all other laws inconsistent with it for reasons which were fully explained in the communication of the Secretary of the Interior, as well as the letter of the Commissioner of Patents. Under that provision of the law, and in accordance with the facts which I have stated, I think the point of order of the gentleman from Indiana is good. The amendment proposed does not on its face tend to reduce expenditures, and it does most unquestionably change existing law under which this lithographing is to be done.

Mr. ATKINS. Outside of the question of its not retrenching expenditures, let us look into it a moment. I think it will be found that it is not practicable to adopt the amendment of the gentleman from Ohio—

Mr. WARNER. If the gentleman from Tennessee is going to discuss the merits of the proposition, I desire to be heard myself upon it.

The CHAIRMAN. The gentleman from Tennessee will confine himself to the point of order.

Mr. ATKINS. I shall not enlarge upon the point of order, which has been thoroughly stated by the gentleman from Indiana.

Mr. WHITTHORNE. Mr. Chairman, it is apparent to me at least that the proposition of the gentleman from Ohio is clearly in the line of retrenchment. Why is it in the line of retrenchment? Because upon the face of the bill as it is here reported it proposes no standard or test of comparison. The amendment proposed by the gentleman from Ohio invites competition, and human experience shows that competition is always in the line of reduction of expenditures. It is manifest, Mr. Chairman, that the proposition of the gentleman from Ohio aims at a reduction of expenditures as much as any proposition can. It seems to me to do so clearly and unequivocally.

Mr. MORSE. Mr. Chairman, I was not present when the proposition was made to offer this amendment; but the same question was raised here during last year when this same bill was before the House for consideration. It seems to me that the chairman of the Committee on Appropriations should be willing to adopt the same provision that was adopted at that time. Simply say that this work may be done anywhere where the rates are satisfactory and where it can be done as well without specifying that it shall be done in Washington. I have constituents of my own in Boston who are able to do the work well and give satisfaction.

Mr. BLACKBURN. That is just the trouble.

Mr. MORSE. That is the trouble exactly. I want all persons to have a fair chance in getting this work. I do not think it is right to compel the Secretary to do the work here alone—

Mr. BLACKBURN. It does not.

Mr. MORSE. It does in terms require the work to be done here, because the bill provides that it shall be done in Washington, if it can be done at reasonable rates. Now, I am no lawyer, but that is the clear meaning of it. Now, I see no reason, if it can be done at reasonable rates at other places, as reasonable rates, or perhaps more reasonable rates than it can be done at Washington, why it should be out of order to adopt this amendment. I say it is not fair to require it to be done here as this bill proposes. It should be permitted to be done anywhere where it can be done well and cheaply.

Mr. BLACKBURN. Mr. Chairman, I will say but a single word in conclusion upon the point of order. It seems to me that as far as the question is concerned as to the change of existing law, we are agreed. The gentleman offering the amendment and those who support it are agreed that it does change existing law. Now, I am willing to submit the whole question to the judgment of the Chair without another word as to whether it comes within the provision of the twenty-first rule if that it does retrench expenditures. It is not so shown on the face of it.

Mr. ATKINS. No sum is mentioned.

Mr. BLACKBURN. No sum is mentioned as being saved by this proposition, and it does not *prima facie* present a case of reduction of expenditures, and without doing that I hold that it is not in order under the terms of the rule.

The CHAIRMAN. Does the gentleman from Indiana insist upon his point of order?

Mr. BAKER. Most certainly, Mr. Chairman.

The CHAIRMAN. If the gentleman will examine the peculiar phraseology of the third subdivision of the twenty-first rule he will see that provision is made for amendments to a bill upon a report of a committee having jurisdiction of the subject-matter, it being of course contemplated that such amendments are offered under the instructions of a committee. To this extent the provision of the rule seems to imply a limit to the power of individuals to offer such amendments; and without reading the rule or commenting further upon it, the Chair holds that under the provision to which reference is made the amendment is clearly not in order.

The Clerk read as follows:

For surveyor-general of Minnesota, \$2,000; and for the clerks in his office, \$5,000.

Mr. DUNNELL. Mr. Chairman, I move to strike out the word "five" in line 1743, and insert the word "six;" so that it will read, "for the clerks in his office, \$6,000."

Mr. CLYMER. I reserve the point of order upon that amendment.

Mr. DUNNELL. I conferred with the chairman of the Committee on Appropriations in relation to this item. I had intended to present that matter to the committee in person. Last year when this bill was before the committee I urged the necessity of an appropriation of \$6,000. The estimate was \$8,500. I was assured when I came here in November by the surveyor-general of the State that the business of his office was very much behind, and that there was an absolute necessity for a larger appropriation for the purpose of getting it up. I trust the gentleman from Pennsylvania will not insist upon what I think is not really a point of order. The gentleman from Tennessee will remember that I spoke to him about this matter.

Mr. CLYMER. I reserved the point of order until I could ascertain whether there was any necessity for an increase over the existing law. The gentleman from Minnesota has not shown, or if he did, in the confusion I have not heard him, any necessity for this increase.

Mr. DUNNELL. Last year the estimates were \$7,500; this year they are \$8,500. The increase in the estimate is an evidence there is a demand for a greater appropriation; and I trust the point of order will not be insisted on.

The CHAIRMAN. What is the existing law?

Mr. CLYMER. The existing law makes it \$5,000. I must insist on the point of order.

Mr. ATKINS. I will read what is provided in the appropriation act for the current year:

For surveyor-general of Minnesota, \$2,000; and for the clerks in his office, \$5,000.

This bill is the same as the existing law.

The CHAIRMAN. Are the salaries fixed by law?

Mr. ATKINS. The gross sum is the same in the act for this year as it is in the present bill.

Mr. BAKER. I do not think there is anything in the point of order, for this reason: this is a gross appropriation for a given service, without being limited to any particular number of individuals for the

accomplishment of that service. It is simply an appropriation from year to year of a gross sum for the employment of clerical labor to accomplish a particular end.

The CHAIRMAN. But is there not a statute which authorizes the employment of those clerks? Or does that depend upon the annual appropriation bill?

Mr. BAKER. There is no law, so far as I am advised, except the annual appropriation bill. From year to year that provides a gross sum for the employment of clerks in these several land offices. If there is any other law than that it would be repealed by our annual appropriation bills, for the reason that if there was a certain number of clerks provided for by law, we have from year to year, as the chairman will recollect, cut down the estimates for this clerical force, and have supplemented that by a repealing clause at the end of the appropriation bill. But this is not a case of that kind; and I submit that the point of order is not well taken.

Mr. CLYMER. In justice to the chairman of the committee and myself, I wish to say when I made the point of order my impression was the gentleman from Minnesota [Mr. DUNNELL] had moved to increase the pay of the surveyor-general \$1,000. That was clearly liable to the point of order. I understand now the proposition is merely to increase the amount appropriated for the clerical force. That, I think, is not liable to the point of order.

Mr. BAKER. I hope the increase will be allowed.

Mr. ATKINS. I read from section 2226 of the Revised Statutes:

There shall be allowed for the offices of the several surveyors-general, for clerk hire therein, such sums as may be appropriated for the purpose by Congress from year to year.

After the reading of that section, I think there is nothing in the point of order. But I want to ask the gentleman from Minnesota, as he is familiar with the operations of the land office in Minnesota, if he can tell us whether or not the business is increasing, and how far behind it is in the surveyor-general's office.

Mr. DUNNELL. It is very well known throughout the country there has been a very large increase in the land office of Minnesota for the last few years. I could hardly now tell how many thousands of entries are made under all the various acts of Congress in the public lands of that State. The surveys are now being made there, and the business of the office has been going behind from year to year. I was requested personally to urge upon Congress the increase of this amount. The estimate was \$3,500. I only desire to increase the amount in the bill from \$5,000 to \$6,000. That sum is absolutely needed.

Mr. ATKINS. I desire to say, so far as I am concerned, as the sum fixed in the bill is \$3,500 below the estimate, I am willing the gentleman's amendment should be adopted.

The CHAIRMAN. As the point of order is not insisted on, the question is on the adoption of the amendment.

The amendment was agreed to.

The Clerk read the following:

For First Assistant Postmaster-General, \$3,500; chief clerk, while the office is held by the present incumbent, \$3,500; three clerks of class 4; fourteen clerks of class 3; one clerk of class 3 to act as stenographer and Department telegraph operator; six clerks of class 2; twelve clerks of class 1; four clerks at \$1,000 each; three assistant messengers; superintendent of blank agency, \$1,800; assistant superintendent of blank agency, \$1,600; four assistants to superintendent of blank agency, at \$1,200 each; two assistants to superintendent of blank agency, at \$900 each; one clerk, at \$1,000; one assistant messenger; three laborers (for blank agency); superintendent of free delivery, \$2,100; one clerk of class 2, (office of superintendent of free delivery;) in all, \$51,560.

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

The Clerk read as follows:

In line 1802, after the words "chief clerk," strike out all that follows down to and including the word "dollars" in line 1804; and insert in lieu thereof the following: "\$2,000, and while the office is held by the present incumbent \$500 additional."

The amendment was agreed to.

The Clerk resumed and finished the reading of the bill.

Mr. ATKINS. I move that the committee now rise and report the bill as amended.

Mr. COFFROTH. I ask permission to print certain remarks in regard to the pension portion of this bill.

There was no objection. [See Appendix.]

Mr. GILLETTE. Before the gentleman from Tennessee moves that the committee rise I desire to offer as an additional section what I send to the desk.

The Clerk read as follows:

Printing of national-bank notes:

No appropriation made by this bill shall be used to pay for preparing, printing, and delivering national-bank notes, but these expenses shall all be charged to the banks applying for the same.

Mr. ATKINS. I understand that to be the law now, that the banks all pay for the issuing of their own currency.

