

The SPEAKER. The regular order is the motion of the gentleman from Texas, [Mr. MILLS,] that the House now adjourn.

The motion was agreed to; and accordingly (at five o'clock and five 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:

By Mr. BLAND: Papers relating to the pension claim of Maurice Dawley—to the Committee on Invalid Pensions.

By Mr. CLEMENTS: The petition of citizens of Walker County, Georgia, for an appropriation for educational purposes—to the Committee on Education and Labor.

By Mr. DEUSTER: The petition of J. C. Adams, on behalf of the Stockbridge and Muncie tribe of Indians, remonstrating against the sale of certain lands—to the Committee on Indian Affairs.

By Mr. DOWD: The petition of David L. Hull and others, colored citizens of Catawba County, North Carolina, for an appropriation for educational purposes—to the Committee on Education and Labor.

By Mr. ERRETT: Papers relating to the pension claim of W. H. Banner—to the Committee on Invalid Pensions.

By Mr. JOHN HAMMOND: The petition of citizens of Keeseville, New York, for the passage of a national bankrupt law—to the Committee on the Judiciary.

Also, the petition of citizens of Plattsburgh, New York, protesting against the abandonment of the military reservation at that place—to the Committee on Military Affairs.

By Mr. HOUK: The petition of Clara E. Hartigan, for compensation for damage done to property in Georgetown, District of Columbia, by the late board of public works—to the Committee on the District of Columbia.

Also, the petition of Onslow G. Frazier, for relief—to the Committee on War Claims.

Also, papers relating to the claim of Richard Mays—to the same committee.

By Mr. HUTCHINS: The petition of Elizabeth Bell, for pension—to the Committee on Invalid Pensions.

By Mr. KASSON: The petition of United States internal-revenue gaugers at Des Moines, Iowa, for increase of compensation—to the Committee on Ways and Means.

By Mr. KETCHAM: The petition of John R. Harrington, for relief—to the Committee on Patents.

By Mr. VALENTINE: The petition of James H. Wolley and others, citizens of Grand Island; of A. W. McLaughlin and others, of Plattsburgh; of Thomas C. Patterson and others, citizens of North Platte; and of H. G. Clark & Co. and many other merchants of Omaha, in the State of Nebraska, for the passage of a national bankrupt law—severally to the Committee on the Judiciary.

By Mr. VANCE: The petition of L. H. Camp, for relief—to the Committee on Ways and Means.

#### SENATE.

TUESDAY, June 13, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.  
The Journal of yesterday's proceedings was read and approved.

#### EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of War, transmitting additional information in regard to inventions and improvements of heavy ordnance, with voluminous papers. The papers transmitted with this communication are contained in a box four feet long and eighteen inches wide.

Mr. MORRILL. I have seen those papers, and it would cost an enormous sum to print them. There is a large number of plates. I do not think there is any necessity to have the papers printed. I hope that any committee to whom they may be referred will examine the papers to get whatever information they may choose, and allow them to remain on file or return them to the Department.

Mr. HAWLEY. Let the papers be referred to the Committee on Printing.

Mr. MORRILL. I move that the communication and accompanying papers be referred to the Committee on Printing.

The PRESIDENT *pro tempore*. The papers might be referred to the Committee on Military Affairs or to the Committee on Printing.

Mr. McMILLAN. The papers had better be referred to the Committee on Appropriations if not to the Committee on Printing, the Committee on Appropriations having the rest of the matter before them.

Mr. ALLISON. I think it is better that the papers should go to the Committee on Printing, and let them sift them and see what should be printed.

Mr. McMILLAN. I am satisfied with that course.

Mr. HAWLEY. Did I understand the chairman of the Committee

on Appropriations to say that a portion of the papers have been already referred to that committee?

Mr. ALLISON. The original report of the ordinance board was referred to the Committee on Appropriations.

Mr. HAWLEY. But not the accompanying papers?

Mr. McMILLAN. The report of the board, the proceedings of the board, and some accompanying plans were transmitted to the Senate and referred to the Committee on Appropriations.

Mr. ALLISON. Those papers have been already ordered to be printed. I think these papers had better go to the Committee on Printing, so as to let them determine how many of them ought to be printed.

Mr. McMILLAN. I think that course would be advisable.

The PRESIDENT *pro tempore*. The communication, with the accompanying papers, will be referred to the Committee on Printing.

#### NATIONAL BANKING ASSOCIATIONS.

Mr. ALLISON. I ask unanimous consent that the bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence be recommitted to the Committee on Finance. That committee have under consideration several amendments to the bill.

The PRESIDENT *pro tempore*. The bill will be recommitted, there being no objection.

#### BARK DIADEM.

Mr. WINDOM. I am instructed by the Committee on Foreign Relations, to whom was referred the bill (S. No. 1990) authorizing the Court of Claims to determine the question of liability of the United States for damages to the British bark Diadem, of Swansea, by collision with the United States ship Supply, to report it without amendment, and to ask for its present consideration.

The Acting Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### REPORTS OF COMMITTEES.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (S. No. 1099) granting a pension to Bridget Sherlock, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. WALKER, from the Committee on Public Lands, to whom was referred the bill (S. No. 1086) to indemnify the State of Arkansas for swamp and overflowed lands within said State sold by the United States since March 3, 1857, and for other purposes, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

Mr. CAMDEN, from the Committee on Pensions, to whom were referred the following bills, reported them adversely, and submitted reports thereon, which were ordered to be printed; and the bills were postponed indefinitely:

A bill (H. R. No. 4345) granting an increase of pension to Laurinda G. Cummings;

A bill (S. No. 1919) granting an increase of pension to Thomas H. Allen; and

A bill (S. No. 1901) granting a pension to Edward Scheudel.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2278) for the relief of John H. Jackson, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. GROVER, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1997) granting a certain right of way to the San Francisco and Ocean Shore Railroad Company, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

Mr. CHILCOTT, from the Committee on Pensions, to whom was referred the bill (S. No. 1921) granting an increase of pension to James Sheridan, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. PLATT. I am directed by the Committee on Pensions, to whom was referred the bill (S. No. 1519) granting a pension to Darius A. Dow, to report it adversely. At the request of the Senator from Illinois, [Mr. LOGAN,] I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

#### LOAN OF TENTS TO MILITARY ORGANIZATIONS.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. No. 1973) to authorize the Secretary of War to loan tents to the Northwestern Missouri and Southwestern Iowa Veteran Soldiers' Association, to report it favorably with a slight amendment.

Mr. McDILL. There is a House bill on the table in almost precise terms, and I suggest to the Senator from Missouri that that bill be taken up. I wish to have action upon the matter at this time.

Mr. COCKRELL. We have examined the House bill and it corresponds exactly with the Senate bill which has been favorably reported. The amendment suggested by the committee can be made

to the House bill and that bill may be passed in lieu of the Senate bill.

The PRESIDENT *pro tempore*. The House bill will be taken up if there be no objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3278) to authorize the Secretary of War to loan tents to the Northwestern Missouri and Southwestern Iowa Veteran Soldiers' Association.

Mr. COCKRELL. In line 12, after the word "and," I move to insert the words "the whole;" so as to read:

For the safe return of said property in good order and the whole without expense to the United States.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

The PRESIDENT *pro tempore*. The bill (S. No. 1973) to authorize the Secretary of War to loan tents to the Northwestern Missouri and Southwestern Iowa Veteran Soldiers' Association will be indefinitely postponed.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. R. No. 229) authorizing the Secretary of War to turn over to the governor or Minnesota such tents, poles, and pins as he may require for the use of the militia and volunteer organizations of the State at their summer and fall encampment, to report it favorably with two amendments.

Mr. McMILLAN. I ask for the present consideration of the joint resolution.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The first amendment reported by the Committee on Military Affairs was, in line 5, to strike out the words "camp and garrison equipage."

The amendment was agreed to.

The next amendment was to add at the end of the joint resolution, "And the parties using the same to pay all expenses of transportation."

The amendment was agreed to.

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

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (S. R. No. 76) authorizing the Secretary of War to loan to the governor of Colorado tents for the use of the First Battalion of Cavalry and the Third Battalion of Infantry of the said State, to report it favorably with amendments.

Mr. HILL, of Colorado. I ask for the immediate consideration of the joint resolution.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendments of the Committee on Military Affairs were, in line 7, after the word "State," to strike out the words "the said tents to be delivered in Denver, Colorado, not later than July 25, 1882," and to insert "the parties receiving the same to pay all expenses and to give bond for the return of the tents in good condition;" and in lines 9 and 10 to strike out the words "not later than August 10, 1882," and to insert "in good condition;" so as to make the joint resolution read:

*Resolved, &c.*, That the Secretary of War be, and he is hereby, authorized to loan to the governor of the State of Colorado tents sufficient to accommodate four hundred men, for the use of the First Battalion of Cavalry and the Third Battalion of Infantry of the said State, the parties receiving the same to pay all expenses and to give bond for the return of the tents in good condition, and to be returned in good condition.

Mr. COCKRELL. They are to give bond for the return of the tents in good condition, and they are to return the tents in good condition.

Mr. ANTHONY. Should not the bond be to the satisfaction of the Secretary of the Treasury or some other officer?

Mr. COCKRELL. The Secretary of War has to approve the bond as a matter of course. He takes the bond.

The amendments were agreed to.

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

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

Mr. MAXEY. I only wish to say in connection with the bills which have just been reported and passed, that the Committee on Military Affairs have agreed to them because we did not feel justified, in the middle of a session where that character of legislation had been going on, in proposing to put a stop to it, but we have to draw the line somewhere, and I give notice to Senators that in my judgment the committee will hereafter oppose any such legislation.

Mr. COCKRELL. After this session.

Mr. MAXEY. From and after the close of the present session. We are compelled to do it in justice to the War Department, and in justice to what we believe to be the best interests of the country.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. No. 5664) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1883, and for other purposes.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1151) for the relief of Herbert Joyce;

A bill (H. R. No. 1768) for the relief of William Bowen; and

A bill (H. R. No. 2317) for the relief of Mary Bullard.

#### BILLS INTRODUCED.

Mr. GARLAND asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2013) amendatory of and supplementary to the "act re-establishing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award," approved June 5, 1882; which was read twice by its title.

Mr. GARLAND. Before the bill is referred I wish to state that when the bill for the distribution of the Geneva award was under discussion in the Senate, an amendment which was substantially the bill I now introduce was offered, and the friends of the bill said that though they agreed to the propriety of the amendment they did not care to burden the bill with it by jeopardizing it before the House. The bill I now introduce is simply carrying out the provisions of that amendment. I move that it be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. HAWLEY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2014) authorizing compensation to members of Company B, Fourteenth Infantry, United States Army, for certain private property destroyed by fire; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2015) for the relief of Captain Samuel Jeffrey; which was read twice by its title, and referred to the Committee on Claims.

Mr. LAPHAM asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2016) for the relief of John R. Harrington; which was read twice by its title, and, with the accompanying petition, was referred to the Committee on Patents.

Mr. JONAS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2017) for the relief of Edwin B. Hay; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2018) for the relief of Henry W. Martin; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BUTLER asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2019) to amend an act entitled, "An act making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes," approved March 3, 1881; which was read twice by its title.

Mr. BUTLER. I wish to state that I introduce this bill by request. I do not approve of its terms. I have introduced it at the instance of a constituent. I move its reference to the Committee on Commerce.

The motion was agreed to.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. ANTHONY, Mr. BAYARD, Mr. BUTLER, Mr. JONAS, and Mr. PLUMB submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. SAUNDERS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### CLERKS FOR SENATORS.

The PRESIDENT *pro tempore*. If there be no further routine morning business—

Mr. COCKRELL. The Calendar, Mr. President.

The PRESIDENT *pro tempore*. The Senate will proceed to the consideration of bills and resolutions under the Anthony rule. Does the Senator from Georgia [Mr. BROWN] wish to proceed with the consideration of his resolution to-day?

Mr. BROWN. I should like to have a vote on the resolution if it can be had this morning as well as at any time. I have said I believe about all I desire to say on the subject.

The PRESIDENT *pro tempore*. The resolution and the amendment will be read.



The ACTING SECRETARY. The resolution submitted by Mr. BROWN, January 11, is as follows:

*Resolved*, That each Senator who does not, as chairman of a committee, have a clerk, be, and is hereby, authorized to employ a clerk at a salary of \$1,200 per annum, said salaries to be paid out of the contingent fund of the Senate. And in case the clerk of any chairman of a committee now receives less than \$1,200 per annum, the salary of such clerk shall in future be \$1,200.

It is proposed to strike out all after the resolving clause and to insert the following:

That each Senator be and he is hereby authorized to employ a clerk at a salary of \$1,200 per annum, to be paid out of the contingent fund of the Senate.

The PRESIDENT *pro tempore* put the question on the amendment, and declared that the ayes appeared to prevail.

Mr. INGALLS. Of course I have no objection to the amendment being adopted, as we can take the vote by yeas and nays on the resolution as amended.

The PRESIDENT *pro tempore*. The amendment is agreed to. The question recurs on agreeing to the resolution as amended.

Mr. MORRILL. I do not see any particular reason why the resolution should be adopted in the Senate. It is very sure to be rejected, no matter what its merits may be, by the other House. If we are to have clerks, the members of the House of Representatives will claim that they ought to have the same privilege. I therefore hope the resolution will not be adopted.

Mr. GEORGE. If the yeas and nays are not to be called on this proposition I desire to put on record my opposition to the resolution.

Mr. MORRILL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WINDOM. I should vote for the original resolution to give each Senator not chairman of a committee a clerk, but as this proposition includes Senators who already have the benefit of clerical service, who are chairmen of committees, I cannot vote for it.

The Principal Legislative Clerk proceeded to call the roll.

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.] I do not know how he would vote if he were here. If he were present, I should vote "nay."

Mr. HAMPTON, (when his name was called.) On this question I am paired with the Senator from Ohio, [Mr. PENDLETON.] I should vote "yea," if he were present.

Mr. HARRIS, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. ALDRICH,] upon all political questions and such other questions as his colleague may desire me to withhold my vote upon. If permitted to vote, I shall vote "nay." Does the Senator from Rhode Island desire that I shall withhold my vote?

Mr. ANTHONY. I am not aware what the opinion of my colleague is upon this subject. I think the Senator from Tennessee may vote with safety.

Mr. HARRIS. I vote "nay."

Mr. MILLER, of New York, (when his name was called.) I am paired with the Senator from Maryland, [Mr. GROOME.] I do not know how he would vote on this proposition, and I therefore withhold my vote.

The roll-call was concluded.

Mr. BUTLER, (after having voted in the affirmative.) I am paired on all political questions with the Senator from Pennsylvania, [Mr. CAMERON.] As this is not a political question, and inasmuch as I believe he would vote just as I would, I shall allow my vote to stand.

The result was announced—yeas 20, nays 28; as follows:

#### YEAS—20.

Brown,	Fair,	Lapham,	Pugh,
Butler,	Gorman,	Logan,	Ransom,
Call,	Jackson,	Mahone,	Sawyer,
Camden,	Jones of Nevada,	Mitchell,	Sewell,
Chilcott,	Kellogg,	Morgan,	Vance.

#### NAYS—28.

Bayard,	George,	Jones,	Saunders,
Beck,	Harris,	McMillan,	Sherman,
Cameron of Wis.,	Harrison,	Maxey,	Slater,
Coke,	Hawley,	Morrill,	Van Wyck,
Conger,	Hill of Colorado,	Platt,	Vest,
Farley,	Hoar,	Plumb,	Walker,
Ferry,	Ingalls,	Saulsbury,	Windom.

#### ABSENT—28.

Aldrich,	Davis of W. Va.,	Hale,	McPherson,
Allison,	Dawes,	Hampton,	Miller of Cal.,
Anthony,	Edmunds,	Hill of Georgia,	Miller of N. Y.,
Blair,	Frye,	Johnston,	Pendleton,
Cameron of Pa.,	Garland,	Jones of Florida,	Rollins,
Cockrell,	Groome,	Lamar,	Voorhees,
Davis of Illinois,	Grover,	McDill,	Williams.

So the resolution as amended was rejected.

#### DISTRICT MASONIC RELIEF ASSOCIATION.

Mr. McMILLAN. Before proceeding with the Calendar, I should like to ask the Senate to indulge me in passing the bill (H. R. No. 5127) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia." It is a bill that has been on the Calendar for a long time, and it would be a great convenience to have it passed now. It will lead to no discussion whatever.

Mr. ANTHONY. Is there not a general incorporation law in the District of Columbia?

Mr. McMILLAN. But this is to amend an act of incorporation, merely permitting them to define their mutual relief powers.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ORDER OF BUSINESS.

Mr. SHERMAN. Mr. President—

Mr. MAXEY. I ask the Senate to proceed to the consideration of Senate joint resolution No. 19.

Mr. SHERMAN. I wish to have passed a little bill which will take but a moment. I think time is important.

The PRESIDENT *pro tempore*. Under the Anthony rule the joint resolution which the Senator from Texas wishes to have considered is first in order on the Calendar.

Mr. MAXEY. I understand that it is first in order.

The PRESIDENT *pro tempore*. But the Senator from Ohio wishes to take up a bill out of its order.

Mr. BUTLER. May I ask the Senator from Ohio to yield while I introduce a bill merely for reference?

Mr. SHERMAN. I have but a moment of time before one o'clock. I want to have a little bill passed, and then the Senator will have a chance afterward.

The PRESIDENT *pro tempore*. The bill which the Senator from Ohio asks to have considered will be read for information.

The Acting Secretary read the bill (H. R. No. 3831) to create a district for the inspection of hulls and boilers of steam vessels.

The PRESIDENT *pro tempore*. If there is no objection the bill is before the Senate as in Committee of the Whole.

Mr. DAVIS, of West Virginia. I see the State which I represent in part is named, and I should like to have an explanation of the bill.

Mr. SHERMAN. The Senator's State is as much interested in the bill as other States on the Ohio. The bill provides for the establishment of a convenient district for the inspection of hulls and boilers at Gallipolis, Ohio, which is just across from the West Virginia border. It is for the convenience of traffic on the Ohio River.

Mr. DAVIS, of West Virginia. I have not read the bill, but I ask my friend from Ohio if the inspectors are to be removed from one State to the other?

Mr. SHERMAN. No; the bill simply brings the two officers to Gallipolis for the purpose of inspecting vessels on the Ohio River. It is necessary for the Ohio River trade that they should be at Gallipolis, which is now quite an important place on account of the Chesapeake and Ohio Railroad.

Mr. DAVIS, of West Virginia. I understand that, but is there not now an inspection station on the West Virginia side, at Point Pleasant?

Mr. SHERMAN. No, sir; I think not. This is for the convenience of that whole country along the Ohio.

Mr. DAVIS, of West Virginia. Does my colleague know anything of this bill? Let it go over for a moment. I shall call it up again myself to-day if it is all right.

Mr. SHERMAN. I wish to have it passed before one o'clock.

Mr. DAVIS, of West Virginia. The bill will not lose its place, I hope.

Mr. BUTLER. I now ask leave to introduce a bill.

The PRESIDENT *pro tempore*. The Chair will receive morning business to-day, but hereafter it will be distinctly understood that when the morning hour is closed he will not receive morning business during the consideration of bills on the Calendar under the Anthony rule.

Mr. SAUNDERS. I understand that the morning hour is over at one o'clock, and it is not yet one.

The PRESIDENT *pro tempore*. The morning hour is over when it is announced as closed, and no further routine business is in order. The Chair announced that the morning hour was closed a quarter of an hour ago.

Mr. HARRIS. I ask for the regular order.

Mr. BECK. I wish to say a word.

The PRESIDENT *pro tempore*. The Chair has agreed to receive formal business out of order this morning.

Mr. BECK. I rose simply to call for the regular order, and to say that while I myself sometimes ask to take up bills out of their order, no better illustration of the unwisdom of such a course can be given than the one which occurred just now. If the bill of the Senator from Ohio had been called in its regular order the Senator from West Virginia would have understood it, and it would have been passed by this time. There is a very large number of bills on the Calendar, in some of which I feel an interest. There is no use in having them on the Calendar if we jump from place to place. I shall ask for the regular order, and without objecting to any particular bill I shall object to any bill being called up again out of its order.

The PRESIDENT *pro tempore*. The bill of the Senator from Ohio is in progress of passage. Does the Senator from Kentucky object to it?

Mr. BECK. Yes, sir; I object to anything but the regular order. The Senator from West Virginia will understand the bill by the time it is reached in its regular order.

Mr. SAUNDERS. I wish to submit an amendment to the sundry civil appropriation bill.

The PRESIDENT *pro tempore*. This is the last time the Chair will receive any morning business during the call of the Calendar under the Anthony rule. There is time enough before and afterward.

Mr. SHERMAN. I am told now by the Senators from West Virginia, they having examined the bill—

The PRESIDENT *pro tempore*. But the Senator from Kentucky objects to the consideration of any bill except the regular order.

Mr. DAVIS, of West Virginia. I suggest that there will be no objection to the bill which has been under consideration.

Mr. BECK. I call for the regular order.

Mr. ANTHONY. Are we proceeding now under the morning rule?

The PRESIDENT *pro tempore*. We are proceeding under the Anthony rule.

Mr. ANTHONY. I ask that the Senate proceed to the consideration of a bill that was passed over without prejudice.

The PRESIDENT *pro tempore*. The Senator from Texas [Mr. MAXEY] has just asked that the Senate proceed to the consideration of a joint resolution which was passed over without prejudice.

Mr. MAXEY. I ask the Senate to proceed to the consideration of Senate joint resolution No. 19, which was passed over without prejudice when reached on the Calendar under the Anthony rule.

Mr. ANTHONY. Then I speak for the next place in order.

#### SOUTHERN MAIL CONTRACTORS.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. No. 19) to reappropriate and apply the amount appropriated by the act of Congress approved March 3, 1877, to pay certain Southern mail contractors.

Mr. MAXEY. The joint resolution has been read and the amendments reported from the Committee on Post-Offices and Post-Roads have been adopted. The whole explanation that I made on behalf of the committee is on record, and I do not care, unless there is something said about it, to add one word.

Mr. INGALLS. I should like to hear the joint resolution read again.

The PRESIDENT *pro tempore*. The joint resolution will be read as amended by the Senate.

Mr. INGALLS. I should like to hear it read, and then to listen to the amendments.

The PRESIDENT *pro tempore*. The joint resolution will be read first, and then the amendments.

The Acting Secretary read the joint resolution as introduced, and the resolution as amended by the amendments heretofore agreed to.

Mr. CONGER. Is there a report accompanying the joint resolution?

The PRESIDENT *pro tempore*. There was no report accompanying it, but the other day it was under consideration and partially finished, and the Senator from Texas made an exposition of the merits of the resolution.

Mr. MAXEY. I will say to the Senator from Michigan that I made on behalf of the Post-Office Committee a verbal report, which he will find in the RECORD of June 10, beginning on page 21 and ending on page 22, a complete statement of the case as I understood it, and as I think the committee understood it.

Mr. CONGER. I should like very much to have the case go over to-day. I have not had time this morning to get the report made in the House some time ago, and my impression is that there ought to be an additional proviso to the joint resolution to make it what it should be.

Mr. GARLAND. I have no objection, for one, to its going over without prejudice, if the Senator from Michigan will be ready to take it up to-morrow. It has been here now several days and the explanation has been made. If the Senator will be willing to take it up to-morrow we shall have no objection to its going over.

Mr. CONGER. I remember very well when such a bill was up before that on examination it was found that in a large number of the cases provided for by such a bill—I will not say in the words of this joint resolution—payment had been made by the confederate government. There was a record of such payments of these claims and of their payment to men covered by that bill. I should like to have an opportunity to look over the papers again.

Mr. GARLAND. There is no doubt, as stated by the Senator from Michigan, that some of the original claimants were paid; but if he examines this joint resolution he will see that the restriction in that connection is ample and compels these parties to prove what is known in law as a negative, that they never were paid by a State or by the Confederate States. I am willing the resolution should go over.

Mr. MAXEY. I will state to the Senator from Michigan that, having charge of the joint resolution, I shall be very glad indeed to give him every opportunity for a thorough investigation. If the resolution is not sound I do not want it to pass, nor does the committee want it to pass; but I think if he will take the trouble to run over the entire record as I have done, and be prepared by to-morrow morning, he will agree that the joint resolution is just and fair. I agree with him that some of the claims have been paid by the confederate government. The committee make provision against that. If a claim has been paid by the confederate government or by anybody, the committee provide in the resolution that it shall

not be paid again. I think the resolution is as well guarded as any bill or resolution I ever saw. It simply throws us back on the mere question of contract, whether, having received these services, we should or should not pay for them.

Mr. CONGER. My present impression is that the time fixed for payment is wrong and that the limitation, if anything should be paid at all, is not sufficient. The examination that I refer to showed to the House of Representatives that the bill then under consideration would have paid a large amount of money where, in the judgment of everybody on either side of the House, there should have been no payment. It was considered a very fortunate thing that we made the discovery in season of the payments which had been made by the confederate government to the extent of several hundred thousand dollars, I think, which that bill then provided should be paid over again by this Government.

I will try by to-morrow to find all the papers. If I am able to find the papers I desire by to-morrow, I shall have no objection to the measure coming up then.

The PRESIDENT *pro tempore*. The joint resolution will be passed over without prejudice.

#### NAVY RETIRED LIST.

Mr. ANTHONY. I call up the bill (S. No. 732) fixing the relative rank and pay of certain officers on the retired list of the Navy, passed over heretofore without prejudice.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Naval Affairs with an amendment, in line 3, after the word "officer," to insert "or naval constructor;" so as to make the bill read:

That any medical, pay, or engineer officer, or naval constructor, who has served, or may hereafter serve, a full term as chief of a bureau, and whose name has been borne on the Navy Register thirty years, shall, when retired, have the relative rank and pay of commodore on the retired list.

Mr. DAVIS, of West Virginia. I should like to ask the Senator from Rhode Island whether this changes the compensation to a very considerable extent of officers of the Navy?

Mr. ANTHONY. It changes the compensation of three officers to the amount of \$375 a year each.

Mr. DAVIS, of West Virginia. Only three?

Mr. ANTHONY. That is all.

Mr. DAVIS, of West Virginia. Shall I understand that there are but three officers included in the bill?

Mr. ANTHONY. They are not included in the bill; but those are all the bill covers. They are not named in the bill; but they are all that the bill covers.

Mr. BROWN. I do not know that I understand the proposition before the Senate. If the object is to retire these officers and advance them in the retirement, then I desire to record my vote against it.

Mr. ANTHONY. An officer who is appointed chief of a bureau has the rank of commodore so long as he remains chief of the bureau; but if he is a captain and is advanced to the rank of commodore by virtue of being the chief of a bureau, when his term of office ceases he goes back to his old rank of captain. But if his time for retirement is reached while he is in charge of a bureau, then he is retired with the rank of commodore. This bill is to give every officer whose name has been borne on the naval list thirty years and who has served a full term as chief of a bureau the rank which he would have if he retired while he was chief of the bureau.

Mr. BROWN. And not the rank that he holds at the time of his retirement.

Mr. ANTHONY. Not the rank he held at the time of his retirement. It is manifestly just.

Mr. BROWN. I think not; I think it is manifestly unjust.

Mr. HOAR. Does this bill provide for the case of the chief of the Bureau of Engineering, Commodore King?

Mr. ANTHONY. It does.

Mr. BROWN. I think the passage of this bill is only the entering-wedge to the general advancement of a naval officer who retires, when he is put on the retired list to be advanced one grade. It will soon lead to that. It is a dangerous precedent. Then, of course, if the Navy officers have it the Army officers will have to have it; a colonel that is retired will have to be made a brigadier-general in retirement, and so on. I shall desire the yeas and nays on the passage of the amendment.

Mr. ANTHONY. On the passage of the bill, I suppose the Senator means. The amendment merely enlarges the chiefs of bureaus included.

Mr. BROWN. I will vote against an enlargement in every shape. I shall call for the yeas and nays on the passage of the bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Naval Affairs.

The amendment was agreed to.

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

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

Mr. BROWN. I ask for the yeas and nays on the passage of the bill.



Mr. PLATT. I should like to be informed as to whether the principle of the bill applies as well to the Army as to the Navy. Are there bureau officers connected with the Army in the same situation as those connected with the Navy?

Mr. ANTHONY. Oh, no.

Mr. LOGAN. I want to hear the bill read.

Mr. PLATT. Let the bill be read.

The PRESIDENT *pro tempore*. The bill will be read as amended. The Acting Secretary read the bill as amended.

Mr. PLATT. Are there not Army bureau officers who have served the regular term and who ought to have the same provision for them, if this bill passes, as is made for the officers of the Navy?

Mr. LOGAN. I should like to ask the Senator in charge of the bill why this provision? I should like to know some reason for it. Of course I am not conversant with the Navy, but I should like to know the reason why an officer who has served at the head of a bureau in the Navy should, because of that service, when he is retired be retired on a rank that he does not hold?

Mr. COCKRELL. What would be the effect, I should like to ask the Senator from Illinois, upon the Army if every colonel, or lieutenant-colonel, or major, who happens to have command of a department, or something of that kind, should be retired upon the rank of such a command?

Mr. LOGAN. We never should know anything about it; it would be mixed up so that we could not tell anything about it. I do not want to get into a wrangle with the Naval Committee, but it does seem to me that there ought to be some principle governing both the Army and the Navy. We all know that these bureau officers are sought for; everybody is desirous of getting one. We remember a squabble that we had here not over a year ago when the Secretary of the Navy sent in the name of a medical officer I think as head of a bureau, and it was insisted that he was not the ranking officer, and for two or three days we had a squabble as to whether the Secretary had a right to send in that officer's name or not, there was such a struggle in the Navy for these positions.

These positions being the most desirable in the Navy, when officers get them after a fight for them because they are desirable, then we promote them by retirement to a rank they never held. I cannot understand that principle, and I should be glad, if there is any reason for it, to hear it. I do not want to oppose that which comes from the Naval Committee, because I am not on it; but I do want to know what principle there is running through this bill that requires us to vote for it before I can vote for it.

I know that principle would ruin the Army. We have men detailed as colonels to-day commanding departments. If a man, because he is detailed or assigned to a duty, must receive the pay of the officer of the highest rank that might perform that duty, or if because he is assigned to a duty that he prefers, and by reason of that assignment his rank is to be increased and he is to be paid accordingly—if that principle is to govern the Navy, it will have probably to be adopted in the Army, and if you apply it to the Army you never can tell where you stand; you have no regulation, no uniformity, no discipline, nothing to inspire men except those who can get the most political influence to put them into these places.

We know that the place of chief of a naval bureau is sought by every naval officer who can get it, and our friends are put in there perhaps—I have never had one put in there, but I will say they are our friends who are put there from certain influences; and the very minute you get them in you commence increasing their rank and pay. This is not right, in my judgment; it is not a correct principle in legislation, and it ought not to be adopted applicable to either the Navy or the Army.

Mr. BECK. I want to vote intelligently about this matter if I can, and I wish to ask the Senator from Illinois a question. There are bureaus of all sorts as well in the navy-yards of the country as in the Navy Department here. For instance, there are bureaus at League Island, Brooklyn, and elsewhere. Will the class of men at the head of those bureaus be embraced as well as the chiefs of bureaus here?

Mr. LOGAN. Why not? This says "chiefs of bureaus." Any bureau that is a bureau that has a man at its head called "chief" will be covered by the bill. There is no question of that.

Mr. ANTHONY. It only applies to the bureaus in the Navy Department.

Mr. LOGAN. They are all in the Navy Department. I should like to know why a bureau at League Island is not in the Navy Department.

Mr. ANTHONY. There is no bureau at League Island.

Mr. LOGAN. I supposed there was.

Mr. ANTHONY. There cannot be unless a law is passed to make one there.

Mr. BECK. There are certainly bureaus of equipment and repairs in the navy-yards; we provide for them regularly.

Mr. LOGAN. Certainly there are.

Mr. BECK. In other words, is not this creating a set of new positions for retirement with assimilated rank?

Mr. LOGAN. That is exactly what it is.

Mr. BECK. And it will have to be applied in the Army to all officers of the Army, as well as to the Navy.

Mr. LOGAN. That is exactly what it is.

Mr. BECK. I am opposed to it then.

Mr. ANTHONY. This is an entire mistake.

Mr. DAWES. I will inquire of the Senator from Rhode Island whether this is an abstract bill, or has it some personal application?

Mr. ANTHONY. It is an abstract bill; of course it has a personal application.

Mr. DAWES. That is what I should like to ascertain.

Mr. ANTHONY. It applies to three officers, but it applies to future officers as well, to those who shall come in the same condition.

Mr. DAWES. Has the Senator any objection to stating who those officers are?

Mr. ANTHONY. King, Horwitz, and I have forgotten the other. Now, Mr. President, a captain is made chief of a bureau. While he serves as chief of a bureau he holds the relative rank of commodore. If he reaches the age of sixty-two before his term of service in the bureau expires, he is retired with the rank of commodore by law. Then another captain is made chief of the bureau, his junior, and as a captain retires from the chiefship of the bureau by the present law. If he does not reach the age of sixty-two before his term of service expires in the bureau, he goes back to the grade of captain; his junior is appointed chief of a bureau, and before he serves out his full term he reaches sixty-two, and he retires with the rank of commodore. So that on the retired list the junior ranks the senior. It is to prevent this anomaly that this bill is introduced, and it received the unanimous recommendation of the Committee on Naval Affairs. It applies at present only to three officers, and there probably never will be more than three officers of the list to whom it will apply, because the chiefs of bureaus generally retire before they are sixty-two years of age, and they retire with the rank of commodore.

Mr. COCKRELL. Then it is simply a special bill for the relief of these three officers.

Mr. ANTHONY. It is for the relief of their successors. It is a general bill. There are only three officers it is applicable to now.

Mr. COCKRELL. A general bill with a limited application to three officers.

Mr. ANTHONY. It has a limited application now, because there are but three officers who fall under the conditions named; but the future chiefs of bureaus who retire under the same conditions that these three have retired will have the benefit of the bill. It is to prevent a junior from ranking a senior. These matters of rank seem very trifling to us; but they are very important, as my friend from Illinois knows, to the military and the naval service.

Mr. COCKRELL. What is the importance of rank on the retired list when there is no command?

Mr. ANTHONY. Oh, in matters of ceremony, in courts-martial.

Mr. COCKRELL. Then we are legislating this morning for ceremony and etiquette.

Mr. ANTHONY. But ceremony in the Army and Navy means a great deal. We cannot understand here why a man will risk his life for a ribbon to put in his button-hole or a medal to wear on his breast, but we know men do it, and these questions of rank are held of high importance by the officers of the Army and Navy, and therefore as it encourages them to gallant deeds and to the exact performance of their duty we ought to respect it.

Mr. BROWN. Mr. President—

The PRESIDENT *pro tempore*. The Chair has unwittingly allowed the Senator from Rhode Island to speak twice on this subject, and therefore will be bound to allow the Senator from Georgia to speak twice.

Mr. INGALLS. Two wrongs make a right!

Mr. BROWN. If the Senator from Rhode Island will take back his speech I will not insist on speaking. [Laughter.]

The PRESIDENT *pro tempore*. The Chair will allow the Senator from Georgia to speak now, because he did allow the Senator from Rhode Island, but he will not allow any one else to speak twice.

Mr. BROWN. I simply wish to say that I am opposed to raising the rank in retirement of any officer of the Army or Navy. It is said this is a general bill that applies but to three officers, but it will apply to their successors and to all the officers of that grade who have done service in the Navy. Now, what reason is there for drawing a distinction between the Army and the Navy? Will not this be quoted at the next session, if not at this, as a precedent for raising the regular rank of military officers who may retire who have done similar service, and then when they have that precedent some other class will be embraced, and it is simply a stepping-stone to a general advance of rank when officers are retired. I think it is proper that they should be retired with the rank they hold at the time of their retirement, and I desire to record my vote against every innovation upon that rule.

Mr. ANTHONY. Well, Mr. President, these men—

The PRESIDENT *pro tempore*. The Senator from Rhode Island is out of order unless by unanimous consent. ["Consent."]

Mr. ANTHONY. I only wish to say a word. These men hold the rank of commodore when they are retired, and they are retired upon the rank which they hold. There are no corresponding officers of the Army.

Mr. BROWN. A brigadier-general very often holds the brevet rank of major-general.

Mr. ANTHONY. But if he is retired he does not retire with the

rank of the command which he holds at the time. A naval officer does.

Mr. BROWN. A naval officer here does not retire with it. If so, what is the use of this bill? He only has the rank he holds at the time of the retirement, without legislation.

Mr. ANTHONY. This gives him the assimilated rank that he holds at the time of his retirement. Now, if he reaches his full term of service before he has arrived at the age of sixty-two he is retired as a captain; if he has not reached his full term of service when he reaches the age of sixty-two he is retired as a commodore. So a man who has had the shorter service retires with a higher rank than a man who has had the longer service.

Mr. LOGAN. Now, if the Senate will indulge me—

The PRESIDENT *pro tempore*. The Senator cannot proceed without unanimous consent.

Mr. COCKRELL. Let it be given. ["Consent."]

Mr. LOGAN. The argument the Senator from Rhode Island has just made shows the inconsistency of the legislation in reference to the Navy. A man retires at a certain grade and jumps another grade because of retirement; in other words, a man retires with higher rank than he ever had when he was in active service, just as has been attempted in the Army frequently, and we have at last got it down, I believe, to the rank a man holds, though sometimes there are exceptions made which I think have been very wrong.

As I said, I dislike very much to antagonize anything that comes from the Naval Committee; but it does seem to me that if the Naval Committee want to regulate the Navy in a proper way so as to have a retirement that will be understood by the Navy and by everybody else, they should make a general law applicable to all.

The rank in the Navy and the rank in the Army runs about in this way: the Admiral in the Navy ranks with the General of the Army, the Vice-Admiral with the Lieutenant-General, the commodore with the major-general, and so on. If you will examine the pay list you will find that a lieutenant-commander in the Navy equals a lieutenant-colonel in the Army, though he is called only a lieutenant in the Navy. His pay exceeds that of the corresponding rank in the Army, and so it is throughout. A lieutenant in the Navy is not like a lieutenant in the Army; he ranks with a field officer in the Army. So when you take a lieutenant-commander in the Navy, who ranks with a lieutenant-colonel, and increase his rank to that of commodore, you make that man rank with a major-general in the Army, so that it is hard to understand this thing of rank in the Navy unless a person examines it very carefully. When we talk of the rank of a lieutenant in the Navy, generally it is understood that that is a rank like that of a lieutenant in the Army, but it is not so at all. It is a much higher rank as far as pay is concerned and a much higher command, because a lieutenant-commander commands a ship; he is a commanding officer; what we call a field officer in the Army. So in retirement in the Navy when you give them—the officers—an extra grade the pay is away above that of the Army.

I say to the Senator from Rhode Island, without any disposition to interfere, for I cannot understand this, that the right way, in my judgment, is to have a general retired list in the Navy to apply to all the officers of the Navy, as the one we have attempted to pass in the House and Senate in reference to the Army.

Mr. ANTHONY. We have one now.

Mr. LOGAN. I know you have one, but you have changed it so that nobody understands it to-day. I do not wish to say, in the sense in which it would be generally understood, that the Naval Committee do not understand their own business. I mean no such thing; but I will venture the assertion here to-day that there is not a member of the Naval Committee who can state on this floor the law of retirement applicable to the Navy. I venture that assertion. I have examined it within the last three weeks and tried to understand it, but I do not understand it.

Mr. ANTHONY. Well, Mr. President, a naval officer is retired upon three-quarters of his sea pay.

Mr. LOGAN. I understand that part.

Mr. ANTHONY. That is the universal rule, except that when chief of a bureau he retires with the rank he holds when he is chief of a bureau.

Mr. LOGAN. The law runs about this way: you retire naval officers at sixty-two, with certain exceptions, at three-quarters sea pay, and you retire a bureau officer and give him the rank of a commodore; you do not know whether he is a lieutenant, commander, captain, or what, but you give him that rank because he is a bureau officer, and that is the reason I say that the law is such that you cannot understand it.

I hope this bill will not pass, because, in my judgment, it is a bill made for the especial purpose of advancing three individuals; for nobody else.

The PRESIDENT *pro tempore*. The yeas and nays have been called for on the passage of the bill.

The yeas and nays were ordered and taken.

Mr. JONES, of Florida. I am paired with the Senator from New Hampshire, [Mr. ROLLINS.] Not knowing how he would vote, I decline to vote.

Mr. ANTHONY. The Senator from New Hampshire [Mr. ROLLINS] is in favor of the bill. He was on the committee that reported it, as the Senator from Florida was.

Mr. HARRIS. On this question I am paired with the Senator from Rhode Island, [Mr. ALDRICH.] If here, I suppose he would vote "yea;" I should vote "nay."

Mr. BUTLER. On this question I am paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. ANTHONY. The Senator from Pennsylvania [Mr. CAMERON] was on the Committee on Naval Affairs that unanimously reported the bill. I am quite sure he would vote for it.

Mr. BUTLER. I shall not vote.

Mr. BECK. I am paired generally with the Senator from Maine, [Mr. HALE.] Does the Senator from Rhode Island know how he would vote? I desire to vote "nay." I believe I shall not vote, being paired with him and not knowing how he would vote.

Mr. SEWELL, (after having voted in the negative.) On the statement of the Senator from Rhode Island that the Naval Committee unanimously reported this bill, as my colleague [Mr. MCPHERSON] is on that committee, and I am paired with him, I beg leave to withdraw my vote.

Mr. HARRISON. I should like to inquire of the Senator from Rhode Island whether my colleague [Mr. VOORHEES] is a member of the committee and is in favor of the report.

Mr. ANTHONY. He is not a member of the committee. I do not know what his judgment is.

Mr. HARRISON. Then my vote can stand.

The result was announced—yeas 10, nays 35; as follows:

#### YEAS—10.

Anthony,	Conger,	Lapham,	Sherman.
Blair,	Ferry,	Morrill,	
Cameron of Wis.,	Hoar,	Sawyer,	

#### NAYS—35.

Bayard,	Gorman,	Jonas,	Saulsbury,
Brown,	Groome,	Logan,	Saunders,
Camden,	Grover,	McMillan,	Slater,
Cockrell,	Hampton,	Maxey,	Vance,
Coke,	Harrison,	Miller of N. Y.,	Van Wyck,
Davis of Illinois,	Hawley,	Morgan,	Vest,
Davis of W. Va.,	Hill of Colorado,	Platt,	Walker,
Fair,	Ingalls,	Pugh,	Williams.
George,	Jackson,	Ransom,	

#### ABSENT—31.

Aldrich,	Edmunds,	Jones of Florida,	Mitchell,
Allison,	Farley,	Jones of Nevada,	Pendleton,
Beck,	Frye,	Kellogg,	Plumb,
Butler,	Garland,	Lamar,	Rollins,
Call,	Hale,	McDill,	Sewell,
Cameron of Pa.,	Harris,	McPherson,	Voorhees,
Chilcott,	Hill of Georgia,	Mahone,	Windom.
Dawes,	Johnston,	Miller of Cal.,	

So the bill was rejected.

#### MOBILE AND OHIO RAILROAD COMPANY.

Mr. JACKSON. I ask the Senate to take up joint resolution No. 48. The joint resolution was passed the other day and reconsidered on the motion of the Senator from Alabama, [Mr. MORGAN.]

The PRESIDENT *pro tempore*. Is the Senator from Alabama ready to take it up?

Mr. JACKSON. He made the motion at the instance of the Senator from Mississippi [Mr. GEORGE] as I understand.

The Senate proceeded to consider the joint resolution (S. R. No. 48) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company.

Mr. GEORGE. I desire to offer an amendment at the end of section 2, to add:

But the sum so ascertained to be due to said railroad company shall be paid to said company in trust for the use of those persons who were stockholders thereof on the 1st day of January, A. D. 1866, and the said company shall distribute the said fund among said persons *pro rata* according to the amount of stock held by each at said date, and if any be deceased the share of such shall be paid to his or her legal representatives.

Mr. President, if I can get the attention of the Senate for a few minutes I desire to make a statement which I think will show the injustice of the measure as proposed, and the justice of it if it is amended as I propose to amend it.

A similar question has been under consideration by the Committee on Claims, there having been a general bill introduced and referred to that committee, which bill proposed to refund to numerous Southern railroad companies the amounts which they had paid under contracts similar to those mentioned in the resolution now before the Senate. That committee by a majority recommended that that bill be not passed, and I ask the Secretary to read the report which was made on that bill, and which I hold in my hand.

Mr. BROWN. I ask that the views of the minority be also read.

The PRESIDENT *pro tempore*. The reading of the report will be taken out of the time of the Senator from Mississippi.

Mr. GEORGE. Then I do not ask for its reading at this time. The point to which I desire to call the attention of the Senate, and to which the report calls the attention of the Senate, is that these contracts were made about seventeen or eighteen years ago, and there has been a total change in the organization and ownership of this company in that time; in other words, the persons who paid or who were bound to pay these contracts have ceased to hold the stock. The stock which they held was depreciated in value on ac-



count of these onerous contracts, and is now in the hands of persons mostly who bought that stock with the depreciation occasioned by them, and the result will be, if the resolution passes without the amendment, that we shall donate from \$150,000 to \$200,000 to men who had no interest in the contracts at the time they were made, and who have no just claim to that sum now.

The case, sir, is very much like this: suppose an estate is mortgaged and it is sold by the mortgager subject to the mortgage and with a distinct understanding on the part of the purchaser that he is to pay the incumbrance. It is his duty to pay it under his contract, but after he has made payment the mortgagee discovers that the contract was an onerous one, and such as ought not to have been enforced in full, and he proposes to refund a part of the money, to whom should he refund it? To the purchaser from the mortgager, who by the terms of his contract agreed to pay the debt as a part of the purchase-money, or to the mortgager, who was the party injured by the onerous contract? That is exactly the situation here.

The stockholders of 1865 and 1866 who owned the stock then had their stock depreciated by this onerous contract. They afterward sold it. The purchasers who bought it at the depreciation occasioned by this contract, and now, having got the benefit of the depreciation in the stock and in the purchase of it, they come here and ask the Senate to refund to them that which ought to be refunded to the parties who lost. The amendment I offer proposes to refund it to those parties. I ask now that the report of the committee be read.

The Acting Secretary read the following report, submitted by Mr. HOAR March 15:

The Committee on Claims, to whom was referred Senate bill No. 150, have considered the same, and respectfully report:

The facts are correctly set forth in the report of the minority of the committee. The committee are of opinion that as this is not a legal claim against the Government, but is an application to its bounty to relieve these corporations against contracts voluntarily entered into by them, that justice does not require the passage of the bill. Seventeen years have elapsed. It is not probable that the same persons hold the stock in these corporations that held it in 1865. The persons who would get the benefit of the bill would very largely be those who acquired their stock after the payment of the bonds, or when it was expected they would be enforced. They have no possible claim to have their property increased in value by reimbursing them to the amount lost by their predecessors by a harsh or improvident contract. We recommend that the bill be rejected.

I concur in the majority report, and add thereto the following:

It is certain that the stockholders of the several railroad companies are not the same now as when said payments were made. The stock is continually changing hands in the market, and these payments and the incumbrances which they discharged necessarily depressed the value of the stock. Those who purchased the stock since got it at this depressed price, and those who then owned stock and sold it since necessarily suffered the loss of this depreciation. Under these circumstances it would be manifestly just that if any sum should be refunded it should not go to the corporations as they now exist and which represent the present stockholders, but to those who suffered the loss occasioned by the payments. I would be disposed to favor a bill which would have that object in view.

J. Z. GEORGE.

Mr. BROWN. Now I ask that the minority report submitted by the Senator from Maine [Mr. FRYE] and other Senators be read.

Mr. WILLIAMS. Before that is read I want the Senate to understand this is not the report in this case. This is the report in another case.

Mr. GEORGE. Very similar to this.

Mr. WILLIAMS. Not similar at all, because this case is a resolution which merely adds supplemental legislation. The other was an original bill.

The Acting Secretary read the following views, submitted by Mr. FRYE, from a minority of the Committee on Claims, March 15:

A minority of the Committee on Claims, to whom was referred the bill (S. No. 150) to provide for the settlement of accounts with certain railway companies, respectfully submit the following views:

This bill provides for the adjustment and final settlement of the accounts of certain Southern railway companies for property purchased from the United States, on the basis that Congress established and allowed by acts of March 3, 1871, February 27, 1875, and March 3, 1877, for the settlement of the accounts of other companies which purchased property of the same kind, at the same time, and on the same terms and conditions. The questions involved have been so thoroughly investigated, and so uniformly favorably reported and acted upon, that we deem it necessary to state only such an outline of facts as is necessary for a proper understanding of the bill under consideration, and refer to the various existing reports for more detailed recital of facts and arguments.

At the close of the war of the rebellion the United States had a large amount of rolling-stock and material that it had used in operating railroads in the South. When these railroads were turned over to the corporations owning them, executive orders of August 8 and October 14, 1865, were issued, authorizing the apportionment among them of such of this property as they might desire to purchase. For explanation of the purposes and policy of the Government see testimony of Secretary of War Stanton, (H. R. Report 34, Thirty-ninth Congress, second session.)

The various companies took, at prices affixed by the Government, \$7,571,486 of this property, (see report of Quartermaster-General, 1868,) and gave bonds in form prescribed by the Secretary of War for payment of the same. The companies took this property at prices fixed and gave their bonds for payment, for the reason that they had no other means of obtaining material to operate their roads, and because they were led to believe that the Government would never exact full, if any, payment of their bonds. (See testimony of General Meigs, S. Report 239, Forty-sixth Congress, second session, page 4.)

Some of the companies, in their impoverished condition, found it impossible to meet the payments on their bonds, and suit being brought against them they appealed to Congress. After an exhaustive examination of the whole subject (see H. R. Report 34, Thirty-ninth Congress, second session; H. R. Report 78, Forty-first Congress, second session; S. Report 349, Forty-first Congress, third session) Congress passed an act authorizing a compromise of these suits. The basis on which these compromises were made is set forth in report of Secretary of War on the subject. (Ex. Doc. 70, Forty-third Congress, first session.)

Congress, by further act of February 27, 1875, recognized the fact that the property had been charged to the railroads at excessive prices, and authorized a reduction to be made in the settlement of the accounts of ten other companies.

Under the provisions of these two acts of Congress all of those companies that had failed to meet their payments were granted relief, and the original accounts of sales to them were adjusted and reduced in amount.

In the Forty-fourth Congress the Western and Atlantic Railroad of Georgia, which had paid its accounts in full, applied to have them reopened and the same allowance made to them that had been made to the companies in default. The equity of their application was recognized (see S. R. 225, Forty-fourth Congress, first session,) and act of March 3, 1877, was passed, authorizing the readjustment of their accounts.

It therefore appears that Congress has extended relief to all those companies that were in default in their payments, and to one company that met its obligations in full. The amount of original purchases was \$7,571,486; by the three acts cited Congress has authorized a readjustment of accounts amounting to \$5,034,004.48. (See S. R. No. 239, Forty-sixth Congress, second session, page 5.)

The companies that purchased the remaining \$2,537,481.52 claim that in equity they are entitled to have their accounts settled on the same basis, and the purpose of this bill is to authorize such a settlement.

The whole matter, from the time of the original sales to the final adjustment of the accounts, was under the immediate charge of Quartermaster-General Meigs. In his annual report for 1870, alluding to proposed relief, he said:

"Their honesty in payment of their debt to the United States should not be allowed by the United States to put their stockholders in a worse condition than that of those who have refused or avoided payment."

In his report to the Forty-fourth Congress on its proposed action in the case of the Western and Atlantic Railroad, he said:

"If a deduction is to be made in the prices paid for the property purchased by the State of Georgia for the Western and Atlantic Railroad, on the same principle and for similar reasons provision should be made for a like deduction in the prices paid by every railroad company that purchased property at similar prices whose debts have not been compromised and settled under acts of March 3, 1871, and February 27, 1875. \* \* \* There is no reason known to this office why favors should be shown to one road that are not shown to other roads similarly situated."

The bill under consideration was favorably reported to the Senate in the Forty-sixth Congress by the Committee on Military Affairs, to whose report we refer for a full recital of the facts and arguments in the case. (See Senate Report No. 239, Forty-sixth Congress, second session.)

The first and last clauses of the proviso to section 3 of the bill are apparently conflicting, or at least are so expressed as to leave it an open question as to their proper construction. We believe the bill, with an amendment to make the meaning of the proviso clear, should be passed, and annex such a bill as commends itself to our judgment.

WM. P. FRYE,  
ANGUS CAMERON,  
HOWELL E. JACKSON.

A bill to provide for the settlement of accounts with certain railway companies.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of war and the Attorney-General be, and they are hereby, authorized and directed jointly to adjust and finally settle the accounts of the United States with such railway companies as received property from the United States in the years 1865 and 1866, and have made full payment for the same, or who, upon adjustment of their accounts under the provisions of this act, shall be found to have paid their indebtedness on account of such property, upon the basis and plan of settlement which was adopted in the settlement made by the Secretary of War in the case of the Western and Atlantic Railroad of Georgia, under the authority of the act of Congress approved March 3, 1877: *Provided,* That in such adjustments and settlements the abatement in respect to overvaluation of such property shall not exceed 25 per cent., and that such abatement shall extend only to such property as was sold at a valuation fixed by boards of appraisers appointed by the United States authorities, and to such other property as the Secretary of War and Attorney-General jointly may determine to be justly subject to like abatement on account of overvaluation, and that in all other respects the settlements and adjustments shall be upon the basis hereinbefore mentioned, and the same shall be completed within two years next after the passage of this act.

SEC. 2. That in any such settlements the Secretary of War and the Attorney-General shall, as a condition thereof, take a full release from the other parties, respectively, of all claims and demands, of whatever name and nature, theretofore existing, if any such there be, against the United States.

SEC. 3. That when said accounts, or any of them, have been adjusted in pursuance of the provisions of this act, the Secretary of War be, and he is hereby, authorized and directed to issue his warrant on the Treasury of the United States in favor of the proper officer of such companies respectively, or the legal representatives of the same, for the amount of money found due on said adjustments, if any; and the amount so found due is hereby appropriated out of any moneys in the Treasury of the United States not otherwise appropriated: *Provided,* That the provisions of this act shall not extend to any railroad company with which settlement has been made under the act approved March 3, 1871, entitled "An act to provide for the collection of debts due from Southern railroad corporations, and for other purposes," or the act entitled "An act to provide for settlements with certain railway companies," approved February 27, 1875, or the act approved March 3, 1877, entitled "An act to authorize the Secretary of War to open and readjust the settlement made by the United States Government with the Western and Atlantic Railroad of Georgia."

Mr. JACKSON. Mr. President, I think it would be improper to adopt the amendment proposed by the Senator from Mississippi and undertake to distribute the abatement that is proposed to be granted to the Mobile and Ohio Railroad Company to the owners of the stock at the time this purchase was made, (January 1, 1866.) The thing is impracticable. Congress has heretofore dealt with these companies in their corporate capacity. The act of 1875, which authorized the settlement with these railroad companies, dealt with them in their corporate capacity. The several companies that purchased in 1865 and 1866 rolling stock from the United States Government claimed that they had been by duress required to give more for the property than it was really worth. They made their application to Congress for relief, and Congress directed the Quartermaster-General and the Secretary of War to investigate the subject and make with them a proper settlement, giving them such abatement on the price of the property purchased of the Government, not exceeding 25 per cent., as would be just and proper. This board of commissioners settled with all the other companies mentioned in the act of 1875, and allowed to each of them an abatement of 25 per cent. on the amount of rolling-stock purchased by the respective roads. That act further pro-

vided as a condition to that settlement that those companies should surrender whatever claim they had against the General Government growing out of the use of their respective roads. All the companies were settled with except the Mobile and Ohio Railroad Company, which had paid more than 75 per cent. of the purchase-money contracted to be paid. Having paid more than 75 per cent., it did not get the abatement of 25 per cent. allowed the other roads.

There is still due from the Mobile and Ohio Railroad Company something to the Government on that purchase. That cannot be distributed to the stockholders. When you give to the Mobile and Ohio Railroad the same abatement that you give to the other roads you ought to deal with it in the same way that you did with the other roads in its corporate capacity. We have undertaken to deal with these companies in their corporate capacity, and required them in their corporate capacity to release all claims they had against the Government growing out of the use of their roads. The amendment now proposed to distribute the abatement to be allowed the Mobile and Ohio Railroad Company to the stockholders of the company is unusual, and will be of little or no benefit to such stockholders. If there is any legal or equitable obligation on the part of Government to make the abatements asked for, it should be made to the corporation as the contracting party with the Government, and not to the stockholders at any given date. They have been dealt with in their corporate capacity, and there has been no dealing with the stockholders. The truth is, that no portion of the fund used by the company in the purchase of the property from the Government would have gone to the payment of dividends to the stockholders. The company was not in a condition to pay dividends, and it is difficult to see how the rights or interests of stockholders were affected by the purchase, or why they should now be paid the amount proposed to be abated. I hope the amendment will not be adopted.

Mr. HOAR. Mr. President, I fail to see the slightest ground for the passage of the bill, except that some other railroads without any apparent equity or propriety got an allowance under similar circumstances. As I understand, these roads paid for this rolling-stock or whatever it was, making a fair bargain with the United States for a certain sum of money which they considered it worth at the time they took it. They entered voluntarily into the contract as much as if they had bid off an old ship, a condemned cannon, or an abandoned public building. They were railroad men capable of dealing with such affairs, more capable than the officials of the United States, and acted in such a bargain certainly on full terms of equality. Now they come in and say at a distance of eleven years, as I think the act of 1875 was after the original transaction, "It turns out that we agreed to allow the United States more than we find the worth of this property which we bought to be; now make a discount." That is bad enough when you do it to the original persons who made the bargain, but when you do it to a railway company, not as the allowance of a claim, but as a mere gratuity which it never expected in the time of the transaction, when the property in its stock has changed, so that probably every present stockholder or nearly every present stockholder has bought stock the value of which when he bought it was not in the least enhanced by the expectation of any future allowance of this kind from the Government of the United States, it seems to me you are giving it a mere gratuity.

If there could be any possible equity if it had been a transaction with an individual, there is no equity in such a transaction with a railroad corporation.

If it be true, as the Senator from Tennessee urges, that the amendment of the Senator from Mississippi is impracticable, then it seems to me it is also true that the original bill is impracticable as a mechanism of doing justice to anybody, and it ought not to pass. Certainly the only argument is that we did a thing, which is clearly and demonstrably improper, in dealing with other roads.

Mr. HARRIS. Mr. President, I do not quite agree with the Senator from Massachusetts in his conclusion. In the course of the war almost every railroad in the South, if not every one, was seized by the Federal Government, and at the end of the war was in possession of the Government. The rolling-stock on these roads, as a general rule, was claimed or owned by the Government. The Government returned the roads to the corporations that owned them, only on condition that the companies would agree to pay, what has been since ascertained and admitted by General Meigs, the Quartermaster-General, after a careful examination of the question, to have been an exceedingly exorbitant price for the rolling-stock, a price far beyond its value; and in respect I believe to every one of these roads except the one in question, the Mobile and Ohio, the Government has conceded and abandoned the claim to the extent of 25 per cent. or more; this being the only railroad corporation that has not received the benefit of that abatement.

I do not quite agree with my colleague either, when he says it is impracticable to return this exorbitant rate that was charged to the persons who owned the stock of the company at the time; and I think every consideration of equity and justice would require the adoption of the amendment of the Senator from Mississippi, because I imagine in the main, if not entirely, the ownership of the stock has passed into other hands, and if it did so, it passed into the hands of the present owners depreciated by the exorbitant and unreasonable price that had to be paid for the rolling-stock that the company owned.

The bill ought to pass, and in my judgment ought to pass with the amendment of the Senator from Mississippi, so that there will be restored to the parties who had to pay this exorbitant price this allowance that justice demands should be made.

The PRESIDENT *pro tempore*. The hour of two o'clock has arrived and the resolution goes over.

#### HOUSE BILLS REFERRED.

The bill (H. R. No. 1151) for the relief of Herbert Joyce was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 1768) for the relief of William Bowen was read twice by its title, and referred to the Committee on the District of Columbia.

The bill (H. R. No. 2317) for the relief of Mary Bullard was read twice by its title, and referred to the Committee on Claims.

#### DISTRICT APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. No. 5664) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1883, and for other purposes.

On motion of Mr. PLUMB, it was

Resolved, That the Senate insist on its amendments disagreed to by the House of Representatives and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL.

#### DEPARTMENT OF AGRICULTURE.

Mr. GEORGE. I desire to make an inquiry of the Senator from Kansas, [Mr. PLUMB,] who has charge of the bill (H. R. No. 4429) to enlarge the powers and duties of the Department of Agriculture. I should like to know when he designs to call up that bill.

Mr. PLUMB. My design is to ask the Senate to proceed to the consideration of that bill some time early next week. There has been a condition of public business here growing out of the pending order which has prevented my calling it up earlier.

#### ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The unfinished business is the bill (H. R. No. 1052) in relation to the Japanese indemnity fund.

Mr. MORGAN. It is understood, I believe, that the Senator from New Hampshire [Mr. BLAIR] is to address the Senate on another question.

The PRESIDENT *pro tempore*. By the courtesy of the Senate, no doubt the Senator from New Hampshire will be heard, and the unfinished business will be set aside temporarily.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 1723) to increase the water supply of the city of Washington and for other purposes, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had passed a joint resolution (H. R. No. 176) authorizing the Secretary of War to erect at Washington's headquarters, in the city of Newburgh, New York, a memorial column, and to aid in defraying the expenses of the centennial celebration to be held at that city in the year 1883, in which it requested the concurrence of the Senate.

#### AID TO COMMON SCHOOLS.

Mr. BLAIR. I move to take up Senate bill No. 151, for the purpose of submitting remarks.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 151) to aid in the establishment and temporary support of common schools.

Mr. BLAIR. Mr. President, I propose to inquire into the nature and extent of the powers and obligations of the National Government to assist in the education of the people when necessary, for its and their own preservation; to develop and illustrate the actual condition of popular education in this country as revealed by the census of 1880, and from other reliable sources, and thereby to demonstrate the necessity of national aid to common schools at the present time; to explain the several measures pending in Congress having that end in view, and to briefly give my reasons for supporting Senate bill No. 151, as in my belief best calculated to secure the object desired by the advocates of all.

The United States are conceded by all to be a unit and a sovereignty within the scope of the powers expressly granted or necessarily implied in the written Constitution. The only real question between those who have held to the national idea on the one hand and that of State sovereignty on the other has been as to which had the right to decide upon their relative jurisdictions and to establish their political boundaries when in dispute. Upon this question I do not now propose to enter, because it is not essential to the maintenance of the argument on this occasion. My leading proposition is that the General Government possesses the power and has imposed



upon itself the duty of educating the people of the United States whenever for any cause those people are deficient in that degree of education which is essential to the discharge of their duties as citizens either of the United States or of the several States wherein they chance to reside.

This does not imply that a like power and even more imperative duty do not require the people of every State to educate its own citizens. It is a power not hostile but friendly to the States. Nor is it a power to be exercised unnecessarily. It should be exercised only in extremity, and when manifestly essential to the local, and therefore ultimately to the general welfare. As the State may not engage in war unless "actually invaded, or in such imminent danger as will not admit of delay," so the United States should not enter upon the duty of qualifying the citizen to bear his responsibilities to the nation and to the State until the local power is shown to be inadequate or negligent and the necessity is apparent and imperative. But the power is there.

There is no truth better established or more generally admitted than that the republican form of government cannot exist unless the people are competent to govern themselves. The contrary doctrine would be an absurdity, a contradiction of terms. What is the republican form of government but government of the people by the people? But how can the people govern, how exercise sovereignty, except they have the knowledge requisite to that end? Sovereignty requires as much intelligence when exercised by the people as a whole as when exercised by a single individual; it requires more. The monarch governs according to his will, not necessarily with that broad intelligence demanded by the public good. Government for the people by the people implies that degree of popular intelligence which will enable the masses of men to comprehend the principles and to direct the administration of government in such way as to promote the general welfare. Republican government therefore requires a higher degree of intelligence on the part of the sovereign than any other form. That sovereign is the whole body of the people. How, then, can the republican form of government exist and continue to exist unless from generation to generation, in perpetual succession, the citizen sovereigns are educated?

But the question is deeper still. How can civilization exist without education? What is civilization but the result of education—of the development and training of the powers of the individual? All human progress and happiness are, in the higher and broader sense, but education which confers the capacity both to do and to enjoy. If, then, to educate is to civilize, the great duty which society owes to the individual is to educate him, and the benefit thus conferred he is bound to return.

This primary duty of society to its individual membership is by the law of nature imposed, in the first instance, upon the parent. But the parent cannot fully discharge it. What then? Society, through the established forms of government, interferes and performs what the parent fails to perform. Is this any violation of the right of the parent? No one pretends it. It is merely the doing of that which, for the good of the child, the parent, and the whole social fabric, must be done. The right of the mass, that is, of the state, is paramount even to that of the individual, inasmuch as the general welfare—the safety of the people—is the supreme law. No parent has the right to say that his child shall remain ignorant. He has no right to breed fire-brands and death to the society of which he is a part and to which he owes everything himself. Here is the foundation of the right of compulsory education on the part of the state.

If the parent fully exercised his right to properly educate his child there would be no occasion for the interference of the state; but he fails to do it. Benevolent voluntary effort comes to his aid. This also fails. What then? The law of self-preservation at once asserts itself in behalf of the state as well as of the individual, and for the welfare of both it must put forth its power. These principles are fundamental and are so plain that their assertion may seem superfluous. But we now come to an important question in the argument.

What in our complex system of government constitutes the "state," the organization in which reside the right and duty to educate the individual when the parent and voluntary agencies fail? The term "state" has various significations, but as used in this connection it is thus defined by Mr. Webster, and by the writers upon law: "A political body or body politic; the body of people united under one government, whatever may be the form of the government." Mr. Bouvier says:

In its most enlarged sense it signifies a self-sufficient body of persons united together in one community for the defense of their rights and to do right and justice to foreigners. In this sense the state means the whole people united into one body-politic, and the state and the people of the state are equivalent expressions.

There can be no doubt that under our system the word "state" includes the combined powers of both the United States and of the several States of whose Union the former is composed. The territory which constitutes the one includes the many. The citizens of the many are individually and identically the citizens of the nation at large. Every citizen of the United States who resides in a State is a citizen thereof. "All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside." The rights and powers of the great community of fifty millions of people who

constitute the citizens of the United States and of the several States are vested in the Government of the United States, in the governments of the several States, or in the people themselves. Although these three depositories of rights and powers are "distinct like the billows," yet they are "one like the sea." Distinct in their several jurisdictions, yet they constitute one great whole, and act together harmoniously for the individual and common good, each independent of the other in its sphere, like the independent yet concurring powers of nature in the realms of physical life, where—

All are but parts of one tremendous whole,  
Whose body nature is, and God the soul.

It is only as we use the word state in this complete sense that the people of the United States, who are also the people of the several States and of the Territories, constitute "a body of persons united together in one community for the defense of their rights, and to do right and justice to foreigners."

Now, the right of self-defense, which is the right of self-preservation, is the right to live and to be. The right of the people to be at all implies and includes the right to constitute and maintain the state—that is to say, government—and to prescribe its form, for human existence is impossible without government. The governing power must know how to govern or it cannot govern. Can a man do that which he knows not how to do? The people have distributed the functions of government between the national and the sectional or the State authorities, and have retained in themselves the initial exercise of all power through the ballot. The ballot is the republican form of government both in the nation and in the State.

Intelligence is necessary in the individual, who is the sovereign, in the one as well as in the other. The right and duty of the national portion of the Government to preserve itself and of the individual to preserve it and to exert his sovereignty through its forms perpetually are absolute. It is the right and duty of the whole to preserve the whole, and the right and duty of the whole to preserve the whole implies the preservation of all the parts by that whole, to the existence of which all the parts are necessary. It is not necessary that a man should have written permission to live. He needs no license stamped or sealed to give him the right to breathe.

His creation implied all that. Just so the people, when they created governments, both of state and nation, republican in form, and bade them multiply their blessings and replenish the earth with their civilizing and ennobling activities, necessarily gave them the breath of life and the inherent power to preserve that life. To have written into the constitutions of the States or of the National Government the right of self-preservation would have been as superfluous as to have required a written order for the sun to shine, for water to run down hill, or for any created thing to obey the law of its being. But the right to educate the child throughout the nation is the right to preserve the Government and the nation. That right cannot be curtailed. It is geographically coextensive with the jurisdiction of the Government itself, and self-preservation compels its exercise by the National Government whenever there is failure for any reason on the part of the parent and the state.

#### OBLIGATION TO GUARANTEE GOVERNMENTS REPUBLICAN IN FORM.

Still again. The whole people of the United States, that is to say the nation, by the primary act of the masses and by the act of their State governments, have commanded in the written terms of the constitutional law of the land that "the United States shall guarantee to every State in this Union a republican form of government." How is that obligation to be fulfilled? Must its performance await revolution, and must destruction precede preservation? Is it a guarantee of possession to stand by while war and tempest obliterate, and then endeavor to restore? Is reconstruction the only or is it the better way in which the obligation to guarantee a government republican in form to the States of this Union can be discharged? Is not the ounce of prevention still worth the pound of cure? Does not the duty to guarantee imply the right to prevent and to preserve even more strongly than to restore? Prevention might be possible when restoration would prove to be impossible.

It is a conceded proposition that where a duty is imposed all the power necessary to its performance is conferred, and the choice of means, so far as there is no prohibition, goes with the power.

If all this be so, what doubt can there be not only of the power but also of the absolute duty of the National Government to perform its obligation of guarantee in the only effective way in which it is possible? When does the obligation to guarantee attach? Did it not commence with the adoption of the Constitution, and is it not continuous in its operation? Does it not attach as a right in the Territories, which are inchoate States? Does it not follow every moment of the concurrent life of the nation and of the States and enter into all their constitutional and inseparable relations?

Not to educate is to destroy. It follows inevitably that not to educate is to break the guarantee of republican government to the States. If the parent and the State fail to educate the citizen, does not this clause of the Constitution compel the nation to educate its child?

#### THE GENERAL WELFARE.

But Congress has express power "to provide for the general welfare of the United States," and to exert its utmost power of taxation

to promote that which was one of the six great ends enumerated in the preamble, and to secure which the Constitution itself was ordained and established by the whole people for the United States of America. That people well understood that without intelligence it would be impossible "to preserve the blessings of liberty to themselves and their posterity." It goes without argument to say that in no way can the general welfare be so promoted as by the general diffusion of knowledge and the discipline of the mental powers of the masses of the people, which can only be accomplished by common schools maintained by governmental power.

Governments are but agencies established by society to secure the happiness of its individual members. Whenever they cease to promote the end for which they were created they should be destroyed, and whenever and so far as they fail they should modify or reverse their action.

If in the past the National Government has not borne its due proportion of the burdens of the education of the people, or if new conditions have arisen which require of it a degree of co-operation with the several States not hitherto necessary in securing to all citizens of the Republic that degree of intelligence which is indispensable to the safety of society and to the happiness of the individual, who is at once the subject and the sovereign in both local and national administration, then the time has come for a new departure, and the withes of straw must yield to the expanding limbs of the giant who is arousing himself for the labors of the time which has already come.

But it must not be forgotten that the fathers and mothers of this Republic never conceived of the possibility of its existence except as its foundations should be laid upon knowledge and virtue, and that the promotion of sound learning was deemed to be the fundamental duty of the national power. The time would fail to speak of the founders of the colonies, and of the constant efforts which they put forth from New Hampshire to Georgia to establish schools and colleges for the education of those who were to enjoy the rights of citizenship within their respective borders. The Revolution was the outgrowth of the school, the college, and of the free worship of God. The constitution of every State as well as the Declaration of Independence and the whole theory of the national polity depend upon the possession of knowledge and virtue by the people at large.

Hence Washington never ceased by word and deed to enforce this great truth upon his countrymen. Adams and Franklin and Jefferson and Madison and Hamilton and Clinton and Rush, and the whole galaxy of the immortals who cradled the nation, dwelt continually and emphatically upon the primary necessity of the universal intelligence of the masses to the perpetuation of their freedom and happiness. Nor did they confine their efforts to precept alone. The Congress of the Confederation as well as the General Government under which we now live at an early day proclaimed their duty and exercised their power to apply the property of the nation to promote this great interest of all. One-sixteenth part of the public lands was devoted to the education of the children of the coming States from the foundation of the Government; three-score years afterward the amount was doubled, and from time to time during the century nearly which has elapsed since the ordinances of 1785 and 1787 the nation has contributed of its resources to the establishment and maintenance of the public schools.

The messages of Washington and other early Presidents, who, with their associates, created and defined the national powers, and the responses of both branches of Congress are full of the recognition of the obligation of the General Government to encourage and foster universal education, and as he passed from the scene of official life the Father of his Country solemnly adjured the American people "to promote as an object of primary importance institutions for the general diffusion of knowledge."

The promotion of learning and science and the appropriation of the public money for that purpose has always been recognized as within the scope of national power. Measures for the establishment of a national university have been supported by our leading statesmen, and appropriations of public money and other property have been from time to time made to establish or assist institutions like the agricultural colleges, observatories, the Smithsonian Institution, and exploring expeditions by land or sea, all which implies the possession of the undoubted power as well as the disposition to apply the resources of the National Government to these high purposes whenever in its judgment the general welfare will be conserved thereby. But even if all this were untrue the case would remain the same.

Laws are silent in war. They were silent in the conflict through which we have just passed. But what is meant by this? Not that all laws are silent. But that minor regulations which appertain to more quiet times are suspended in the overmastering presence of the great first law of self-preservation.