Mr. GILLETTE. That is not the law, I will state to the gentleman; but the Government pays for all the clerks employed in this service; it pays for all the printing, prepares the paper and delivers these notes to the banks without expense to them except the cost of the steel plates for printing. It is true we collect a small tax for the greatest bonus ever given by this Government to any class of people, but besides all that we prepare these notes at the expense of the Treasury.

Mr. CANNON, of Illinois. I reserve the point of order.

Mr. TOWNSHEND, of Illinois. What is the point of order of the gentleman from Illinois, [Mr. CANNON ?]

Mr. GILLETTE. The gentleman from Illinois has not made a point of order.

Mr. CANNON, of Illinois. I will make the point of order when the gentleman from Iowa [Mr. GILLETTE] gets through.

Mr. GILLETTE. I will yield to the gentleman from Illinois that he may state what is his point of order.

Mr. CANNON, of Illinois. I did not ask the gentleman to yield. Let him go ahead.

Mr. BLOUNT. I make the point of order that the amendment is not germane to this bill. It belongs to the civil sundry appropriation bill. The appropriations for this purpose are all in that bill.

Mr. GILLETTE. The salaries of the officers of the Bureau of Printing and Engraving are provided for by this bill.

Mr. ATKINS. I will state to the gentleman from Iowa it will be more proper for him to offer his amendment to the sundry civil bill; because it is in that bill these expenses are provided for. It would be germane to that bill but not to this.

The CHAIRMAN. That is what the Chair was going to state to the gentleman from Iowa.

Mr. GILLETTE. This bill does provide for some of those expenses, but if the point of order is maintained I will offer it upon the sundry civil appropriation bill.

Mr. CANNON, of Illinois. As the amendment has been withdrawn, for the reason suggested, I have no desire to press my point of order upon it.

Mr. ATKINS. I now move that the committee rise and report the bill with amendments to the House.

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. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, and had directed him to report the same back to the House with sundry amendments.

Mr. ATKINS. I call the previous question on the bill and amendments.

The previous question was seconded, and the main question ordered.

The SPEAKER. The question is first upon agreeing to the amendments reported from the Committee of the Whole. Is a separate vote demanded on any of the amendments?

Mr. ATKINS. I desire none.

The SPEAKER. Then the amendments will be voted upon in gross.

The amendments reported from the Committee of the Whole were then agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. ATKINS. I call the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered.

The question was taken; and there were—yeas 217, nay 1, not voting 74; as follows:

YEAS—217.

Acklen,	Colerick,	Hall,	McLane,
Aiken,	Converse,	Hammond, John	McMahon,
Aldrich, N. W.	Cook,	Harmer,	McMillin,
Aldrich, William	Covert,	Harris, Benj. W.	Miller,
Anderson,	Cowgill,	Haskeil,	Mills,
Armfield,	Cox,	Hatch,	Mitchell,
Atherton,	Crapo,	Hawk,	Monroe,
Atkins,	Cravens,	Hawley,	Morrison,
Baker,	Culberson,	Hayes,	Morse,
Ballou,	Daggett,	Heilman,	Morton,
Barber,	Davis, George R.	Herbert,	Muldrow,
Beale,	Davis, Horace	Herndon,	Mullen,
Beltzhoover,	Davis, Joseph J.	Hill,	Murch,
Berry,	Davis, Lowndes H.	Hiscock,	Myers,
Bicknell,	Deering,	Horr,	New,
Bisbee,	De La Matyr,	Hostetler,	Norcross,
Blackburn,	Dilbrell,	Houk,	O'Connor,
Bliss,	Dick,	Humphrey,	O'Neill,
Blount,	Dickey,	Hunton,	Osmer,
Bouck,	Dunn,	Hurd,	Overton,
Bowman,	Dunnell,	Hutchins,	Page,
Boyd,	Dwight,	Johnston,	Phelps,
Bragg,	Einstein,	Jorgensen,	Phillips,
Brewer,	Elam,	Kelifer,	Phister,
Brigham,	Ellia,	Kelley,	Prescott,
Bright,	Errett,	Kenna,	Price,
Burrows,	Evins,	Ketcham,	Reagan,
Cabell,	Felton,	King,	Reed,
Caldwell,	Ferdon,	Knott,	Richardson, D. P.
Camp,	Field,	Lapham,	Richardson, J. S.
Cannon,	Finley,	Le Fevre,	Robertson,
Carlisle,	Fisher,	Lindsey,	Robeson,
Carpenter,	Forney,	Loring,	Robinson,
Caswell,	Forsythe,	Lowe,	Ross,
Chalmers,	Fort,	Marsh,	Rothwell,
Chittenden,	Frye,	Martin, Benj. F.	Russell, W. A.
Clardy,	Geddes,	Mason,	Ryan, Thomas,
Clark, Alvah A.	Gibson,	McCold,	Samford,
Clements,	Gillet,	McCook,	Sapp,
Clymer,	Goode,	McGowan,	Sawyer,
Cobb,	Gunter,	McKinley,	Scales,

Scoville,	Starin,	Updegraff, Thomas
Shallenberger,	Steele,	Whiteaker,
Shelley,	Stevenson,	Whitthorne,
Sherwin,	Stone,	Williams, C. G.
Simonson,	Talbott,	Williams, Thomas
Singleton, J. W.	Taylor, Ezra B.	Willis,
Singleton, O. R.	Thompson, P. B.	Wilson,
Siemens,	Thompson, W. G.	Wright,
Smith, A. Herr	Tillman,	Yeates,
Smith, Hezekiah B.	Townshend, R. W.	Young, Casey.
Smith, William E.	Tucker,	
Sparks,	Turner, Thomas	
Springer,	Updegraff, J. T.	

NAY—1.

Turner, Oscar.

NOT VOTING—74.

Bachman,	Ford,	Lounsbury,	Ryon, John W.
Bailey,	Frost,	Manning,	Spears,
Barlow,	Godshalk,	Martin, Edward L.	Stephens,
Bayne,	Hammond, N. J.	McKenzie,	Taylor, Robert L.
Belford,	Harris, John T.	Miles,	Thomas,
Bingham,	Hazleton,	Money,	Townsend, Amos
Blake,	Henderson,	Neal,	Tyler,
Bland,	Henkle,	Newberry,	Van Aernam,
Briggs,	Henry,	Nicholls,	Van Voorhis,
Browne,	Hooker,	O'Brien,	Weaver,
Buckner,	Horne,	O'Reilly,	White,
Butterworth,	Habell,	Orth,	Wilber,
Calkins,	James,	Pacheco,	Wise,
Claffin,	Joyce,	Persons,	Wood, Fernando
Clark, John B.	Killinger,	Poehler,	Wood, Walter A.
Crowley,	Kimmel,	Pound,	Yocom,
Davidson,	Kitchin,	Rice,	Young, Thomas L.
Deuster,	Klotz,	Kichmond,	
Ewing,	Ladd,	Russell, Daniel L.	

So the bill was passed.

The following pairs were announced:

Mr. RUSSELL, of North Carolina, with Mr. BROWNE, on this vote.

Mr. MULLER with Mr. MCCOOK, until Monday evening next, on all political questions; Mr. MULLER reserving the right to vote to make a quorum.

Mr. LOUNSBURY with Mr. BAILEY, until Monday next.

Mr. EINSTEIN with Mr. CLARK of New Jersey, until Thursday, the 17th instant, on all political questions, except to make a quorum.

Mr. BAYNE with Mr. FROST, on all political questions, until further notice.

Mr. DAVIDSON with Mr. BRIGGS, with the right to either to vote to make a quorum.

Mr. NICHOLLS with Mr. RICE, until further notice; Mr. RICE reserving the right to pair some other member instead of himself with Mr. NICHOLLS.

Mr. MARTIN, of Delaware, with Mr. BOYD, on all political questions, until Monday next.

Mr. VAN AERNAM with Mr. HENRY, until further notice.

Mr. EICHMOND with Mr. O'BRIEN.

Mr. BLAND with Mr. CLAFLIN.

Mr. FORD was announced as absent for the day, attending to important business in the Departments.

Mr. STONE. I am paired with Mr. MONEY; but, thinking he would vote for this bill, I have voted for it.

Mr. CONGER. My colleague, Mr. NEWBERRY, has been required to leave the House on account of ill-health.

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

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

The latter motion was agreed to.

LIGHT-HOUSE, ETC., NARRAGANSET BAY.

Mr. ALDRICH, of Rhode Island, by unanimous consent, introduced a bill (H. R. No. 7157) making an appropriation for the erection of a light-house and fog-bell on Whale Rock at the entrance of Narragansett Bay; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

W. P. WOOD.

Mr. DICKEY, by unanimous consent, reported back from the Committee on Claims the letter of the Secretary of the Treasury relative to the claim of W. P. Wood for compensation for capture of counterfeit plates, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Appropriations.

The motion was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. COVERT, from the Committee on Agriculture, reported back with amendments, the bill (H. R. No. 7099) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. ANDERSON and Mr. ATKINS reserved points of order on the bill.

PRINTING OF AGRICULTURAL REPORT.

Mr. COVERT also, by unanimous consent, reported back from the same committee the joint resolution (H. R. No. 373) relative to print-

ing the Agricultural Report for the year 1880; which was referred to the Committee of the Whole House on the state of the Union.

ALPHABETICAL LIST OF PRIVATE CLAIMS.

Mr. DAVIS, of California, from the Committee on Accounts, reported back, with a favorable recommendation, the following resolution:

*Resolved*, That the Clerk of the House be directed to have completed the digested summary and alphabetical list of the private claims presented to the House of Representatives, from the Forty-second to the Forty-sixth Congress inclusive; and the expenses of performing said work shall, under the direction of the Committee on Accounts, be paid out of the contingent fund of the House.

The SPEAKER. The report accompanying this resolution will be read.

The Clerk read as follows:

The Committee on Accounts, to whom was referred the resolution, report that in their judgment this work is a very useful and valuable one to the members and committees of the House. It is an alphabetical list of the private claims presented to the House, showing their nature, when and by whom they were presented and what action was had upon them. The work is completed to the end of the Forty-first Congress. The continuation to the end of the present Congress will involve a very inconsiderable expenditure of money, which will be at the same time judiciously invested. The committee therefore unanimously recommend the passage of the resolution.

Mr. CONGER. I move that the resolution be amended by inserting after the word "inclusive" the words "including the number of the report when made."

Mr. DAVIS, of California. I have no objection to that amendment. The amendment of Mr. CONGER was agreed to.

The resolution, as amended, was adopted.

RAILROAD FROM ATLANTIC SEABOARD TO MISSOURI RIVER.

Mr. ANDERSON, by unanimous consent, presented a concurrent resolution of the Legislature of the State of Kansas in favor of the erection by the Government of a double-track freight railroad from the Atlantic sea-coast to the Missouri River; which was referred to the Committee on Railways and Canals, and ordered to be printed in the RECORD. It is as follows:

Whereas the increase in the agricultural products of the West has been much faster than the means of transportation, thereby preventing a realization of the highest prices for our products by preventing their being marketed at a seasonable and most advantageous time; and

Whereas the complete and comprehensive view of this fact contains conclusive proof that a Government railroad would furnish prompter and cheaper means of transportation, affording to the people of the different sections of our country the opportunity for a more speedy interchange of their product and at a less cost, thereby solving the vexed question of adequate and cheap transportation; and as this question is in the highest degree national in character, and of peculiar importance not only to Kansas, but to all the agricultural States of the West: Therefore,

*As it resolved by the senate, (the house of representatives concurring therein.)* First, that our Senators from this State be instructed and our Representatives in Congress requested to urge in the Congress of the United States the building of a double-track Government freight railroad from the sea-coast on the east to the Missouri River on the west, so as to make the main line accessible for commercial purposes to the people of all the States of the Mississippi Valley.

Second, that a copy of these resolutions be transmitted by the secretary of State to our Senators and Representatives in Congress with the earnest request that they urge the measures herein contained.

OFFICE OF SECRETARY OF STATE,

State of Kansas, ss:

I, James Smith, secretary of State of the State of Kansas do hereby certify that the foregoing is a true and correct copy of the original resolution on file in my office, and I further certify that the same was adopted by the senate February 1, 1881, and was concurred in by the house February 3, 1881.

In testimony whereof I have herein subscribed my name and affixed my official seal. Done at Topeka, this 4th day of February, A. D. 1881.

[SEAL.]

JAMES SMITH,  
Secretary of State.

ORDER OF BUSINESS.

Mr. SPARKS. I move to proceed to the consideration of the House Calendar. I do this with a view of getting at the case of General Porter for consideration at this time.

Mr. KEIFER. We are unable to hear the gentleman's motion.

The SPEAKER. The gentleman from Illinois [Mr. SPARKS] moves to go to the consideration of the House Calendar, his object being to reach the Fitz-John Porter case.

Mr. FRYE. I desire to call up the resolution reported by me yesterday from the Committee on Rules.

Mr. SPARKS. Has that precedence over my motion?

Mr. REAGAN. I shall desire to antagonize the motion of the gentleman from Illinois, if that comes up, by a motion to go into Committee of the Whole on the state of the Union for the consideration of the river and harbor bill.

The SPEAKER. The motion suggested by the gentleman from Texas [Mr. REAGAN] would have precedence over the motion of the gentleman from Illinois.

Mr. REAGAN. I do not propose to do that to the exclusion of the gentleman from Maine, [Mr. FRYE.]

Mr. GUNTER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GUNTER. I wish to know whether it would be in order at this time to move to proceed to the consideration of business on the Speaker's table.

The SPEAKER. The motion to proceed to consider business on the Speaker's table would come in after the unfinished business. The first motion in order under the rules would be the motion to go into Committee of the Whole on the state of the Union to consider revenue and appropriation bills; next would come the unfinished busi-

ness; next the motion to go to business on the Speaker's table; and next the motion of the gentleman from Illinois [Mr. SPARKS] to proceed to consider bills on the House Calendar. When the motion of the gentleman from Arkansas [Mr. GUNTER] to go to the Speaker's table is in order, that motion will take precedence of the motion of the gentleman from Illinois.

Mr. GUNTER. Then, as I understand, if the motion to go into Committee of the Whole should be negative, the question of consideration would be between the business on the Speaker's table and the unfinished business which the gentleman from New York [Mr. COX] would desire to bring up.

The SPEAKER. The gentleman from Maine, however, is demanding the consideration of a privileged question. The Chair will cause to be read a part of Rule XXVIII.

The Clerk read as follows:

No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] made a point of order, or gave notice that he intended to make one, against the right of the gentleman to call up this resolution at any time.

Mr. TOWNSHEND, of Illinois. My point of order is, while it may be the right of the committee to make report, it has no right to call up that report at any time for consideration.

The SPEAKER. The rules do not in fact give the Committee on Rules the right to report at any time, and that point, to be effective, should have been made at the time the report was submitted. The Chair thinks, however, that it was not made. At any rate the report was allowed to come in, and under the operation of Rule XXVII, first clause, it has rested over one day. Although the rules do not give the Committee on Rules the right to report at any time, yet the practice of the House has been uniformly to allow the Committee on Rules to report at any time and to consider that report at any time when it was as to the manner of conducting the business of the House.

Mr. TOWNSHEND, of Illinois. Does the Speaker decide that the gentleman has the right to call up this as a privileged question to the exclusion of the unfinished business?

The SPEAKER. The Chair decides that the resolution is now properly before the House.

Mr. TOWNSHEND, of Illinois. I submit, of course, to the decision of the Chair.

Mr. COX. I rise to a point of order. Was there any understanding that the gentleman from Maine should have this time to bring in his proposition?

The SPEAKER. The gentleman rises under his right.

Mr. COX. Have I the right to call up for consideration the apportionment bill?

The SPEAKER. If the House does not wish to consider the subject called up by the gentleman from Maine, [Mr. FRYE,] the question of consideration can be raised against it. The gentleman from Texas stated that he did not antagonize it.

Mr. REAGAN. I stated that I would not antagonize the motion of the gentleman from Maine, but that I would antagonize any other measure which came up.

Mr. COX. I will antagonize the motion of the gentleman from Maine.

The SPEAKER. The Chair will submit that question whether the House will now proceed to the consideration of the resolution of the Committee on Rules as indicated by the gentleman from Maine.

The House divided, and there were—ayes 128, noes 21.

Mr. COX. I withdraw the question of consideration against the resolution of the gentleman from Maine.

The SPEAKER. The question of consideration having been withdrawn, the Chair recognizes the gentleman from Maine.

BUSINESS BY UNANIMOUS CONSENT.

Mr. FRYE. I ask that the resolution be read.

The Clerk read as follows:

Resolved by the House of Representatives, After Wednesday next, on each day of the remainder of the session other than the third Monday of February and the last six days, whenever on motion the morning hour shall be dispensed with by a two-thirds vote, that hour shall be set apart for the consideration of bills on the several calendars under the following regulations: The States and Territories shall be called in order as now provided for, and as each is called, one of its members shall be named by the Speaker, selected in alphabetical order, who may move the consideration of a bill; if objected to by five members rising in their seats it shall not be considered, otherwise the member making the motion shall be entitled to five minutes for explanation of his bill, or, instead thereof, to the reading of the report accompanying the same, and then a vote shall be taken. The call of States shall go on from day to day until completed, as above provided, and whenever all the Members and Delegates from any State or Territory have been named by the Speaker, such State or Territory shall thereafter be omitted from the call until all the Members and Delegates shall have been so named. Any member not answering as his name is called shall be considered to have waived his privilege.

Mr. FRYE. In the first line as printed the resolution reads, "after Wednesday next." To-day is Wednesday, and therefore I suggest by unanimous consent the resolution be modified so as to read "after to-day."

There was no objection, and it was ordered accordingly.

Mr. CONGER. I ask now that the limitation shall also extend to the reading of the report; for there may be reports which will take an hour to read. Let there be the same limitation on the reading of the report as there is on the debate.

Mr. FRYE. I accept the suggestion of the gentleman from Michigan, and will limit the reading of the report to five minutes, the same as an explanation.

The House on Monday, Mr. Speaker, by a very large majority appeared to be in favor of a resolution very much broader than this one which has been reported by the Committee on Rules. Now I wish to deal in all frankness with the House, and I desire to show them wherein this differs from the proposition on which a vote was had. The resolution offered on Monday provided that there should be one hour each day in which bills offered by members might receive consideration, subject to one objection, or could not be considered if there were one objection. This resolution provides that there shall not be any such hour as that unless first on motion made and by a two-thirds vote the morning hour is dispensed with. If that is done by a two-thirds vote then that hour shall be occupied by the business indicated in that resolution. So the House will see it is a very great restriction and limitation on the original resolution which was referred to the committee.

Again, that resolution made one objection fatal. The judgment of the Committee on Rules was that ought not to be so; that from mere caprice or temper, or something of that kind, one objection might be made and prevent the consideration of a bill which fairly should be considered. And the committee have provided that the bill shall be considered unless five gentlemen rising in their seats object to its consideration.

Then it provides further, in explanation of the bill so that the House may be secure, the bill is one entitled to consideration; that five minutes shall be given to such explanation of the bill by the gentleman who offers it, or instead of that, five minutes for the reading of the report accompanying the bill.

Again, sir, there is a restriction. The original resolution provided that any gentleman might offer a bill for consideration. That would be a bill which might not have been before the House. It might have been a bill which had received no consideration by any committee. The Committee on Rules have restricted that to bills on the several calendars, and these bills you will see have all been considered by the several committees and reported favorably to the House.