In this sense, which is the true sense, laws may become silent in peace as well as in war. We are now in peace, but if there be laws which forbid the education of the illiterate millions of the American people by the outstretched arm and bursting Treasury and innumerable intellectual and moral agencies of the nation at large, then those laws should, and in presence of the uprising sentiment of the people I may say they shall, be silent in this land until by the diffusion of knowledge and of the power which knowledge gives to every child within our borders peace may be made perpetual. Universal intelligence never makes war. Only ignorance is convertible into brute force.

Ignorance is slavery. But for ignorance there would have been no slave. But for ignorance among the nominally free there would have been no rebellion. The contest we now wage is with that still unconquered ignorance of both white man and black man in all parts of the country which hurried us by remorseless fate to fields of death for four long years. Beside this we confront the demands of hordes incoming from beyond both great oceans, and of the advancing generations of men.

I am glad to admit that whenever the State or the local community is able to sufficiently instruct its youth it should do so, and that the national aid should be invoked only when made necessary by local neglect or inability. But this burden is primarily one of taxation. Civilization must be paid for. Education is the insurance upon civilization. It must be kept up everywhere, for the risk is everywhere. To leave the child of the pauper uneducated is to incur as great risk of destruction by the fires or floods of ignorance and crime as if he were the scion of wealth and place. So, too, in the nicely balanced forces and relations of localities, the neglect of a county or a township may in some vital emergency destroy the institutions of the whole country by remote or even by immediate results. Hence there must be no admission of the doctrine that the general power can yield the right to educate when necessary to the general good. This power is indispensable to preserve the parts as well as the whole.

If these principles are true, we are next brought logically to the consideration of the actual condition of the United States and the Territories thereof in respect to the education of the people. This must be done that we may determine intelligently the question whether the nation should appropriate and, either directly or through State agencies, apply the public money for that use.

#### A GLANCE AT OUR RELATIONS TO OTHER NATIONS AS BEARING UPON EDUCATION.

In determining our duty in reference to the promotion of the general welfare by the appropriation of the public money to the education of youth, it may be well for us to consider not merely our internal relations, but also our position among the nations and our responsibilities to mankind at large. I will do this before proceeding to minute internal inquiries. It is no less than high crime for us to ignore the fact that we are but the trustees of our institutions and political principles for the human race. We cannot innocently forget that there are fifteen hundred millions of our fellow-men living upon the planet to-day, of whom not more than one-sixth part are even nominally civilized, and not more than one human being in ten is free, or leads a life which to a citizen of our own favored country seems to be worth living at all. Yet the prospects of the world as a whole never were so hopeful as now.

What imagination can realize the horrors of history, and who can believe that the balance of human experience during the transition from the savage state to the blessings of civilization and of liberty is on the side of happiness? Until the development of our own institutions, it cannot be said that the masses of men who made up the population of any nation since the dawn of time were free. Liberty has either been wholly unknown, or she has been current only in aristocracies, which, while maintaining something like toleration and equality among themselves, have been more despotic in their rule of the masses below them than any king or czar. But our nation, and ours alone, has been advanced to the condition of a sovereignty universally diffused, to that of kingship popularized. This alone is freedom.

We have gained all that we possess by reason of the education of the individual, and we hold it upon the same tenure. What we hold for ourselves we hold for mankind, and we hold it for both upon the same condition by which it was gained, and that is the continued and universal education and development of the people. As the leader of the nations it is indispensable to the discharge of our high trust that we incessantly perfect and carefully preserve ourselves. This work cannot be delegated; this responsibility cannot be surrendered nor evaded. Our relations and our influence with mankind at large are sustained and felt in our national and not in our State or individual capacity. Our position as a nation can only be maintained by a culture and development of the citizens of the Republic which shall be stimulated by the national idea, controlled by it, if need be, and at all hazards by it guaranteed and made sure.

The responsibilities which rest upon us, placed as we are in the forefront of the struggle of the ages, with the bannered hopes of the race in one hand, and the sword of liberty, by whose sharp edge alone they can be realized, in the other, are not to be sneered at: as they were unsought, so they are not to be evaded, and as God liveth they shall be discharged. The common schools of this country are the recruiting ground and the disciplinary camp of the great armies of civilization and freedom and progress, whose victories have been and shall continue to be still more renowned than those of war.

Lycurgus resolved all legislation into the proper education of youth. To so shape the laws and institutions of a country as to perfect the citizen is to make the restraint of statutes unnecessary. Teach the individual man the full extent and just limitation of his own rights, imbue him with the desire to perform his duties to others and to the state, cultivate within his breast the love of country and intelligent recognition of the Deity who creates, controls, and blesses all, and society would go alone. This should be the great end of the law-



giver. Educate the rising generation mentally, morally, physically, just as it should be done, and this nation and this world would reach the millennium within one hundred years. But such education is now impossible.

Who is to instruct? The teachers are but as children yet, and although the fields are white unto the harvest the laborers are few. Nothing is so important as the education of youth, but not one dollar is expended for that use where ten are imperatively required; and it is still a debated question whether the nation shall be taxed to save its own child, when in no other way can itself be saved. It doth not yet appear what we shall be; but no pause can be permitted in effort without deterioration, and the increasing millions constantly cry more, more, give, give, and the cry must be heeded or even the low standard of to-day will sink to a still lower and more dangerous level.

But as we look abroad we behold the human race astir. We are no longer the exclusive custodians of the elements of progress; we are even now in sharp competition with European nations for rank as an intelligent people.

The emigration which comes over the Atlantic is not the same grade of human being who came one-fourth of a century ago. Ireland is being educated; so is the whole population of the British Isles, and, save Russia and Turkey, this is true of the Continent.

We are not much longer to compete industrially with the sodden brain and clumsy finger of an unlettered peasantry; but with two hundred millions of producers, whose quickened powers of mind and body, combined with lower wages, will compel our relative advancement in order to maintain our superiority, or drive us to the increase of our already onerous tariffs in order to maintain our own industries and give employment and bread to our own people.

When we look abroad to the harvests of the commercial world we find ourselves already, save in the realm of sentiment, of no more consequence than any fourth-rate grower. While Asia, Africa, and the islands of the sea are stretching out their hands for civilized interchange, and are developing markets which within fifty years will double the consumption of all articles which the skill of advanced civilization pours into the lap of barbarism and of increasing culture *en route* to the enlightened state, we have small part in the matter now, and prospectively none at all, unless we arouse ourselves to the absolute necessity of the culture of our present and fast-increasing population throughout our continental domain. We have no ships, and our flag is a tradition on the sea; it is as rare in the marts of mankind as the pelican of the wilderness in Broadway, New York.

Great Britain learned the secret of power from the defeat which gave us independence one century ago. Since then she has not lost a province; she has annexed the world. How? Instructed in policy by our success she has established her colonies on every vacant lot of the globe; she has tied her cables to the commerce of every clime, and her strong fleets of peaceful, convoyed by her warlike marine are steaming for the coifers of London with the wealth of all nations, and especially of those among whom are to be found the profitable markets of future times.

Wherever among these upheaving populations she sends her ships she carries her institutions and her laws. Her colonies remain, and she has learned so to foster and govern that now they never rebel, but develop into powerful allies, and her morning drum-beat, which "encircles the globe," stirs the tides of patriotic devotion in the heart of every listener; and so it is that she can now precipitate millions of armed men upon any hostile power, whether she calls them from the dusky but valiant millions of Hindostan, from the hardy recruits who face us all along our northern line, or from Australia and the islands of the sea. Great Britain is located everywhere. She has learned that if she cultivates the individual citizen and rules in harmony with the impulses of the human soul, that her empire will be without end—except it be the end of the world.

Hence, her statesmen after forty years of study enacted the laws of 1870, which mark as absolute and a far more important landmark in the policy of that power as the free-trade policy of 1848. Great Britain is aiming to compel the education of every child covered by the jurisdiction of her flag at home or abroad, and to provide, or lead her colonies to provide, the means to fully carry out that policy. Within twenty-five years, unless we advance, we shall be far behind the English-speaking race in any other part of the earth.

What does this mean for us? Not merely humiliation and the half-masting of our banners—that we have already learned how to do and to rest quietly under it. But it will hurt our pockets. It will make us relatively poor. Wherever there is more intelligence there will be greater skill, and we shall become another Brazil to preserve the balance of stupidity on the Western Hemisphere. What is true of the new policy of Great Britain and of its consequences to us is also true of most other European nations. I would emphasize this aspect of the subject of education. Its importance to us cannot be overestimated. To mankind at large it means the millennium.

Let us examine the data of European progress that we may see if these things are so, for those who compare themselves among themselves are not wise.

In this examination it is pertinent to observe not so much the actual condition of the people of other countries as to note whether

they are losing or accelerating their pace. Five years will educate a generation substantially, and it will not be long ere the Latin and the Saxon of Europe will reach and pass his kindred on this side the Atlantic if a relative improvement shall not be here maintained.

The data submitted below has been prepared at my request by the Commissioner of Education, whose invaluable labors have contributed so much to the elucidation of the great subject committed to his care.

#### NATIONAL AID TO EDUCATION.

##### 1. FRANCE.

The population of France is 36,905,788. The liberality of the Government of the French Republic in providing for the education of the masses is without precedent in its history. At the close of the Franco-Prussian war, in 1871, popular education was in a backward state. According to the census of 1872 the total population was 36,102,921. Of this number 13,324,801, or 36.9 per cent., (including 3,540,101 children under six years of age,) were unable to read or write; 3,772,603, or 10.5 per cent., could read only; and 19,005,517, or 52.6 per cent., could read and write.

This lamentable condition of affairs was due to optional attendance at school, and to the neglect on the part of the government to provide ample accommodation for a school population of nearly 6,000,000.

Many communes were too poor and some were unwilling to establish new schools or enlarge the existing ones. After some delay a law was passed, March 28, 1882, making education obligatory for all children between the ages of six and thirteen, and authorizing poor communes to apply for government aid whenever their means are not sufficient to establish and maintain public schools. The government, however, does not always wait for departments or communes to apply for aid; it invites them to apply, and assures them of hearty co-operation. Letters were sent on the 3d of April, 1882, by the minister of public instruction to the prefects of the departments of Morbihan and Vendée, (on the western coast of France,) on the condition of education in these two very backward districts.

In Morbihan, 60 per cent. of the conscripts for the army, and the same proportion of persons who present themselves at the mairies (city halls) for marriages, cannot read or write. A number of communes have already voted sums amounting to 500,000 francs for the purpose of increasing the number of schools, and the minister of public instruction now offers them a further subsidy of 1,000,000 francs for the same purpose.

In Vendée, owing to similar causes, there also prevails a lamentable state of ignorance. Here 40 per cent. of the conscripts cannot read or write. In order to attend school hundreds of children would have to walk daily from eight to ten miles. The minister offers the department a subsidy of 600,000 francs for the purpose of increasing the number of schools.

*Government aid to primary education.*—In 1860 the government aid to primary education amounted to 5,424,036 francs; in 1870, (under the empire,) 9,817,513 francs; in 1877, (under the republic,) 22,035,760 francs. In 1882 the government aid will be about 50,000,000 francs, in order to enable all the communes to enforce the obligatory school law. In addition to the above amount the departments spend this year 25,000,000 francs and the communes 60,000,000 francs for primary education. During the two weeks from April 15 to April 30, 1882, the government has spent 1,244,835 francs for new school houses. The total amount spent by the government alone in 1881-'82 for all phases of instruction amounts to 114,353,941 francs, or \$22,717,880.

##### 2. BELGIUM.

The following table shows the government grants to education from 1831 to 1882:

Year.	Francs.
1831.....	217,000
1843.....	466,000
1845.....	711,000
1852.....	1,220,000
1857.....	1,689,000
1864.....	3,707,000
1870.....	6,425,000
1875.....	11,500,000
1882.....	20,400,000

The population of Belgium is 5,403,006. In 1830, when Belgium separated from Holland, there were only 1,146 public primary schools. In 1875, there were 4,152 public primary schools and 2,615 adult schools. In 1847, 41.06 per cent. of the conscripts were illiterate; in 1850, 35.35 per cent., and in 1878, only 19.59 per cent.

##### 3. ITALY.

Italy has a population of 28,209,620, and a school population (6-12) of 4,527,582. Of this number 2,057,977 attend school, against 1,604,978 in 1870. The number of public elementary schools has risen from 32,782 in 1870 to 41,108 in 1879. The annual grant to these schools in 1882 is 31,000,000 lire, (\$6,200,000). The 7,422 private elementary schools receive no state aid. In 1873 the government grant was 15,000,000 lire, (\$3,000,000); in 1876, 20,000,000 lire, (\$4,000,000); and in 1878, 24,000,000 lire, (\$4,800,000). This shows an increase of 16,000,000 lire, or \$3,200,000 since 1873.

The above grants are made in addition to large buildings and gardens given for educational purposes in nearly every city and town of the kingdom.

According to the census of 1861, out of a population of 21,777,334 there were 16,999,701 who could neither read nor write—7,882,238 males and 9,110,463 females. In 1871, out of a population of 26,801,154 there were 19,533,792 who could neither read nor write.

The present minister of public instruction has taken energetic steps to provide accommodations for all the children of school age and to enforce the law which makes attendance at school obligatory for all children between the ages of six and twelve.

##### 4. ENGLAND.

The annual parliamentary grants to elementary schools in England and Wales was: In 1840, £30,000; in 1850, £180,110; in 1853, £663,873; in 1862, £774,743; in 1863, £721,386; in 1866, £649,006; in 1867, £682,201; in 1868, £680,429; in 1869, £840,711; in 1870, £914,721; in 1873, £1,313,078; in 1875, £1,566,271; in 1877, £2,127,730; in 1879, £2,733,404; in 1882, £2,749,863.

The number of schools has risen from 10,751 in 1872 to 17,614 in 1880; the number of seats from 2,397,745 in 1872 to 4,240,753 in 1880; and the average number of children in attendance from 1,445,326 in 1872 to 2,750,916 in 1880.

The population of England and Wales is 25,968,286.

##### 5. SCOTLAND.

Population, 3,734,370. The parliamentary grant to elementary schools amounts to £468,512 for 1882-'83. The number of elementary schools has increased from 1,962 in 1872 to 3,056 in 1880; the number of seats from 267,412 in 1872 to 602,054 in 1880, and the number of children in average attendance from 206,000 in 1872 to 404,618 in 1880.

##### 6. IRELAND.

Population, 5,159,839. Number of elementary schools, 7,522. Number of pupils, 1,031,995. The parliamentary grants for popular education in Ireland amounted to a total of £2,948,669 in the ten years, 1860-'69; in 1868 it was £360,195; in 1872 £430,390, and in 1882-'83 it amounts to £729,863.

## 7. PRUSSIA.

Population, 27,251,067. The government expenditure for education amounts to \$11,458,856 in 1882, against \$10,000,000 in 1881. As nearly all the Prussian schools derive income from endowments, the government grants are chiefly devoted to the establishment of new schools and the improvement of old ones.

## 8. RUSSIA.

Russia, with a population of 78,500,000 and a school population of 15,000,000, has only 28,357 elementary schools and 1,213,325 pupils. The annual government grant to all grades of schools amounts to \$9,000,000. Of this amount only \$475,000 is devoted to elementary education. The finances of Russia exhibit large annual deficits, caused partly by an enormous expenditure for war, and partly by the construction of railways. According to official returns, the total war outlay incurred by Russia during the four years 1876-79 amounted to \$728,984,635.

The mass of the population of Russia is as yet without education. In 1860 only two out of every hundred recruits levied for the army were able to read and write, but the proportion had largely increased in 1879, when eleven out of every one hundred were found to be possessed of these elements of knowledge.

## 10. AUSTRIA.

Education until recently was in a backward state in Austria, the bulk of the agricultural population, constituting two-thirds of the empire, being almost entirely illiterate. During the last twelve years, however, the government has made vigorous efforts to bring about an improvement by founding new schools at the expense of the state wherever the conveniences were too poor. A law was passed in 1868 making education obligatory for all children between the ages of six and fourteen.

The government expenditure for public education has increased from \$2,300,000 in 1870 to \$6,500,000 in 1881.

In this connection as illustrating the educational impulse moving the whole British Empire I annex the following data of schools in the province of Ontario:

The population of Ontario is 1,013,460 and the school population 489,924. In 1844 there were in the province 2,505 schools, with 98,756 pupils; in 1875 5,058 schools, with 494,065 pupils, and in 1880 5,245 schools, with 496,855 pupils. The total expenses for education were \$275,000 in 1844, \$2,297,694 in 1871, \$3,258,125 in 1873, \$3,433,210 in 1878, and \$3,414,267 in 1880.

It will be observed that in every instance cited the nation assumes the duty and exercises the power not only of assisting but of controlling the subdivisions which make up the whole and provides for compulsory attendance of the child. The principle is fully recognized that when the general welfare demands individuals and subdivisions must submit, if necessary for any cause, to receive compulsory blessings, coupled with which is the duty which implies the right of the whole to provide for the protection and safety of all the parts by the utmost exercise of its powers. True, their governments are not so complex as ours, but the principle is still the same. Self-preservation dictates this policy everywhere.

It is impossible to dwell upon this branch of the subject or to spread before the Senate the evidence, coming from almost every Christian and from some pagan people, like the Japanese, for instance, that the human race is arousing itself to the realization of its innate possibilities. The most astounding and humiliating fact of which I have knowledge, bearing upon the relative educational status of our own compared with the people of Europe is this, that to-day only 14 per cent. of the immigration which comes from that continent to our shores is illiterate, being substantially of the same grade of intelligence as our general population. In other words, immigration no longer adds essentially to American illiteracy. It is probable that within a few years teachers from abroad will compete with our own for the higher wages paid to instructors in our common schools.

## ACTUAL STATE OF EDUCATION IN THIS COUNTRY.

I wish now to call attention to the actual condition of the American people as revealed by the most authentic evidence. Fortunately the returns of the census of 1880 are so fully compiled that through the labors of the Bureau of Census and of the Commissioner of Education the most important data has been tabulated, and I am able to give the country the cold steel of reliable statistics. These are more eloquent than any other possible statement, and demand the profoundest study of every citizen of the land.

But this should be remembered: it by no means follows that the person who can read and write is therefore qualified to discharge his duty as a sovereign. The line of lowest qualification has been fixed as by common consent, in the preparation of official data, at that level, but the suffrage itself is universal to males in nearly every State.

We recognize the right to govern himself as a part of the inalienable heritage of every man, regardless of literary attainments. But the capacity to read and to write is so obviously necessary to the proper exercise of this inherent right that, as a rule, we instinctively demand of every citizen that he shall possess himself of this power, and we demand of society that the opportunity to do so shall be provided at the public charge. True, that the history of the human race has been largely wrought by unlettered men, and there be many educated fools, while many a philosopher and natural leader cannot read.

But I would remind those who judge hopefully of our condition because a majority of our people can read and write, that of those who have the power a large proportion possess it very imperfectly, and almost never exercise it. Of those who can write multitudes do not place a sentence on paper twice in a life-time. Thousands never get an idea from the printed page. The qualification is but nominal, and suffices merely to accomplish the ordinary business of life under the

careful supervision of others, and is not really the source of knowledge and the means of interchange of thought. So that the figures of every census are far more favorable than the facts as to the real mental condition of the people. This consideration should never be lost sight of in the study of the problem before us, which is, how shall we qualify every citizen to best perform his part? How shall the whole people be lifted to the high level where subjects are unknown, and where equality and sovereignty are convertible terms?

The population of the United States in 1860 was thirty-one and one-half millions. In 1870, thirty-eight and one-half millions. In 1880, 50,000,000. In 1890 it will be at least 70,000,000. It is to-day nearly 52,000,000. So it must be remembered all the while that even the tremendous numbers and alarming conditions revealed in the following returns are constantly expanding in their gigantic proportions and overwhelming gravity.

## CONDITION OF THE SUFFRAGE.

Table No. 1 I take from the speech of Senator BUTLER, lately delivered in this Chamber. It is from the last census returns. It is the rule to estimate one voter for every five persons in the community, which makes the voting population of the country 10,000,000 in 1880. The total number over twenty-one years of age who cannot write is 4,204,363, of whom 2,056,463 are whites and 2,147,900 are colored, including about 300,000 Indians and 100,000 Asiatics. Assuming one-half of these to be females, and therefore to have no souls, and not only to be without but to be unfit to exercise the suffrage, and making allowance for the unnaturalized citizens, there will remain 2,000,000 of illiterate voters, about equally divided between the white and colored races. One voter in five cannot write his name. He casts a ballot whose contents are to him unknown except from hearsay. He cannot tell the Constitution of his country from the code of Draco. He is the prey of the demagogue or the victim of prejudice, but he holds the balance of power in almost every State and in the nation at large.

Follow down these columns so pregnant with the demonstration of danger and dishonor to the Republic.

The illiterate voters of Maine, New Hampshire, Massachusetts, and Connecticut, of New York, New Jersey, Pennsylvania, Ohio, in short of every Middle, Southern, and most of the Western States, have power, if combined, to decide any political issue that is now, or for years is likely to be, pending between political parties. They represent ten of our fifty millions of people.

Table No. 1.

States and Territories.	White.	Colored.	Total.
The United States .....	2,056,463	2,147,900	4,204,363
Alabama .....	60,174	206,878	267,052
Arizona .....	3,550	633	4,183
Arkansas .....	50,235	68,444	118,679
California .....	22,625	22,100	44,725
Colorado .....	7,025	465	7,490
Connecticut .....	23,339	1,497	24,836
Dakota .....	3,206	458	3,664
Delaware .....	6,462	7,935	14,397
District of Columbia .....	3,569	19,447	23,016
Florida .....	10,885	39,753	50,638
Georgia .....	71,693	247,318	319,011
Idaho .....	510	943	1,453
Illinois .....	99,356	10,397	109,753
Indiana .....	77,076	8,806	85,882
Iowa .....	35,815	1,958	37,773
Kansas .....	17,095	11,498	28,593
Kentucky .....	124,723	90,738	215,461
Louisiana .....	34,813	178,789	213,602
Maine .....	16,234	335	16,569
Maryland .....	34,155	66,357	100,512
Massachusetts .....	81,671	2,221	83,892
Michigan .....	48,291	3,758	52,049
Minnesota .....	27,645	769	28,414
Mississippi .....	27,789	208,122	235,911
Missouri .....	89,924	40,357	130,281
Montana .....	525	777	1,302
Nebraska .....	7,821	496	8,317
Nevada .....	1,807	1,638	3,445
New Hampshire .....	10,694	81	10,775
New Jersey .....	37,348	7,844	45,192
New Mexico .....	33,623	5,209	38,832
New York .....	182,050	10,134	192,184
North Carolina .....	116,437	174,152	290,589
Ohio .....	92,616	14,152	106,768
Oregon .....	2,904	2,387	5,291
Pennsylvania .....	174,286	15,551	189,837
Rhode Island .....	18,611	1,139	19,750
South Carolina .....	34,335	200,063	234,398
Tennessee .....	118,734	126,939	245,673
Texas .....	65,117	121,827	186,944
Utah .....	5,385	518	5,903
Vermont .....	12,872	129	13,001
Virginia .....	71,004	214,340	285,344
Washington .....	1,011	1,884	2,895
West Virginia .....	45,340	7,539	52,879
Wisconsin .....	45,798	981	46,779
Wyoming .....	285	144	429

\* Including Indians and Asiatics.



The concentration of wealth, population, and power in cities makes the condition of education therein an element of great importance in forming a correct opinion upon the whole subject, and should be considered by itself. I have therefore endeavored to fur-

nish the needed data in the following table—No. 2. Table No. 2 presents the latest statistical view of the condition of popular education in each State and Territory and in the country as a whole which can be prepared at this time:

TABLE NO. 2.—Public school statistics of the United States in 1880, with number of teachers and pupils in private schools, prepared by Commissioner of Education.

States and Territories.	School age.	School population.	Number enrolled in public schools.	Average daily attendance.	Average duration of school in days.	Expenditure in the year—per capita of pupils enrolled in public schools.	Number of public schools.	Teachers in public schools.	Teachers in private schools.*	Pupils in private schools.*	Amount of available school funds, (permanent.)	Amount of permanent school fund, including portions not now available.	Interest on permanent fund, including rents of school lands.
Alabama.....	7-21	388,003	179,490	117,978	80.0	\$2.08	4,594	4,615	.....	.....	\$2,528,950	.....	\$138,013
Arkansas.....	6-21	247,547	70,972	.....	.....	.....	3,100	1,827	.....	.....	b144,875	b\$190,186	514,269
California.....	5-17	215,978	158,765	100,966	146.6	b17.17	2,803	3,595	.....	14,953	2,006,800	2,104,465	180,909
Colorado.....	6-21	35,566	22,119	12,618	b89.0	17.80	.....	678	.....	.....	36,000	.....	c67,041
Connecticut.....	4-16	140,235	119,694	178,421	179.2	11.01	1,630	p3,100	512	13,900	2,021,346	2,021,346	112,188
Delaware.....	6-21	35,459	27,823	.....	1158.0	8.12	.....	561	594	.....	448,999	.....	26,607
Florida.....	4-21	88,677	39,315	27,046	.....	.....	1,131	1,095	.....	.....	246,900	.....	dd17,962
Georgia.....	6-18	b433,444	236,533	145,190	.....	1.99	b5,916	6,000	1,680	48,452	.....	.....	.....
Illinois.....	6-21	1,010,851	704,041	431,638	150.0	9.61	11,964	22,255	1,497	60,440	9,049,302	9,049,302	593,119
Indiana.....	6-21	703,558	511,283	321,659	136.0	7.96	9,383	13,578	5592	112,112	.....	9,065,255	b631,914
Iowa.....	5-21	586,556	426,057	259,836	148.0	11.25	11,084	21,598	474	12,724	3,484,411	.....	282,902
Kansas.....	5-21	340,647	231,434	137,667	107.0	7.85	5,233	7,780	979	66,205	2,297,590	11,815,519	454,608
Kentucky.....	a6-20	545,161	265,581	193,874	102.0	3.85	.....	6,764	.....	.....	.....	1,755,682	114,172
Louisiana.....	6-18	273,845	68,440	45,626	118.0	b6.74	1,494	2,025	u247	u4,404	.....	1,130,867	30,320
Maine.....	4-21	214,656	149,827	103,113	120.0	6.53	.....	6,934	.....	.....	438,287	.....	27,995
Maryland.....	5-20	d276,120	162,431	85,778	m210.0	8.64	2,300	3,125	.....	.....	906,229	.....	52,116
Massachusetts.....	5-15	307,321	306,777	263,127	177.0	f14.93	5,570	8,595	.....	26,289	2,086,886	.....	138,016
Michigan.....	5-20	506,221	362,556	f213,898	141.0	b8.11	6,695	13,949	703	18,854	2,880,942	3,340,949	226,955
Minnesota.....	5-21	e271,428	180,248	f117,161	94.0	b8.42	p4,064	5,215	.....	4,449,728	4,449,728	15,000,000	250,485
Mississippi.....	5-21	426,689	236,704	156,761	77.5	2.70	b5,367	5,569	.....	.....	b815,229	.....	126,233
Missouri.....	6-20	723,484	476,376	f219,132	b100.0	.....	8,641	10,447	.....	.....	8,950,806	.....	ee936,245
Nebraska.....	5-21	142,348	92,549	f60,156	109.0	12.29	2,922	4,100	.....	.....	3,323,217	f20,754,810	134,025
Nevada.....	b6-18	b10,295	b7,590	b5,108	.....	.....	.....	b184	.....	.....	b380,000	.....	.....
New Hampshire.....	b5-21	b72,102	b65,048	b48,910	b101.5	.....	2,528	b3,582	.....	b3,066	.....	.....	b24,809
New Jersey.....	5-18	330,685	204,961	115,194	192.0	9.48	.....	3,477	572	43,530	1,454,007	2,515,785	100,000
New York.....	5-21	1,641,173	1,031,593	573,089	179.0	10.09	p20,500	30,730	.....	ee139,476	y7,265,807	.....	ff170,000
North Carolina.....	6-21	459,324	225,606	147,802	54.0	1.12	5,503	4,130	.....	.....	z200,000	aa531,555	8,000
Ohio.....	6-21	b1,043,320	747,138	476,279	150.0	8.59	12,043	23,684	292	28,650	.....	.....	245,745
Oregon.....	4-20	59,615	37,533	27,435	89.6	8.37	b865	1,314	212	3,744	b562,830	.....	36,910
Pennsylvania.....	6-21	g1,200,000	937,310	601,627	147.0	.....	b18,386	21,375	e947	e24,066	.....	gg1,000,000	12,448
Rhode Island.....	5-15	52,273	44,780	29,065	al84.0	11.63	924	1,295	208	6,676	240,376	266,950	.....
South Carolina.....	6-16	h228,128	134,072	.....	77.0	2.42	2,973	3,171	.....	.....	.....	.....	.....
Tennessee.....	6-21	544,862	290,141	191,461	68.0	.....	5,522	5,954	1,665	41,068	h2,512,500	h2,512,500	44,623
Texas.....	8-14	230,527	186,786	.....	o73.0	.....	6,127	4,361	.....	.....	.....	.....	553,690
Vermont.....	5-20	e92,831	75,238	48,606	125.0	.....	2,616	4,326	.....	.....	b669,087	.....	.....
Virginia.....	5-21	555,807	220,736	128,404	113.0	3.82	4,854	4,873	1,609	25,692	.....	1,468,765	.....
West Virginia.....	6-21	210,113	142,850	91,704	99.0	4.43	b3,725	4,134	.....	.....	423,989	.....	15,320
Wisconsin.....	4-20	483,229	299,258	197,510	162.5	7.51	5,984	10,115	804	25,938	2,747,844	2,995,112	184,409
Total.....	.....	15,128,078	9,079,655	5,743,839	.....	.....	187,005	280,143	12,093	560,239	.....	.....	6,392,048
Arizona.....	6-21	7,148	4,212	2,847	109.0	.....	.....	101	.....	.....	.....	.....	.....
Dakota.....	5-21	12,030	8,042	3,170	88.0	.....	.....	286	.....	.....	.....	.....	.....
District of Columbia.....	6-17	43,558	26,439	20,637	193.0	\$14.87	p325	433	.....	z5,000	60,385	60,385	2,225
Idaho.....	5-21	.....	6,758	.....	.....	.....	155	r160	.....	.....	.....	.....	.....
Indian.....	.....	tl1,444	j6,098	j3,944	.....	.....	212	h196	.....	.....	b63,634,425	.....	186,359
Montana.....	4-21	7,070	3,970	2,506	96.0	.....	153	161	.....	211	.....	.....	.....
New Mexico.....	c7-18	d29,312	e5,151	.....	c132.0	.....	c138	e147	c81	c1,259	.....	.....	.....
Utah.....	6-18	40,672	24,326	17,178	128.0	.....	b373	517	.....	.....	.....	.....	.....
Washington.....	b5-21	b24,223	b14,032	b9,585	b87.5	b8.15	340	b560	b31	b451	.....	.....	.....
Wyoming.....	b7-21	.....	b2,090	b1,287	.....	.....	.....	b49	.....	.....	.....	.....	.....
Total.....	.....	175,457	101,118	61,154	.....	.....	1,696	2,610	112	6,921	.....	.....	188,584
Grand total.....	.....	15,303,535	9,780,773	5,804,993	.....	.....	188,701	282,753	13,105	567,160	.....	.....	6,580,632

(a) For whites; for colored 6-16.

(b) In 1879.

(c) In 1875.

(d) Census of 1870.

(e) In 1878.

(f) Estimated.

(g) In 1873.

(h) In 1877.

(i) In the Cherokee, Choctaw, and Creek Nations.

(j) In the five civilized tribes.

(k) For the winter.

(l) In white schools only.

(m) In cities; 176 in counties.

(n) In evening schools, 61.

(o) In the counties; 158 in cities and towns.

(p) Approximately.

(q) Number necessary to supply the schools.

(r) Private schools in public buildings.

(u) In 1879; exclusive of New Orleans private schools.

(v) In 1879; exclusive of Philadelphia.

(w) In academies and private schools.

(z) Estimated average number of pupils.

(y) Includes the United States deposit-fund as reported in 1878, amounting to \$4,014,521.

(z) In State and United States 4 percents, ordered to be sold by the last Legislature.

(aa) Exclusive of 1,000,000 acres of swamp-land made subject to entry sale by last Legislature.

(bb) Funds in the five civilized tribes, whole or part interest of which is used for school purposes.

(cc) From rents in 1879.

(dd) State apportionment.

(ee) Includes revenue from other funds.

(ff) Apparently does not include interest on the United States deposit funds.

(gg) State appropriation in lieu of interest on permanent fund.

\* As far as reported by State superintendents; accompanying is a more specific report on this point, which approximately exhibits (if we exclude the preparatory work done by private normal schools) the number of private institutions, with teachers and pupils in them, giving secondary or superior instruction in each State and Territory.

TABLE NO. 3.—Table prepared at the request of Hon. H. W. Blair, by the Bureau of Education, showing the total population, school population, enrollment, average attendance, total number of teachers, length of school year in days, number of pupils or children of school age not attending school, per cent. of school population enrolled in schools, per cent. of school population not enrolled in school, in eighty-six cities, (census of 1880.)