Now, sir, certain gentlemen are very desirous of keeping off to a certain extent that limitation, and putting in also bills on the Speaker's table. I do not know that there is any great objection to that, for such bills have been considered by a Senate committee. They have had consideration by the Senate and have been sent to the House and placed upon the Speaker's table. I have no authority, however, to accept the amendment. I understand one to that effect will be offered. My own objection, if I had one to it, would be that on any day after the unfinished business is disposed of a majority of this House is privileged to go to business on the Speaker's table, and when there they can take up the business on the table, bill after bill, in their legitimate order, and a majority of the House can pass every bill there unless a point of order should be raised against it, and then that bill, if subject to the point of order, as containing an appropriation, would be obliged, under the rule, to go to the Calendar of the Committee of the Whole. Being on that Calendar, it immediately comes under the provisions of the bill which we now present. And so, Mr. Speaker, it did not seem necessary in the mind of the committee to include bills upon the Speaker's table, together with bills upon the Calendars of the House, in this resolution.

Again, the resolution which was offered and referred to the Committee on Rules provided that the roll of the House should be called in alphabetical order of the members of the House and the Delegates. In the opinion of the Committee on Rules you never would reach the last part of the alphabetical list. Now, the last half of the names on that alphabetical list or roll might belong to a half dozen States, and so a half dozen States would be entirely shut out from the benefits which were intended to be conveyed equally to all. Therefore the committee were of opinion that such a method would work injustice. But under this resolution as now proposed the committee have thought better to provide a roll-call of the States and Territories just as we have it on Monday, and then when a State is called by the Speaker he first recognizes a member by name in alphabetical order from that State. Then if the State has a bill in which there is a general interest, a public bill, that State or that delegation could induce that particular member whose name was called to take up the State bill and present it to the House for consideration rather than his own private measure.

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

Mr. FRYE. Certainly.

Mr. PAGE. Did the committee take into consideration the fact that one member might want to introduce a bill or offer a bill that a majority of the delegation from his State did not want?

Mr. FRYE. They did not.

Mr. PAGE. Why did they not provide that a bill, to be offered under the provisions of this proposition, should be determined by a majority of the delegation. An individual might offer a private bill rather than one in which his State was interested.

Mr. FRYE. In response to the question of the gentleman from California, I will say that the committee did not take this into consideration, because the original proposition provided that there should be a call of the roll of every member of the House, giving to each member, in that way, as nearly as practicable, the same privilege. But

I have just shown that if called in that way the last half of the alphabet would not probably be reached during the session. Now, allow me to say if this rule is adopted by the House, and then without caprice, without temper, without any special antagonism it is carried out in the House, I have no doubt before the session closes that two-thirds of the members at least will have the privilege—at least two-thirds of those present—of offering a bill to the House for consideration.

Mr. WARNER. What about the other third?

Mr. FRYE. They will be obliged to go without, and they would have been compelled to do that if the proposition had been adopted to allow the roll to be called in alphabetical order and go through the list of members in that way.

Mr. MILLS. I would like to ask the gentleman a question in this connection. You contemplate by your resolution that five members objecting to a bill can kill it. Now if such a bill is called up a majority can pass it.

Mr. FRYE. No; the rule means, as I understand it—and I call the Speaker's attention to it, because I think it likely that there will be a ruling required upon it—when a State is called the gentleman first alphabetically on the list is named by the Speaker. If he desires it, he can take from the Calendar a bill and ask its immediate consideration; that then such bill shall be read for the information of the House, and then the objections, if any, are called for to the consideration of the bill.

Mr. MILLS. These five objections can accomplish as much as a majority of the House in effectually disposing of a bill.

Mr. TOWNSHEND, of Illinois. I desire to know if the person presenting a bill or calling up a bill for consideration is allowed five minutes in favor of it, what time is to be allowed to those who may object to the passage of it.

Mr. FRYE. No provision is made for allowing those who object to a bill to discuss it, and for this reason: if a bill is on the Calendar gentlemen have the opportunity to examine it, the committees have examined it, there is a report accompanying it; and the privilege is accorded by the committee in this report, or the power is given to five members to stop its consideration.

Mr. MILLS. That is the very point that I want to get at. Do you not propose to give the power of the majority of the House to five members. In other words, that five members can prevent the passage of a bill.

The SPEAKER. Only during that hour. It is proposed that five may object to its consideration. One can do that now.

Mr. TOWNSHEND, of Illinois. There is no provision or opportunity then for debate against it?

Mr. FRYE. No; none at all.

Mr. KEIFER. I desire to ask the gentleman this question: Suppose after the Speaker has called a State and designated the member who shall be entitled to ask the consideration of a bill, and after that five members object, I want to know whether that State is to be passed over?

The SPEAKER. In that case the gentleman who has been named loses his right.

Mr. KEIFER. I agree he loses his right. But does the State then lose the right to present a bill?

The SPEAKER. It does until another from that State is called in the order as required. The Chair will illustrate. When the State of Alabama is called, the gentleman from Alabama who will be named by the Speaker will be Mr. CLEMENTS. That gentleman calls up a bill. After the bill has been read if five members object then that bill could not be considered; that gentleman would have exhausted the privilege; and the State would lose its present privilege; and the Chair thinks he would be compelled to go next to the State of Arkansas.

Mr. KEIFER. It does not appear so by the rule in definite terms. That may be the proper construction of it.

The SPEAKER. That was the intention of the Committee on Rules.

Mr. KEIFER. I think that ought not to be the case.

Mr. VALENTINE. Then when the State of Nebraska, having but one member on this floor, is called, and I ask the House to consider a certain bill, and five members rise to object, the State loses its privilege and all right of recognition thereafter.

The SPEAKER. The gentleman representing that State loses all right of recognition until the other two hundred and ninety-two members have had the same right as the gentleman from Nebraska. This resolution recognizes the right of individual membership.

Mr. KEIFER. This is important, and I desire it should be fully understood. I understood the Chair to say that in that case the call would pass to the next State. Now suppose the next State called was Ohio and a bill was called up by a member from that State and there were five objections to its consideration, I understand the Chair to say he would pass over the other nineteen members from Ohio and go to some other State.

The SPEAKER. That is the intention of the rule.

Mr. KEIFER. I think the rule should be amended so that that would not be the case.

The SPEAKER. If it was otherwise the whole roll of the State of Ohio might be called and twenty members of that State would each have the right if consecutively objected to continue to call up bills to the exclusion of the next State and all the States thereafter.

Mr. KEIFER. Only until a bill was considered; and then the State would have had its right after one bill was considered; and then the State drops out of the call. That is what I am endeavoring to suggest.

The SPEAKER. New York, for instance, under that arrangement might have thirty-three calls if as often objected by five members before the next State would be reached, and before the State of Ohio would be reached.

Mr. KEIFER. That would be because the thirty-three men from New York were so unfortunate as to find five persons objecting to each of their applications, because if one consideration came in, the whole State would be passed by. I think the resolution should be so amended as to give each State a right to consideration.

Mr. FRYE. I suppose I am holding the floor all this time.

The SPEAKER. The Chair has recognized the right of the gentleman from Maine to control the subject until the expiration of one hour. To whom does he yield?

Mr. FRYE. I yield to the gentleman from Mississippi [Mr. SINGLETON] for a question.

Mr. SINGLETON, of Mississippi. I understand when a State is called the gentleman representing that State who happens to be first on the list alphabetically takes charge of all the business belonging to that State.

Mr. FRYE. The gentleman then does not understand the resolution aright.

Mr. SINGLETON, of Mississippi. Now suppose I introduce a bill into the House and have prepared myself to discuss it, and my colleague who has the floor has not informed himself on the subject; yet he alone is to speak for five minutes, and I who understand the bill am cut off from the privilege of discussing it at all.

Mr. FRYE. I think the gentleman from Mississippi is entirely wrong in his construction of the resolution. No gentleman from a State would be entitled to take entire charge of the business of that State. The gentleman who was first called from the State would have a right to present a bill for consideration; it might be a pension bill or any other private bill. The reason why States were selected was this: that a State might have a bill in which it had a profound interest; and if that were the case the delegation from that State would have an opportunity to induce the gentleman whose name was called first to take that bill in which the State was interested and offer that for consideration. It is an advantage which a State would have over the call of individual members under the ordinary rule in the House.

Mr. SINGLETON, of Mississippi. I cannot understand how that would be an advantage to me.

Mr. TOWNSHEND, of Illinois. I desire to ask the gentleman from Maine a question. I wish to know from the gentleman from Maine upon what theory he thinks two-thirds of the House will have an opportunity to ask for this privilege. If you deduct the five minutes allowed to each member to present his bill, if you deduct the time in reading the reports and the bill, you will find not more than six bills can be disposed of in a day. We have but nineteen legislative days in this session remaining; multiply six by nineteen, and you have one hundred and fourteen. Therefore, only one hundred and fourteen members will obtain the privilege of asking unanimous consent for the passage of their bills.

Mr. FRYE. And that is one hundred and fourteen more than would get any privilege unless you adopt this resolution.

Mr. TOWNSHEND, of Illinois. Now we can ask the privilege at any time, and if there be no objection we can get it.

Mr. FRYE. There never was an instance known in which there was not an objection if you ask the consideration of a bill; and, besides, what the gentleman suggests can be done afterward, even if this resolution be adopted.

Mr. TOWNSHEND, of Illinois. This is in the interest of one hundred and fourteen members, who have the fortune to be from the smaller States or who appear highest alphabetically on the roll of their States.

Mr. FRYE. No, sir; it is in the interest of the business of this House.

Mr. CANNON, of Illinois. That is it.

Mr. FRYE. That is what it is.

Mr. TOWNSHEND, of Illinois. Would it be in order for me now to move to lay this resolution on the table?

The SPEAKER. Such motion would have precedence.

Mr. TOWNSHEND, of Illinois. Then I move that the resolution be laid on the table.

Mr. FRYE. I have not yielded the floor to the gentleman for any such purpose.

The SPEAKER. The gentleman from Maine [Mr. FRYE] states he yielded for a question. The Chair will entertain the motion to lay on the table when the gentleman from Maine sits down.

Mr. TOWNSHEND, of Illinois. I will not take the gentleman off the floor; but I give notice that I will submit that motion at the proper time.

Mr. SAPP. Will the gentleman from Maine [Mr. FRYE] allow me to ask him a question?

Mr. FRYE. Certainly.

Mr. SAPP. It is whether, if the name of a member is called and he fails to call up a bill, the State is then passed?

Mr. FRYE. It is.

Mr. ROBESON. I would like to ask the gentleman a question.

Mr. FRYE. Very well.

Mr. ROBESON. It is whether this proposition does not leave to every member of this House all the privileges he now has, and only adds to them some other privileges or facilities which are to be given by this proposed rule?

Mr. FRYE. Exactly.

Mr. ROBESON. And everything that we now get is in addition to what this proposes to give? Therefore if we get in one hundred and fourteen new propositions for consideration by the House, is not that a privilege for at least a portion of the members of this House which they would not get at all if it was not for this resolution?

Mr. TOWNSHEND, of Illinois. That is not correct.

Mr. ROBESON. And I want to ask the gentleman whether he does not think it wise, when we are going to do a practical thing, to take hold of that practical thing itself, and not bring up impracticable projects that will not amount to anything? Whether, if we do not get this measure of relief, the one hundred and fourteen members will be crowded out and nobody will get anything at all?

Mr. FRYE. The gentleman has stated it exactly.

Mr. WARNER. I want to ask the gentleman how we can give privileges to one hundred and fourteen members which they do not now have without denying to other members some privileges which they do have?

Mr. FRYE. The little experience which I had yesterday in connection with a small order touching the use of the galleries to-day—about two hundred suggestions of amendments having been made to me personally and about fifty more from the floor of the House—taught me a lesson. [Laughter.]

Now, I have no pride of opinion in this proposed rule, neither has the Committee on Rules any pride of opinion about it, and no care as to what the House may do with it. But if it be opened to amendment there will be no limit to the proposition of amendment. I desire to say to the House simply that before my hour has expired I propose to demand the previous question.

Many MEMBERS. Do it now.

Mr. FRYE. I cannot well do it now. If the previous question shall be sustained, then it will be within the power of any gentleman who is recognized, if he has an important amendment which he desires to have made to this rule, to move to recommit it, even while the demand for the previous question is pending or after it has been seconded, to recommit it with instructions to the Committee on Rules to report this proposition back with the amendment he shall indicate.

Mr. ALDRICH, of Rhode Island. Will not the gentleman now allow a single amendment, to insert the words "business on the Speaker's table," and have that amendment pending when the previous question is called?

Mr. FRYE. I have no authority to admit an amendment. The gentleman can move to recommit with instructions to report such an amendment.

Mr. ALDRICH, of Rhode Island. We do not want to recommit it.

Mr. YOUNG, of Tennessee. I ask the gentleman to yield to me.

Mr. FRYE. I have agreed to yield to the gentleman from Tennessee [Mr. YOUNG] for fifteen minutes.

Mr. TOWNSHEND, of Illinois. Allow me a moment before the gentleman yields.

Mr. BLACKBURN. Will the gentleman from Maine [Mr. FRYE] yield to me for a moment?

Mr. FRYE. I will with pleasure.

Mr. BELFORD. I desire to ask the gentleman from Maine [Mr. FRYE] a question. I offered the resolution which has brought this subject before the House. Now I wish to know whether the gentleman will allow me at this time to offer a substitute for the rule proposed by the Committee on Rules, so that it may be pending.

Mr. FRYE. I cannot yield the floor for that purpose. If I were to yield to the gentleman from Colorado [Mr. BELFORD] I would be equally obliged to yield to fifty other members. A motion to recommit with instructions can be made after the previous question has been demanded.

Mr. TOWNSHEND, of Illinois. One question.

Mr. FRYE. State it.

Mr. TOWNSHEND, of Illinois. I made a mistake as to the number of days left of this session. I find upon re-examination that only ten days will be left for the operation of this proposed rule, and if only six bills can be disposed of on each of those ten days, but sixty members of this House will enjoy the privilege proposed by this resolution.

Mr. BLACKBURN. One moment, if the gentleman pleases.

Mr. FRYE. With pleasure.

Mr. BLACKBURN. With a view of simplifying the settlement of the question now before the House, and without desiring to enter into any detailed statement, I will ask the gentleman from Maine [Mr. FRYE] to yield for a motion to recommit this additional or new rule to the Committee on Rules, with instruction to report it back day after tomorrow morning, immediately after the reading of the Journal.

Mr. ANDERSON and others. Oh, no!

Mr. FRYE. No, Mr. Speaker, I cannot yield for that purpose.

Mr. BLACKBURN. Then the gentleman will permit me to say that as a member of the Committee on Rules I know nothing of this

proposition. If it has been considered in a meeting of the Committee on Rules, I am not advised of it. I have not failed to attend any meeting of that committee that has been called. I do not mean to express myself as opposed to the resolution; I do not mean by any means to reflect upon the gentleman from Maine for reporting it; but I do mean to say that, as a member of that committee, I have not considered it in committee meeting; and if there has been a meeting of the Committee on Rules for the purpose of its consideration, I was not primarily advised of it, and have not been advised of it since. I feel that it is but reasonable to ask that the resolution shall be re-committed with the various amendments that have been proposed, in order that in the light of the opinions which have been expressed by members in the course of the discussion the Committee on Rules as a committee may act upon it deliberately and advisedly.

Mr. FRYE. A majority of the Committee on Rules has passed upon this proposed rule.

Mr. BLACKBURN. Will the gentleman answer me a question?

Mr. FRYE. Yes, sir.

Mr. BLACKBURN. Was a majority of the Committee on Rules present in a committee meeting?

Mr. FRYE. A majority of the Committee on Rules was not present at the meeting of the committee. I was notified to be present at a meeting of the committee. I was there.

Mr. BLACKBURN. I did not get any notice.

Mr. FRYE. The gentleman from Georgia [Mr. STEPHENS] came a few minutes afterward; and the vote of the committee, those present, was that the resolution be passed over till the gentlemen who were absent could be consulted and their views taken upon it. It was read to the gentleman from Georgia. The attention, I think, of the gentleman from Michigan [Mr. CONGER] was called to it. The "gentleman from Maine" tried to find the gentleman from Kentucky, and was not able to.

Mr. BLACKBURN. The gentleman from Maine will allow me, in justice to myself, to say that the records of Congress show that there has not been a day nor a roll-call on which I have been absent from my place in the House.

Mr. FRYE. I was not charging the gentleman with absence from the House.

Mr. BLACKBURN. It was not my fault that the gentleman did not find me.

Mr. FRYE. The majority of the Committee on Rules authorized this rule to be reported.

Mr. BLACKBURN. In committee meeting?

Mr. FRYE. In committee meeting.

Mr. BLACKBURN. Does the gentleman say that a majority of the Committee on Rules—

Mr. FRYE. I stated exactly what took place; and the gentleman from Kentucky understands it perfectly well.

Mr. BLACKBURN. And the "gentleman from Kentucky" will understand it better.

Mr. FRYE. How will he understand it better?

Mr. BLACKBURN. Does the gentleman from Maine say that any meeting of the Committee on Rules was ever had where this resolution was considered with a majority of that committee present?

Mr. FRYE. The gentleman from Kentucky understood what I said; did he not?

Mr. BLACKBURN. I understood the gentleman from Maine to say "no."

Mr. FRYE. I did not say "no."

Mr. BLACKBURN. Well, I say "no."

Mr. FRYE. Was the gentleman there?

Mr. BLACKBURN. No; but I have the word of the gentleman from Maine for it.

Mr. FRYE. The gentleman from Kentucky speaks entirely without knowledge.

Mr. BLACKBURN. I speak upon the authority of the gentleman from Maine himself.

Mr. FRYE. The gentleman does not speak upon my authority.

Mr. BLACKBURN. It has not been ten minutes since the statement was given to me by you.

Mr. FRYE. I stated the exact fact: that I was called to a meeting of the Committee on Rules; the gentleman from Kentucky was not there.

Mr. BLACKBURN. And was not called there.

Mr. FRYE. There were only two gentlemen there. This rule was passed upon and agreed to by those two, with the understanding that it should be submitted to the gentleman from Georgia, [Mr. STEPHENS], the gentleman from Michigan, [Mr. CONGER,] and the gentleman from Kentucky, and, if a majority were in favor of it, should be reported to the House. I stated that distinctly; and then I said that I could not find the gentleman. Now, why should he charge upon me—by implication, at any rate—that I have not stated what is the fact?

Mr. BLACKBURN. So far from charging it by implication, I never deal in implications. I deal in direct assertions.

Mr. FRYE. What is your direct assertion?

Mr. BLACKBURN. I stated to this House that it was not my purpose to reflect upon the gentleman in any wise for the report of this resolution; but I also stated the fact that I had never been present at any meeting of the Committee on Rules when this resolution was considered, and never had been called to such a meeting, and never

had seen the resolution, though in my place every day and every hour. That is what I said.

Mr. FRYE. Now suppose that should turn out to be true—

Mr. BLACKBURN. Does the gentleman question it?

Mr. FRYE. I am going on with the supposition.

Mr. BLACKBURN. Does the gentleman question the truth of my statement?

Mr. FRYE. Allow me to finish my remark.