Cities.	Population.	School population.	Enrollment.	Average attendance.	Total number of teachers.	Length of school year in days.	Number of pupils not attending.	Per cent. of school population enrolled in school.	Per cent. of school population not enrolled in school.
Mobile, Alabama	29,132		4,659	4,014	125	172			
Selma, Alabama	7,529	1,757	882	717	14		875	50	50
Little Rock, Arkansas	13,138	6,169	2,503	1,655	33	180	3,666	41	59
Oakland, California	34,555	8,108	5,996	5,067	129	206	2,112	74	26
Sacramento, California	21,420	4,943	3,895		75	200	1,848	79	21
San Francisco, California	233,959	53,892	38,320	28,150	686	211	15,572	71	29
Denver, Colorado	35,629	5,700	3,210	1,953	65	190	2,490	56	44
Bridgeport, Connecticut	29,148	6,641	5,229	3,529	91	210	1,412	79	21
Hartford, Connecticut	42,015	9,652	7,612	4,886	140	201	2,040	79	21
New Haven, Connecticut	62,882	13,897	11,897	7,931	230	200	2,000	86	14
Wilmington, Delaware	42,478		7,043	4,472	115	207			
Georgetown and Washington, District of Columbia	159,871	27,142	15,728	12,558	259	203	11,414	58	42
Jacksonville, Florida	7,650	1,011	804		17	176	207	79	21
Key West, Florida	9,890	3,415	1,168	828	17	240	2,247	34	66
Atlanta, Georgia	37,409	10,500	4,100	2,609	68	200	6,400	39	61
Augusta, Georgia	21,891	9,366	4,027		32	183	5,339	43	57
Chicago, Illinois	502,185	137,035	59,562	42,375	896	200	77,473	43	57
Peoria, Illinois	29,259	9,670	4,761	3,386	76	200	4,409	49	51
Indianapolis, Indiana	75,056	26,789	13,936	8,925	219	200	11,853	52	48
Terre Haute, Indiana	26,042	8,006	4,138	2,975	78	200	3,958	57	43
Des Moines, Iowa	22,408	3,576	2,322	1,562	41	190	1,254	65	35
Dubuque, Iowa	22,254	9,476	3,686	2,555	71	200	5,790	39	61
Leavenworth, Kansas	16,546	6,257	3,060	2,154	34	180	3,197	49	51
Topeka, Kansas	15,452	2,816	1,935	1,607	30	180	881	68	32
Covington, Kentucky	29,720	10,094	3,286	2,485	60	198	6,809	32	68
Louisville, Kentucky	123,758	46,587	19,990	13,498	325	215	26,597	33	67
New Orleans, Louisiana	216,090	56,947	17,886	15,190	407	208	39,061	31	69
Bangor, Maine	16,856	5,479	3,120	2,458	71	204	2,359	55	45
Lewiston, Maine	19,083	5,974	3,558	2,061	76	187	2,416	60	40
Portland, Maine	33,810	10,660	6,797	4,347	128	200	3,863	64	36
Baltimore, Maryland	332,313	86,961	48,066	29,961	822	186	38,895	55	45
Boston, Massachusetts	362,839	57,703	59,768	46,130	1,201	206	2,065	*103	
Lawrence, Massachusetts	39,151	6,865	4,800	4,232	118	200	2,065	70	30
Lowell, Massachusetts	59,475	9,121	12,211	6,045	160		3,090	*134	
Worcester, Massachusetts	58,291	10,988	11,452	7,913	218	200	464	*104	
Detroit, Michigan	116,340	39,467	15,719	10,818	250	200	23,748	40	60
Grand Rapids, Michigan	32,016	9,784	5,727	3,590	106	200	4,057	58	42
Minneapolis, Minnesota	46,887	12,806	6,142	4,248	120	200	6,664	48	52
Saint Paul, Minnesota	41,473		4,338	3,030	96	200			
Vicksburg, Mississippi	11,814	3,000	1,196		21		1,804	39	61
Kansas City, Missouri	55,785	11,325	5,259	3,140	62	200	6,066	46	54
Saint Joseph, Missouri	32,431	8,908	3,820	2,579	58	200	5,088	43	57
Saint Louis, Missouri	350,518	106,372	55,780	36,449	1,044	200	50,592	52	48
Omaha, Nebraska	30,518		3,716		57	200	3,665	50	50
Dover, New Hampshire	11,687	2,350	1,880	1,436	46	180	470	80	20
Manchester, New Hampshire	32,650	4,774	4,350	2,818	86	190	424	91	9
Nashua, New Hampshire	13,397	2,072	2,526	1,630	52	180	464	*121	
Portsmouth, New Hampshire	9,690	2,251	1,891		35	200	360	62	38
Jersey City, New Jersey	120,722	41,226	22,776	12,905	328	204	18,450	55	45
Newark, New Jersey	136,508	41,935	19,778	11,100	270	210	22,457	46	54
Paterson, New Jersey	51,031	13,672	7,901	4,750	142	200	5,571	58	42
Albany, New York	90,758	35,411	14,049	9,175	229	210	21,362	40	60
Brooklyn, New York	566,663	181,083	96,663	52,677	1,315	205	84,720	53	47
Buffalo, New York	155,134	56,000	18,606	14,555	439	201	37,394	33	67
New York, New York	1,206,209	385,000	270,176	132,720	3,357	204	114,824	70	30
Rochester, New York	89,866	37,000	13,869	8,250	230	200	23,131	37	63
Wilmington, North Carolina	17,350	4,921	866				4,055	18	82
Cincinnati, Ohio	255,139	87,618	36,121	27,279	671	225	51,497	41	59
Cleveland, Ohio	160,146	49,256	24,262	16,807	596	196	24,994	49	51
Columbus, Ohio	51,647	14,662	7,902	5,953	149	200	6,760	54	46
Dayton, Ohio	38,678	11,660	6,114	4,527	125		5,546	52	48
Toledo, Ohio	50,137	14,898	7,615	4,739	125	200	7,283	51	49
Portland, Oregon	17,577	4,669	2,650	1,956	46	200	2,019	57	43
Allegheny, Pennsylvania	78,682		11,610	8,287	202	193			
Philadelphia, Pennsylvania	877,170		105,541	94,145	2,295	207			
Pittsburgh, Pennsylvania	156,389		26,937	17,387	526				
Scranton, Pennsylvania	45,850	19,800	10,174	6,861	169	220	9,626	51	49
Newport, Rhode Island	15,693	3,419	2,580	1,808	53	198	839	75	25
Providence, Rhode Island	104,857	19,108	13,993	9,630	289		5,115	73	27
Charleston, South Carolina	49,984	12,727	7,284		91	197	5,443	57	43
Columbia, South Carolina	10,036								
Chattanooga, Tennessee	12,892	3,061	2,185	1,382	30	180	876	71	29
Knoxville, Tennessee	9,693	2,100	1,509	930	26	200	591	72	28
Memphis, Tennessee	33,592	9,011	4,105	2,389	63	151	4,906	45	55
Nashville, Tennessee	43,350	12,460	6,098	4,299	96	190	6,362	49	51
Houston, Texas	16,513	2,746	1,756	1,172	23	160	990	64	36
San Antonio, Texas	20,550	3,022	1,584	934	32	205	1,438	52	48
Burlington, Vermont	11,365		1,566		22				
Rutland, Vermont	12,149		2,395		64				
Norfolk, Virginia	21,966	6,695	1,613	1,117	26	210	5,082	24	76
Petersburg, Virginia	21,656	7,417	1,985	1,494	28	174	5,432	27	73
Richmond, Virginia	63,600	21,536	5,821	4,778	129	198	15,715	27	73
Madison, Wisconsin	10,324	3,517	1,939	1,745	34	185	1,578	55	45
Milwaukee, Wisconsin	115,587	37,742	17,085	11,149	239		20,657	45	55
Oshkosh, Wisconsin	15,748	5,874	2,217	2,017	53		3,657	38	62
Total	8,300,081	2,052,923	1,302,776	858,533	21,672		750,147		

\*More than the school population. This is due to the fact that they are allowed to attend school after the school age established by law.

Average attendance about two-thirds of enrollment or one-third of population of school age. Thirty-four cities 50 per cent. and upward not enrolled at all.

As tables Nos. 2 and 3 contain an affirmative statement of the agencies at work in the production of intelligence among the people, and to a certain extent of their results, I have endeavored in table No. 4

to exhibit in one view the combined mass of ignorance mathematically stated, upon which no impression has been made, a mass of illiteracy dense and thus far impenetrable to the first ray of morning:



TABLE NO. 4.—Illiteracy in the United States, (census of 1880.)

States and Territories.	Total population.	Total population who cannot read, ten years of age and over.	Percentage of total population who cannot read.	Total population who cannot write, ten years of age and over.	Percentage of total population who cannot write.	Total white population.	Total white population who cannot write, ten years of age and over.	Percentage of total white population who cannot write.	Total colored population.	Total colored population who cannot write, ten years of age and over.	Percentage of total colored population who cannot write.
The United States.....	50,155,783	4,923,451	9.82	6,239,958	12.44	43,402,970	3,019,080	6.96	*6,752,813	3,220,878	47.70
Alabama.....	1,262,505	330,279	29.33	433,447	34.33	662,185	111,767	16.88	600,320	321,680	53.58
Arizona.....	40,440	5,496	13.59	5,842	14.45	35,160	4,824	13.72	5,280	1,018	19.28
Arkansas.....	802,525	153,229	19.09	202,015	25.17	591,531	98,542	16.66	210,994	103,473	49.04
California.....	864,694	48,583	5.62	53,430	6.18	767,181	20,090	2.62	97,513	27,340	28.04
Colorado.....	194,327	9,321	4.80	10,474	5.39	191,126	9,066	4.74	3,201	568	17.74
Connecticut.....	622,700	20,986	3.37	28,424	4.56	610,769	26,763	4.38	11,931	1,661	13.92
Dakota.....	135,177	3,094	2.29	4,821	3.57	133,147	4,157	3.13	2,030	664	32.71
Delaware.....	146,608	16,912	11.54	19,414	13.24	120,160	8,346	6.95	26,448	11,068	41.85
District of Columbia.....	177,624	21,541	12.13	25,778	14.51	118,006	3,988	3.38	59,618	21,790	36.55
Florida.....	269,493	70,219	26.06	80,183	29.75	142,605	19,763	13.86	126,888	60,420	47.62
Georgia.....	1,542,180	446,683	28.96	520,416	33.75	816,906	128,934	15.78	725,274	391,482	53.98
Idaho.....	32,610	1,384	4.24	1,778	5.45	29,013	784	2.70	3,597	994	27.63
Illinois.....	3,077,871	96,809	3.15	145,397	4.72	3,031,151	132,426	4.37	46,720	12,971	27.76
Indiana.....	1,978,301	70,008	3.54	110,761	5.60	1,938,798	100,398	5.18	39,503	10,363	26.23
Iowa.....	1,624,615	28,117	1.73	46,609	2.87	1,614,600	44,337	2.75	10,015	2,272	22.69
Kansas.....	996,096	25,503	2.56	39,476	3.96	952,155	24,888	2.61	43,941	14,588	33.20
Kentucky.....	1,648,996	258,186	15.66	348,392	21.13	1,377,179	214,497	15.58	271,511	133,895	49.31
Louisiana.....	939,946	297,312	31.63	318,380	33.87	454,954	58,951	12.96	484,992	259,429	53.49
Maine.....	648,936	18,181	2.80	22,170	3.42	646,852	21,758	3.36	2,684	412	15.35
Maryland.....	934,943	111,387	11.91	134,488	14.38	724,693	44,816	6.12	210,250	90,172	42.89
Massachusetts.....	1,783,085	75,635	4.24	92,980	5.21	1,768,782	90,658	5.14	19,303	2,322	12.03
Michigan.....	1,636,937	47,112	2.88	63,723	3.89	1,614,560	58,932	3.65	22,377	4,791	21.41
Minnesota.....	780,773	20,551	2.63	34,546	4.42	776,884	33,506	4.31	3,889	1,040	26.74
Mississippi.....	1,131,597	315,612	27.89	373,201	32.98	479,398	53,448	11.15	652,199	319,753	49.03
Missouri.....	2,168,380	138,818	6.40	208,754	9.63	2,022,826	152,510	7.54	145,554	56,244	38.64
Montana.....	39,159	1,530	3.91	1,707	4.36	35,355	631	1.78	3,774	1,076	28.51
Nebraska.....	452,402	7,830	1.73	11,528	2.55	449,764	10,926	2.43	2,638	602	22.82
Nevada.....	62,266	3,703	5.95	4,069	6.53	53,556	1,915	3.58	8,710	2,154	24.73
New Hampshire.....	346,991	11,982	3.45	14,302	4.12	346,229	14,208	4.10	762	94	12.34
New Jersey.....	1,131,116	39,136	3.46	53,249	4.71	1,092,017	44,049	4.03	39,099	9,200	23.53
New Mexico.....	119,565	52,994	44.32	57,156	47.80	108,721	49,997	45.92	10,844	7,559	69.71
New York.....	5,082,871	166,625	3.28	219,600	4.32	5,016,022	208,175	4.15	66,849	11,425	17.09
North Carolina.....	1,399,750	367,890	26.28	463,975	33.15	867,242	192,032	22.14	532,568	271,943	51.07
Ohio.....	3,198,062	86,754	2.71	131,847	4.12	3,117,920	115,491	3.70	80,142	16,356	20.41
Oregon.....	174,768	5,376	3.08	7,423	4.25	163,075	4,343	2.66	11,693	3,080	26.34
Pennsylvania.....	4,282,891	146,138	3.41	228,014	5.32	4,107,016	209,981	5.00	85,875	18,033	21.00
Rhode Island.....	276,531	17,456	6.31	24,793	8.97	269,989	23,544	8.72	6,592	1,249	18.95
South Carolina.....	995,577	321,780	32.32	369,848	37.15	301,105	50,777	15.28	604,472	310,071	51.30
Tennessee.....	1,542,359	394,385	25.55	410,722	26.63	1,138,831	216,237	18.99	403,528	194,495	48.20
Texas.....	1,591,749	256,223	16.10	316,432	19.88	1,197,237	123,912	10.35	394,512	192,520	48.80
Utah.....	143,963	4,851	3.37	8,826	6.13	142,423	8,137	5.71	1,540	689	44.74
Vermont.....	332,286	12,993	3.91	15,837	4.77	331,218	15,681	4.73	1,068	156	14.61
Virginia.....	1,512,565	360,495	23.83	430,352	28.45	880,858	114,692	13.02	631,707	315,660	49.97
Washington.....	75,116	3,191	4.25	3,880	5.18	67,199	1,429	2.13	7,917	2,460	31.07
West Virginia.....	618,457	52,041	8.41	85,376	13.80	562,537	75,237	13.37	25,920	10,139	39.12
Wisconsin.....	1,315,497	38,693	2.94	55,558	4.22	1,309,618	54,233	4.14	5,879	1,325	22.54
Wyoming.....	20,789	427	2.05	556	2.67	19,437	374	1.92	1,352	182	13.46

\* Including Indians, Chinese, Japanese, &amp;c.

The above table, prepared at the request of Hon. H. W. BLAIR, chairman of the Senate Committee on Education, is respectfully submitted to the Superintendent of the Census, with the statement that while its figures are believed to be in most instances correct, they are entirely preliminary, and therefore subject to such changes as may result from the final revision.

HENRY RANDALL WAITE,

Special Agent Statistics of Education, Illiteracy, Libraries, Museums, and Religious Organizations.

Table No. 5, with some repetition of matter in previous tables, contains other data which is important and convenient for reference:

TABLE NO. 5.—Showing the total population, the school population, enrollment, average attendance, total number of teachers, average pay of teachers, and length of school year, in days, in the several States and Territories as reported for the year 1880; prepared by the Commissioner of Education.

States and Territories.	Total population.	School population.	Enrollment.	Average attendance.	Total number of teachers.	Average pay of teachers.		Length of school year, (in days.)
						Male.	Female.	
Alabama.....	1,262,505	388,003	179,490	117,978	4,615	a (\$20 96)	b \$40 00	80
Arkansas.....	802,525	247,547	70,972	1,827	1,827	b \$50 50	b \$40 00	146.6
California.....	864,694	215,978	158,765	100,966	3,595	80 26	64 73	146.6
Colorado.....	194,327	35,566	22,119	12,618	678	c 42 84	c 40 87	d 89.
Connecticut.....	622,700	140,235	119,694	78,421	f 3,100	56 43	35 45	179.02
Delaware.....	146,608	35,459	27,823	e 78,421	g 584	a 30 83	a 24 79	h 158
Florida.....	269,493	88,677	39,315	27,046	1,095	b (40 00)		
Georgia.....	1,542,180	d 433,444	236,533	145,190	6,000	50 00	30 00	
Illinois.....	3,077,871	1,010,851	704,041	431,638	22,255	41 92	31 80	150
Indiana.....	1,978,301	703,558	511,283	321,659	13,578	37 20	35 20	136
Iowa.....	1,624,615	586,556	436,057	250,836	21,598	31 16	26 28	148
Kansas.....	996,096	340,647	231,434	137,667	7,780	32 47	25 98	107
Kentucky.....	1,648,996	545,161	265,581	f 193,874	6,764	k (21 75)		102
Louisiana.....	939,946	273,845	68,440	45,626	2,025	(27 50)		118
Maine.....	648,936	214,656	149,827	103,113	6,924	32 97	21 68	120
Maryland.....	934,943	o 330,590	162,431	85,778	3,125	(41 00)	30 59	177
Massachusetts.....	1,783,085	307,331	306,777	233,127	8,595	67 54	25 73	141
Michigan.....	1,636,937	500,221	362,556	f 213,898	13,949	37 28	27 52	94
Minnesota.....	780,773	b 271,428	180,248	f 117,161	5,215	35 29		77.5
Mississippi.....	1,131,597	420,689	236,704	156,761	5,569	(30 05)		

TABLE NO. 5.—Showing the total population, the school population, enrollment, average attendance, total number of teachers, &amp;c.—Continued.

States and Territories.	Total population.	School population.	Enrollment.	Average attendance.	Total number of teachers.	Average pay of teachers.		Length of school year, (in days.)
						Male.	Female.	
Missouri.....	2,168,380	723,484	476,376	f219,132	10,447	d35 00	d30 00	d100
Nebraska.....	452,402	142,348	92,549	f60,174	4,100	36 12	31 92	109
Nevada.....	62,266	10,592	9,045	5,421	197	101 47	77 00	142.8
New Hampshire.....	346,991	f71,132	64,341	48,966	3,460	34 12	22 23	105.3
New Jersey.....	1,131,116	330,685	204,961	115,194	3,477	55 82	32 90	192
New York.....	5,082,871	1,641,173	1,031,593	573,089	30,730	(41 40)		179
North Carolina.....	1,399,750	459,324	225,606	147,802	4,130	(21 75)		54
Ohio.....	3,198,062	d1,043,320	747,138	476,279	23,684	56 00	39 00	150
Oregon.....	174,768	59,615	37,533	27,435	1,314	44 19	33 38	89.6
Pennsylvania.....	4,282,891	o1,370,000	937,310	601,627	21,375	32 36	28 42	147
Rhode Island.....	276,531	52,273	44,780	29,065	p1,295	70 24	42 99	184
South Carolina.....	995,577	b228,128	134,072		3,171	25 24	23 89	77
Tennessee.....	1,542,359	544,862	200,141	191,461	5,954	(26 66)		68
Texas.....	1,591,749	230,527	186,786		4,361			m73
Vermont.....	332,286	192,831	75,238	48,606	4,326	27 84	17 44	125
Virginia.....	1,512,565	555,807	220,736	128,404	4,873	29 20	24 65	113
West Virginia.....	618,457	210,113	142,850	91,704	4,134	(28 19)		99
Wisconsin.....	1,315,497	483,229	299,258	197,510	10,115	q37 14	q24 91	162.5
Total.....	49,371,340	15,351,875	9,680,403	5,744,188				
Arizona.....	40,440	7,148	4,212	2,847	101	83 00	70 00	109
Dakota.....	135,177	12,030	8,042	3,170	286	26 70	21 90	88
District of Columbia.....	177,624	43,558	26,439	20,637	433	90 16	62 24	193
Idaho.....	32,610		6,758		r160	85 00		
Montana.....	39,159	7,070	3,970	2,506	161	71 64	56 41	96
New Mexico.....	119,565	s29,312	t5,151		147			t132
Utah.....	143,963	40,672	24,326	17,178	517	b35 00	b22 00	128
Washington.....	75,116	d24,223	d14,032	d9,585	560	d41 14	d33 34	d87.5
Wyoming.....	20,789		d2,090	d1,287	49	d(55 94)		
<i>Indians.</i>								
Cherokees.....		5,413	3,048	1,845				
Chickasaws.....			d650	f428				
Choctaws.....		2,600	d1,400	fd921	u196	d50 00	d50 00	
Creeks.....		3,431	d800	fd582				
Seminoles.....			d200	d170				
Totals.....	784,443	175,457	101,118	61,154				
Grand total.....	50,155,783	15,527,332	9,781,521	5,805,342				

(a) For white teachers.  
 (b) In 1878.  
 (c) In ungraded schools; in graded schools the average salary of men is \$101.75; of women, \$64.39.  
 (d) In 1879.  
 (e) For the winter.  
 (f) Estimated.  
 (g) Includes 58 colored teachers.  
 (h) For white schools only.  
 (i) In cities and towns organized as one district the average salary of men is \$98; of women, \$43.

(l) Census of 1870.  
 (m) In the counties.  
 (n) In graded schools the average salary of men was \$87; of women, \$40, in 1879.  
 (o) Estimated by the bureau.  
 (p) Includes evening school reports.  
 (q) In the counties; in the independent cities the average salary of males is \$85.74; of females, \$35.06.  
 (r) Number necessary to supply the schools; actual number of schools, 155.  
 (s) Census of 1870.  
 (t) In 1875.  
 (u) In 1877.

The total population of the country by the census of 1880 is 50,155,783. Table No. 2 shows a school population of 15,303,535, of whom 9,780,773 are enrolled in the public schools, 567,160 in private schools, with an average attendance in the public schools of 5,804,993. The average attendance in private schools is not known.

The column giving the different school ages in different States and Territories upon which the return of school population is based indicates that the whole number of the children who are of suitable age to receive instruction is much more than 15,303,535. In Texas, for instance, the school period is from eight to fourteen years, and her total is only 230,527, while her population is 1,591,749. In Tennessee, where the school period is from six to twenty-one, a much preferable rule, and the whole population is 1,542,359, the school population 544,862, or two and one-third times that of Texas, although there can be no doubt that families are quite as large in the latter as in the former State. Besides this, and taking into account the increase since the census from natural causes and from immigration, I believe it to be a low estimate which places the whole school population of the country at 18,000,000.

While I know of no reason to believe that the number of pupils who actually receive instruction has been essentially increased, expenditure certainly has not been increased to any great extent, while in some States since 1870 it has fallen off. We are, then, now charged with the education of eighteen millions children and youth who in less than ten years will be the nation. Of these, ten and one-half millions are enrolled in public and private schools, and six millions is the average attendance, while seven and one-half millions, or five-twelfths of the whole, are growing up in absolute ignorance of the English alphabet. This seems incredible, but these are the figures. They ought not to lie, for we have paid for accuracy and completeness. At this rate, before another census we shall have passed the line, and there will be more children in this country out of the schools than in them, and before half a century ignorance and its consequences will unquestionably have overthrown the Republic. We have reached the crisis of our fate. The education of the people is the most important issue before the country, and it must remain so for years to come.

Table No. 3 depicts and demonstrates a special source of danger of controlling importance.

These eighty-six cities contain 8,300,081 inhabitants, or nearly one-sixth of the total population of the country. As a rule the school facilities are better in cities than in rural portions of the country, and these great centers of influence are supposed to more immediately influence the course of affairs. And as we are constantly pointing pathetically at the unfortunate South, so we of the all-wise, all-perfect, all-conquering North may well study the condition of our cities, which are as great a source of danger as the ignorant rural population of the South.

These cities contain an aggregate school population of 2,052,923, of whom 1,302,776, or three-fifths, are enrolled; that is, are more or less instructed during the school year, while only 858,533, or two-fifths, fully avail themselves of the advantages provided, and more than one-third never enter the school-room at all. Some of these may attend private schools, but not a large proportion, for the whole number of pupils in private schools of the 15,303,535 in the country is only 567,160.

The average attendance is about two-thirds of the enrollment, or one-third of the whole number who should attend.

In thirty-four of these cities from 50 to 82 per cent. of the children are not enrolled at all; that is, they will never know how to read or write. New York has a school population of 385,000, of whom 270,000 are enrolled, 114,000 are not enrolled at all, and the average attendance is but 132,000.

The average attendance in Cincinnati is 27,000, less than one-third the whole number, while 51,000 are not enrolled at all. It does not relieve this dark picture to say that these must be in private schools, for out of the school population of the entire State, numbering 1,043,320, only 28,650 are in private schools. Of these, probably not more than 10,000 can be found in Cincinnati. There are more than 40,000 children in that great city to-day who are growing up in ignorance as dense as that of the jungles of Africa, while they are subjected to the influence of the sharpened culture of civilized vice. Yet Cincinnati is one of the best of our great cities, and Ohio is a model State.



Chicago enrolls less than half—43 per cent.—of her children in the public schools; less than one-third are habitually in school; 77,473, or 57 per cent., never attend at all. Very few of these receive instruction in private schools.

Saint Louis has a school population of 106,000; 55,000 are enrolled; 36,000 is the average attendance; 50,000 are growing up in the savage state aggravated by those capacities for proficiency in evil which come from contact with civilized depravity.

Milwaukee has 38,000 children of school age; the average attendance is 11,000; 20,000, or 55 per cent., are not even enrolled, and all, or nearly all, of these might as well have been born in a heathen as in a civilized country, so far as schools are concerned.

Wilmington, North Carolina, has an enrollment of 866, or 18 per cent., while 82 per cent. of the children of that city would appear to be without means of public education.

New Orleans has a school population of 57,000. The average attendance is 15,000, while 39,000 have no school advantages. The whole State of Louisiana has but 4,404 pupils in private schools.

But it is useless to specify these deadly instances. The cities of our country have been our pride. Behold the awful record. The revelations of the census ought to overwhelm us with shame and stimulate every power of the national intellect and command every dollar in the Treasury or within reach of the taxing power to provide a remedy equal to the terrible disease.

Table No. 4 exhibits in one mass the illiteracy of the United States. Five millions of our people over ten years of age cannot read; six and one-fourth millions cannot write. In eighteen States, including two Territories, more than 13 per cent., and in eleven more than 25 per cent. cannot write. In fifteen States and Territories more than 11 per cent. of the white population over ten years of age cannot write, varying in these from 11 to 45 per cent. Illiteracy among the colored population varies from 13 to 70 per cent. The percentages of illiteracy among whites vary in different subdivisions from less than 2 per cent. in Wyoming, where it is the least, to over 45 per cent. in New Mexico, where it is largest. An inspection of this table not only demonstrates the great necessity everywhere but that necessity is most pressing where the ability to meet its requirements is least, making assistance from a central power indispensable.

The nation is a whole. As such it must act; as such it is to be saved or lost. In this battle for its life the whole line must be maintained and advanced. Reinforcements must be sent to the weakest parts. Because they are the weakest is the reason that help is wanted. If they were strong no reinforcements would be needed. Nor does it change the duty and necessity even if there be forces unless they fight. They must still be aroused to duty, for the work must be done. The evil is the same whether the battle be lost for one cause or for another. But in this struggle I believe there is as great danger to the future of the country from the Northern cities as from the Southern States.

In both help is imperatively needed, and it must be given where it is most needed, and that immediately. The only reasonable test is, for the present at least, that of illiteracy and not of population. As a permanent rule after conditions are once equalized the latter will be the more just. But once thoroughly educated it is to be hoped that the several States will take care of themselves. To deny them aid in the present emergency is as though a general should march his reserves to the support of his unassailed positions, leaving his already broken lines to take care of themselves. Such a commander would find it difficult to excuse himself by saying that the articles of war required every soldier to do his duty or every division and corps to defeat the enemy. It is as a whole that battles are lost or won, and that nations are lost or saved.

It may be conceded that every State and Territory should educate its children so far as it has the power, but when that fails, upon the same principle that individual citizens pay taxes for the common good according to their ability to pay, and not their personal needs for protection, or the number of their children or dependents, must the whole people see to the provision of whatever funds are required for general education where otherwise taxation to any locality would become unduly oppressive.

Table No. 6 exhibits the population and valuation of the States and Territories, with their totals in 1860, 1870, and 1880, also the per cent. of increase or decrease of valuation as between 1860 and 1880. I requested the preparation of this table for the purpose of comparing the capacity of different portions of the country to bear the burdens of taxation immediately before the war and at the present time:

TABLE NO. 6.—The population and the assessed valuation of personal property and real estate in the States and Territories in the United States, from census reports for 1860, 1870, and 1880.

States and Territories.	1860.		1870.		1880.		* Increase, per cent., 1860 to 1880.	
	Population.	Assessed valuation.	Population.	Assessed valuation.	Population.	Assessed valuation.	In population.	In assessed valuation.
Alabama.....	964,201	\$432,198,762	906,992	\$155,582,595	1,262,505	\$122,867,228	31	—72
Arizona.....			9,658	1,410,295	40,440	9,270,214	—	—
Arkansas.....	435,450	180,211,330	484,471	94,528,843	802,525	86,409,364	84	—52
California.....	379,994	139,654,667	560,247	269,644,068	864,694	584,578,036	128	319
Colorado.....	34,277		39,864	17,338,101	194,327	74,471,693	467	—
Connecticut.....	460,147	341,256,976	537,454	425,433,237	622,700	327,177,385	35	—4
Dakota.....	4,837		14,181	2,924,489	135,177	20,321,530	2,695	—
Delaware.....	112,216	39,767,233	125,015	64,787,223	146,608	59,951,643	31	51
District of Columbia.....	75,080	41,084,945	131,700	74,271,693	177,624	99,401,787	137	142
Florida.....	140,424	68,929,685	187,748	32,480,843	269,493	30,938,309	92	—55
Georgia.....	1,057,286	618,232,387	1,184,109	227,219,519	1,542,180	239,472,599	46	—61
Idaho.....			14,999	5,292,205	32,610	6,440,876	—	—
Illinois.....	1,711,951	389,207,372	2,539,891	482,899,575	3,077,871	786,616,394	80	102
Indiana.....	1,350,428	411,042,424	1,680,637	663,455,044	1,978,301	727,815,131	46	77
Iowa.....	674,913	205,166,983	1,194,020	302,515,418	1,624,615	398,671,251	141	94
Kansas.....	107,206	22,518,332	364,399	92,125,861	996,096	160,891,689	829	615
Kentucky.....	1,153,684	528,212,693	1,321,011	409,544,294	1,648,690	350,563,971	43	—34
Louisiana.....	708,002	435,787,265	726,915	253,371,890	939,946	160,162,439	33	—63
Maine.....	628,279	154,380,388	626,915	204,253,780	648,936	235,978,716	3	53
Maryland.....	687,049	297,135,238	780,894	423,834,918	934,943	497,307,675	36	67
Massachusetts.....	1,231,066	777,157,816	1,457,351	1,591,983,112	1,783,085	1,584,756,802	45	104
Michigan.....	749,113	163,533,905	1,184,059	272,242,917	1,636,937	517,884,359	119	217
Minnesota.....	172,023	32,018,773	439,706	84,135,332	780,773	258,028,687	354	706
Mississippi.....	791,305	509,472,912	827,922	177,278,890	1,131,597	119,628,129	43	—78
Missouri.....	1,182,012	266,935,851	1,721,295	556,199,969	2,168,380	532,795,801	83	100
Montana.....			20,595	9,943,411	39,159	18,609,802	—	—
Nebraska.....	28,841	7,420,949	122,993	54,584,616	452,402	90,585,782	1,469	1,120
Nevada.....	6,857		42,491	25,740,973	62,266	29,291,459	808	—
New Hampshire.....	326,073	123,810,089	318,300	149,065,290	346,901	164,299,531	6	33
New Jersey.....	672,035	296,682,492	906,096	624,868,971	1,131,116	572,518,361	68	93
New Mexico.....	93,516	20,838,780	91,874	17,784,014	119,565	11,363,406	28	—45
New York.....	3,880,735	1,390,464,638	4,382,759	1,967,001,185	5,082,871	2,651,940,006	31	91
North Carolina.....	992,622	292,297,602	1,071,361	130,378,622	1,399,750	156,100,202	47	—40
Ohio.....	2,339,511	959,867,101	2,665,260	1,167,731,697	3,198,062	1,594,260,508	37	67
Oregon.....	52,465	19,024,915	90,923	31,798,510	174,768	52,522,084	233	176
Pennsylvania.....	2,906,215	719,253,335	3,521,951	1,813,236,042	4,282,891	11,683,459,016	47	134
Rhode Island.....	174,620	125,104,305	217,353	244,278,854	276,561	252,536,673	58	102
South Carolina.....	703,708	489,319,128	705,606	183,913,337	995,577	333,560,135	41	—73
Tennessee.....	1,109,801	382,495,200	1,258,520	253,782,161	1,542,359	211,778,538	39	—45
Texas.....	604,215	267,792,335	818,579	149,732,929	1,591,749	320,364,515	163	20
Utah.....	40,273	4,158,020	86,786	12,565,842	143,963	24,775,279	257	496
Vermont.....	315,098	84,758,619	330,551	102,548,528	332,286	86,806,775	5	2
Virginia.....	1,596,318	657,021,336	1,225,163	365,439,917	1,512,565	308,455,135	134	132
Washington.....	11,594	4,394,735	23,955	10,642,863	75,116	23,810,693	548	442
West Virginia.....			442,014	140,538,273	618,457	139,622,705	—	—
Wisconsin.....	775,881	185,945,489	1,054,670	333,209,838	1,315,497	438,971,751	70	136
Wyoming.....			9,118	5,516,748	20,789	13,621,829	—	—
Total.....	31,443,321	12,084,560,005	38,558,371	14,178,986,732	50,155,783	16,902,755,893	\$60	\$40

\* Percents preceded by the minus sign indicate a decrease. † In Pennsylvania occupations are also valued for assessment. This valuation for 1880 was \$68,650,580.

‡ Virginia and West Virginia are taken together, as West Virginia belonged to Virginia in 1860.

§ Average for the United States.

It is proper to observe that in the rebel States, where slavery existed in 1860, the valuation then aggregated \$2,289,029,642, of which \$842,927,400 was in slaves, and proper allowance must be made for this fact in estimating present power to bear taxation. The negroes were then taxed; they were productive as property. Now they require to be educated; then education would have destroyed them as property. They are now doing little more as a totality than to support themselves. Their taxable property is thus far very slight. It has been stated as a matter of pride on this floor that in Georgia colored people are taxed for \$6,000,000 of property. The assessed valuation of Georgia is by the last census \$239,472,559. What, then, must be the general poverty of the colored people of Georgia, even when of her total population, which is 1,542,180, 725,274 have accumulated \$6,000,000, or eight dollars each, of taxable property. And if these things be so in Georgia, what must be the destitution of the colored race elsewhere throughout the South, and how idle to talk of their educating themselves.

During these twenty years population has increased in every State and Territory. With the exception of New Hampshire, where the increase is 6, and Vermont, where it is 5, and in Maine, where the increase is 3 per cent., nowhere has it been less than 31 per cent., and as a rule it has been enormous. The South has more than held her own with the older States, and the negro, despite everything, has raised his numbers to almost 7,000,000. They are a permanent factor in the destiny of America. They are here to stay.

While the population of the whole country has increased 60 per cent. the valuation has risen but 40 per cent. In Alabama the valuation is 72 per cent. less than in 1860, while the population is 31 per cent. greater. In Arkansas population nearly doubled, while sources of taxation have fallen off more than one-half. The same is true of Florida. In Mississippi population has increased nearly one-half and wealth has decreased more than three-fourths, and generally throughout the South the same tendency is apparent.

As I have explained above the negro is not now a tax-paying element to the extent he was before the war. He lived there and was a source of profit to his master. Now he lives and multiplies, but both he and his master seem to be growing thus far poor together.

I speak now of the general fact, and I believe that this state of things is but temporary. It will, however, become permanent unless the proper remedy of increased intelligence and well-directed industry is applied. And to this end the means must come largely from without, for they do not exist within these States. In Kentucky and Delaware the negro child is educated only from the taxation of his own race. As a rule he can have no school at all unless from charity. Table No. 6 indicates that on the whole national resources of taxation are not keeping pace in development with our population, and demonstrates the absolute helplessness of many States alone to deal with their illiteracy.

The following table gives the actual taxation for the support of schools in the year 1880:

TABLE NO. 7.—Amount raised by taxation for support of public schools in each State and Territory during the year 1880.

[Prepared by Bureau of Education, at request of H. W. BLAIR.]

States and Territories.	Amount received from taxation.		
	From State tax.	From local tax.	Total.
1. Alabama.....	\$130,000	a \$120,000	\$250,000
2. Arkansas.....	b 111,605	77,475	189,080
3. California.....	1,318,209	1,393,572	2,711,781
4. Colorado.....		c 336,333	c 336,333
5. Connecticut.....	210,353	1,066,314	1,276,667
6. Delaware.....		d 151,045	d 151,045
7. Florida.....	(104,530)		104,530
8. Georgia.....	e 345,790	125,239	471,029
9. Illinois.....	1,000,000	5,735,478	6,735,478
10. Indiana.....	f 1,456,834	f 2,168,302	f 3,625,136
11. Iowa.....		4,227,300	4,227,300
12. Kansas.....		1,276,786	1,276,786
13. Kentucky.....	535,854	g 382,038	917,892
14. Louisiana.....	356,000	h 94,000	h 450,000
15. Maine.....	224,565	596,295	820,860
16. Maryland.....	491,406	721,571	1,212,977
17. Massachusetts.....		4,372,286	4,372,286
18. Michigan.....	i 379,758	2,074,073	2,453,831
19. Minnesota.....	257,089	1,073,837	1,331,926
20. Mississippi.....		334,769	334,769
21. Missouri.....		2,163,330	2,163,330
22. Nebraska.....		713,155	713,155
23. Nevada.....			
24. New Hampshire.....			j 544,716
25. New Jersey.....	1,017,785	724,413	1,742,198
26. New York.....	2,750,000	6,925,992	9,675,992
27. North Carolina.....	(314,719)		314,719
28. Ohio.....	1,558,207	5,155,879	6,714,086
29. Oregon.....	133,477	79,562	213,039
30. Pennsylvania.....		7,046,116	7,046,116
31. Rhode Island.....		495,632	495,632
32. South Carolina.....	80,800	440,110	520,910
33. Tennessee.....		j 698,776	j 698,776
34. Texas.....	k 678,603		k 678,603
35. Vermont.....	113,173	304,318	417,491
36. Virginia.....	596,516	665,459	1,261,975

TABLE NO. 7.—Amount raised by taxation for support of public schools, &c.—Continued.

States and Territories.	Amount received from taxation.		
	From State tax.	From local tax.	Total.
37. West Virginia.....	\$212,753	490,432	\$703,185
38. Wisconsin.....	*25,000	2,198,581	2,223,581
39. Arizona.....			167,028
40. Dakota.....		123,643	123,643
41. District of Columbia.....		474,556	474,556
42. Idaho.....		48,017	48,017
43. Indian Territory.....			
44. Montana.....	m 4,643	5,256	60,899
45. New Mexico.....			
46. Utah.....	63,041	43,337	106,378
47. Washington.....	n 102,201	f 3,319	f 105,520
48. Wyoming.....		f 7,056	f 7,056
Total.....	(419,249) 14,287,570	53,913,086	n 70,371,435

- (a) From poll tax.  
 (b) State apportionment, which here probably includes the income of the State school fund for 1880, the State tax, and so much of the ordinary State revenue as may be set apart for the purpose by the Legislature.  
 (c) From county and district tax, fines, &c.  
 (d) This amount raised for white schools.  
 (e) This includes the rental of State railroad, (\$150,000.)  
 (f) In 1879.  
 (g) Includes tax on billiards and dogs.  
 (h) Estimated.  
 (i) From township tax.  
 (j) Includes income from permanent fund.  
 (k) State appropriation.  
 (l) Total income as reported for 1880, the greater part of which comes from Territorial, county, and district taxes.  
 (m) From county tax.  
 (n) Includes \$1,750,630 reported as derived from taxation and given in the column of totals but not appearing in the first two columns.  
 \*Special for building purposes.

Table No. 7 gives the amount received in each State from interest on funds and rent of lands. The total from taxation is \$70,371,435; from funds and rents, \$6,580,632; total, \$76,952,067. The actual expenditure per capita in each State is found in table No. 2. But the time forbids any further elaboration of details. Every figure in these tables is a volume, and should be earnestly studied by the American people.