Mr. BLACKBURN. Will the gentleman answer my question?

The SPEAKER. The gentleman from Kentucky will not interrupt the gentleman from Maine except with his consent.

Mr. FRYE. Suppose it to be the fact that the gentleman was not there. I know he was not there, and I have said so, have I not? Suppose the gentleman was absent at a meeting of the Committee on Rules, does it follow that the committee can do nothing absolutely?

Mr. BLACKBURN. Yes, if there is not a quorum present.

Mr. FRYE. Well, when a quorum has agreed to a resolution, does the absence of the gentleman from Kentucky spoil it?

Mr. BLACKBURN. That quorum was not there, according to the gentleman's own statement.

Mr. FRYE. A quorum of the committee has agreed to the resolution; and I take it that, being presented properly to the House, it is within the power of the House to enact it into a rule.

Mr. BLACKBURN. The question is whether it is properly presented. There never was a quorum there.

The SPEAKER. What action does the gentleman from Maine propose?

Mr. FRYE. I now yield ten minutes, according to promise, to the gentleman from Tennessee, [Mr. YOUNG.]

Mr. BLACKBURN. Now, I raise the point of order before the gentleman from Tennessee proceeds—

Mr. YOUNG, of Tennessee. Yes; I would like to have this question settled.

Mr. BLACKBURN. That this report is not properly before the House for its consideration. I raise it on the statement of the gentleman from Maine.

The SPEAKER. The point of order is made too late. When the report was presented it might have been in order, but it was not questioned. The meeting at which it was to be considered was an adjourned meeting. There was not a quorum present. The gentleman is correct in his statement, there were but two members present, the Chair and the gentleman from Maine. The gentleman from Maine had prepared this resolution and submitted it to the present occupant of the chair. It was then agreed it should be submitted to the other members. The Chair does not know why it was not submitted to the gentleman from Kentucky; but the point of order the gentleman now makes comes, in the opinion of the Chair, too late. If made it ought to have been made at the time when the report was submitted.

Mr. BLOUNT. How could it have been made when it was not known?

Mr. TOWNSHEND, of Illinois. I make another point. It was represented by the gentleman from Maine that this is a report from the committee, and it now appears it was not a report from the committee.

Mr. FRYE. What does the gentleman from Illinois mean? It was a report of the committee, and I have so stated to this House. If a majority of a committee agree to a report is not that the report of the committee?

Mr. TOWNSHEND, of Illinois. I say that the gentleman has announced to the House that but two members of the committee were present when it was considered, and yet there are five members of that committee who ought to have been summoned to attend its meeting.

Mr. FRYE. I have announced to the House that it was presented to a majority of the members of that committee and that they have agreed to it.

Mr. TOWNSHEND, of Illinois. The point I make is this, and I adhere to it, that the gentleman from Maine, as I understood him, represented this to be the report of the Committee on Rules. I maintain he could only be warranted in making that statement on leave given by a majority of that committee when legally in session as a committee. Now he confesses on the floor that he had only the consent of two members of that committee to make the report.

Mr. FRYE. I did not confess anything of the kind and the gentleman must be dull to understand so.

Mr. CALKINS. I demand the regular order.

Mr. FRYE. I demand the previous question in order to dispose of this matter.

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

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. My point of order has not yet been decided.

The SPEAKER. It is in substance the same point made by the gentleman from Kentucky which has already been decided.

Mr. TOWNSHEND, of Illinois. The difference is this—

Mr. McLANE. Is a motion to recommit it now in order?

The SPEAKER. It is before or after the previous question is ordered.

Mr. BLACKBURN. I submitted that motion long ago, to commit with instructions.

The SPEAKER. The Chair did not recognize it then because the gentleman had not then the floor to make it.

Mr. BLACKBURN. I move to recommit with instructions.

The SPEAKER. The gentleman asked the gentleman from Maine whether he would yield the floor to make that motion and the gentleman from Maine did not yield for that purpose.

Mr. BLACKBURN. I move now to recommit with instructions to the Committee on Rules to report day after to-morrow after the reading of the Journal.

The SPEAKER. The gentleman from Maryland now makes a motion to recommit and the gentleman from Kentucky moves to amend by adding "with instructions," as stated by him.

Mr. CONGER. I desire to say a word about this matter.

Mr. FRYE. I yield to the gentleman from Michigan.

Mr. WARNER. I wish to have my point of order ruled upon. I claimed the floor and was recognized and was taken off it without my consent. Manifestly by this ruling a majority of the members of the committee—three-fifths—will be ruled out of any privilege under the rules.

The SPEAKER. That is as to the effect of the resolution, and is not a point of order.

Mr. WARNER. I say privileges cannot be extended to this number of members in that way.

Mr. McLANE. I demand the regular order of business.

The SPEAKER. The regular order of business is the motion to commit with instructions.

Mr. CONGER. I desire to say for myself as a member of the Committee on Rules, that when this appeal was made to support it the Speaker, the gentleman from Maine, and myself, three members, a majority of that committee, according to my recollection, were together in the corridor where we came to consider it.

The SPEAKER. There was a meeting at the room of the gentleman from Georgia, [Mr. STEPHENS,] a member of the Committee on Rules, and the Chair understood there was to be an adjourned meeting of the committee on Tuesday morning following, when this matter was to be considered. The gentleman from Kentucky states that he did not so understand. The Chair has directed his attention to that fact and he said he did not have notice.

Mr. BLACKBURN. The Chair will do me the justice to add that understanding there was to be an adjourned meeting on Tuesday and not knowing at what hour or what place, I sent the clerk of my committee to the Speaker to ascertain the time and place of holding it, and I received no answer and never heard aught of the meeting on Tuesday, nor of any action taken.

The SPEAKER. The recollection of the Chair is, and it differs from that of the gentleman from Kentucky, that it was at the meeting in the room of the gentleman from Georgia when an adjourned meeting was provided for.

Mr. BLACKBURN. The Speaker will bear witness that a majority of the Committee on Rules evidently did not seem to have so remembered, for the reason that a majority did not attend that meeting.

The SPEAKER. That is the recollection of the Chair at all events.

Mr. BLACKBURN. I know that. But it does not seem to have been so understood by the Committee on Rules.

Mr. GOODE. Would it be in order to lay this whole subject on the table?

The SPEAKER. The Chair will entertain and submit the motion. Mr. GOODE. I move to lay it on the table.

The motion was not agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Kentucky, that the subject be recommitted to the Committee on Rules with instructions.

Mr. McLANE. My motion was, without instructions.

The SPEAKER. The motion of the gentleman from Kentucky is submitted as first in order under the rules.

Several MEMBERS. What is the pending question?

The SPEAKER. The pending question is the motion to recommit to the committee, with instructions to report in two days.

The House divided; and there were—ayes 78, noes 121.

Mr. BLACKBURN demanded tellers.

Before the result of the demand for tellers was announced,

Mr. COFFROTH demanded the yeas and nays.

The yeas and nays were not ordered.

The SPEAKER. Thirty-seven members having voted on the demand for tellers, being a sufficient number, tellers are ordered. The Chair appoints Mr. BLACKBURN and Mr. FRYE.

The House divided; and there were—ayes 68, noes 118.

So the motion was not agreed to.

Mr. FRYE. I now demand the previous question.

Mr. McLANE. Does not the question now recur on the motion which I made, to commit without instructions?

The SPEAKER. Under the rule there can be but one motion to commit pending a demand for the previous question, either with or without instructions.

Mr. FRYE. I ask consent to modify the resolution by inserting the words "and on the Speaker's table" after the word "calendars;" so that the bills to be called up shall be on the calendars and such bills as are on the Speaker's table.

There was no objection to the proposed modification.

Mr. FRYE. I now demand the previous question on the proposition.

Mr. McLANE. May I ask a parliamentary question? What has become of the motion to commit without instructions?

The SPEAKER. That has been voted down.

Mr. McLANE. I did not understand that vote to be upon my motion.

The SPEAKER. Pending the demand for the previous question but one motion to commit with or without instructions is in order. The Chair will cause the rule to be read, Rule XVII:

The Clerk read as follows:

1. There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments, and include the bill to its engrossment and third reading, and then, on renewal and second of said motion, to its passage or rejection. It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee; and a motion to lay upon the table shall be in order on the second and third reading of a bill.

Mr. BELFORD. I wish to ask a parliamentary question. I would like to know if the House refuses to order the previous question would this proposition be open for further amendment?

The SPEAKER. It will be open both for amendment and debate. The previous question was seconded.

Mr. AIKEN. Mr. Speaker, I desire to make a parliamentary inquiry. I wish to ask before I vote upon this proposition, what is the practical effect of it? I wish to know, if the proposition is adopted, whether it will accomplish anything. The State of Alabama, for instance, is called by the Speaker, and one member is recognized to report a bill which is not opposed by five members; that bill, of course, comes before the House for consideration, and five minutes probably is consumed in discussing it. But suppose there is a considerable minority who do not desire to pass that bill; what I would like to know is, can that minority, by dilatory motions or in some other way, take up the time of the House and so defeat the consideration of the proposition presented in that way?

The SPEAKER. The Chair would be bound to recognize all motions under the rule, whatever might be the effect of them. Their tendency might be to delay, or they might be classed under the head of dilatory motions; but if coming within the scope of the rules the Chair would have no option but to recognize them.

Mr. AIKEN. Then, under that condition, if this rule is adopted, the State of Alabama could consume the entire morning hour running through the whole session.

The SPEAKER. The question recurs on ordering the main question.

The House divided; and there were—ayes 160, noes 32. So the main question was ordered.

The SPEAKER. The question is on the adoption of the resolution.

Mr. SPRINGER. The amendment of the gentleman from Maine [Mr. FRYE] has not been submitted.