#### THE SOUTH.

The Southern States, seventeen in number, including the District of Columbia, are usually classed together as a section of the country requiring special help. Of all but Maryland, Missouri, and the District of Columbia this is true. The following table exhibits their condition:

States.	White.			Colored.			Total expenditure for both races, a.
	School population.	Enrollment.	Percentage of enrollment.	School population.	Enrollment.	Percentage of enrollment.	
Alabama.....	217,590	107,483	49	170,413	72,067	42	\$375,465
Arkansas.....	b 181,799	c 53,229	29	b 54,332	c 17,743	33	238,056
Delaware.....	31,505	25,053	80	3,954	2,770	70	207,281
Florida.....	546,410	c 18,871	41	b 42,099	c 20,444	49	114,895
Georgia.....	d 236,319	150,134	64	d 197,125	86,399	45	471,029
Kentucky.....	e 478,597	e 241,679	50	e 66,564	e 23,902	36	803,490
Louisiana.....	f 139,661	d 44,052	32	f 134,184	d 34,476	26	480,320
Maryland.....	f 213,669	134,210	63	f 163,591	28,221	44	1,544,367
Mississippi.....	175,251	112,984	64	251,438	123,710	49	830,704
Missouri.....	681,995	454,218	67	41,489	22,158	53	3,152,178
North Carolina.....	201,770	136,481	67	167,554	89,125	53	352,882
South Carolina.....	g 83,813	61,219	73	g 144,315	72,855	50	324,629
Tennessee.....	403,353	229,290	57	141,509	60,851	43	724,862
Texas.....	h 171,426	138,912	81	h 62,015	47,874	77	753,346
Virginia.....	314,827	152,136	48	240,980	68,000	28	946,109
West Virginia.....	202,364	138,779	68	7,749	4,071	53	716,864
District of Columbia.....	29,612	16,934	57	13,946	9,505	68	438,567
Total.....	3,899,961	2,215,674		1,803,257	784,709		12,475,044

(a) In Delaware the colored public schools have been supported by the school tax collected from colored citizens only; recently, however, they have received an appropriation of \$2,400 from the State; in Kentucky the school tax collected from colored citizens is the only State appropriation for the support of colored schools; in Maryland there is a biennial appropriation by the Legislature; in the District of Columbia one-third of the school moneys is set apart for colored public schools, and in the other States mentioned above the school moneys are divided in proportion to the school population without regard to race.

- (b) Several counties failed to make race distinctions.  
 (c) Estimated.  
 (d) In 1879.  
 (e) For whites the school age is 6 to 20, for colored 6 to 16.  
 (f) Census of 1870.  
 (g) In 1877.  
 (h) These numbers include some duplicates; the actual school population is 230,527.



Excluding the States of Maryland and Missouri and the District of Columbia, and the total yearly expenditure for both races is only \$7,339,932, while in the whole country the annual expenditure is, from taxation \$70,341,435, and from school funds \$6,580,632, or a total of \$76,922,067, (see tables 2 and 7,) or one-tenth of the whole, while they contain one-fifth of the school population. The causes which have produced this state of things in the Southern States are far less important than the facts themselves as they now exist. To find a remedy and to apply it is the only duty which devolves upon us. Without universal education not only will the late war prove to be a failure but the abolition of slavery be proved to be a tremendous disaster, if not a crime.

The country was held together by the strong and bloody embrace of war, but that which the nation might and did do to retain the integrity of its territory and of its laws by the expenditure of brute force will all be lost if for the subjection of seven millions of men by the statutes of the States is to be substituted the thralldom of ignorance and the tyranny of an irresponsible suffrage. Secession, and a confederacy founded upon slavery as its chief corner-stone, would be better than the future of the Southern States—better for both races, too—if the nation is to permit one-third, and that the fairest portion of its domain, to become the spawning ground of ignorance, vice, anarchy, and of every crime. The nation as such abolished slavery as a legal institution; but ignorance is slavery, and no matter what is written in your constitutions and your laws slavery will continue until intelligence, the handmaid of liberty, shall have illuminated the whole land with the light of her smile.

Before the war the Southern States were aristocracies, highly educated and disciplined in the science of politics. Hence they preserved order and flourished at home, while they imposed their will upon the nation at large. Now all is changed. The suffrage is universal, and that means universal ruin unless the capacity to use it intelligently is created by universal education. Until the republican constitutions, framed in accordance with the Congressional reconstruction which supplanted the governments initiated by President Johnson, common-school systems, like universal suffrage, were unknown. Hence in a special manner the nation is responsible for the existence and support of those systems as well as for the order of things which made them necessary. That remarkable progress has been made under their influence is true, and that the common school is fast becoming as dear to the masses of the people at the South as elsewhere is also evident.

The nation, through the Freedmen's Bureau, and perhaps to a limited extent in other ways, has expended \$5,000,000 for the education of negroes and refugees in the earlier days of reconstruction, while religious charities have founded many special schools which have thus far cost some ten millions more. The Peabody fund has distilled the dews of heaven all over the South; but heavy rains are needed; without them every green thing must wither away.

This work belongs to the nation. It is a part of the war. We have the Southern people as patriotic allies now. We are one; so shall we be forever. But both North and South have a fiercer and more doubtful fight with the forces of ignorance than they waged with each other during the bloody years which chastened the opening life of this generation.

#### MEASURES PROPOSED.

I think it is clear that the nation has the power, which implies the duty of its exercise when necessary, to educate the children who are to become its citizens; and that the urgent demand for its aid at the present time has been demonstrated. I desire to still further detain the Senate with suggestions in regard to the methods which are, in my judgment, proper to be pursued by the General Government in the present emergency.

Your Committee upon Education and Labor has reported two bills making provision to aid the common schools of the country, and of both I heartily approve.

The first is a measure which has been pending for several years, proposing the creation of a perpetual fund, to be composed of the accretions to the Treasury from annual sales of public lands, railroad revenues, and other sources, the interest of which shall be distributed to the States, at first upon the basis of illiteracy, afterward according to population; one-third to be appropriated to the support of the agricultural colleges, and the remainder of such interest to the common schools. This sum would be small at first, but would rapidly increase, and such a fund would in time become a mighty agency for good, a perpetual fountain of blessing, and a bond of union so long as the country shall endure. The conception is sublime, and every effort should be made to secure the enactment of this measure into law during the present session; certainly during this Congress.

It is proposed to surrender the management of the income from this fund to the States, subject to forfeiture of subsequent installments in case of abuse or maladministration. This is probably a sufficient safeguard, although I would prefer that national funds be expended originally with the approval of some national officer or agency. The provisions of this bill have been the subject of much careful study by wise men for many years, and it is not probable that any substantial improvement can be suggested to this bill providing a perpetual fund; certainly not until the light of experience shall have been turned upon its practical operation, when further legislation can be had if necessary. I believe it to be wise to pass this bill as it is, and at once.

#### TEMPORARY AID.

But for immediate use more money must be provided. Temporarily, many millions from the national Treasury are imperatively demanded by every consideration of national honor and of the public welfare. A generation is educated in the common schools (if at all) every five years. If the next two generations of children could be educated properly, the country would then be in the hands of intelligence instead of ignorance, and no community once enlightened will ever permit itself afterward to retrograde. Intelligent self-interest will support the schools in self-defense, and, once elevated to the proper standard, every locality will maintain itself without much, if any, extraneous aid being required. Besides, if we could bridge the chasm of the next ten years, the proposed fund to be accumulated from the public lands and other sources would have become important and would furnish all the assistance which might thereafter be demanded in addition to local taxation.

Whatever is done by the nation now should be directed where it will do the most good. Illiteracy is the disease, and the remedy must be given accordingly. Until the standard of knowledge is brought up to a reasonable level everywhere, implying capacity to discharge the duties of sovereignty and citizenship, the nation must, or at least should, in common prudence, distribute its money upon the basis of comparative ignorance.

The safety of each State, however intelligent, is as much endangered by the ignorance of any other as is the illiterate State herself. Such is the complication and interdependence of our political and even of our industrial affairs that all great national issues and questions of policy are really decided by the small majorities which are liable to be found in any State. The interests of Massachusetts, so far as they are affected by national relations, are as likely to be decided by the vote of South Carolina or California as by her own. She has no interest, then, save that the money taken from the Treasury in support of education should go where there is the greatest need of schools. Thus the reason for distribution according to either wealth or population fails.

As to the amount which is necessary, great diversity of opinion prevails among those who desire the extension of aid by the Government. The bill introduced by the honorable Senator from Illinois [Mr. LOGAN] proposes to set apart the tax upon intoxicating liquors—now about seventy millions of dollars and likely to remain at that sum or to increase hereafter—until such time as the conscience and common sense of the people abolish both whisky and the tax upon it together. That day will come. He proposes to distribute to the States according to population. The House committee has reported a bill appropriating ten millions yearly for five years next ensuing, to be distributed to the States according to illiteracy.

I have had the honor to introduce a bill (Senate bill 151) appropriating fifteen millions of dollars the first year, fourteen millions the second year, and afterward a sum diminishing one million yearly, until there shall have been ten annual distributions, the last of which would be six millions—it being thought probable that State systems could by that time maintain themselves, or that from the perpetual-fund bill, should that fortunately become a law, all the aid necessary could thereafter be derived. This bill has been reported by the Senate Committee on Education and Labor with its unanimous support so far as the amount appropriated is concerned. I believe that to give a larger sum would induce the people of the States, where most of it would be expended to depend too largely upon the national Treasury for the support of their schools, and the result would be waste and inefficiency.

The community must pay to the extent of its ability, or it will lose interest in its schools and its children will not be properly educated, no matter how much money may be received, the burden of raising which the people do not feel. Besides it will be difficult for those portions of the country which are comparatively unused to the practical administration of school systems at once economically and profitably to absorb the full amount which is really needed, and which will be required as greater accommodations, competent teachers in sufficient numbers, and larger attendance of pupils are secured. The proportion of \$15,000,000 which this bill would give to the Southern States would prolong their existing schools for at least three months with present accommodations and teachers, and, in addition, would secure the extension of the school system to such districts and children as are now absolutely without the pale of any educational privileges whatever. In my belief no less sum can possibly do this. The following table exhibits the distribution of \$15,000,000 as proposed in this measure, (Senate bill No. 151:)

*Distribution as proposed by Senate bill No. 151.*

States and Territories.	No. of illiterates in each State.	Proportion of \$15,000,000 to each State.
Alabama.....	370,279	\$1,127,869 83
Arizona.....	5,496	16,740 82
Arkansas.....	153,229	466,735 53
California.....	48,583	147,989 82
Colorado.....	9,321	28,373 77
Connecticut.....	20,986	63,933 36
Dakota.....	3,094	9,424 32
Delaware.....	16,912	51,514 96
District of Columbia.....	21,541	65,613 89

## Distribution as proposed by Senate bill No. 151—Continued.

States and Territories.	No. of illiterates in each State.	Proportion of \$15,000,000 to each State.
Florida.....	70,219	\$213,887 07
Georgia.....	446,683	1,360,596 42
Idaho.....	1,384	4,215 66
Illinois.....	96,809	294,880 21
Indiana.....	70,008	213,244 37
Iowa.....	28,117	85,044 38
Kansas.....	25,503	77,682 14
Kentucky.....	258,186	786,434 56
Louisiana.....	297,312	905,612 35
Maine.....	18,181	55,379 33
Maryland.....	111,387	339,284 80
Massachusetts.....	75,635	230,384 21
Michigan.....	47,112	143,503 15
Minnesota.....	20,551	62,598 35
Mississippi.....	315,612	961,354 15
Missouri.....	138,818	422,839 63
Montana.....	1,530	4,660 88
Nebraska.....	7,830	23,850 18
Nevada.....	3,703	11,279 34
New Hampshire.....	11,982	36,497 17
New Jersey.....	39,136	119,248 26
New Mexico.....	52,994	161,419 72
New York.....	166,625	507,539 75
North Carolina.....	367,890	1,120,692 94
Ohio.....	86,754	264,252 68
Oregon.....	5,376	16,375 30
Pennsylvania.....	146,138	445,136 35
Rhode Island.....	17,456	53,170 98
South Carolina.....	321,780	980,141 88
Tennessee.....	394,385	1,201,296 71
Texas.....	256,223	780,455 26
Utah.....	4,851	14,776 15
Vermont.....	12,993	39,576 68
Virginia.....	360,495	1,098,067 77
Washington.....	3,191	9,719 79
West Virginia.....	52,041	158,516 89
Wisconsin.....	38,693	117,858 88
Wyoming.....	427	1,300 64
Total.....	4,923,451	15,000,000 00

The bill contemplates the gradual increase of ability and disposition to support their own schools, as the natural consequence of greater intelligence in all cases, so that the appropriation and its necessity will pass away together.

## SUPERVISION OF EXPENDITURE.

The measures before the country, with exception of this, (Senate bill No. 151,) propose to turn the funds over absolutely to the several State and Territorial governments, endeavoring to secure honest and wise application by declaration of forfeiture or suspension of installments of years succeeding by action of the Commissioner of Education or of the Secretary of the Interior, unless relief be afforded by Congress.

I have thought, and still believe, that such supervision is objectionable, for very strong reasons—reasons far less important to the nation than to the States. Such a system will in my judgment be liable to abuse in many ways, and I think it would be even better to give the money outright, and call for no account whatever of the manner in which the State discharges its trust.

To suspend the annual payment in any case after the schools shall have been developed and shall have become dependent upon the national aid for existence, as they will be for some years, would almost destroy them for the time being. It would create such confusion and ill-will between the Government and the people of the State concerned as would go far to neutralize any good results from the appropriation itself. It is not difficult to see how complaints and even abuses could be established by newspaper reports, affidavits, and partisan proofs; nor how desirable opposing political parties might deem such controversies when important elections were pending. Sectional animosities, now so happily disappearing, could be easily aroused again if that part of the country paying most of the money and receiving the least from its benefits should be made to believe that this school money was misappropriated to political or personal ends by the section paying least and receiving most.

Accusation would almost necessarily result in suspension for investigation, which could not fail to be prolonged, either before the Commissioner, the Secretary, or Congress, and result in ruin of the schools. The penalty would come home upon the children every time; nobody else would suffer at all. The consequence would be, in my opinion, either no practical supervision of this enormous national expenditure at all, which could not be justified, or the evil consequences I have suggested would follow, and other objections might with propriety be raised. I believe that there is no rational or practicable form of supervision which does not precede or accompany the expenditure itself.

I therefore have thought that a Federal officer should be charged, jointly with State authority, in the application of these funds to the education of the child who is to be qualified by the State and nation to become a citizen of both.

I cannot divest myself of the feeling that Congress is bound to

supervise the actual use of the public money. It should no more put the national Treasury under the State governments than it should put the Army under command of the governor of that State which might chance to be the theater of public war. The education of the child is the duty of the nation as well as of the State. It is no discharge of its duty to give money, and then, if it is wasted, to say, "Now the children shall go ignorant, because the State has failed to properly use the money to the application of which we should have attended ourselves."

It is no answer to say that the State authorities will properly apply these funds. All believe they would, but who knows it? There will be many who will doubt it, and many more who will say they doubt it who do not. I am apprehensive that there will be great complaint and bitterness arising if this appropriation for national aid is turned wholly over to the States with only a *post mortem* supervision retained to be enforced by the subsequent slaughter of the innocents who attend the schools, the destruction of which is the remedy proposed for dereliction on the part of the authorities of the State.

I believe that the appointment of a Federal agent or superintendent of the administration of the fund therein, to be a citizen of, identified with, and interested for the people of the State for which he is appointed, who in conjunction with the State superintendent should arrange the distribution of the money in the first instance, would be the proper form of supervision.

No citizen of a State, although holding a Federal appointment, could afford to exclude money from the schools of his State for capricious or improper reasons. Should he do so, popular indignation would soon drive him out of his State and his office too. No improper person would be likely to be nominated by the President or confirmed by the Senate. So high a trust would require the most eminent qualities, and the selection would be from the class of men whose lives being devoted to the education and amelioration of their race would be certain to discharge their duties in harmonious co-operation with like associates—such men as now are the superintendents of the States.

The question of salaries is not important, for in no possible way can this supervision be effected by the employment of a smaller force than a single officer for a State. If it is left to the central power at Washington, the force of clerks must be increased or there can be no practical supervision at all. A local agent acquainted in his State is by far the best. Traveling investigators like the pension experts will hardly do; but without a local officer secret agents and Department detectives will certainly do the work, if it is done at all, and at far greater cost.

In the bill which I have had the honor to submit to the Senate (No. 151) I have endeavored to provide for the administration of the fund by the concurring action of the State and national authorities, each having a negative upon the other and both alike interested to secure one common end—the most judicious application of the money. The State as well as the national official who should exclude large sums of money from the people among whom he would reside for frivolous or unworthy reasons would soon disappear from the scene in the hot breath of public indignation. The State and Federal authorities are intermingled throughout the country. Upon many questions they have concurring powers. Neither should be jealous of the other, and it would be strange if the nation and State could not agree in the use of the money which the former undertakes to give to their common child.

If, however, it should be thought best to constitute a board, consisting in each State of the governor, the State superintendent of public schools, and a representative of the National Government, it might still give the essential supervision, and at the same time avoid all danger of conflict in administration. But, unless the General Government has something to say, or at least the power to know what is to be done with its money before it is used, colored children will have a poor chance in States which compel them to rely for education upon the taxation of their own poverty-stricken race.

The tax-payers of the country will be, and will have a right to be, anxious to know from a responsible officer of their own the details of so large expenditure, and it will conduce to harmonious administration if the money is paid out with the approval of such an officer; and when it is once paid there should be no power to destroy the schools of subsequent years as a penalty for real or supposed mistakes or wrongs. Officers should be held to rigid personal responsibility as in other cases, but children of a whole State should not be selected as the victims of their faults.

The Peabody fund, which has been productive of so much good in every Southern State, is administered practically by one man, and he wholly independent of State control.

He discharges his high trust in a manner which elicits universal admiration and gratitude, but he carefully determines in advance and overlooks the application of every dollar.

It is hardly reasonable for the nation to apply millions without any voice in the actual expenditure of a cent. It is not business. There may be a gushing confidence in advance, but there are certain principles in human nature which are still active in all parts of this country, and it will be better for all concerned if the utmost care be exercised to place the expenditure of the public money during a long series of years for even so worthy a purpose as public educa-



tion, under the restraints of that prudent supervision which obtains in other affairs. To avoid all possible occasion for controversy, and especially to avoid all questions between States and the Department and Congress is, to my mind, almost imperatively important; and if the Government has a voice in the original expenditure, it will be concluded as against the State. It can then only hold its official responsible, as in other cases of maladministration.

In the bill reported by the Senate committee (S. No. 151) provision is made for the disposition of the share of those States which may not desire its general distribution, when by reason of the efficiency of their schools national aid is not required; for the establishment of schools where none now exist, until every child in the country has his fair chance in the race of life, so far as a common-school education can give it; for the more efficient training of youth in the Territories, in some of which the condition is most deplorable, involving direct and most serious responsibility of the National Government, which is bound to properly care for these future States, comprising one-third of our entire domain; for limited appropriations to provide efficient teachers, temporary accommodations, when it shall be indispensable, with books, apparatus, and the like, but only so far as may be absolutely required, in order that instruction to the child, to whom a single year is of the utmost importance, may not fail for payment of the money to the persons entitled to receive it upon proper vouchers, and various details for which reference must be had to the bill itself.

These features will require more minute examination in future discussions.

But whatever form of administration of the funds it shall be deemed wisest to adopt, the appropriation should be immediately made. If it passes this session we shall have lost a year. To have lost a day was deemed a calamity by one of the noblest of men. Who can measure the wrong of one lost year, of one full year of further delay, to grapple with the wide-wasting and increasing evils of ignorance among our whole people? It would be better to appropriate injudiciously rather than not at all.

The vast sums expended for three hundred thousand Indians, for rivers and harbors, for improvement of the banks of the Mississippi River, for an Army which ignorance chiefly makes necessary, for a Navy which is safe only in the docks, the one hundred millions of pensions annually paid because there were no common schools in the South such as this bill seeks to build up, and the general profuseness of expenditure which applies to the management of our affairs are a sufficient exposure of the hollow pretense that we cannot spare a few millions yearly to rescue our institutions from the imminent peril which threatens them.

Taxation rests almost wholly upon our luxuries and our vices. Yet it is proposed to give them still further license by reducing taxes while we are ruined for the want of schools. We consume every year seven hundred millions of alcoholic beverages. The interest upon the money paid in one year for alcohol and tobacco by the American people, if judiciously invested, would relieve them from all taxation for the support of common schools hereafter at present rate of expenditure. We are liberal in self-indulgence. We are economical in self-denial even for our good. But parsimony to the schools is death to the Republic.

We may postpone the remedy but the evil will increase. The issue cannot be evaded. Common-school education must become universal or the form of our government must be changed. I believe that the next ten years will decide the question.

National aid to schools is indispensable to the national existence; national aid to common schools should be given liberally, given now and applied where most required. This done, the Republic will be perpetual.

The bill is as follows:

A bill to aid in the establishment and temporary support of common schools.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for ten years next after the passage of this act there shall be annually appropriated from the money in the Treasury the following sums, to wit: The first year the sum of \$15,000,000, the second year the sum of \$14,000,000, the third year the sum of \$13,000,000, and thereafter a sum diminished \$1,000,000 yearly from the sum last appropriated until ten annual appropriations shall have been made, when all appropriations under this act shall cease; which several sums shall be expended to secure the benefits of common-school education to all the children living in the United States.

SEC. 2. That the instruction in the common schools wherein these moneys shall be expended shall include the art of reading, writing, and speaking the English language, arithmetic, geography, history of the United States, and such other branches of useful knowledge as may be taught under local laws, and may include, whenever practicable, instruction in the arts of industry; which instruction shall be free to all, without distinction of race, nativity, or condition in life: *Provided*, That nothing herein shall deprive children of different races, living in the same community but attending separate schools, from receiving the benefits of this act, the same as though the attendance therein were without distinction of race.

SEC. 3. That such money shall annually be divided among and paid out in the several States and Territories in that proportion which the whole number of persons in each, who, being of the age of ten years and over, cannot read and write bears to the whole number of such persons in the United States; and until otherwise provided such computation shall be made according to the official returns of the census of 1880.

SEC. 4. That such moneys shall be expended in each State by the concurrent action, each having a negative upon the other, of the Secretary of the Interior, on the part of the United States, and of the superintendent of public schools, board of education, or other body in which the administration of the public-school laws shall be vested, on the part of the several States wherein the expenditures are respectively to be made; and whenever the authorities of the United States and of the State fail to agree as to the distribution, use, and application of the money

hereby provided for, or any part thereof, payment thereof, or such part thereof, shall be suspended, and if such disagreement continue throughout the fiscal year for which the same was appropriated, it shall be covered into the Treasury and shall be added to the general appropriation for the next year provided for in the first section of this act.

All sums of money appropriated under the provisions of this act to the use of any Territory shall be applied to the use of schools therein by the Secretary of the Interior, through the commissioner of common schools, whose appointment is hereinafter provided for.

SEC. 5. That the moneys distributed under the provisions of this act shall be used in the school districts of the several States and Territories in such way as to provide for the equalization of school privileges to all the children throughout the State or Territory wherein the expenditure shall be made, thereby giving to each child an opportunity for common-school education; and to this end existing public schools not sectarian in character may be aided, and new ones may be established, as may be deemed best in the several localities.

SEC. 6. That a part of the money apportioned to each State or Territory, not exceeding one-tenth thereof, may yearly be applied to the education of teachers for the common schools therein, which sum may be expended in maintaining institutes or temporary training-schools or in extending opportunities for normal or other instruction to intelligent and suitable persons, of any color, who are without necessary means, and who shall agree, in writing, to qualify themselves and teach in the common schools of such State or Territory at least one year.

SEC. 7. That the design of this act not being to establish an independent system of schools, but rather to aid for the time being in the development and maintenance of the school systems established by local power, and which must eventually be wholly maintained by the States and Territories wherein they exist, it is hereby provided that no part of the money appropriated under this act shall be paid out in any State or Territory which shall not during the first five years of the operation of this act annually expend for the maintenance of common schools, free to all, at least one-third of the sum which shall be allotted to it under the provisions hereof, and during the second five years of its operation a sum at least equal to the whole it shall be entitled to receive under this act; and if such expenditure shall not be shown to the Secretary of the Interior at the end of each fiscal year by each State or Territory, respectively, or by such other evidence as shall be satisfactory to him, then the allotment under this act for each subsequent year so long as there shall be a deficiency of such expenditure by the State or Territory from the proceeds of local funds, whether derived from taxation or otherwise, shall be expended for the support of common schools therein wholly in the discretion of the Secretary, who shall apply the same to the support of existing or to the establishment of new schools in such way as he shall deem best.

SEC. 8. That no part of the money herein provided for shall be used for the erection of school-houses or school-buildings of any description, nor for rent of the same: *Provided, however*, That whenever it shall appear to the Secretary that otherwise any given locality will remain wholly without reasonable common-school advantages he may, in his discretion, from the general fund allotted to the State or Territory, provide schools and for their temporary accommodations by rent or otherwise, in the most economical manner possible: *And provided further*, That in no case shall more than 5 per cent. of such allotment be set apart for or be expended under the provisions of this section.

SEC. 9. That there shall be appointed by the President, by and with the advice and consent of the Senate, a commissioner of common schools in each State and Territory, who shall be a citizen thereof and shall reside therein, and shall perform all such duties as may be assigned to him by the Secretary of the Interior, and who shall be specially charged with all the details of the execution of this act within his jurisdiction, and in co-operation with the State authorities. In the Territories he shall also be charged with the general supervision and control of public education, and shall possess all the powers now vested in Territorial superintendents and boards of education, or by whatever Territorial officers the same may have been hitherto exercised. He shall be paid a salary of not less than three nor more than five thousand dollars, in the discretion of the Secretary of the Interior. He shall annually make full reports of all matters connected with schools in his jurisdiction to the Secretary of the Interior, and particular reports when called upon by the Secretary, and especially of all details in the administration of this act. In addition to his other duties he shall devote himself to the promotion of the general interests of public education in the State or Territory for which he is appointed.

SEC. 10. That any State in which the number of persons ten years of age and upward who cannot read is not over 5 per cent. of the whole population, signifying its desire that the amount allotted to it under the provisions of this act shall be appropriated in any other way for the promotion of common-school education, in its own borders or elsewhere, its allotment shall be paid to such State to be thus appropriated: *Provided*, That its Legislature shall have first considered the question of its appropriation to the general fund for use under the provisions of this act in States and Territories where the proportion of illiterate persons is more than 5 per cent. of the whole population.

SEC. 11. That any State whose illiterate is greater than 5 per cent. of its whole population failing to accept the provisions of this act and to comply with its provisions, so as to be entitled to its allotment from year to year, the sum allotted to such State, subject to the discretionary action of the Secretary of the Interior under the sixth and seventh sections of this act, shall become a part of the fund to be distributed among the States which shall be entitled to their respective allotments, and to the Territories. And any State not accepting the provisions of this act, nor acquiring the right to dispose of its allotment as provided in the preceding section, the same shall become a part of the general fund for like distribution.

SEC. 12. That the District of Columbia shall be entitled to the privileges of a Territory under the provisions of this act, but there shall be no commissioner of common schools appointed for said District, nor shall its existing laws and school authorities be interfered with. The Commissioner of Education shall be charged with the duty of superintending the distribution of its allotment, and shall make full report of his doings to the Secretary of the Interior.

SEC. 13. That the Secretary of the Interior shall be charged with the practical administration of this law through the Bureau of Education, and all moneys paid under its provisions shall be made by Treasury warrant to the individual performing the service to whom indebtedness shall be due, and who shall be personally entitled to receive the money, or to his agent, duly authorized by him, upon vouchers approved by the State authorities, when under the provisions of this act their approval is necessary, and by the commissioner of common schools for the State or Territory wherein the expenditure shall be made, and by the Secretary of the Interior.

#### HOUSE BILL REFERRED.

The joint resolution (H. R. No. 176) authorizing the Secretary of War to erect at Washington's headquarters in the city of Newburgh, New York, a memorial column, and to aid in defraying the expenses of the centennial celebration to be held at that city in the year 1883, was read twice by its title, and referred to the Committee on Military Affairs.

#### DISTRICT WATER SUPPLY.

The PRESIDING OFFICER (Mr. PLATT in the chair) laid before the Senate the amendment of the House of Representatives to the

bill (S. No. 1723) to increase the water supply of the city of Washington, and for other purposes.

Mr. HARRIS. I ask that the amendment of the House of Representatives be read, and I shall then ask the Senate to non-concur in the amendment.

The PRINCIPAL LEGISLATIVE CLERK. The amendment of the House is to add at the end of the bill the following:

To provide for the erection of suitable fish-ways at the Great Falls of the Potomac and at the dam to be constructed under the provisions of this act, in accordance with plans and specifications to be prescribed by the United States Commissioner of Fish and Fisheries, \$50,000, or so much thereof as may be necessary: *Provided further*, That the cost of the said improvements shall be annually computed and stated by the Treasurer of the United States and charged to a capital account on the books of the Treasury, and that the interest at the rate of 3.65 per cent. thereon shall be annually included in the District tax levy and paid into the Treasury of the United States, and that any surplus of water rents over and above the expenses of maintaining the works and appendages, and paying prior interest charges now existing, shall be paid into the Treasury of the United States and credited to the capital account thus created until the same shall be finally extinguished.

Mr. HARRIS. I ask the Senate to non-concur in the amendment of the House.

Mr. SHERMAN. I should like to have the second proviso of the amendment read again on the question of concurrence.

The PRESIDING OFFICER. The Clerk will report the second part of the amendment again.

The Principal Legislative Clerk read as follows:

*Provided further*, That the cost of the said improvements shall be annually computed and stated by the Treasurer of the United States and charged to a capital account on the books of the Treasury, and that the interest at the rate of 3.65 per cent. thereon shall be annually included in the District tax levy and paid into the Treasury of the United States, and that any surplus of water rents over and above the expenses of maintaining the works and appendages, and paying prior interest charges now existing, shall be paid into the Treasury of the United States and credited to the capital account thus created until the same shall be finally extinguished.

Mr. SHERMAN. My impression is that the Senate had better concur in the amendment. In the first place, I am inclined to think it is just and I believe it is to the interest of the people of the District to have the bill passed without any further controversy. I desire to say to my friend from Tennessee, to show him that I am not hostile to the bill, that I regard this as the most important act for the District that Congress could possibly pass. The necessity of the passage of the act is apparent to every one, and it is a measure of the very highest importance. It does seem to me that it is right enough that the District itself should pay one-half of 3.65 per cent. interest on the amount of the cost of this work less the amount of water rents that are paid by the District. It would not be very much. If the Senator would compute it he would find it a very small sum, and I would not delay the passage of this important bill by a controversy with the House on the subject.

Mr. HARRIS. The Aqueduct has been constructed to the point that it now extends at a cost of nearly \$5,000,000, every dollar of which has been paid by the Government. It is the property of the Government. If the tax-payers of the District of Columbia shall be required to contribute to the extension of the Aqueduct it amounts to a divided ownership, a divided interest; it is a departure from the original principle upon which the work was inaugurated.

Even if the Senate shall non-concur in the amendment, the Senator from Ohio, as every other Senator, will have an opportunity, I doubt not, to give fuller consideration to the whole matter, and to pass in judgment upon it. The bill will naturally and necessarily go to a committee of conference, and when it has been maturely considered it will be submitted to both Houses.

Mr. SHERMAN. I shall not cause delay in the passage of the bill. Perhaps the Senator's mode is the best way to get at it, but I say the proposition is not an unreasonable one, and I would not hesitate a moment in voting for it. The charge on the District of one-half would be more than balanced by the increase of water rents, and therefore it would be no burden upon the people of the District.

Mr. HARRIS. I beg to say to the Senator from Ohio that my object was to reach a conclusion at the earliest moment possible, and therefore I ask the Senate to non-concur as the shortest road to reach a conclusion.

Mr. SHERMAN. Very well.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment of the House of Representatives.

The amendment was non-concurred in.

STERLING T. AUSTIN.

Mr. HOAR. I desire to ask the consent of the Senate to take up a bill, which will occupy a very few minutes, and which I am sure every person named in every bill on the Calendar would consent to give precedence to. It is a bill permitting the representatives of Sterling T. Austin to go to the Court of Claims with a claim which is described in the bill. They are two most estimable young ladies, whose father and brother were both shot on the same day in mid-day some time ago, under circumstances which are well known. I do not think it is necessary to enter into any discussion of that matter, but I merely ask my friend from Alabama to permit that bill to be taken up. The report is a very brief one, and it will take a very few minutes to dispose of the bill.

Mr. MORGAN. I have no objection to yielding to any Senator for

the passage of a measure of the kind suggested by the Senator from Massachusetts. However, the Japanese indemnity bill, which is the regular order, has hung on now from day to day and from week to week, and I have heard a great many complaints made of the indulgence I have heretofore given. If the Senate is willing to take up the measure that the Senator from Massachusetts suggested, I have no objection.

Mr. HOAR. I supposed the Senate would hardly proceed with a general discussion of the Japanese indemnity bill this afternoon, at so late an hour.

Mr. MORGAN. I had hoped the general discussion, and also the special discussion of the bill, had closed, and that we were ready to vote upon it. I am prepared to submit it at any time to the Senate. With unanimous consent, unless objection is made by some member of the Committee on Foreign Relations, I will yield to the Senator from Massachusetts.

Mr. GEORGE. I hope the Senator from Alabama will consent that the bill indicated by the Senator from Massachusetts may be considered. It is a very meritorious measure, and was considered by the Committee on Claims very fully.

Mr. MORGAN. If no other Senator has any objection, I yield to the request, and agree that the Japanese indemnity bill may be laid aside informally.

Mr. BECK. May I be allowed to say a word? The Committee on Finance, I know, have several quite important measures which they desire to have considered, and the Committee on Appropriations will be pressing a good many bills pretty soon. If the Japanese indemnity bill is to hold its place for a much longer time, I think its friends will find some serious objection to the further discussion of it. The discussion is now concluded, or very nearly, and I hope it will not be allowed to crowd everything else off.

Mr. MORGAN. The difficulty about the Japanese indemnity bill is—

Mr. BECK. I merely want to say that I have no objection to the bill, but if it is not to be pressed to a vote it should be indefinitely postponed, so as to get at something else. I have no objection to make; I am willing to go on with the bill; but I do want it to come to an end at some time so that something else may be considered.

The PRESIDENT *pro tempore*. Does the Senator from Alabama consent that the bill indicated by the Senator from Massachusetts may be considered?

Mr. MORGAN. If the Senate will consent, I will agree that the Senator from Massachusetts may proceed with his bill.

Mr. HOAR. It will take but a moment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 719) for the relief of the representatives of Sterling T. Austin, deceased.

The bill was reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert:

That the claims of the successors in interest and legal representatives of Sterling T. Austin, deceased, late of the parish of Carroll, in the State of Louisiana, for cotton taken by the military and civil authorities of the United States, or by either of them, during the years 1863, 1864, and 1865, in the States of Louisiana and Texas, be, and the same are hereby, referred to the Court of Claims, with full jurisdiction and power in the said court to adjust and settle such claims, and to render a judgment in said cause for the net amount realized by the United States from the sale of such cotton as shall appear from the evidence to have been so taken by said authorities; and in such action the said representatives shall be entitled to recover as aforesaid, any statute of limitation to the contrary notwithstanding: *Provided, however*, That it be shown to the satisfaction of the court that neither Sterling T. Austin, sr., nor any of his surviving representatives gave any aid or comfort to the late rebellion, but were throughout the war loyal to the Government of the United States.

The amendment was agreed to.

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

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

ORDER OF BUSINESS.

Mr. GEORGE. I ask the leave of the Senate to call up the bill (S. No. 1939) for the relief of the Protestant Orphan Asylum of Natchez, in the State of Mississippi. It is a private bill.

Mr. BAYARD. I heard the motion of the Senator from Mississippi, but I desire to know of my friend from Alabama what his intentions are in regard to the bill regularly before the Senate.

Mr. MORGAN. My intentions have been announced on every day, that the bill has been considered, asking the Senate for a vote. I have not interposed at any moment of time against a vote on the bill.

The PRESIDENT *pro tempore*. Does the Senator from Mississippi make any motion to set aside the pending and all other orders in order to proceed to the consideration of the bill which he has named?

Mr. MORGAN. I hope the Senator from Mississippi will not press that bill upon the Senate at this time.

Mr. GEORGE. Very well. I withdraw my request.

NATIONAL BANKING ASSOCIATIONS.

Mr. ALLISON. I ask the Senator from Alabama to yield to me for a moment while I report from the Committee on Finance the bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence. I report it with sundry amendments agreed to



in the committee to-day, and I ask a reprint of the bill with the amendments.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar and reprinted with the amendments.

#### JAPANESE INDEMNITY FUND.

Mr. MORGAN. I now call for the regular order.

The Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. No. 1052) in relation to the Japanese indemnity fund, the pending question being on the amendment proposed by Mr. MORRILL in section 1, line 6, to strike out "in" before "bonds," and to insert "and all," and at the end to add the words "shall be canceled and destroyed;" so as to make the concluding part of the first section read:

And all bonds now under the control of the Department of State, and known and designated in the accounts and reports of said Department as the Japanese indemnity fund, shall be canceled and destroyed.

Mr. WINDOM. I ask for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. HARRIS, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. ALDRICH.] I ask his colleague [Mr. ANTHONY] if I shall vote. If permitted to do so, I shall vote "yea" on this question.

Mr. ANTHONY. I do not know how my colleague stands on this question, but I think that the Senator from Tennessee may safely vote.

Mr. HARRIS. I vote "yea."

Mr. JONAS, (when his name was called.) I am paired on this amendment with the Senator from California, [Mr. MILLER.] If he were present, I should vote "yea" and he would vote nay.

Mr. VEST, (when his name was called.) I am paired with the Senator from Indiana, [Mr. VOORHEES.] I should vote "yea," if he were present.

Mr. WALKER, (when his name was called.) I am paired with the Senator from Colorado, [Mr. HILL.]

The roll-call was concluded.

Mr. CAMERON, of Wisconsin. I desire to announce that the Senator from Florida [Mr. JONES] is paired with the Senator from New Hampshire, [Mr. ROLLINS.] The Senator from Florida, if present, would favor the amendment, and the Senator from New Hampshire would vote against it.

The result was announced—yeas 27, nays 23; as follows:

#### YEAS—27.

Allison,	Fair,	Jackson,	Plumb,
Bayard,	Farley,	McDill,	Pugh,
Canden,	Ferry,	McMillan,	Saulsbury,
Cameron of Wis.,	Gorman,	Mahone,	Sherman,
Chilcott,	Groome,	Maxey,	Van Wyck,
Cockrell,	Harris,	Morrill,	Williams,
Coke,	Ingalls,	Platt,	

#### NAYS—23.

Blair,	George,	Logan,	Sawyer,
Brown,	Hampton,	Miller of N. Y.,	Sewell,
Butler,	Harrison,	Mitchell,	Slater,
Call,	Hayley,	Morgan,	Vance,
Davis of Illinois,	Hoar,	Ransom,	Windom,
Dawes,	Lapham,	Saunders,	

#### ABSENT—26.

Aldrich,	Frye,	Jonas,	Pendleton,
Anthony,	Garland,	Jones of Florida,	Rollins,
Beck,	Grover,	Jones of Nevada,	Vest,
Cameron of Pa.,	Hale,	Kellogg,	Voorhees,
Conger,	Hill of Colorado,	Lamar,	Walker,
Davis of W. Va.,	Hill of Georgia,	McPherson,	
Edmunds,	Johnston,	Miller of Cal.,	

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The Senator from Maine, [Mr. HALE,] who is not present, offered an amendment, which will be read.

The PRINCIPAL LEGISLATIVE CLERK. It is proposed to strike out all of section 1 after the enacting clause, and to insert in lieu thereof:

That the President be, and he is hereby, authorized and directed to pay to the Government of Japan all avails resulting from the sale of the bonds now under control of the Department of State, and known and designated in the accounts and reports of said Department as the Japanese indemnity fund, and said bonds shall be at once sold in open market; and all payments to Japan under the provisions of this act shall be made by the United States, in legal coin, through its minister to Japan, directly to the Japanese Government.

Mr. MORRILL. Of course we do not want to adopt that.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Maine.

The amendment was rejected.

Mr. MORRILL. I move to strike out the second section of the bill.

Mr. MORGAN. I desire to say that the motion to strike out the second section means of course that the Government of the United States repudiates an obligation it entered into with the other three powers to pay to the officers and crews of the Wyoming and the Ta-Kiang what is equivalent to prize-money or bounty-money for their services rendered in those splendid actions, at the instance really of the Japanese Government, and which they have so long been con-

tending for. It seems to me that there is at least due from the Senate of the United States an honorable recognition of the services of Commodore McDougal and the officers and men under his command.

Mr. MORRILL. May I ask the Senator from Alabama whether the other governments have paid any prize-money to the officers and seamen in command of their ships?

Mr. MORGAN. Not that I am aware of. I do not know what France and the Netherlands did with the \$140,000 that they got; they may have put it into their coffers for aught that I know; but I know that the evidence in this case shows that that money was paid to us because the Wyoming and the Ta-Kiang had been engaged in those actions which resulted in the acquirement of the \$3,000,000. I know that the convention was expressly limited in its terms—

Mr. BROWN. Will the Senator from Alabama allow me to ask him a question?

Mr. MORGAN. Certainly.

Mr. BROWN. The Senator says the money was paid because they had been engaged in those actions.

Mr. MORGAN. Yes, sir.

Mr. BROWN. Does the Senator mean that they were to be paid this amount because of the part they took in the action with the other powers, or was it for previous services performed by our own fleet?

Mr. MORGAN. I will say to the Senator from Georgia what it was on both accounts. In June, 1863, the Wyoming went down there for the purpose of inflicting punishment on the Prince of Nagato and breaking down his power because he had fired upon the Pembroke. It was then that the magnificent action was fought which history will record; whether the Senate of the United States desires to do it or not makes no difference.

Mr. BROWN. The engagement was fought by whom?

Mr. MORGAN. It was fought by Commander McDougal with the Wyoming. He was then a commander in the Navy.

Mr. BROWN. Without any help from the other powers?

Mr. MORGAN. Without any help at all from the other powers. The entire naval power of the Prince of Nagato was broken down by that action. One year later, the Prince of Nagato still having his batteries and his power upon shore, the joint expedition was organized, Great Britain leading, she having never received any outrage or insult at all from the Japanese Government. That last action resulted in the convention of the 22d of October, 1864, by which \$3,000,000 were paid to the four powers. When the four powers came to divide that money they set apart \$140,000, and in the convention itself they expressly limited the damages to which that money was to be applied to events that did not occur prior to the 1st of June, 1863.

I have stated here several times, and no Senator has denied it, that the Government of the United States had no demand against the Government of Japan that had not been fully paid. The correspondence in reference to this subject, and the limitation in the convention itself that the damages to be paid were not to reach further back than the 1st of June, 1863, demonstrate, if demonstration can be made, that this \$140,000 which was paid to us by the other powers was for the purpose of compensating the Wyoming and the Ta-Kiang for what they had done in those actions.

Of course I have said all that I desire to say about this matter. I have mentioned before the Senate the condition of Commodore McDougal. He is not a beggar, but he is a man who deserves well of his country. There may be those who think that the Treasury deserves better than McDougal does, and that we are prepared to receive a bonus or *douceur* from Great Britain, France, and the Netherlands, which we will cover into the Treasury of the United States, and allow these gallant men to go unrewarded, when the very money we received was received in trust for their payment.

Mr. MORRILL. I will offer an amendment to come in before the question is taken on the motion to strike out. It will be seen that the words in lines 3, 4, and 5 ought to be omitted since the last vote. I move, therefore, to strike out after the word "paid," in line 3 of section 2, the words:

Out of the fund now under control of the Department of State known as the Japanese indemnity fund.

If the section is to pass, of course the money ought to be paid out of the Treasury. I hope, however, that—

Mr. INGALLS. The effect of the amendment will be to make it payable out of the general Treasury?

Mr. MORRILL. Yes, sir.

Mr. WILLIAMS. I did not hear very distinctly the proposition of the Senator from Vermont. I did hear the Senator from Alabama; and while I have disagreed with the Senator from Alabama upon nearly every provision of the bill, yet I concur with him in the justice of our paying to this gallant officer and his crew the amount that was secured to them by the treaty-making powers in their conferences among themselves. I think we owe this money to this commodore and his crew as prize-money. It was set apart, a distinct fund, from the balance. We got more than our distributive share in the division, and it was done so that we might hold in our hands a fund to recompense this gallant officer and his brave crew, who, in vindicating the honor of their country's flag, achieved one of the most splendid naval victories upon record. If the bill is shaped in a way that I can vote to give them the \$140,000, I want to do it, and

I shall vote to do it with great pleasure. I hope the gentlemen who have taken sides with me in the discussion will concur in the justice of that view.

Mr. MORRILL. I will modify my motion so far as to insert in lieu of the words proposed to be stricken out the words:

Out of any money in the Treasury not otherwise appropriated.

So as to read:

That the President be, and he is hereby, authorized and directed to cause the sum of \$254,000 to be paid, out of any money in the Treasury not otherwise appropriated, to the officers and crew of the United States ship Wyoming, &c.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Vermont, [Mr. MORRILL.]

The amendment was agreed to.

Mr. MORRILL. I now move to strike out the whole of the second section.

Mr. MORGAN. Does the Senator propose to strike out the section as it is amended?

The PRESIDENT *pro tempore*. The last amendment was to perfect the section if it was not stricken out, but now the Senator from Vermont moves to strike out the whole section.

Mr. MORGAN. I hope the Senate will not strike out the section after it has been amended by the consent of the Senate so that it is acceptable to everybody.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont to strike out the second section.

Mr. BUTLER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LOGAN. Let the section be read as it now stands.

Mr. MORGAN. I desire to have the section reported as amended, so that the Senate may see what they are voting upon.

The PRESIDENT *pro tempore*. The section as amended will be read.

The Acting Secretary read as follows:

SEC. 2. That the President be, and he is hereby, authorized and directed to cause the sum of \$254,000 to be paid, out of any money in the Treasury not otherwise appropriated, to the officers and crew of the United States ship Wyoming, or to their legal representatives, for extraordinary, valuable, and specially meritorious and perilous services in the destruction of hostile vessels in the Straits of Simonsen on the 16th day of July, 1863, and to the officers and crew of the steamer Ta-Kiang who were detached from the United States ship Jamestown, or to their legal representatives, for similar services on the 4th, 5th, 6th, 7th, and 8th days of September, 1864; said sum to be distributed to the said officers and crews according to the laws of the United States governing the distribution of prize-money: *Provided*, That for the purpose of such distribution the officers and crew detached as aforesaid who manned the Ta-Kiang shall be regarded as a part of the forces of the Wyoming on the 16th day of July, 1863, and according to their rank and position on the 8th day of September, 1864: *And provided further*, That in such distribution no payment shall be made to the assignee of any mariner, but to the mariner himself only or to his duly authorized attorney, or, in case of his decease, to his legal representatives or their duly authorized attorney.

Mr. INGALLS. By what enumeration is the sum of \$254,000 reached? I understood in the statement made originally that the sum set apart as compensation for the crews of these vessels was \$140,000.

Mr. MORGAN. It is \$140,000 with 5 per cent. interest upon it from the date of its receipt.

Mr. INGALLS. But according to the bill the money is to be paid in accordance with the laws of the United States governing the distribution of prize-money, and I do not understand that the laws of the United States authorize the payment of interest upon prize-money. Therefore there must be some departure from the ordinary rule governing such cases.

Mr. MORGAN. The laws of the United States do not allow interest upon prize-money, but this money has been on interest in the special Japanese indemnity fund in the State Department from the date of its receipt up to the present time. The accumulations of that fund would have been a little more than the amount stated in the bill if it had been computed according to the actual acquisitions upon the investment and reinvestment of the money.

The theory of the bill was that this amount of money was placed in the hands of the Government of the United States for the purpose of paying the officers and crews of the Wyoming and the Ta-Kiang, and that it was proper, in respect to this fund, that it should bear a rate of interest at 5 per cent. That was the difference between the two sections of the bill, it being supposed, according to the general law and usages of nations, where interest is allowable at all, that it shall be at the rate of 5 per cent. We might make a little money by striking out the interest upon the original amount.

Mr. INGALLS. Is the section amendable at this time?

The PRESIDENT *pro tempore*. The section can be further perfected before the question is put on striking out.

Mr. INGALLS. I move to strike out "\$254,000" and to insert "\$140,000." My motion is in order?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. BROWN. Mr. President, I do not want to make any speech on this question, but I want to vote understandingly. If I understand this question, the American commodore had the first naval engagement with the Prince of Nagato, and greatly crippled his naval outfit by sinking some of his ships before the combined powers had anything to do with the contest. After his power was thus weakened, some months afterward probably, the combined powers who acted with us completed the conquest or the overthrow of the rebellious

prince. Three million dollars, if I understand it, was then assessed upon Japan for the damage. We got our part, and then the combined powers agreed that in addition to our part we should have \$140,000, to be distributed among the commodore and the forces who fought the first battle separately. Am I right on that point? I want to understand it perfectly. I am simply trying to get at the facts.

Mr. VAN WYCK. Do I understand the Senator from Alabama to say now that the \$140,000 was in addition to the \$785,000 which was paid?

Mr. MORGAN. No; it was a part of it.

Mr. BROWN. It was a part of the \$785,000, but more than our share of the \$3,000,000.

Mr. VAN WYCK. It was a part of the \$785,000 which by the vote of this body it has been concluded to give to Japan. We give the \$140,000 in the \$785,000.

Mr. BROWN. A word more. I only want to see whether I understand this matter. This \$140,000, if I understand it, was by the consent of the combined powers given to us in addition to our share of the \$3,000,000 for this naval force of ours?

Mr. MORGAN. That is right.

Mr. BROWN. On account of the gallantry of our fleet originally, before the combined powers were engaged in the action?

Mr. MORGAN. That is right.

Mr. BROWN. We received that money in addition to our proportion of the \$3,000,000. If we never paid back to Japan one dollar, it seems to me that that is money which we received from the combined powers for distribution among our naval forces that fought the battles and we ought in any event to pay that. As it has been lying in the Treasury for a long time, and was allowed us by the combined powers in addition to our share, I think we ought to pay interest upon it. If that is the state of the facts I have no hesitation in voting that the money ought to be paid out of the Treasury of the United States now.

Mr. LOGAN. I desire to say but a word about this interest. I do not suppose there is a claim against the Government of any kind whatever that is paid with interest. I have never heard of such a thing. No matter how much property is taken by the Government, though the proceeds may lie for years in the Treasury, when the Government allows a claim for it it does not pay interest on it. A man may make his application for a pension, and he may be entitled to it, and it may be five years before he gets it, but the Government does not give him any interest on it. I desire to know why prize-money should draw interest any more than any other claim against the Government? I cannot understand it.

Mr. BROWN. The only reason I would vote it is that this was prize-money allowed to our naval forces engaged there by the other powers in addition to our share of the fund paid into our Treasury, and has been lying there, their money, in the Treasury all the time.

Mr. LOGAN. It is not their money at all until it is decided that they are entitled to it, and my own judgment is that they are not entitled to it. Still I do not intend to make any opposition to this bill on that account. I think the Government has delayed too long in paying back this money to Japan, and for that reason I intend to support the bill.

I am against prize-money on principle, as I have announced here often; but when it comes to paying interest on it, I think that is going a good way further than anybody ever expected; I think it is a little too much; and if I am to vote for this bill—I do not suppose it makes any difference whether I do or not—I want to see the Government return the money. I am willing it should return it all to these people; and if you strike out interest that you pay on the claim to Japan according to the amendment of the Senator from Vermont, and then turn around and pay interest on this prize money, I think it will be a joke in legislation. It is a character of legislation that I cannot understand; and I have not understood a good deal of it.

Mr. BROWN. Striking out any of the interest was a queer performance.

Mr. LOGAN. If you strike it out of the claim and then attach it on the prize-money, (which is a mere question of law, and a question which ought to have been determined in a court instead of being determined before Congress,) giving interest on an unsettled claim which has not been adjudicated by the courts, which has not been allowed, I think we had better quit. That is my opinion about it as far as the Treasury is concerned, because it is only a question of time as to how long it will last.

Mr. MORGAN. I desire to explain to the Senator from Illinois how this matter of interest got into this bill. It is not claimed here, and has never been claimed, that the Ta-Kiang and the Wyoming were entitled to prize-money. It is only an equitable allowance in analogy to our prize-money system. There could be no prize-money in this case at all, because the Government of the United States was not at war with the Government of Japan.

Mr. LOGAN. That is exactly the point I suggested, that prize-money could not be obtained legally under our laws in reference to prize-money, and these men could not obtain it in this instance. As I said, I did not intend to oppose the bill, because I thought the Japanese Government ought to have the money, although this objectionable feature is in it. I dislike very much this thing of giving prize-money; but this prize-money is not according to law; they are



not entitled to it according to law; and when we by act of Congress give equitably, as we call it, prize-money to parties who are not entitled to it under the laws regulating the payment of prize-money and then allow interest on it, I think it is the most absurd legislation I have ever heard of.

Mr. MORGAN. I hold that this allowance is made and has always been made by Congress in analogy and only in analogy to the prize system. There is no legal right in behalf of these parties except upon the ground that the other three powers did set apart \$140,000 for no other purpose than this. We cannot get rid of that fact.

Mr. LOGAN. That is just the point, and that is the reason why I say I did not intend to oppose this provision in this bill, because of that fact; but when we come to add interest to it for the Government to pay, that is another proposition.

Mr. MORGAN. I repeat that the other three powers did set apart \$140,000 for the crews of these ships. You cannot find any other purpose to which it could be applied at all in the history of this transaction. Then the Government of the United States took the sum *en masse*, \$785,000, of which \$140,000 comprised this prize-money. The Government put the whole of that sum at interest by investing it in our bonds. The committee took the ground that it was the duty of the Government to turn over the whole fund intact, to turn it over just as we had received it, and in order to ascertain the relative proportions that the Japanese Government would be entitled to and the Wyoming and Ta-Kiang would be entitled to out of this general fund massed by our own Government in the manner which I have stated, the committee took the \$140,000 and computed the interest on it at 5 per cent., not that the Government of the United States will have a dollar of it to pay. On the contrary, instead of having interest to pay upon it we are making \$1,200,000 by this transaction, a most gratifying result, I must suppose, especially to my friend from Delaware, [Mr. SAULSBURY,] who, I have no doubt in the world, loves to see the prosperity of his country.

But the 5 per cent. interest, I will say to the Senator from Illinois, was a mere method of computation to ascertain the relative amounts that the Government of Japan and the officers and men of the Ta-Kiang and the Wyoming would be entitled to as a fair distribution of this fund. It was not the intention of the committee to give interest upon prize-money. This is not prize-money; it cannot be so made. If we had no other obligation resting upon us than merely to take out of the Treasury of the United States money that belonged to the people and confer it on the Ta-Kiang and the Wyoming, I think we should not have a justifiable foundation on which to stand; but when this money has been received from these other powers for this purpose, and it has been bearing interest, the committee thought it was relatively proper in adjusting the account between the Ta-Kiang and Wyoming on the one side and the Japanese Government on the other, to say that they were entitled to \$254,000, which was the sum received for that purpose, with 5 per cent. interest per annum on the \$140,000.

Mr. HARRISON. If I understand the Senator aright, then, this computation is made upon a basis which compels the Japanese Government to pay interest upon this money due to our naval commanders and seamen; whereas if the claim was directly against our own Government the Senator says he would not be in favor of it.

Mr. MORGAN. No; the Senator is in error about that. We got money which Mr. Seward—and I suppose he was high authority—said was obtained from the Government of Japan without any just equivalent. Our Government acting upon that, all your Republican administrations from that time to the present, have said this money was held as money obtained without any just equivalent. Your officers directed it to be invested in bonds. It was so done. It might have been in New York bonds or Ohio bonds; it made no difference in what bonds. The accumulations of the money were reinvested in bonds as they were acquired by the payment of interest, and the same was run up to near \$2,000,000, one million seven hundred and odd thousand dollars.

Mr. HARRISON. So I understand; but here is a gross sum out of which the Senator from Alabama proposes to take two hundred and odd thousand dollars to pay to the seamen of the Wyoming and her consort. Now, whatever is left after the subtraction is made goes to the Government of Japan under the bill.

Mr. MORGAN. Oh, no; it goes into our Treasury.

Mr. HARRISON. I understand that the bill proposed to pay it to the Government of Japan.

Mr. MORGAN. But the Senator will remember that the bill is not before the Senate now as it was reported. It has been amended. Seven hundred and eighty-five thousand dollars is all that Japan is to get under the amended bill, if that shall pass the House of Representatives. The question then remains whether the Wyoming and Ta-Kiang are entitled to anything, and how much. This bill was not framed with a view to the attitude it occupies at this moment, I will say to the Senator, and the committee must not be charged with having framed a bill with a view that has been broken down entirely by the Senate.

Mr. LOGAN. The result then is that the Senate have so amended the bill as to deprive the Japanese of getting that which they were entitled to, so that you take it from the Japanese and give it to the men of these ships in order to increase the amount that comes to

them. That is the result of it. I cannot see the difference between that and making the Japanese pay the interest.

Mr. MORGAN. I will say to the honorable Senator that the result is not to put it on the Japanese at all. They get \$785,000. That is all they can possibly get under the bill as amended.

Mr. LOGAN. The Senator says we are making about a million of dollars when we have no right to make a cent.

Mr. MORGAN. We make \$1,200,000.

Mr. LOGAN. We have no right to make a cent of it.

Mr. MORGAN. I think not.

Mr. LOGAN. We have a right to give the money back to those people who are entitled to it, and when we amend the bill so as to deprive them of a portion of it and then increase the prize-money to the others, we thereby take from the Japanese for the purpose of benefiting individuals here. That is the result exactly.

Mr. MORGAN. Not from the Japanese; we are taking it from this fund.

Mr. LOGAN. This is what we call the Japanese fund. If we take it from that fund we are taking it from them if they are entitled to the fund; and if we are going to legislate so as not honorably to pay the amount due them, merely to get a portion of it to apply to some individuals here who want prize-money, I do not think it is very commendable.

Mr. MORGAN. The Senator forgets that the Senate has amended the second section already this afternoon by requiring this money to be paid by the Treasury of the United States, and has also amended the bill by requiring that the bonds now comprising the Japanese indemnity fund shall be sold and the money paid into the Treasury. Therefore, if you give the \$254,000 you take it out of the Treasury of the United States and not out of Japan. You take it out of the same fund of \$1,700,000 on which we make \$1,200,000 by our speculation, but it is not out of the Treasury of the United States as the bill stands now. If the Senate wish to be entirely consistent in the passage of this bill, the second section ought to be amended so as to reduce the sum to \$140,000. There is no question of that, because if we take away the accumulation of interest that Japan would be entitled to, there is of course the same reason for taking away the accumulation of interest that the Ta-Kiang and the Wyoming would be entitled to.

Mr. LOGAN. Certainly.

Mr. MORGAN. There is no question about that.

Mr. LOGAN. That is exactly what I was trying to talk about.

Mr. MORGAN. There is one argument I wish to urge against that being done, and it is only this: we did receive this money in trust nearly twenty years ago—\$140,000—and no Senate and no House of Representatives has ever voted against its being returned. On the contrary we have passed many bills providing that it should be returned. The fund has been accumulating; it has not yet been covered into the Treasury; and while the men who belonged to these crews have no claim to this on any ground of actual legal right, it would be a proper thing in my judgment to give them their portion of the accumulation. Whether Senators agree with me on that point or not I cannot say.

Mr. LOGAN. If the Senator will allow me right there, I think he and I well understand what we mean as far as we are concerned. His idea is that if the whole fund, as in the original bill, should be returned to the Japanese, then this amount would be due to the Wyoming and Ta-Kiang.

Mr. MORGAN. Exactly.

Mr. LOGAN. But if the fund of the Japanese is decreased on account of the interest, then this ought to be decreased to \$140,000. Is that the proposition?

Mr. MORGAN. It should be decreased to \$140,000 on the same principle.

Mr. LOGAN. Exactly. I am talking about the principle.

Mr. MORGAN. I do not say it ought to be.

Mr. LOGAN. It ought to be if the other is.

Mr. MORGAN. I think not. I do not think because we are going to do what I conceive to be an injustice to Japan, that is a reason why we should do injustice to our own people.

Mr. LOGAN. I started out in favor of the bill as originally reported for the reason that I did not believe we were entitled to retain one dollar of the money. For that reason I was willing to see the amount in the bill going to these officers and sailors go with the bill inasmuch as it had been agreed upon by the powers, and not as prize-money. I did not intend as far as I was individually concerned to oppose it, though I did not think that was exactly the thing to do; yet I was willing to do it. But if we decrease the amount to go back to Japan on the ground that we refused to pay Japan interest, I should like to know upon what principle we pay interest to the men claiming this prize-money.

Mr. MORGAN. Only upon the principle that they were far from home, ten thousand miles away, and fought one of the most gallant actions ever fought under the American flag; and for my part, although they were my enemies at that time, I feel a sense of gratitude toward those men that I should like to express in some liberal and generous action on the part of Congress.

Mr. LOGAN. I feel a sense of gratitude toward all men who do their duty, but my gratitude does not extend so far as to all the time ap-

ply the money in the Treasury of the United States for the payment of men for performing their duty when they were performing their duty under a salary from the Government.

Mr. MORGAN. Now, will the Senator allow me to say that this money has never been in the Treasury of the United States. There is the very difference in the whole case. If we had converted it into the Treasury twenty years ago, I grant that the Senator from Illinois would be exactly right.

Mr. LOGAN. It was just as much in the Treasury as the Japanese fund was.

Mr. MORGAN. I know.

Mr. LOGAN. One was in the Treasury as much as the other, and you now make this bill to take it out of the Treasury.

Mr. MORGAN. I am only claiming that if we make a mistake in our duty toward Japan, there is no reason in that why we should make one in reference to our duty to our own officers and sailors.

Mr. LOGAN. I desire to support the bill, for the reason that I want the Japanese to have the money that I think they are entitled to. I would rather support the bill as originally reported; I think it was right; but if you amend the bill so as to deprive the Japanese of interest on the bonds that we held in trust for them, and then allow interest to persons because they are our own citizens, I am compelled to vote against the bill, for I cannot apply one principle to one class of men and another to another.

Mr. MORGAN. That is the principle of it. I have stated it fully and fairly. If we have reduced, as we have, the Japanese to the sum of \$785,000, the same principle would reduce the allowance to the Ta-Kiang and Wyoming to \$140,000. There is no question about that; and it is only met by the one single suggestion, that perhaps we owe, after all, some grace to these men.

Mr. VAN WYCK. I should like to call the Senator's attention to the fact suggested some days ago when we were discussing this matter, that the truth is that neither branch of Congress, nor any department of this Government, has undertaken at any time to signify definitely on any fixed rule the amount that should be paid to the officers of these vessels. In 1866, when this matter was probably more fully discussed in this body than at any other time, the friends of the Japanese Government and the friends of the officers and crews of the Wyoming fixed the sum at \$125,000. They got down below \$140,000 and fixed it at \$125,000. In that bill, which my friend early in the session eulogized so much, and the report on it made by Mr. Frelinghuysen, now Secretary of State, the sum was fixed at \$125,000. So this body at that time did not consider that the reason upon which they based that claim was that we held in trust \$140,000 for the officers and crews of these vessels.

It seems strange that while we are in the act of repudiating what this Government did through its vessels at that time, repudiating what its commissioners did in the division of the \$3,000,000 then, the Senator from Alabama bases the claim to pay the officers and crews of these vessels on the fact of the distribution made by those men whose action we are repudiating to-day, whose act the Senator claims has been repudiated as far as it could be by previous Senates and Houses of Representatives. So, then, although we have repudiated what these commissioners have done, if we can repudiate it, we are undertaking to bestow liberally out of this \$3,000,000 \$140,000 to a claim that did not exist in law or equity in the payment of the officers and crews of these vessels.

I would not disparage the sentiment, because it is only a sentiment which seeks to bestow on the officers and crews of these vessels some recompense for their gallantry. I have not heard the gentleman at any time designate the force of the little vessels that the Japanese Government had with no ability or power to arm them.

Mr. MORGAN. I have the usual misfortune of getting up to listen to a question that the Senator addresses to me, and receiving a lecture before he takes his seat. I have tried to explain this to the Senate several times. Perhaps I have been entirely unsuccessful, but the RECORD shows that the explanation has been made.

The first report that was made in favor of the Wyoming and the Ta-Kiang was upon the idea, which was then prevalent in the country, which Senators who are older here than I am will remember, of two years' pay. That was supposed to be the proper allowance. Subsequent committees got hold of the matter, for instance, the Committee on Naval Affairs, then presided over by the honorable Senator from Rhode Island, [Mr. ANTHONY,] and put the amount of money that was due to these ships at \$160,000. One hundred and twenty-five thousand dollars was the first report, the equivalent of two years' pay. Mr. ANTHONY's committee put it at \$160,000.

I think that committee came to the conclusion that that was about one-half the value of the vessels that were actually sunk by the action of the Wyoming and it was a customary thing then to pay about one-half where the crews of the ships that were sunk were more powerful than the crew of the ship we had in action. They had eleven hundred men on one of the ships that was sunk and of course they overpowered the Wyoming very greatly in strength, in the number of guns, and in everything you can think of. So the honorable Senator from Rhode Island, leading the committee, brought in his report for \$160,000.

Now this committee, following also the line of action taken by other committees, came to the conclusion, as I have stated here this afternoon, that there was no legal claim for prize-money in this case.

We tried to get this whole matter upon a just legal basis, but we said that there was by analogy to the prize laws an equitable right, and above and beyond that there was a distinct trust which we had assumed by receiving \$140,000 from the other powers for the very services which these ships had rendered, which made it obligatory upon us to adopt \$140,000 as the basis.

I submit to the Senate if that is not the most just and reasonable basis. If the Senate desire to depart from the conclusion of the Committee on Foreign Relations, of course it is no affair of mine; but I do think that the Senate will have arrived at last at a proper solution of the whole subject by putting the basis of compensation at \$140,000, that being the amount of money that we received from these other powers in consideration of these services.

I have explained this three times before, but I have had the misfortune to do it sometimes before a very thin Senate, and Senators would come in and raise questions about it, and it has pretty nearly worn me out explaining and explaining. I have tried to be as patient as possible about it. I have no objection to answering any further questions any Senator has to ask.

The PRESIDENT *pro tempore*. The question is on the amendment to strike out "\$254,000" and insert "\$140,000" in the second section.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now recurs on the motion of the Senator from Vermont [Mr. MORRILL] to strike out the second section as amended.

Mr. SHERMAN. I think the yeas and nays were ordered upon that motion.

The PRESIDENT *pro tempore*. They were.

The Principal Legislative Clerk proceeded to call the roll.

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. BECK, (when Mr. HALE's name was called.) The Senator from Maine [Mr. HALE] is necessarily absent, and I am paired with him on all questions. I do not know how he would vote on this amendment, and therefore I decline to vote.

Mr. HARRIS, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. ALDRICH.] I do not know how he would vote.

Mr. JONAS, (when his name was called.) I am paired generally with the Senator from California [Mr. MILLER] on this bill. As I know the Senator from California would vote with me against this amendment, I vote "nay" also.

Mr. VEST, (when his name was called.) I am paired with the Senator from Indiana, [Mr. VOORHEES.] If he were here, I should vote "nay."

Mr. WALKER, (when his name was called.) I am paired with the Senator from Colorado, [Mr. HILL.] I do not know how he would vote, and consequently I decline to vote.

The result was announced—yeas 16, nays 35; as follows:

#### YEAS—16.

Cameron of Wis.,	Davis of W. Va.,	McDill,	Platt,
Chilcott,	Ferry,	McMillan,	Plumb,
Cockrell,	Ingalls,	Mahone,	Sherman,
Conger,	Jones of Nevada,	Morrill,	Van Wyck.

#### NAYS—35.

Allison,	Dawes,	Jackson,	Saulsbury,
Anthony,	Fair,	Jonas,	Saunders,
Bayard,	Farley,	Lapham,	Sawyer,
Blair,	Gorman,	Logan,	Sewell,
Brown,	Groome,	Maxey,	Slater,
Butler,	Hampton,	Mitchell,	Vance,
Call,	Harrison,	Morgan,	Williams,
Coke,	Hawley,	Pugh,	Windom.
Davis of Illinois,	Hoar,	Ransom,	

#### ABSENT—25.

Aldrich,	George,	Jones of Florida,	Rollins,
Beck,	Grover,	Kellogg,	Vest,
Camden,	Hale,	Lamar,	Voorhees,
Cameron of Pa.,	Harris,	McPherson,	Walker.
Edmunds,	Hill of Colorado,	Miller of Cal.,	
Frye,	Hill of Georgia,	Miller of N. Y.,	
Garland,	Johnston,	Pendleton,	

So the amendment was rejected.

Mr. HAWLEY. I now submit again a proposition which I offered earlier in the debate and afterward indicated that I would not press. I have changed my mind, because I think it offers a reasonable ground for compromise; I think it is far better and more honorable to our Government than the first section of the bill as it now stands amended. It is, in short, to pay the sum with 5 per cent. interest, about the average rate at which we have borrowed money during this interval of sixteen or seventeen years. We have used this money, the principal, to take out of the market a certain amount of bonds on which we should have been required to pay interest if we had not purchased them on the part of the Government, more than 5 per cent., and I think, on the whole, that is perhaps a fair average. I therefore move to strike out the first section of the bill as amended and insert:

That the President be, and he is hereby, authorized and directed to repay to the Government of Japan the sums heretofore paid to the United States and known as the Japanese indemnity fund, with interest at 5 per cent. from the time said moneys were received by the United States to the time when they shall be returned to the representatives of Japan.



That, I think, will make a creditable transaction.

Mr. MORRILL. I regret to differ with my friend from Connecticut, but I believe that the discussion of this bill day by day has shown more conclusively than at the start that there should be no interest paid whatever. By examining the books of treaties of this Government it will be found that four years after the first treaty was made an extension of time was granted; that fourteen years after the treaty was made they opened their ports, and for the consideration therein mentioned. Now, think of the idea of paying interest for those fourteen years when, by a solemn stipulation by treaty, the very ports that were stipulated to be opened in 1864 were agreed to be opened in 1878, and not a word was then said about any reclamation of the amount of money paid to us under the treaty of 1864.

I hoped that the friends of this bill would be entirely content with it as heretofore amended, for I know that many who vote for even this sum have strong doubts whether anything should be paid or not. I am willing to pay back the sum that we received originally, because I believe it is a matter of generous sentiment, not because they have any claim. We were not made the custodians or trustees of this money to accumulate interest upon it, and it is entirely fictitious and unreal to pretend that we ever made a dollar out of it. It was deposited in the Treasury, and ever since that time we have had over \$100,000,000 in the Treasury, if it was any just claim against the Government, with which to pay it.

Mr. HAWLEY. Mr. President, I am willing to leave to any man who can keep books by single entry whether we made any money out of the \$785,000 that we have had for about fifteen years, or whatever the time may be, with which we have taken out of the market our own bonds bearing 5 and 6 per cent. interest, which interest we have not had to pay to anybody, and have simply kept as a book account, and have not been under the necessity of paying that into the general market. So much for that.

As for the rest of it, I do not stop to argue the question. I simply put against the Senator from Vermont every Secretary of State, every President, ten reports in either House, repeated votes in one House or the other, and the vote of this identical Senate at the last session, 46 to 6. I put the overwhelming judgment of the country and of Congress against everything he has said.

Mr. PLUMB. I move that the amendment lie on the table. That will carry with it the bill, as I understand.

Mr. BAYARD. I ask what effect does that vote have upon the measure?

The PRESIDENT *pro tempore*. If the motion prevails, it carries the bill with it.

Mr. BAYARD. Then let the Senate understand that when they vote. We might as well understand it.

The PRESIDENT *pro tempore*. The question is on the motion to lay the amendment on the table.

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

Mr. BUTLER. Do I understand the effect of this motion, if it prevail, will carry the bill with it? ["Certainly."]

The PRESIDENT *pro tempore*. Yes, sir.

Mr. BUTLER. I should be inclined to vote for it if it would have that effect.

Mr. PLUMB. I have asked for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. HARRIS, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. ALDRICH.]

Mr. JONAS, (when his name was called.) I am paired with the Senator from California, [Mr. MILLER.]

Mr. VEST, (when his name was called.) I am paired with the Senator from Indiana, [Mr. VOORHEES.] Otherwise I should vote "yea."

Mr. WALKER, (when his name was called.) I am paired with the Senator from Colorado, [Mr. HILL.]

The result was announced—yeas 14, nays 35; as follows:

## YEAS—14.

Cameron of Wis.,	Jones of Nevada,	Maxey,	Van Wyck,
Coke,	McDill,	Plumb,	Williams.
George,	McMillan,	Pugh,	
Ingalls,	Mahone,	Sherman,	

## NAYS—35.

Allison,	Davis of Illinois,	Hawley,	Platt,
Anthony,	Davis of W. Va.,	Hoar,	Ransom,
Bayard,	Dawes,	Jackson,	Saulsbury,
Blair,	Fair,	Lapham,	Sawyer,
Brown,	Farley,	Logan,	Sewell,
Butler,	Ferry,	Miller of N. Y.,	Slater,
Call,	Groome,	Mitchell,	Vance,
Chilcott,	Hampton,	Morgan,	Windom.
Conger,	Harrison,	Morrill,	

## ABSENT—27.

Aldrich,	Garland,	Johnston,	Pendleton,
Beck,	Gorman,	Jonas,	Rollins,
Camden,	Grover,	Jones of Florida,	Saunders,
Cameron of Pa.,	Hale,	Kellogg,	Vest,
Cockrell,	Harris,	Lamar,	Voorhees,
Edmunds,	Hill of Colorado,	McPherson,	Walker.
Frye,	Hill of Georgia,	Miller of Cal.,	

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the adoption of the amendment of the Senator from Connecticut, [Mr. HAWLEY.]