Mr. FRYE. Unanimous consent was asked for that amendment, and no objection being made, the resolution has been modified as I asked.

The SPEAKER. The resolution will now be read as modified.

The Clerk read as follows:

*Resolved by the House of Representatives, After to-day, on each day of the remainder of the session other than the third Monday of February and the last six days, whenever on motion the morning hour shall be dispensed with by a two-thirds vote, that hour shall be set apart for the consideration of bills on the several calendars and on the Speaker's table under the following regulations: The States and Territories shall be called in order as now provided for, and as each is called, one of its members shall be named by the Speaker, selected in alphabetical order, who may move the consideration of a bill; if objected to by five members rising in their seats it shall not be considered, otherwise the member making the motion shall be entitled to five minutes for explanation of his bill, or, instead thereof, the reading of the report accompanying the same, provided the reading of such report shall not exceed five minutes, and then a vote shall be taken. The call of States shall go on from day to day until completed, as above provided, and whenever all the Members and Delegates from any State or Territory have been named by the Speaker, such State or Territory shall thereafter be omitted from the call until all the Members and Delegates shall have been so named. Any member not answering as his name is called shall be considered to have waived his privilege.*

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

The yeas and nays were ordered, thirty-six members voting therefore, more than one-fifth of the last vote.

The question was taken; and there were—yeas 147, nays 79, not voting 66; as follows:

YEAS—147.

Aldrich, N. W.	Calkins,	Dick,	Gillette,
Aldrich, William	Camp,	Dunn,	Godshalk,
Anderson,	Cannon,	Dunnell,	Gunter,
Atherton,	Carpenter,	Dwight,	Hall,
Ballou,	Chittenden,	Einstein,	Hammond, John
Barber,	Coffroth,	Ellis,	Harmer,
Beale,	Colerick,	Errett,	Harris, Benj. W.
Belford,	Conger,	Ewing,	Haskell,
Berry,	Converse,	Felton,	Hatch,
Bingham,	Cowgill,	Field,	Hawk,
Bisbee,	Crapo,	Finley,	Hawley,
Blake,	Cravens,	Flisher,	Hayes,
Bliss,	Crowley,	Ford,	Hellman,
Brewer,	Culberson,	Forney,	Henderson,
Brigham,	Daggett,	Forsythe,	Henkle,
Bright,	Davis, Horace	Fort,	Hill,
Browne,	Deering,	Frye,	Hiscock,
Butterworth,	De La Maty.	Gibson,	Horr,

Hostettler,	Morse,	Rothwell,	Tyler,
Humphrey,	Morton,	Russell, Daniel L.	Updegraff, J. T.
Jones,	Muldrow,	Russell, W. A.	Updegraff, Thomas
Jorgensen,	Myers,	Ryan, Thomas	Upson,
Kelley,	New,	Sawyer,	Urner,
King,	Norcross,	Scoville,	Valentine,
Ladd,	O'Connor,	Shallenberger,	Vance,
Lapham,	O'Neill,	Shelley,	Wait,
Lindsey,	Orth,	Sherwin,	Ward,
Loring,	Osmer,	Singleton, J. W.	Washburn,
Lowe,	Overton,	Siemens,	Wellborn,
Mason,	Philipps,	Speer,	Wells,
McCook,	Poehler,	Springer,	Williams, C. G.
McGowan,	Price,	Starin,	Willis,
McKinley,	Ray,	Taylor, Ezra B.	Willits,
Miller,	Reed,	Thomas,	Wilson,
Mills,	Robertson,	Thompson, P. B.	Yeates,
Mitchell,	Robeson,	Thompson, W. G.	Yocom.
Monroe,	Robinson,	Townsend, Amos	

## NAYS—79.

Acklen,	Covert,	Le Fevre,	Smith, Hezekiah B.
Aiken,	Davis, George R.	Marsh,	Smith, William E.
Atkins,	Davis, Joseph J.	McKenzie,	Sparks,
Beltzhoover,	Davis, Lowndes H.	McLane,	Steele,
Bicknell,	Dibrell,	McMahon,	Stevenson,
Blackburn,	Elam,	McMillin,	Talbott,
Blount,	Evins,	Morrison,	Tillman,
Bouck,	Frost,	Muller,	Townshend, R. W.
Bragg,	Geddes,	Page,	Tucker,
Burrows,	Goode,	Phelps,	Turner, Oscar
Cabell,	Herbert,	Phister,	Turner, Thomas
Caldwell,	Herndon,	Prescott,	Van Voorhis,
Chalmers,	Hooker,	Reagan,	Waddill,
Clardy,	Houk,	Richardson, J. S.	Warner,
Clark, Alvah A.	House,	Ross,	Weaver,
Clark, John B.	Hunton,	Samford,	Whiteaker,
Clements,	Hutchins,	Scales,	Whithorne,
Clymer,	Johnston,	Simonton,	Wright,
Cobb,	Keifer,	Singleton, O. R.	Young, Casey.
Cook,	Kenna,	Smith, A. Herr	

## NOT VOTING—66.

Armfield,	Dickey,	Manning,	Richmond,
Bachman,	Ferdon,	Martin, Benj. F.	Ryon, John W.
Bailey,	Hammond, N. J.	Martin, Edward L.	Sapp,
Baker,	Harris, John T.	McCoid,	Stephens,
Barlow,	Hazelton,	Miles,	Stone,
Bayne,	Henry,	Money,	Taylor, Robert L.
Bland,	Hubbell,	Murch,	Van Aernam,
Bowman,	Hurd,	Neal,	Voorhis,
Boyd,	James,	Newberry,	White,
Briggs,	Joyce,	Nicholls,	Wilber,
Buckner,	Ketcham,	O'Brien,	Williams, Thomas
Carlisle,	Killingler,	O'Reilly,	Wise,
Caswell,	Kimmel,	Pacheco,	Wood, Fernando
Claffin,	Kitchin,	Persons,	Wood, Walter A.
Cox,	Klotz,	Pound,	Young, Thomas L.
Davidson,	Knott,	Rice,	
Deuster,	Lounsherry,	Richardson, D. P.	

So the resolution was adopted.

The following additional pair was announced:

Mr. STONE with Mr. MONEY, for this day.

Mr. FRYE 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.

## CHIEF OF OFFICIAL REPORTERS.

The SPEAKER. The Chair desires to announce that under authority given to the Speaker by Rule XXXVI and in pursuance of the opinion of the Committee on Rules unanimously expressed in writing that there should be a chief of the corps of official reporters of this House, the Chair has appointed Mr. John J. McElhone as such chief. The Chair has made this selection because the gentleman named has been longest in service on the corps.

Mr. RUSSELL, of Massachusetts. I move that the House do now adjourn.

## ADDITIONAL CLERKS IN SURGEON-GENERAL'S OFFICE.

Pending the motion to adjourn,

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War relative to additional clerks in the Surgeon-General's Office; which was referred to the Committee on Appropriations.

## LIEUTENANT S. R. DOUGLAS.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the losses sustained by fire by Lieutenant S. R. Douglas; which was referred to the Committee on Military Affairs.

## SURGICAL LIBRARY AND MUSEUM.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to a fire-proof building, surgical library, and museum; which was referred to the Committee on Public Buildings and Grounds.

## HEADQUARTERS, PRESCOTT, ARIZONA.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to appropriation for headquarters, Prescott, Arizona; which was referred to the Committee on Appropriations.

## NEW MILITARY POST IN MONTANA.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to an estimate for an appropriation for a new

military post to be constructed near the Mussel Shell River in Montana; which was referred to the Committee on Appropriations.

## HOLSTON AND CLINCH RIVERS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of examination of Holston and Clinch Rivers; which was referred to the Committee on Commerce, and ordered to be printed.

## WITHDRAWAL OF PAPERS.

On motion of Mr. DAVIDSON, by unanimous consent, leave was given to withdraw from the files of the House papers in the case of F. Jordan, of Florida, there being no adverse report thereon.

## LEAVE TO PRINT.

Mr. SAMFORD obtained unanimous consent to have printed in the RECORD remarks on the interstate-commerce bill. [See Appendix.]

Mr. COX obtained unanimous consent to have printed in the RECORD a tabular statement as to the effect of the various propositions relating to apportionment. [See Appendix.]

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted, as follows:

To Mr. URNER, for the remainder of to-day and to-morrow, on account of important business;

To Mr. HENRY, indefinitely, on account of sickness;

To Mr. BRIGGS, for one week; and

To Mr. McCook, for four days.

## CODIFICATION OF THE LAWS.

Mr. CONVERSE, by unanimous consent, submitted the following resolution; which was referred to the Committee on Printing:

*Resolved by the House of Representatives, (the Senate concurring,) That there be printed of the reports and accompanying documents of the commission to codify the land laws, &c., 7,000 additional copies of each; 4,000 thereof for the use of the House of Representatives, 2,000 for the Senate, and 1,000 for the Department.*

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed without amendments joint resolutions and a bill of the House of the following titles:

Joint resolution (H. R. No. 83) granting condemned cannon to the Morton Monumental Association;

Joint resolution (H. R. No. 362) to authorize the printing of 50,000 copies of the special reports of the Committee on Agriculture relative to diseases of swine and infectious and contagious diseases incident to other domestic animals;

Joint resolution (H. R. No. 372) authorizing the Public Printer to print reports of the United States Fish Commission upon new discoveries in regard to fish culture; and

A bill (H. R. No. 6599) to change the time for holding the circuit and district courts of the United States for the western district of Virginia held at Danville, Virginia.

The message further announced that the Senate had passed a joint resolution and bills of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. No. 152) granting the use of artillery, tents, &c., to be used at the soldiers' reunion to be held at Lincoln, Nebraska, in the month of September, 1881;

A bill (S. No. 1823) to grant an American register to the schooner A. Scott Brown; and

A bill (S. No. 1987) for the relief of John H. Schabinger, guardian of Susan McKnatt and Martha McKnatt, minor daughters of James McKnatt, deceased.