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

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. BECK, (when his name was called.) I announce once more that I am paired on all these questions with the Senator from Maine [Mr. HALE] and decline to vote on any of them.

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. HARRIS, (when his name was called.) I am paired with the Senator from Rhode Island [Mr. ALDRICH] and shall not vote.

Mr. JONAS, (when his name was called.) I am paired with the Senator from California, [Mr. MILLER.]

Mr. SAUNDERS, (when his name was called.) I am paired on political questions with the Senator from Virginia, [Mr. JOHNSTON.] As I understand that his friends think I ought not to vote on this question, I shall not vote, in deference to their opinion.

Mr. VEST, (when his name was called.) I am paired with the Senator from Indiana, [Mr. VOORHEES.]

The roll-call was concluded.

Mr. BAYARD, (after having voted in the negative.) I am paired with the Senator from Ohio, [Mr. PENDLETON.] Not knowing how he would vote, I withdraw my vote.

The result was announced—yeas 23, nays 24; as follows:

## YEAS—23.

Blair,	George,	Logan,	Sawyer,
Brown,	Hampton,	Miller of N. Y.,	Sewell,
Butler,	Harrison,	Mitchell,	Slater,
Call,	Hawley,	Morgan,	Vance,
Davis of Illinois,	Hoar,	Platt,	Windom.
Dawes,	Lapham,	Ransom,	

## NAYS—24.

Allison,	Davis of West Va.,	McDill,	Pugh,
Cameron of Wis.,	Fair,	McMillan,	Saulsbury,
Chilcott,	Farley,	Mahone,	Sherman,
Cockrell,	Ferry,	Maxey,	Van Wyck,
Coke,	Ingalls,	Morrill,	Walker,
Conger,	Jackson,	Plumb,	Williams.

## ABSENT—29.

Aldrich,	Garland,	Johnston,	Pendleton,
Anthony,	Gorman,	Jonas,	Rollins,
Bayard,	Groome,	Jones of Florida,	Saunders,
Beck,	Grover,	Jones of Nevada,	Vest,
Camden,	Hale,	Kellogg,	Voorhees.
Cameron of Pa.,	Harris,	Lamar,	
Edmunds,	Hill of Colorado,	McPherson,	
Frye,	Hill of Georgia,	Miller of Cal.,	

So the amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Shall the amendments be voted upon in gross?

Several SENATORS. In gross.

Mr. CONGER. Is it proposed to vote on the amendments in gross?

The PRESIDENT *pro tempore*. That will be done unless a request is made for a separate vote.

Mr. CONGER. I ask for a separate vote on the amendment fixing the amount to be paid at \$785,000.

The PRESIDENT *pro tempore*. All amendments made as in Committee of the Whole to the first section are dependent upon that.

Mr. WINDOM. I ask for a separate vote on each of the amendments. The vote will then be taken first on the principal one; and the call for a separate vote can be waived after that is decided.

The PRESIDENT *pro tempore*. Then the question will be on concurring in the amendment reducing the amount to be returned to Japan to \$785,000.

Mr. HARRIS. Let the amendment be read from the desk.

The PRESIDENT *pro tempore*. It will be read.

The ACTING SECRETARY. In lines 4, 5, and 6 of the first section the Senate, as in Committee of the Whole, struck out "\$1,516,364" and inserted "\$785,000.87 in legal coin, through the United States minister to Japan."

Mr. WINDOM. I ask for the yeas and nays.

The yeas and nays were ordered; and the Principal Legislative Clerk proceeded to call the roll.

Mr. BAYARD, (when his name was called.) I am paired with the Senator from Ohio, [Mr. PENDLETON.]

Mr. BECK, (when his name was called.) I am paired with the Senator from Maine, [Mr. HALE.]

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. HARRIS, (when his name was called.) If I were not paired with the Senator from Rhode Island [Mr. ALDRICH] I should vote "yea."

Mr. JACKSON, (when his name was called.) I am paired with the Senator from Oregon, [Mr. SLATER.] If he were present, he would vote "nay" and I should vote "yea."

Mr. JONES, (when his name was called.) I am paired on this amendment with the Senator from California, [Mr. MILLER.]

Mr. VEST, (when his name was called.) I am paired with the Senator from Indiana, [Mr. VOORHEES.]

The result was announced—yeas 25, nays 23; as follows:

YEAS—25.			
Allison,	Farley,	McMillan,	Saulsbury,
Cameron of Wis.,	Ferry,	Mahone,	Sherman,
Chilcott,	Gorman,	Maxey,	Van Wyck,
Cockrell,	Groome,	Morrill,	Williams.
Coke,	Ingalls,	Platt,	
Davis of West Va.,	Jones of Nevada,	Plumb,	
Fair,	McDill,	Pugh,	
NAYS—23.			
Anthony,	Davis of Illinois,	Hoar,	Ransom,
Blair,	Dawes,	Lapham,	Sawyer,
Brown,	George,	Logan,	Sewell,
Butler,	Hampton,	Miller of N. Y.,	Vance,
Call,	Harrison,	Mitchell,	Windom.
Conger,	Hawley,	Morgan,	
ABSENT—28.			
Aldrich,	Garland,	Johnston,	Pendleton,
Bayard,	Grover,	Jonas,	Rollins,
Beck,	Hale,	Jones of Florida,	Saunders,
Camden,	Harris,	Kellogg,	Slater,
Cameron of Pa.,	Hill of Colorado,	Lamar,	Vest,
Edmunds,	Hill of Georgia,	McPherson,	Voorhees,
Frye,	Jackson,	Miller of Cal.,	Walker.

So the amendment was concurred in.

The PRESIDENT *pro tempore*. Will the Senate have separate votes on the other amendments?

Mr. WINDOM. I do not insist upon it now.

The PRESIDENT *pro tempore*. The Chair will put the question on the other amendments together.

The amendments were concurred in.

Mr. WINDOM. I suggest to the Senator from Vermont that section 2 as he has amended it requires the President to pay the amount of money there named. It ought to be amended to require the Secretary of the Treasury to make the payment.

Mr. MORRILL. I think that would be proper.

Mr. WINDOM. I do not wish to have anything to do with amending the bill now. I only suggest it. I want to wash my hands of it.

The PRESIDENT *pro tempore*. That amendment will be made by common consent by striking out, in section 2, line 1, "President," and inserting "Secretary of the Treasury."

Mr. HOAR. Is this amendment relative to the payment to Japan, or to the payment of the officers and crews of the vessels?

Mr. MORRILL. The officers and crews.

Mr. HOAR. The Secretary of the Treasury is not the proper organ of the Government to deal with a foreign government.

The PRESIDENT *pro tempore*. The amendment is in the second section of the bill relative to the money to be paid to the officers and crews of the Wyoming and the Ta-Kiang.

Mr. HAWLEY. I renew the amendment I offered in Committee of the Whole to the first section.

The Acting Secretary read the amendment, which was to strike out all of section 1 and insert in lieu thereof:

That the President be, and he is hereby, authorized and directed to repay to the Government of Japan the sums heretofore paid to the United States and known as the Japanese indemnity fund, with interest at 5 per cent. from the time said moneys were received by the United States to the time when they shall be returned to the representatives of Japan.

Mr. HAWLEY. I ask for the yeas and nays.

Mr. SAULSBURY. I am not much acquainted with parliamentary law, but we have now taken a vote concurring in the Senate with what was done in committee in reference to the amount fixed in the first section of the bill; and I ask the question whether it is competent, after that action on the part of the Senate, to introduce an amendment which will defeat the judgment which has been expressed in the Senate upon that question?

The PRESIDENT *pro tempore*. Unquestionably the same amendment can be moved in the Senate that could be moved in Committee of the Whole. This amendment was offered in Committee of the Whole. Because one thing has been stricken out and inserted it does not follow that the whole section may not be stricken out and other matter inserted.

Mr. WILLIAMS. Is this the same amendment which was offered by the Senator from Connecticut in Committee of the Whole?

The PRESIDENT *pro tempore*. The Chair so understands.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. BAYARD, (when his name was called.) I am paired with the Senator from Ohio, [Mr. PENDLETON.]

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. HARRIS, (when his name was called.) If I were not paired with the Senator from Rhode Island, [Mr. ALDRICH,] I should vote "nay."

Mr. JACKSON, (when his name was called.) I am paired with the Senator from Oregon, [Mr. SLATER.] If he were here, I should vote "nay."

Mr. SAUNDERS, (when his name was called.) I am paired with the Senator from Virginia, [Mr. JOHNSTON.] If he were here, I should vote "yea."

Mr. VEST, (when his name was called.) I am paired with the Senator from Indiana, [Mr. VOORHEES.]

The roll-call having been concluded, the result was announced—yeas 22, nays 27; as follows:

YEAS—22.			
Blair,	George,	Logan,	Sawyer,
Brown,	Hampton,	Miller of N. Y.,	Sewell,
Butler,	Harrison,	Mitchell,	Vance,
Call,	Hawley,	Morgan,	Windom.
Davis of Illinois,	Hoar,	Platt,	
Dawes,	Lapham,	Ransom,	
NAYS—27.			
Allison,	Fair,	Jones of Nevada,	Pugh,
Cameron of Wis.,	Farley,	McDill,	Saulsbury,
Chilcott,	Ferry,	McMillan,	Sherman,
Cockrell,	Gorman,	Mahone,	Van Wyck,
Coke,	Groome,	Maxey,	Walker,
Conger,	Hill of Colorado,	Morrill,	Williams.
Davis of W. Va.,	Ingalls,	Plumb,	
ABSENT—27.			
Aldrich,	Frye,	Johnston,	Pendleton,
Anthony,	Garland,	Jonas,	Rollins,
Bayard,	Grover,	Jones of Florida,	Saunders,
Beck,	Hale,	Kellogg,	Slater,
Camden,	Harris,	Lamar,	Vest,
Cameron of Pa.,	Hill of Georgia,	McPherson,	Voorhees.
Edmunds,	Jackson,	Miller of Cal.,	

So the amendment was rejected.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. BUTLER. I ask for the yeas and nays on the passage of the bill, and I wish to state that I was in favor of the bill as it came from the Committee on Foreign Relations of the Senate, paying to the Japanese the interest as well as the principal. I shall now vote against the bill, it having been emasculated as it has been by the vote of the Senate. I believe the Japanese are entitled just as much to the interest as they are to the principal, and therefore I shall now vote against the bill.

Mr. WINDOM. As the bill now stands I regard it as an insult to Japan and dishonorable to the United States, and I shall vote against it.

Mr. HAWLEY. The Senator from South Carolina and the Senator from Minnesota have spoken my views. Mr. President, I shall vote against the bill.

Mr. SHERMAN. I believe that this is a sensational bill; that this money is not due to Japan; and I shall vote against the bill.

Mr. GEORGE. The amendment offered by the Senator from Vermont having been adopted, and it being interpreted by him that this bill gives a gratuity to Japan, I accept that as the judgment of the Senate. I do not believe we have a right to vote a gratuity out of the Treasury, and therefore I shall vote against the bill.

Mr. MAXEY. I concur with the statement made by the Senator from South Carolina, that if we owe the principal we owe the interest, but I do not believe we owe any of it. Not one dollar of it is due to Japan, it being money obtained by the United States under a solemn treaty. I shall vote against the whole bill.

Mr. MORGAN. Mr. President, this subject has been a long time before the Congress of the United States. It is due to the honor of this Government to dispose of it one way or the other. I would prefer to vote to cover this money into the Treasury rather than to vote for this bill as it is, because I believe that Japan is justly entitled to the accumulations of the interest of this money. It has been kept at interest by order of the Government of the United States. But the question ought to be disposed of. There has not been heretofore any diversity of opinion, so far as we know, between the two Houses of Congress; but there is a very wide diversity at this moment of time. I have the hope that this question can be disposed of now by passing this bill. It may be that Japan will or will not receive the money. I have no right to say anything about that, for I have no opinion on the subject; but we have a duty to perform, and the Senate of the United States after grave consideration has come to the conclusion that that duty must be performed in a certain way.

Now, sir, I yield my private judgment on a question of this kind. It is not the first time I have had to do it. I think the principle upon which the Senate is proceeding now as interpreted by the honorable Senator from Vermont is an incorrect one; but the Senator cannot interpret this bill for every Senator here.

I shall vote for this bill as an act of justice to Japan long deferred, not full, not equivalent to what we owed her, or rather what we owe to ourselves, but I am in favor of disposing of questions that hang over this country for a great length of time. Let us divest ourselves of this as we have of the Geneva award, and of some other matters that have been passed by the Senate, and go to work at something else.

I shall therefore vote for the bill as it is, yielding my judgment to that of the Senate of the United States upon the question of the propriety of its action on this occasion.

Mr. HARRIS. Has the bill been read the third time?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. HARRIS. It is not subject to amendment?

The PRESIDENT *pro tempore*. It is not.

Mr. HARRIS. I was going to move to strike out all after the enacting clause and insert "that the fund known as the Japanese



indemnity fund be, and the same is hereby, covered into the Treasury," but I am quite aware of the fact that it is not in order.

The PRESIDENT *pro tempore*. Of course not. The Senator from South Carolina called for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. CONGER. Mr. President, I have not expressed any views upon this question during the long debate which has been held here, but I have believed, as I still believe, that it will better comport with the dignity and honor of the United States if this money be refunded with its interest to Japan. I voted against all the amendments to divide it and parcel it out either to ourselves, or to vessels, or to any one, and having voted in that way continually to get the bill substantially as it came to the Senate from the House, and as I believed in accordance with the honor and dignity of this nation, I shall vote against this mutilated bill.

Mr. LOGAN. This seems to be a kind of class-meeting, and I suppose every Senator had better give his experience. I shall vote for this bill, though it does not satisfy me at all. I believe that the Japanese Government is entitled to this indemnity fund and the interest on it. I believe the honor and credit of this nation demand that its Senators and Representatives should not be permitted to hesitate one moment in reference to returning this money to the Japanese Government. A bill has been before Congress year after year for the purpose of restoring the money to the Japanese Government; one House will pass it one year and another not act on it, and at the next session the other House will pass it and the opposite one will not act on it or defeat it by amendments. That has been the history, and it seems strange to me.

I will not say that it looks as if men were playing for the purpose of making the Japanese Government believe that there was an intention to pay them, and at the same time an intention not to do it; but the course of conduct of the Government of the United States toward Japan for the last ten years in reference to this fund has not been of a reputable character. We have decided by our Secretary of State and by our officers of this Government that this money was due to the Japanese Government; we have admitted it in both Houses of Congress by our committees' reports time and again; and while we admit that we owe this money, and that it is due to Japan, yet we higgled about it, try to amend bills so as to defeat the whole object of the Government in paying this money back.

I do not think that is the way to deal with other governments. The Japanese Government is a friendly government, the Japanese Government is a government that we at least should entertain the best of feelings for and the kindest relations with, and for us in dealing with a government in the condition they have been in and are in to-day, acting as the Congress of the United States, representing this great nation, to higgled about this thing does seem to me to be very small business.

I was in favor of the bill as it came from the committee, paying them every dollar with the interest. I think that is honorable and that is right. This bill as amended, as I have said, does not satisfy me at all; but for the purpose of showing that there is a disposition on the part of some at least to keep up the credit and honor of this nation, I shall vote for this bill, if it is even called a pittance, to show them that we intend at least that our honor shall not be entirely violated.

Mr. LAPHAM. Mr. President, I hope the bill will pass even in the form in which the Senate have now framed it; and, briefly, my reason is this: we are nearly equally divided upon the question. If the House of Representatives refuse to concur with us in the modifications of the bill which have been made, it will go to a conference committee, and I trust and believe that a conference committee will settle this question in a shape which will be acceptable to both Houses. For that reason I trust the bill will pass.

Mr. PLATT. Mr. President, I think if we do anything toward paying back this money, we ought to state an account charging ourselves with the \$785,000, and paying interest upon it at a rate which shall be the average of the interest which the Government has paid since the fund was received, and taking from it the \$140,000 which we pay as prize-money. That is what I think would be the proper sum to vote, if we are going to vote anything. The bill does not meet my expectations precisely, but I shall vote for it in its present form.

Mr. MORRILL. Mr. President, but for the explanations of the Senator from Alabama and the Senator from New York, I would not have said a word; but if we are to be sold out on a committee of conference, I trust the Senate will have integrity enough to defeat the whole bill when it comes back.

Mr. BROWN. Mr. President, I think we owe to Japan as a debt the amount contained in the bill as it stands before the Senate, with interest. The Senate at this time is not willing to pay the interest. There has been an indication here that they are willing to pay the principal. I am willing therefore to vote at present to pay the principal, and leave the question of interest open until a future day in the hope that a returning sense of justice will one day cause the American people to make full restitution to the Japanese Government. For that reason I shall vote for the bill.

Mr. DAWES. Mr. President, I think the language of the Senator from Vermont is very extraordinary language to be indulged in here,

that we are to be sold out by a committee of conference. I do not know why he should apply that language to a committee of conference on this bill any more than on any other bill.

The bill in its present shape seems to me to be a disgrace to the nation, and if I supposed that it would become a law in its present shape I would not record my vote for it at this stage. It is because I have some confidence in a committee of conference that I shall vote for the bill in its present shape. I put upon record, however, my opinion of the legislation of to-day, that it will ultimately be considered as a disgrace to the nation. I shall vote for the bill in the expectation and in the hope that a committee of conference will come nearer doing what I think is just than we have been able ourselves to do to-day.

Mr. MORRILL. In explanation of the words that I used I will say that it was very faintly intimated that this bill might still pass in a committee of conference, on the part of the Senator from Alabama, and it was very squarely intimated by the Senator from New York that an amendment might be adopted in the House.

Mr. MORGAN. I do not think I made any allusion to what a committee of conference might or might not do with this bill. I have no right to forecast anything of the sort. The House may agree to some modifications of the bill—I do not know—that will be acceptable to the Senate. We were within one vote of passing this bill on the 5 per cent. basis, which is the basis on which I reported it originally to the committee. My reference was entirely to that, not to what a committee of conference might do.

Mr. SAUNDERS. Mr. President, the bill does not suit me. I was in favor of the motion of the Senator from Connecticut [Mr. HAWLEY] to give back to the Japanese their money with 5 per cent. interest, and I think yet that would have been the fairest thing to do; but I must now do as I always do, yield to the majority of the Senate. A majority of the Senate say they want to settle it by giving back the original sum; and my pair (because I cannot vote) shall go to accept the bill in this shape rather than not accept it at all. We want this thing out of the Senate, we want it settled in some way. I shall therefore favor the bill, not because I like the bill as amended but because it is better than no settlement at all. I shall favor the passage of the bill.

Mr. DAVIS, of West Virginia. Only a word. I regret very much to hear Senators talk as they do about the passage of this bill. I hardly think it is proper for Senators to say it is a disgrace to the Senate, a disgrace to the country. It is not in keeping with what we ought to say and feel as to the action of the majority of the Senate. I shall vote for the bill because I believe it is right.

Mr. COCKRELL. One word. I am not going to make any confession, but simply to say that those Senators who are expressing such great disapprobation of so many other Senators who constitute a majority of this Senate might, if they were to press those Senators, find that they have some opinions too.

Mr. WINDOM. We shall be very glad to hear them expressed.

Mr. McMILLAN. There is one principle in this bill that has not been alluded to that is sufficient it seems to me to defeat it. In the second section of the bill we propose to take from the Treasury of the United States \$140,000 and pay it to the officers and crews of certain vessels for defeating one of the rebellious provinces of Japan. I should like to know what authority we have to do that. The service was rendered, if it was rendered at all, to the Government of Japan, in her interest, and no service whatever to the benefit of the United States; and yet on the very face of the bill, and in distinct terms, we declare that we will pay \$140,000 out of the Treasury of the United States for that service to Japan.

I am not ready to admit that this Government ever robbed the Government of Japan. I am not prepared to say here that our Government united with those other great governments of the world to rob a government that was then in a condition in which she could not defend herself. I am ready, in obedience to the sentiment which has been expressed here, to return to Japan the amount which she paid under treaty to our Government. I am not prepared to admit that we were a trustee for the Government of Japan. We are under no obligation to pay her interest, nor are we under any obligation to remunerate her for any outrage we committed on her in connection with other great governments of the earth.

Mr. WINDOM. I hope my colleague will not be especially nervous about paying out of the Treasury \$140,000 to Japan, when he has voted to put into the Treasury \$1,200,000 that belongs to Japan.

Mr. McMILLAN. In that respect my colleague and myself differ entirely.

The yeas and nays were taken.

Mr. BAYARD, (when his name was called.) I am paired with the Senator from Ohio, [Mr. PENDLETON.]

Mr. BECK, (when his name was called.) I am paired with the Senator from Maine, [Mr. HALE.]

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. GEORGE, (when his name was called.) On the final vote I am paired with the Senator from Maryland, [Mr. GORMAN.] If he were here, I should vote "nay" and he would vote "yea."

Mr. HARRIS, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. ALDRICH.]

Mr. JONAS, (when his name was called.) I am paired with the

Senator from California, [Mr. MILLER;] but as the Senator from California, if present, would vote for the bill, I shall vote "yea."

Mr. SAUNDERS, (when his name was called.) I am paired with the Senator from Virginia, [Mr. JOHNSTON.]

Mr. VEST, (when his name was called.) I am paired with the Senator from Indiana, [Mr. VOORHEES.] If he were present I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 35, nays 13; as follows:

YEAS—35.			
Allison,	Fair,	Jonas,	Morrill,
Anthony,	Farley,	Jones of Nevada,	Platt,
Brown,	Ferry,	Lapham,	Ransom,
Call,	Groome,	Logan,	Saulsbury,
Cameron of Wis.,	Hampton,	McDill,	Sawyer,
Chilcote,	Harrison,	Mahone,	Sewell,
Coke,	Hill of Colorado,	Miller of N. Y.,	Van Wyck,
Davis of West Va.,	Hoar,	Mitchell,	Walker,
Dawes,	Jackson,	Morgan,	

NAYS—13.			
Blair,	Hawley,	Pugh,	Windom.
Butler,	McMillan,	Sherman,	
Conger,	Maxey,	Vance,	
Davis of Illinois,	Plumb,	Williams,	

ABSENT—23.			
Aldrich,	Frye,	Hill of Georgia,	Miller of Cal.,
Bayard,	Garland,	Ingalls,	Pendleton,
Beck,	George,	Johnston,	Rollins,
Camden,	Gorman,	Jones of Florida,	Saunders,
Cameron of Pa.,	Grover,	Kellogg,	Slater,
Cockrell,	Hale,	Lamar,	Vest,
Edmunds,	Harris,	McPherson,	Voorhees.

So the bill was passed.

#### ORDER OF BUSINESS.

Mr. SAUNDERS. I move to take up for consideration the bill (S. No. 1514) to enable the people of the Territory of Dakota to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States.

Mr. BAYARD. I am compelled to oppose that motion. I submit to the Senate whether they will prefer to accede to the motion of the Senator from Nebraska or will adopt the recommendation of the Committee on Finance and proceed to the consideration of the bill (H. R. No. 5656) to amend the laws relating to the entry of distilled spirits in distillery and special bonded warehouses, and the withdrawal of the same therefrom. I have said before enough to show the Senate the great importance of this measure; notice has been given from time to time that when the Japanese bill was out of the way this measure would be moved, and I ask the Senate now that they shall proceed to the consideration of this bill, and not the bill suggested by the Senator from Nebraska.

I may say further that in this case the amount involved in every way is most important to the Treasury, and most important to a very large business interest of this country, not simply distilling, but questions of public moment and interest, connected as all business affairs are with each other, rest, I think, immediately upon a decision of the matters involved in this bill. The House passed it some weeks ago, and the Senate Committee on Finance have modified it very largely, and I ask now that the Senate proceed to its consideration.

Mr. BECK. I should like to say one word, and that is that the Senator from Maine, [Mr. HALE,] now absent, I know takes a lively interest in the Dakota bill, and has amendments pending and propositions in regard to it that I do not think ought to be considered in his absence.

Mr. SAUNDERS. The Senator from Maine will be here in time to attend to his amendments.

Mr. CONGER. Mr. President—

The PRESIDENT *pro tempore*. The merits of these respective bills cannot be discussed on this motion.

Mr. CONGER. There is a House bill before the Senate, reported by the Committee on Commerce, to regulate the carrying of passengers by sea. In the present great influx of immigrants into this country there are every day inconveniences and wrongs that cannot be remedied until that bill is passed. I have given notice on a former occasion that I should ask the Senate to take it up at the first convenient moment, and I desire the Senate to take that bill up in the morning and make it the pending order of business for to-morrow. I hope the Senator from Nebraska will withdraw his motion.

Mr. GARLAND. What is the question, Mr. President?

The PRESIDENT *pro tempore*. On the motion of the Senator from Nebraska to take up the bill indicated by him.

Mr. GARLAND. That is not amendable by substituting any other bill. I move that the Senate adjourn.

Mr. CONGER. I had not finished my remarks.

Mr. HOAR. I rise to a question of order.

The PRESIDENT *pro tempore*. The Chair thought the Senator from Michigan had yielded the floor.

Mr. CONGER. No, sir. I was about to say that I would move an amendment to the motion of the Senator from Nebraska.

Several SENATORS. You cannot do that.

Mr. CONGER. Then I ask the Senate to vote down the motion,

so that the bill I have referred to may be taken up and, in the interest of a vast number of immigrants coming every day to our shores, passed immediately.

Mr. HOAR. I desire to give notice that when the bill mentioned by the Senator from Michigan is taken up, I shall move to amend it by adding a section providing for an arrangement of danger-signals between this country and other countries and for vessels steering by courses, which is much more important to the safety of immigrants than any measure which I have seen of the character proposed.

Mr. GARLAND. I move that the Senate do now adjourn.

Mr. BAYARD. I hope that motion will be withdrawn.

Mr. GARLAND. We can take the matter up in the morning and settle which bill we shall consider. I hope we shall adjourn now, for there is no sense in a contest at this hour.

The PRESIDENT *pro tempore*. It is moved that the Senate do now adjourn.

The motion was agreed to, there being on a division—yeas 26, noes 20; and (at five o'clock and forty-seven minutes p. m.) the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, June 13, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

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

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the amendment of the House to the amendment of the Senate to the bill (H. R. No. 2938) for the relief of Thomas Evans and Albert T. Whiting.

The message also announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. No. 5559) making appropriations for the support of the Army for the fiscal year ending June 30, 1883, and for other purposes, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. LOGAN, Mr. PLUMB, and Mr. RANSOM.

#### HERBERT JOYCE.

Mr. PRESCOTT. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 1151) for the relief of Herbert Joyce. This soldier lay in Andersonville prison seven months; this bill is for the purpose of giving him pay while he was reported as a deserter.

The Clerk read the bill, as follows:

*Be it enacted, &c.*, That the record of Herbert Joyce be, and it is hereby, relieved of all charges of desertion, or the effect thereof; and the accounting officers of the Treasury Department of the United States are hereby directed to settle with and, out of any moneys in the Treasury not otherwise appropriated, pay to Herbert Joyce, late a private in Company B, Second Battalion, Sixteenth United States Infantry, all bounty, pay, and allowances retained from him by reason of a sentence of a court-martial approved April 23, 1866, remitted August 15, 1866, he having subsequently served for the full term of his original enlistment of five years, and has been honorably discharged.

Mr. TOWNSHEND, of Illinois. I desire to know whether this case is not provided for by the general bill which passed the House a month or so ago?

Mr. PRESCOTT. This case is not covered by that bill, on account of the charge of desertion having been carried into an order. This order was afterward vacated by General Thomas; but its effect was to cut off this soldier from receiving pay.

There being no objection, the Committee of the Whole on the Private Calendar was discharged from the further consideration of the bill; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. PRESCOTT 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.

#### COLLECTION DISTRICT OF CALIFORNIA.

Mr. BERRY. I ask unanimous consent to have taken from the Speaker's table, for concurrence in the amendments of the Senate, the bill (H. R. No. 1993) to amend sections 2582, 2583, 2607, and 2684 of the Revised Statutes of the United States, relating to the collection districts of California.

The amendments of the Senate were read.

Mr. HOLMAN. I would be glad to have the bill read in connection with the first amendment.

Mr. BERRY. I will state to the gentleman that this simply adds two little places as ports of delivery. It provides no additional officers.

Mr. HOLMAN. I have no objection.

There being no objection, the bill was taken from the Speaker's table, and the amendments of the Senate were concurred in.

Mr. BERRY moved to reconsider the vote by which the amend-



ments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY BULLARD.

Mr. KASSON. I ask unanimous consent to have taken up for present consideration a bill (H. R. No. 2317) which, as it appears, has been reported unanimously from the Committee on War Claims. It consists of but five lines, and involves only \$100.

The bill was read, as follows:

*Be it enacted, &c.,* That the Secretary of the Treasury be, and he hereby is, directed to pay to Mary Bullard, of Iowa, the sum of \$100, being the value of a horse ridden to death by her in obtaining aid to rescue captured Union soldiers.

Mr. KASSON. The report is here; and if any one so desires, it can be read.

Mr. TOWNSHEND, of Illinois. I desire to know from what committee this report comes.

Mr. KASSON. From the Committee on War Claims.

There being no objection, the Committee of the Whole on the Private Calendar was discharged from the further consideration of the bill; which was ordered to be engrossed for a third reading, and was accordingly read the third time, and passed.

Mr. KASSON 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.

#### MEMORIAL COLUMN, NEWBURGH, NEW YORK.

Mr. BEACH. I ask unanimous consent to have taken up for immediate action a joint resolution in honor of the memory of Washington, and to protect the graves of our Revolutionary sires from further desecration. I do not believe there is a member on this floor who will cast a vote against this resolution. Its consideration will take but a few moments. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the consideration of House joint resolution No. 176, and that it be now put on its passage.

The Clerk read as follows:

Joint resolution (H. R. No. 176) authorizing the Secretary of War to erect at Washington's headquarters in the city of Newburgh, New York, a memorial column, and to aid in defraying the expenses of the centennial celebration to be held at that city in the year 1883.

Whereas it is in contemplation by citizens of Newburgh, State of New York, to commemorate the proclamation of peace, the disbandment of the army, and other notable Revolutionary events by appropriate centennial ceremonies, to be held at Washington's headquarters in said city of Newburgh during the year 1883; and

Whereas the events in question, forming as they did the closing scenes in the struggle for independence, are in every respect worthy of being commemorated and should be perpetuated by the erection of some suitable memorial structure; and

Whereas it was near this place, in the log building known as "The Temple," that Washington by his appeal to the patriotism of the army saved the country from military despotism; and

Whereas it is intended to purchase the grounds upon which The Temple stood, together with so much of the surrounding land as may be deemed necessary, and cause to be erected thereon a building of frame or logs in the original form or style of the said Temple as near as may be; and

Whereas it is further intended to purchase certain other adjacent grounds, wherein rest the remains of the Revolutionary veterans who died during the encampment of the army near Newburgh, and cause the same to be properly inclosed, to the end that they may be perpetually kept and maintained as a burial-ground: Therefore,

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That a joint select committee be created, to consist of five Senators, to be appointed by the Presiding Officer of the Senate, and eight Representatives, to be appointed by the Speaker of the House of Representatives, whose duty it shall be to make, independently of itself or in connection with the trustees of Washington's headquarters and the citizens' committee, all necessary arrangements for a befitting celebration of the centennial ceremonies commemorative of Washington's refusal to accept a crown, the proclamation of peace, the disbandment of the army, and other notable Revolutionary events, to be held at Washington's headquarters in the city of Newburgh, and State of New York, in the year 1883.

SEC. 2. That the Secretary of War be, and he hereby is, authorized and directed to expend, out of the money hereinafter appropriated, a sum not to exceed \$10,000 in the erection of a suitable monument or column on the grounds belonging to the State of New York and known as Washington's headquarters, with such inscriptions and emblems as may properly commemorate the historical events which occurred at Newburgh and vicinity during the war of the Revolution.

SEC. 3. That the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated for the purpose mentioned in the preceding section, and for aiding in defraying the expenses of said centennial celebration, and for the purposes mentioned in the preamble hereto, the same to be disbursed under the direction of the said joint committee at such times and in such manner as will best promote the objects and intent of this resolution.

Mr. HOLMAN. Mr. Speaker, I do not rise for the purpose of objecting to this resolution, but to reserve the right of objection for a moment. If it is determined to enter upon this celebration (and there seems to be a propriety in it) I hope that the sum to be expended will be definitely specified. If the sum named in the resolution is not sufficient, let a sufficient sum be fixed now; and let us have no exceeding of the authority granted by Congress on the part of those who may be named as the committee.

Mr. BEACH. If the gentleman from Indiana will permit me, I wish to explain that there is an amendment—

Mr. HOLMAN. I suggest to my friend to add an amendment in the following words:

No greater sum shall be expended for said purposes than the sums above mentioned.

Mr. BEACH. An amendment has been prepared by the gentleman from Maine [Mr. DINGLEY] which I think will meet the views of the gentleman from Indiana, [Mr. HOLMAN.]

Mr. DINGLEY. I offer the following amendment.

Mr. ROBINSON, of Massachusetts. Let the amendment be read, subject to objection.

Mr. BURROWS, of Michigan. I desire to reserve the right to object to consideration until after the amendment is read.

The SPEAKER. That may be done.

The Clerk read as follows:

Add at the end of section 3 the following words:

*Provided,* That no part of the amount appropriated by this act shall be paid except on bills and vouchers approved by the Secretary of War as just and proper charges, and that no bills shall be contracted on account of the United States in excess of the appropriation hereby made."

Mr. HOLMAN. I hope the amendment will be accepted by the gentleman from New York and that it will be adopted.

Mr. BURROWS, of Michigan. Mr. Speaker, when this matter was before the House on a previous occasion I objected to its consideration for the reason that I was apprehensive it might lay the foundation for a repetition of the Yorktown affair, where the United States Government appropriated \$40,000 and was afterward called upon to make up a deficiency of \$32,000. Now, if this bill can be so guarded that the gentlemen appointed to take charge of the proposed celebration shall not feel authorized or be allowed to go beyond the amount fixed by the bill and involve the Government in any future liability, I have no objection to it. If the amendment proposed by the gentleman from Maine covers that point, I am content.

Mr. DINGLEY. It not only meets it, but goes a little further.

Mr. HOLMAN. The joint resolution is allowed to come in with the understanding that amendment shall be accepted.

Mr. BEACH. I accept it. I think it is a wise and salutary provision.

Mr. BURROWS, of Michigan. It was impossible to hear the amendment when it was read, and I ask that the Clerk again read it.

The amendment was again read.

Mr. BURROWS, of Michigan. I think that will meet the objection, and I therefore consent to the present consideration of the measure.

Mr. SPRINGER. I want the joint resolution so guarded that we shall have no repetition of what occurred in the Yorktown celebration.

Mr. ROBINSON, of New York. That is all provided for, and I hope the joint resolution will be permitted to pass.

The SPEAKER. Is there any further objection to the joint resolution?

Mr. DINGLEY. I move to modify my amendment so as to insert after the word "bills" the words "or liabilities incurred."

Mr. SPRINGER. I hope that modification will be adopted and no objection made to the joint resolution, on the understanding we are to have no deficiencies for whisky or anything else. [Laughter.] The amendment as modified was agreed to.

Mr. BEACH. The centennial ceremonies to be held next year at Newburgh, on the Hudson, are intended to commemorate, among other things, an event in the life of George Washington which in my opinion is more noteworthy than any other in the long career of this most illustrious man. The event to which I allude occurred at the close of the war. The army, after the victory at Yorktown, had been withdrawn to the vicinity of Newburgh, where it went into camp. Disaffection, almost amounting to mutiny, existed not only among the men, but among the officers. They were ragged and half clothed, and at times absolutely without food. Their pay was in arrears, and they had become impressed with the conviction that upon the declaration of peace they would be turned adrift on the world in a penniless condition and with no provision for their future support. Eight years of military service had rendered them unfit for the pursuits of civil life.

That I may not be charged with exaggeration let me quote from a letter written by Washington about this time:

When I see, he writes, such a number of men goaded by a thousand stings of reflection on the past and of anticipation on the future about to be turned into the world, sored by penury and what they call the ingratitude of the public, involved in debts, without one farthing of money to carry them home, after having spent the flower of their days and many of them their patrimonies, in establishing the freedom and independence of their country and suffered everything that human nature is capable of enduring on this side of death; I repeat it, that when I consider these irritating circumstances, without one thing to soothe their feelings or dispel the gloomy prospects, I cannot avoid apprehending that a train of evils will follow of a very serious and distressing nature.

I wish not to heighten the shades of the picture so far as the reality would justify me in doing it. I could give anecdotes of patriotism and distress which have scarcely ever been paralleled, never surpassed in the history of mankind. But you may rely upon it, the patience and long-suffering of this army are almost exhausted, and that there never was so great a spirit of discontent as at this instant. While in the field I think it may be kept from breaking out into acts of outrage, but when we retire into winter quarters, unless the storm is previously dissipated, I cannot be at ease respecting the consequences.