## ORDER OF BUSINESS.

Mr. TALBOTT. I ask the gentleman from Massachusetts [Mr. RUSSELL] to withdraw his motion to adjourn for a moment, until I can ask to have taken from the Speaker's table a bill for consideration at this time.

Many MEMBERS. Regular order!

The SPEAKER. The regular order is the motion to adjourn.

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

## PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BELTZHOOVER: The petition of citizens of York County, Pennsylvania, that the Bureau of Agriculture be made a department—to the Committee on Agriculture.

Also, the petition of citizens of York County, Pennsylvania, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

Also, the petition of citizens of York County, Pennsylvania, for the amendment of the patent laws—to the Committee on Patents.

By Mr. BREWER: The petition of Stephen Geer, Robert Garner, and 58 others, citizens of Oakland County, Michigan, for the passage of an interstate-commerce bill—to the Committee on Commerce.

Also, the petition of the same parties, for legislation to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of the same parties, that the Bureau of Agriculture be made a department—to the Committee on Agriculture.

Also, the petition of the same parties, for the enactment of an income-tax law—to the Committee on Ways and Means.

By Mr. CALDWELL: The petition of Dr. N. P. Allen and others, citizens of Kentucky, against the reissue to John A. Cummings of the patent for improvements in artificial gums and palates—to the Committee on Patents.

By Mr. COWGILL: Resolutions of the Legislature of Indiana, asking an appropriation of \$100,000 for the improvement of Kankakee River—to the Committee on Commerce.

By Mr. FORD: The petition of J. F. Wallace and others, citizens of Missouri, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. HASKELL: Resolutions of the Legislature of Kansas, favoring the building by the United States of a double-track rail-road from the sea-coast on the east to the Missouri River on the west—to the Committee on Railways and Canals.

By Mr. HOUK: The petition of Jacob Schneider, for compensation for timber and wood taken from his farm by the United States Army during the late war—to the Committee on War Claims.

Also, the petition of Charles Schneider, of similar import—to the same committee.

By Mr. MITCHELL: The petition of John H. Sortman and others, late Union soldiers, of Williamsport, Pennsylvania, and vicinity, against the passage of the Senate bill providing a new method of settling pension claims—to the Committee on Invalid Pensions.

By Mr. NEW: Resolution of the Legislature of Indiana, asking an appropriation of \$100,000 to be applied in deepening, widening, and straightening the Kankakee River in Indiana—to the Committee on Commerce.

By Mr. NORCROSS: The petition of W. A. Snow and 25 others, citizens of Belchertown and Chicopee, Massachusetts, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. OSMER: The petition of O. V. Colton and 18 others, of similar import—to the same committee.

By Mr. SAPP: The petition of citizens of Iowa, for legislation to prevent the spread of the disease among cattle known as pleuro-pneumonia—to the Committee on Agriculture.

By Mr. SHERWIN: Resolutions of the Legislature of Illinois, favoring legislation to prevent the spread of the cattle disease known as pleuro-pneumonia—to the same committee.

Also, the petition of the Illinois State board of health for the passage of a bill to prevent the adulteration of food and drugs—to the Committee on Manufactures.

Also, the petition of John Eddy and 10 other soldiers, against the passage of the sixty-surgeons bill—to the Committee on Invalid Pensions.

By Mr. SPEER: The petition of William E. Hansell, of Forsyth County, Georgia, for relief—to the Committee on Ways and Means.

By Mr. STARIN: The petition of Alfred Pickett and 24 others, that Senate bill No. 496 be defeated—to the Committee on Invalid Pensions.

By Mr. STONE: The petitions of E. W. Smith and 73 others and of O. E. Aldrich and 21 others, citizens of Michigan, that the Bureau of Agriculture be made a Department—to the Committee on Agriculture.

Also, the petitions of E. W. Smith and 73 others and Johnson S. Locke and 21 others, citizens of Michigan, for legislation on the subject of interstate commerce—to the Committee on Commerce.

Also, the petitions of Amon Otis and 22 others and of E. W. Smith and 73 others, citizens of Michigan, for the passage of an income-tax law—to the Committee on Ways and Means.

Also, the petitions of W. L. Williams and 73 others and of E. S. Atkins and 22 others, citizens of Michigan, for legislation to protect innocent purchasers of patented articles—to the Committee on Patents.

By Mr. TALBOTT: The petition of George H. Merryman and 30 others, citizens of Baltimore County, Maryland, of similar import—to the same committee.

Also, the petition of the same parties, that the Bureau of Agriculture be made a Department—to the Committee on Agriculture.

By Mr. P. B. THOMPSON: The petition of citizens of Kentucky, for an appropriation for the improvement of the North and South Forks of the Cumberland River—to the Committee on Commerce.

By Mr. TYLER: The petition of John Y. Raistrick and 20 others, Vermont soldiers, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. URNER: The petition of John C. Rhodes and 18 others, citizens of Maryland, ex-soldiers, of similar import—to the same committee.

Also, the petition of John G. Frinzel and 16 others, ex-soldiers, of Frostburg, Maryland, of similar import—to the same committee.

By Mr. WARNER: The petitions of Thomas Brooks and others and of A. H. Matson and others, late soldiers of the Union Army, of similar import—to the same committee.

By Mr. WILLIS: The petitions of W. H. Thomas and others and of L. Oppenheimer & Son, of Louisville, Kentucky, for the passage of House bill No. 4839, and against the passage of the bill (H. R. No. 6460) allowing vinegar makers to manufacture distilled spirits without payment of tax—to the Committee on Ways and Means.

## IN SENATE.

THURSDAY, February 10, 1881.

The Senate met at twelve o'clock m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

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

### ELECTIONS AND APPOINTMENTS IN RHODE ISLAND.

Mr. ANTHONY. I give notice that on next Saturday, if the Senate shall conclude to sit on Saturday, I shall ask the indulgence of the Senate at the close of the morning business to make some remarks upon the reports of the two committees which visited Rhode Island to inquire into the alleged violation of law in that State.

### EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of War, calling attention to the destruction by fire of the headquarters building, Department of Arizona, located at Prescott, and recommending an appropriation for rebuilding the same; which was referred to the Committee on Appropriations.

He also laid before the Senate a letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs recommending that Congress authorize the use of certain moneys belonging to the eastern band of Cherokee Indians, of North Carolina, to enable them to join their brethren in the Indian Territory; which was referred to the Committee on Appropriations.

### PETITIONS AND MEMORIALS.

Mr. CAMERON, of Wisconsin, presented the petition of John Graham, of College Point, Queens County, New York, praying for the passage of an act conferring on the Court of Claims full authority and jurisdiction to award him a just compensation for the damages and loss sustained by him on account of the detention of his three steamships in the harbor of New York by order of the President of the United States, May 16, 1855; which was referred to the Committee on Claims.

Mr. VOORHEES. I present a joint resolution of the General Assembly of the State of Indiana, and as it is brief I will ask the privilege of the Senate to have it read in full.

The Chief Clerk read as follows:

Concurrent resolution of the General Assembly of the State of Indiana. Whereas the Kankakee River in the State of Indiana may be made a navigable stream through the counties of Lake, Newton, Porter, Jasper, La Porte, Starke, and Saint Joseph a distance of eighty miles from the town of Momence, in the State of Illinois; and

Whereas the channel of the said river can be straightened and deepened for an expenditure of \$100,000: Therefore,

*Resolved by the senate, (the house concurring.)* That the Senators and Representatives of the State of Indiana now in the Congress of the United States are hereby requested to vote for an appropriation by the General Government of \$100,000 to be applied in deepening, widening, and straightening, wherever necessary, the Kankakee River in the State of Indiana, and to use their best efforts to procure passage of the same.

*Resolved,* That the secretary of the senate be, and is hereby, instructed to furnish each member of Congress from this State a copy of the concurrent resolution of the General Assembly asking an appropriation of \$100,000 by the General Government for the improvement of the Kankakee River, and the proceedings of the two houses thereon.

Mr. VOORHEES. I move that the resolution be printed and referred to the Committee on Commerce.

The motion was agreed to.

Mr. BROWN. I present the memorial of a large number of the most intelligent citizens of the city of Savannah, and the counties of Chatham and Bryan, State of Georgia, praying for an appropriation for the improvement of the inland channel through Romney marsh on the coast of Georgia, adopting the channel which would connect the city of Savannah by the boat line with Warsaw Island. I move the reference of the memorial to the Committee on Commerce.

The motion was agreed to.

Mr. HILL, of Georgia, presented a resolution of the city council of Savannah, Georgia, indorsing the establishment of a national maritime quarantine station on Black Beard Island, and favoring an appropriation for the erection of suitable buildings and complete equipment of the same at that place; which was referred to the Select Committee to investigate and report the best means of preventing the introduction and spread of Epidemic Diseases.

Mr. WALLACE presented resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, in favor of an appropriation of \$40,000 for the erection of two ice-breakers in the Ohio River; which were referred to the Committee on Commerce.

### HEIRS OF COLORED SOLDIERS.

Mr. BRUCE. Mr. President, I present the petition of George C. Smith, A. I. Rhodes, and others, praying favorable action on House bill No. 5562, entitled "An act for the relief of the heirs of colored soldiers." The legislation relative to bounty and pensions of colored soldiers has been construed by the officers executing the laws so as to discriminate against such persons of this class who were slaves in April, 1861. To relieve claimants of the disabilities under which this legislation left them, the act of March 3, 1873, was passed, entitled "An act to place colored persons who enlisted in the Army on the same footing as other soldiers as to bounty and pensions."

This act was construed by the honorable Secretary of the Treasury, February 13, 1879, so as still to disallow claims of a certain class.