Appeals to Congress had been made, but made in vain. That body was powerless to act because of the failure of the several States to contribute the moneys which had been levied upon them respectively.

In this emergency it is not at all strange that the Army in camp,

with no prospect of further service in the field, should have turned its attention to its wrongs, actual or fancied. The ills it suffered from want of food, clothing, and pay were very naturally attributed to the form of government which had been adopted. It was argued that a republic was incompatible with national prosperity and lacking in strength and stability. A limited monarchy modeled after that of the mother country was thought to be best suited to the new empire. These views were the prevailing ones in the Army at the time of which I am speaking, and it was not long before they were communicated to the Commander-in-Chief. The instrument of communication was Colonel Lewis Nicola, a veteran officer to whom Washington was warmly attached. He was chosen on account of his close intimacy with Washington. After speaking of the different forms of government and alluding to the great abilities of Washington so frequently displayed throughout the war, Colonel Nicola proceeded:

Some people have so connected the idea of tyranny and monarchy as to find it very difficult to separate them. It may therefore be requisite to give the head of such a constitution as I propose some title apparently more moderate; but if all other things were once adjusted I believe strong arguments might be produced for admitting the title of king, which I conceive would be attended with some material advantages.

This is what history has figuratively called "the tender of the crown." There may be those who challenge the truth of history. There may be those who will say the Army had no power to bestow what Colonel Nicola, their agent and mouth-piece, so graciously tendered. But let us see. We have already referred to the mutinous condition of the troops. They were ripe for any change that promised relief. We all of us know the unparalleled hold Washington had on the affections of the army. They believed in him; they trusted him. Where he led they were willing and ready to follow. They never doubted him. Their distrust was of Congress, never of their commander. His devotion to their interests in camp and field had been displayed on too many occasions for them to question his friendship. He was their leader, their guide, their friend. All eyes turned to him now for extrication from difficulties and sufferings as great, if not greater, than those of Valley Forge. If he could be prevailed upon to accept their proposition, what would prevent their marching on Princeton, dispersing Congress, and usurping the Government? They had turned back the hosts of Great Britain. How easy the task to put to flight a few unresisting legislators! It must be borne in mind that the feeling of disaffection was not confined to the line. It was shared in by the officers, and they were equally anxious to give it shape and direction.

Another fact must be remembered. The Army at that time embraced all or nearly all who were capable of bearing arms. It had control of the munitions of war. It was irresistible. No resistance could have been organized against it. The people would have submissively bent their necks to the yoke of military despotism, for they had not the power to oppose it. We must not compare the situation then with the situation now. Because such a usurpation is impossible now, we must not conclude it was impossible then. The student of this critical period knows full well that the Army had not only the inclination but the power to make Washington king. All that it required was his assent. If he had given the wished for "yes" what would have been the fate of this continent and the people destined to populate it? It may be truly said, the destiny of a nation trembled on the motion of his lips. His answer to the overture is happily preserved and I will read it, for it can not be read too often:

Sir, with a mixture of surprise and astonishment I have read with attention the sentiments you have submitted to my perusal. Be assured, sir, no occurrence in the course of the war has given me more painful sensations than your information of there being such ideas existing in the Army as you have expressed, and I must view with abhorrence and reprehend with severity. I am much at loss to conceive what part of my conduct could have given encouragement to an address which to me seems big with the greatest mischief that can befall my country. If I am not deceived in the knowledge of myself you could not have found a person to whom your schemes are more disagreeable. Let me conjure you, then, if you have any regard for your country, for yourself, or posterity, or respect for me, to banish these thoughts from your mind.

These words, Mr. Speaker, deserve a place on the memorial shaft contemplated by this resolution. They should be emblazoned on the solid granite in golden capitals. They should be taught to our children, that they in turn may teach them to theirs and hand them from generation to generation and from age to age, down to "the last syllable of recorded time." Search the pages of history and find me, if you can, a similar instance of lofty devotion to the principles of republican government. Washington refused the crown, and we to-day are enjoying the fruits of his exalted patriotism.

I wish, Mr. Speaker, I might dwell upon this memorable letter, but time forbids and I must pass on.

The position taken by Washington convinced the Army that whatever might be done in the future for a redress of their grievances would have to be done without his knowledge. The language of his letter, strong though it was, did not allay the public mutterings. A delegation of three officers had been sent to lay before Congress the hardships of the troops and urge relief. It returned without success. On the 10th of March, 1783, an anonymous paper was circulated through the camp calling a meeting the next day, to take into consideration proper measures for the enforcement of the rights so

unjustly withheld by Congress. The meeting was to be one of officers, one from each company and a delegate from the medical staff. With a view to inflame their passions, an anonymous address was privately circulated. This address was couched in such stirring language, and portrays so vividly the situation of the Army, that I beg attention while I quote from it:

After a pursuit of seven long years—

Observed the writer—

the object for which we set out is at length brought within our reach. Yes, my friends, that suffering courage of yours was active once; it has conducted the United States of America through a doubtful and bloody war; it has placed her in the chair of independency, and peace returns to bless—whom! a country will ing to redress your wrongs, cherish your worth and reward your services; a country courting your return to private life with tears of gratitude and smiles of admiration, longing to divide with you that independency which your gallantry has given and those riches which your wounds have preserved! Is this the case? or is it rather a country that tramples upon your rights, disdains your cries, and insults your distresses! Have you not more than once suggested your wishes and made known your wants to Congress—wants and wishes which gratitude and policy should have anticipated rather than evaded! And have you not lately, in the meek language of entreating memorials, begged from their justice what you could no longer expect from their favor? How have you been answered! Let the letter which you are called to consider to-morrow make reply.

If this, then, be your treatment, while the swords you wear are necessary for the defense of America, what have you to expect from peace, when your voice shall sink, and your strength dissipate by division; when those very swords, the instruments and companions of your glory, shall be taken from your sides, and no remaining mark of military distinction left but your wants, infirmities, and scars! Can you then consent to be the only sufferers by this revolution and retiring from the field grow old in poverty, wretchedness, and contempt! Can you consent to wade through the vile mire of dependency, and owe the miserable remnant of that life to charity which has hitherto been spent in honor! If you can, go, and carry with you the jest of Tories and the scorn of Whigs; the ridicule, and what is worse, the pity of the world! Go, starve, and be forgotten! But if your spirits should revolt at this; if you have sense enough to discover, and spirit sufficient to oppose tyranny, under whatever garb it may assume—whether it be the plain coat of republicanism or the splendid robe of royalty—if you have yet learned to discriminate between a people and a cause, between men and principles, awake, attend to your situation, and redress yourselves! If the present moment be lost, every future effort is in vain; and your threats then will be as empty as your entreaties now.

The danger of an appeal like this in the then inflamed state of public opinion may be readily imagined. As soon as the paper was brought to the attention of General Washington he took means to counteract its effect. He knew that the feeling of discontent was too deep-seated to be checked, and, with his usual circumspection, he concluded at once to take the movement in hand and direct its course. He therefore issued a general order calling the officers together for substantially the same purpose, but changing the day from the 11th to the 15th instant. This would allow time for reflection and afford opportunity for preparation. On the day appointed the officers gathered at the designated meeting place. The building in which they met was called the "temple." It was made of hewn logs, about eighty feet long and forty wide, with a barrack roof. It stood about three miles back of Newburgh. General Heath had caused its erection for general purposes. It was used for worship on the Sabbath, for meetings during the week, occasionally for festive purposes, and sometimes by the Masonic fraternity. It was in the temple also that the officers met and established the Society of the Cincinnati. At its door the proclamation of peace, of which I shall presently speak, was read to the troops. Here also Washington met to consider the famous Newburgh letters. In speaking of this building, the historian has aptly said:

This spot is consecrated by one of the loftiest exhibitions of true patriotism with which our Revolutionary history abounds. Here love of country and devotion to exalted principles achieved a wonderful triumph over the seductive power of self and individual interest—goaded into rebellion against higher motives, by the lash of apparent injustice and personal suffering.

Mr. Speaker, the resolution has in view the reconstruction of the temple in its original simplicity. The cost of purchasing the ground and erecting the building of hewn logs will be quite inconsiderable.

But let us return to our story. The meeting in the temple took place on Saturday, the 15th of March, 1783. Washington had not been idle during the few previous days. He had taken the officers aside, one by one, and cautioned them against intemperate resolutions. When the meeting organized, General Gates occupied the chair. Washington arose, and remarking that he had committed his sentiments to writing, began to read from the manuscript. He had not gone far when he halted. He took out his spectacles and while adjusting them to their place remarked that he had grown gray in their service and now found himself growing blind. He then proceeded with his address, which was intended to smooth the troubled waters and restore confidence. But let him speak for himself:

If my conduct heretofore—

Said he—

has not evinced to you that I have been a faithful friend to the Army my declaration of it at this time would be equally unavailing and improper. But as I was among the first who embarked in the cause of our common country; as I have never left your side one moment but when called from you on public duty; as I have been the constant companion and witness of your distresses and not among the last to feel and acknowledge your merits; as I have ever considered my own military reputation as inseparably connected with that of the Army; as my heart has ever expanded with joy when I have heard its praises, and my indignation has arisen when the month of detraction has been opened against it, it can scarcely be supposed at this last stage of the war that I am indifferent to its interests.



After recalling the cheerful obedience of the Army at all times, he went on to say:

Let me entreat you, gentlemen, on your part, not to take any measures which, viewed in the calm light of reason, will lessen the dignity and sully the glory you have hitherto maintained. Let me request you to rely on the plighted faith of your country, and place a full confidence in the purity of the intentions of Congress; that, previous to your dissolution as an army, they will cause all your accounts to be fairly liquidated, as directed in the resolutions which were published to you two days ago; and that they will adopt the most effectual measures in their power to render ample justice to you for your faithful and meritorious services; and let me conjure you, in the name of our common country, as you value your own sacred honor, as you respect the rights of humanity, and as you regard the military and national character of America, to express your utmost horror and detestation of the man who wishes, under any specious pretenses, to overturn the liberties of our country, and who wickedly attempts to open the flood-gates of civil discord and deluge our rising empire in blood.

This patriotic and stirring appeal had its effect. Major Shaw, of the army, who was present, thus writes of it:

Happy for America that she has a patriot army, and equally so that Washington is its leader. I rejoice in the opportunities I have had of seeing this great man in a variety of situations; calm and intrepid when the battle raged, patient and persevering under the pressure of misfortune, moderate and possessing himself in the full career of victory. Great as these qualifications deservedly render him, he never appeared to me more truly so than at the assembly we have been speaking of. On other occasions he has been supported by the exertions of an army and the countenance of his friends, but on this he stood single and alone. There was no saying where the passions of an army, which were not a little inflamed, might lead; but it was generally allowed that further forbearance was dangerous, and moderation had ceased to be a virtue. Under these circumstances he appeared, not at the head of his troops, but, as it were, in opposition to them; and for a dreadful moment the interests of the army and its general seemed to be in competition. He spoke, every doubt was dispelled and the tide of patriotism rolled again in its wonted course. Illustrious man! What he says of the army may with equal justice be applied to his own character: "Had this day been wanting, the world had never seen the last stage of perfection to which human nature is capable of attaining."

Mr. Speaker, by this prompt and vigorous action the tide which was fast setting toward military anarchy was turned back. As soon as Washington left the building, which he did upon completing his address, General Knox quickly moved, and General Putnam seconded resolutions of confidence in their commander and trust in Congress, which were unanimously carried. Thus ended another of those critical periods in our Revolution when a misstep might have precipitated untold miseries and turned the fate of a nation.

We come now to another of those interesting events which we propose to commemorate at the approaching centennial. After the victory at Yorktown, as already observed, the army went into winter quarters in what are now the suburbs of the city of Newburgh; and there it remained about a year and a half. Yorktown had substantially ended the war, but before disbanding the army it was necessary to settle on the terms of peace.

These were the subject of negotiation at Paris, and great delay occurred in their satisfactory arrangement. Washington was extremely anxious to hold the troops together, from fear that if the peace negotiations should fail it would be impossible to reassemble them when once dispersed. Finally the treaty was signed, and Congress issued its proclamation of peace. It was received by Washington on the 17th of April, 1783, at his headquarters at Newburgh. The building in which he had established his headquarters in the early part of the previous year is deserving of a passing notice. It is one of the most quaint and remarkable structures in the country. Built of rough stone, with a low Dutch roof, on a bluff overhanging the Hudson, it attracts the attention of the millions who travel up and down the river. The interior is no less remarkable. The huge open fire-places and the room with seven doors and one window excite the surprise of the visitor. It is surrounded now by a beautiful park, kept at all times in the best of order. The property is owned by the State of New York and is managed by a board of trustees, composed of the most highly respected citizens of Newburgh. The trustees have gathered here a large number of valuable and rare Revolutionary manuscripts and relics, the catalogue of which fills about seventy-five pages. The board of trustees are required to preserve the building in the precise condition it was when occupied by Washington and to maintain a flag-staff, with a flag, upon which must be inscribed the words, "Liberty and Union, now and forever, one and inseparable."

This is the building in which Washington opened the packet from Congress containing the proclamation of peace. The next day he issued the following order:

HEADQUARTERS, NEWBURGH, April 18, 1783.

The Commander-in-Chief orders the cessation of hostilities between the United States of America and the King of Great Britain to be publicly proclaimed to-morrow at twelve o'clock at the new building, and that the proclamation which will be communicated herewith will be read to-morrow evening at the head of every regiment and corps of the army. After which the chaplain will render thanks to almighty God for all his mercies, particularly for his overruling the wrath of man to his own glory and causing the rage of war to cease among this nation.

The "new building" referred to in this order was the "temple" of which I have already spoken. In conformity to the order, the proclamation of peace was read to the Army on the 19th day of April, 1783—just eight years to a day after the battle of Lexington. It is a remarkable coincidence that the war of the Revolution should have begun and ended on the same day of the month. The day is thus doubly noted in our national calendar.

On the 19th day of April, 1783, there was great rejoicing. The peo-

ple mingled with the soldiers in expressing their congratulations. The discharge of cannon and muskets was kept up during the day, and when night came the mountains blazed with signal-fires. Shouts and singing of a happy and disenthralled people were heard in every direction. Joy reigned supreme. Washington was quick to appreciate the enthusiasm of the populace, and that it might have full vent he resolved to set aside a day in the following week for a further celebration. He issued the following order, which has just been discovered and never saw print until recently:

HEADQUARTERS, NEWBURGH, April 19, 1783.

To erect a frame-work for an illumination the several corps of the cantonment are to square and deliver at the new building on Monday next the following pieces of timber, namely:

Maryland Detachment, 2 pieces 30 feet long 7 inches square.  
Jersey Regiment, 5 pieces 30 feet long 7 inches square.  
Jersey Battalion, 2 pieces 30 feet long 7 inches square.  
First New York Regiment, 2 pieces 30 feet long 7 inches square.  
Second New York Regiment, 3 pieces 30 feet long 7 inches square.  
Hampshire Regiment, 8 pieces 18 feet long 7 inches square.  
Hampshire Battalion, 3 pieces 18 feet long 7 inches square.  
First Massachusetts Regiment, 9 pieces 18 feet long 7 inches square.  
Fourth Massachusetts Regiment, 8 pieces 18 feet long 7 inches square.  
Seventh Massachusetts Regiment, 4 pieces 18 feet long 7 inches square.  
Seventh Massachusetts Regiment, 4 pieces 19 feet long 7 inches square.  
Second Massachusetts Regiment, 8 pieces 19 feet long 7 inches square.  
Fifth Massachusetts Regiment, 4 pieces 19 feet long 7 inches square.  
Fifth Massachusetts Regiment, 8 pieces 8 feet long 7 inches square.  
Eighth Massachusetts Regiment, 16 pieces 8 feet long 7 inches square.  
Third Massachusetts Regiment, 2 pieces 14 feet long 3 inches square.  
Third Massachusetts Regiment, 3 pieces 15 feet long 3 inches square.  
Third Massachusetts Regiment, 6 pieces 11 feet long 3 inches square.

The different detachments at once betook themselves with their axes to the woods. Trees were felled, squared, and hauled to the temple, where they were erected into a huge frame for the display of fire-works and hanging of lanterns. The celebration surpassed the previous one. The people went wild with joy. There was music in the temple and dancing was kept up till a late hour. The noise of fire-arms was incessant and deafening. One who was a witness of the scene has written, "The mountain-sides resounded and echoed like tremendous peals of thunder, and the flashing from thousands of fire-arms in the darkness of the evening was like unto vivid flashes of lightning from the clouds."

This is the way, Mr. Speaker, in which the war-worn veterans of 1783 celebrated the proclamation of peace. How shall we, their descendants, now reaping the full benefits of their noble efforts with an overflowing Treasury, celebrate it in 1883? I await, and I must say I await in confidence, the vote on the pending resolution for an answer to the question.

I have already said, Mr. Speaker, that the whole Army had gone into camp at Newburgh and vicinity. The encampment, as it was called, had been marked out by General Heath. The ground which it occupied is now used as ordinary farm-land. The quarters for the soldiers consisted of log huts built on the slope of the hill, with regular streets to facilitate access from one section to another. The subordinate officers were provided with barracks near the temple. The commanding generals had their headquarters within a radius of five miles. Generals Gates and St. Clair occupied the Edmonston house, near Vail's Gate. General Wayne—Mad Anthony—was located in a log house with a frame addition, standing a little north of the city. Generals Knox and Greene took possession of the Ellison house. General Clinton and the Baron Steuben also had their headquarters within convenient distance. These various houses are yet in a good state of preservation and are the objects of exciting interest to tourists.

The troops occupying the encampment embraced detachments from all the Northern States. It has been said that New Jersey was not represented because of a law that forbade the encampment of New Jersey men on other than her own territory. But I think this is a mistake. The recently discovered order, which I have read, assigns to the Jersey battalion and the Jersey regiment the squaring of a certain number of logs before the following Monday. This assignment of labor would not have been made unless there had been on the ground Jersey men to comply with the direction. The only Southern States represented were Maryland and Virginia.

It will be remembered that the army occupied the encampment for about a year and a half. During this time many of the soldiers died. They were buried on a slight elevation to the east of the temple. The spot is yet well marked by the raised hillocks, although overgrown with trees. The site of the old encampment, Mr. Speaker, is indeed hallowed ground. No spot on this continent is so replete with revolutionary interest—none so consecrated by patriotic associations. Here yet may be seen the broken walls of the commissary's storehouse and the rude flagging which formed the hearth-stones of the sheltering huts. Here also is to be found the mounded earth, devoid of head-stone, yet speaking in silent tones of the patriot dead. The ruthless plow has thus far spared their graves. Let us by our action to-day preserve this God's Acre from future desecration. Let us repair the nation's neglect. Let us do a simple act of justice, already too long delayed, to the veterans who yielded their lives on the altar of their country's freedom. Let us, from this time forth, guard the sacred spot with zealous care and leave it as a monument of love and veneration to our children and our children's children.

Mr. Speaker, I speak with feeling on this subject. This historic

ground is in view of my own humble home at the foot of the Cornwall Mountains. Living as I do within rifle range of the old encampment, it is but natural I should feel the impulse and influence of these grand associations. Upon the farm I till I have upturned with the plow cannon-balls which were discharged a century ago. The road which fronts my residence is the same old Revolutionary road over which the victorious army marched on its way from Yorktown to Newburgh. But a mile distant, on the mountain side, still flows the "Continental Spring" where the army halted to quench its thirst.

Surrounded by such associations, I am constantly reminded of the men of the days gone by. I glory in their deeds. "*Circumspicio imagines majorum*," said some Roman orator whose name I have forgotten, and whose further words I am unable to recall, but whose idea was, that when he looked upon the statues of his ancestors his soul was moved to deeds of valor.

I now propose, Mr. Speaker, to consider another event occurring at this place in 1783, which will come in for its share of attention during the centennial ceremonies of next year. I refer to the disbandment of the Army. Congress had issued a proclamation, dated October 18, releasing the soldiers absent on furlough from further service, and setting November 3 as the day for discharging all others. The Army was drawn up in front of the Newburgh headquarters, and the proclamation of Congress and the farewell orders of Washington were read at the head of each regiment. These orders were remarkable for their simplicity of language, for the good counsels he gave, and for his expressions of love toward the Army. Speaking in the third person, he concluded in the following words:

And being now to conclude these his last public orders, to take his ultimate leave in a short time of the military character, and to bid a final adieu to the armies he has so long had the honor to command, he can only offer in their behalf his recommendations to their grateful country, and his prayers to the God of armies. May ample justice be done them here, and may the choicest of Heaven's favors, both here and hereafter, attend those who, under the Divine auspices, have secured innumerable blessings for others. With these wishes and this benediction, the commander-in-chief is about to retire from service. The curtain of separation will soon be drawn, and the military scene to him will be closed forever.

The scene which followed was distressing in the extreme.

Wrote Dr. Thacher, an eye witness—

No description would be adequate to the painful circumstances of the parting. \* \* \* Both officers and soldiers, long unaccustomed to the affairs of private life, found loose on the world to starve and to become the prey to vultures and speculators. Never can that melancholy day be forgotten when friends, companions for seven long years in joy and in sorrow, were torn asunder without the hope of ever meeting again and with prospects of a miserable subsistence in future.

Major North, another participant, says:

The inmates of the same tent or hut for seven long years grasped each other's hands in silent agony. To go, they knew not whither; all recollection of the art to thrive by civil occupation lost, or to the youthful never known; their hard-earned military knowledge worse than useless; and with their badge of brotherhood, a mark at which to point the finger of suspicion—ignoble, vile suspicion!—to be cast out on a world long since by them forgotten; severed from friends and all the joys and griefs which soldiers feel! Griefs, while hope remained; when shared by numbers, almost joy! To go in silence and alone and poor and hopeless; it was too hard! On that sad day how many hearts were wrung! I saw it all, nor will the scene be ever blurred or blotted from my view.

I have given the testimony of contemporaries, Mr. Speaker, rather than trust to my own feeble powers of description. The disbandment of the Army was indeed a memorable event in the struggle for independence and worthy of proper commemoration in the centennial of 1883.

It has been suggested that making the appropriation asked for by this resolution will be establishing a bad precedent, that the Treasury will be called upon in the future for numerous projects of a kindred nature. My answer to that is, the events now about to be commemorated were the closing events of the Revolution, and furnish the last opportunity for a centennial celebration until another hundred years have rolled by. My further answer is, the precedent, whether good or bad, has been too frequently made in favor of such appropriations to be now departed from.

The first instance will be found in the action of the Continental Congress, way back in 1776, when £300 were voted for a monument to General Montgomery. The following year similar appropriations were made in honor of General Warren, General Wooster, General Herkimer, and General Nash. In 1780 like action was taken in behalf of the Baron de Kalb. In 1781 Congress passed appropriations for monuments to Brigadier-General Davidson, Brigadier-General Scriven and General Nathaniel Greene. In the same year Congress passed the resolution relating to Yorktown which, after slumbering a century, was executed through the legislation of the Forty-sixth Congress. Coming down to more recent years, and passing over the intervening ones for which I have made no search, we find that Congress has appropriated, for Groton Heights, \$5,000 to repair monument and \$5,000 for celebration; for Cowpens, \$20,000 for a monument; for Saratoga, \$30,000; for Bennington, \$40,000; for Yorktown, \$20,000 for celebration and \$100,000 for monument.

The action of Congress on these various occasions met with universal favor. Public sentiment approved it; and so it will always be. The great American heart will never fail to respond to the claims of patriotism. The reverence it feels for the men of the Revolution and their noble deeds will strengthen as time rolls on, and the day is coming when every important event, from Lexington to Yorktown,

will be marked with its appropriate monument; and it is right that it should be so. Horatio Seymour has aptly said:

No people ever held lasting power or greatness who did not reverence the virtues of their fathers, or who did not show forth this reverence by material and striking testimonials.

The feeling which prompts to these commemorations is instinctive to the human race. It is not peculiar to any nationality. All nations in all ages have yielded to it. In very early times cairns were built to mark the site of decisive battles, and ballads were composed descriptive of important events. In Greece, the anniversaries of heroes were celebrated by libations, sacrifices, and crowning of their tombs with garlands. With like intent were erected the obelisks of Egypt, with their memorial inscriptions; also the sculptured halls of Nineveh. The Jews have celebrated the deliverance of the Hebrew nation for over three thousand years with their annual Passover. Draco, whose laws are said to have been written in blood, as typical of their severity, ordained it to be a sacred and inviolable law to pay public homage to the national heroes.

But why, Mr. Speaker, should I multiply instances. We all of us know, we all of us feel in the bottom of our hearts that in voting the appropriation asked for in this resolution we are doing what is right and proper. We are simply stopping by the wayside, as it were, in this weary pilgrimage of life to gather garlands for the brow of him who was "first in war, first in peace, and first in the hearts of his countrymen."

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

#### ORDER OF BUSINESS.

Mr. TOWNSEND, of Ohio. I ask by unanimous consent that House bill No. 797, returned from the Senate with a verbal amendment, be taken from the Speaker's table and the amendment concurred in.

Mr. RANDALL and others. Regular order!

The SPEAKER. The regular order being demanded, nothing is in order except privileged reports.

#### DISTRICT APPROPRIATION BILL.

Mr. KETCHAM. Mr. Speaker, I am directed by the Committee on Appropriations to report back the amendments of the Senate to the bill (H. R. No. 5664) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1883, and for other purposes, and to move non-concurrence in all of them.

The motion was agreed to; and the Senate amendments were non-concurred in.

#### FOLDING-ROOM, HOUSE OF REPRESENTATIVES.

Mr. BREWER. Mr. Speaker, I desire to call up for action this morning the resolution submitted yesterday from the Committee on Ventilation in relation to the unhealthiness of the folding-room of the House of Representatives.

Mr. TOWNSEND, of Ohio. Is that a privileged report?

The SPEAKER. It is a report which was submitted yesterday from the Committee on Ventilation and printed in the RECORD and went over until to-day.

Mr. RANDALL. The question of whether it was privileged was not settled.

The SPEAKER. It was not absolutely settled. The Chair was inclined to think it was not a privileged report.

Mr. RANDALL. It cannot come in, then, if it is not a privileged report, because it went over with that understanding.

The SPEAKER. The Chair wishes to state that under the resolution which passed the House ordering this committee to investigate this subject it was required by the terms of that resolution, not by the resolution constituting the Committee on Ventilation, but the resolution referring this subject to that committee, the Committee on Ventilation was required to report to the House; and while it does not specify it should report at any time, yet in view of the fact that it relates to the convenience of the employes of the House and is necessarily connected with the business of the House, the Chair is inclined to hold to-day that it is a privileged matter.

Mr. RANDALL. Does that privileged matter cut off the unfinished business upon which the previous question has been ordered?

The SPEAKER. The Chair does not think it cuts it off.

Mr. RANDALL. Does it interrupt it?

Mr. ALDRICH. It is a just thing and ought to be disposed of at once.

The SPEAKER. The unfinished business has not yet been entered upon.

Mr. BLOUNT. If this is disposed of, will the unfinished business come up?

The SPEAKER. It will.

Mr. McMILLIN. I make the point of order that the unfinished business of yesterday, on which the previous question has been ordered, takes precedence.



Mr. HAWK. But it has been ruled by the Chair that this resolution is a privileged question.

Mr. McMILLIN. The first question in order this morning is the unfinished business, which is the report from the Committee on the District of Columbia, and has first to be disposed of, as the previous question has been ordered.

The SPEAKER. The Chair does not think this matter necessarily cuts off the unfinished business on which the previous question was ordered yesterday. If it were not for the operation of the previous question the Chair thinks it would take precedence; but if the gentleman from Tennessee insists on this being postponed until after the unfinished business the Chair will so hold and recognize the gentleman from Ohio, [Mr. NEAL.]

Mr. McMILLIN. I now make the point of order that the unfinished business is first in order, and when that is disposed of this question can come up on its merits as to whether it presents a privileged question.

The SPEAKER. The unfinished business has precedence.

#### REPRINT OF A BILL.

Mr. KELLEY. I ask unanimous consent of the House to allow the bill (H. R. No. 5538) to reduce internal revenue taxation and the accompanying report to be reprinted for the use of the House, the supply having been exhausted.

There was no objection, and it was ordered accordingly.

#### WATER SUPPLY, DISTRICT OF COLUMBIA.

The SPEAKER. The regular order is the further consideration of the bill (S. No. 1723) to increase the water supply of the District of Columbia, and for other purposes. The gentleman from Ohio is recognized.

Mr. NEAL. I now yield five minutes to the gentleman from Nevada, [Mr. CASSIDY.]

Mr. CASSIDY. Mr. Speaker, as a member of the Committee on the District of Columbia I desire to submit a brief suggestion with reference to the pending bill. No gentleman upon this floor has taken the position that this contemplated increase of the water supply of this city is not necessary. The only question that has been raised here was as to the manner in which the proposed improvement should be paid for. The amendment suggested by the honorable gentleman from Texas [Mr. REAGAN] proposed to divide the cost of this work equally between the Government of the United States and the District. He also incorporated in his amendment a clause that this improvement should not be undertaken until the District of Columbia had made provision to pay for its proportion of the work. The amendment proposed by the honorable gentleman from Georgia goes a little further, and provides that the District shall immediately issue bonds to pay for its half of the improvement. It occurs to me, Mr. Speaker, that the only question at issue in this House is whether the Government of the United States should continue in sole ownership of these water-works, or whether it will divide it to some extent with the citizens of this District. To begin with, the Government of the United States expended every dollar for the construction of these water-works, involving an outlay of from three to five millions of dollars, and has always exercised entire supervision and control over the works. The supply, as everybody admits here, has been found entirely inadequate, and it is now proposed that the works shall be enlarged and improved at an additional cost of about a million and a half of dollars.

It is proposed by the gentlemen who oppose this bill that the District shall pay \$750,000 of that amount; that is to say, that the Government shall relinquish a certain interest in these works, equal to the amount the citizens of this District shall be called upon to pay toward this contemplated improvement. Under the system that now prevails every citizen in Washington who uses the water furnished by these water-works pays an annual or monthly rental. I want to ask gentlemen if we force this people to shoulder a portion of the expenses of this proposed improvement, how we are going to enforce this system of collecting the water rents in the future? It is certainly no argument to say that the Government derives no benefit from the collection of the water rents. It is no argument, then, because these rents are allowed by the Federal Government to go into the District treasury that the people should be called upon to pay one-half of this improvement to works which belong exclusively to the Government of the United States, because if the Government did its duty in the matter it could easily divert this rental derived from the sale of the water to the Treasury, whereby the Government as well as the city treasury would be benefited by the collections made from that source. Hence I say the proper thing to do in this matter is for the Government to continue in sole proprietorship of these works; to appropriate the necessary money to enlarge them; and that then if this plan of allowing the District to collect water rents and devote the money to the uses of the District is not believed to be proper, it is easy for the money to be diverted in such manner that the Government of the United States and the District, as I said before, will be equally benefited from the rentals.

[Here the hammer fell.]

Mr. NEAL. I now yield thirty minutes to the gentleman from Georgia, [Mr. BLOUNT.]

Mr. BLOUNT. I yield to the gentleman from Pennsylvania [Mr.

RANDALL] such time as he may desire out of the thirty minutes allowed to me.

Mr. RANDALL. Mr. Speaker, the ownership of the water-works of this District is vested in the Government of the United States, while all the revenues derived therefrom go to the District of Columbia. I have no doubt but that the people of this District need a greater supply of water than they now have, and some of this deficiency of water is occasioned by the enormous quantity used on the part of the Government. For instance, residents on Capitol Hill can tell exactly on turning the spigots whether water is being used at the navy-yard or not. Therefore there is, no doubt, a great deal of equity in the claim that the Government should pay a portion of this amount found necessary for the proposed improvement. But I do not see that the Government should vary from its agreement with the people of the District. A contract or agreement which was liberal enough to the people here was entered into whereby one-half of the amounts appropriated for the necessary expenditures of the District of Columbia should be borne by the United States and one-half be levied upon the property of the District. This question of furnishing water to the District should not be an exceptional provision differing from the general principles set out in that agreement. The supplying of water is one of the municipal duties pertaining to a municipal government, and while the relations of the District with the United States (when the Government originally expended these three and a half million of dollars to which it is now proposed to add one and a half million of improvements) were altogether different from what they are now—for I do not think that the Government of the United States paid any such proportion then for the expenditures of this District as it now pays—but, having entered into that contract and agreed that we would in all particulars pay one-half of the expenditures, I do not think it is either equitable or right to ask that the Federal Government shall increase that gratuity over and above the original sum. It was thought to be an exceedingly liberal sum at the time, but it was made large because of the excessive debt of this District, and we have always stood by it since and expect to stand by it in all future time.

But here comes a proposition to invest permanently, not as a part of the current expenditures of the city at all, but permanently for a permanent improvement from which revenue is to be received, a large sum of money, to wit, \$1,400,000. I think that equity and law both come to the assistance of the gentleman from Georgia [Mr. BLOUNT] in his amendment in which he provides that one-half of this expenditure shall be borne by the people of this District, and authorizes the commissioners of the District to issue 3.65 bonds to meet that expenditure.

Mr. PAGE. Will the gentleman from Pennsylvania allow me to ask him a question for information only? I was not here yesterday when this matter was discussed.

Mr. RANDALL. I yield with pleasure to the gentleman for a question.

Mr. PAGE. If the amendment of the gentleman from Georgia should not be adopted would not the District of Columbia have to pay one-half under the law?

Mr. RANDALL. The amount received by the District for water rents, &c., as appears from a statement I have before me, is \$140,248.33, and the expenditures are about the same or a little over, being \$140,738.74. Of the latter amount of expenditures there is \$74,000 carried to the account of interest and sinking fund to pay the water bonds—the amount of which I think is \$400,000—issued by the District. Therefore the District gets all the revenue from this capital invested by the United States and runs the water-works. I think the amendment of the gentleman from Georgia is right and ought to be adopted, and the District ought not to object to it.

Mr. HEWITT, of New York. Will the gentleman from Pennsylvania allow me to point out a difficulty connected with the amendment of the gentleman from Georgia?

Mr. BLOUNT. Perhaps that would occupy too much time.

Mr. HEWITT, of New York. The gentleman from Georgia proposes that the Government should pay three-fourths and not one-half—

Mr. BLOUNT. I do not yield now, because I have not sufficient time at my command. I yield ten minutes to the gentleman from Indiana, [Mr. COBB.]

Mr. COBB. Mr. Speaker, I have not been able to hear the discussion this morning, owing to duties on my committee, and I may repeat some things that have been said by other gentlemen.

This question, of course, is an important one, owing to the magnitude of the work. I understand about a million and a half of money will be required to complete these water-works as designated by this bill. It is the law that the Government of the United States pays one-half of the expenses of the District of Columbia and the people of the District pay the other half. This improvement of the water-works of the District will be for the benefit entirely of the people of the District. The Government, so far as its property is concerned, has now all the supply of water that is needed or will be needed at any time perhaps in the future. The Government owns the Aqueduct, twelve miles in length. It put that portion of the dam which is completed across the Potomac River. It has constructed and maintained at its own expense, exclusive of any revenues upon the part of the District, that Aqueduct to the present time. Twenty thou-

sand dollars a year since I have been in Congress—and I think it was the same for a number of years before—have been appropriated for the maintenance of that work. It supplied, or helped to supply, the city as well as the Government buildings.

Now, when we come to improve the water-works so as to make them equal to the demands of the city, I submit to the House whether it is not equitable and right that the citizens of the District should pay one-half of the expense and the Government the other half. It occurs to me that there is no proposition that is plainer. We have improved this city by expenditure directly out of the public Treasury all along the pathway of legislation. Every year since I have been in Congress, and for years before, I believe, \$20,000 has been appropriated for the purpose of filling up the canal and the adjoining lands, all of which tends to benefit the sanitary condition of the city, as well as to improve and beautify it. I believed in past years, as I believe now, that one-half of that expense ought to have been borne by the people.

The people of this city are not burdened with taxation. They only pay about one dollar and a half upon the hundred. We came in and assumed an immense public debt that the people themselves had put upon the District. When the board of public works or the Shepherd government was constituted by Congress, which was done in consequence of the petitions and appeals of the people of the District, it was thought right and proper by Congress, I presume, to judge from its legislation, that this should be done, that the people should have a voice in their government. That was granted, and they got a board of public works of their own selection. The governor, it is true, was appointed by the President of the United States, but the board of public works and the legislative department were selected by the people of the District. And what did they do? They plunged the District at once into a debt of \$33,000,000; they bankrupted the District; they impoverished the people; they confiscated their property by these improvements. And thus, in 1878, after that government had gone on for six or eight years, we found the people of this District, through their representatives, appealing to the Federal Government with greater fervor and greater interest than they had done before to step forward and take the government of the District into our control. And doing that, they asked us to assume in part the payment of their public debt.

We found that of the debt contracted in the manner I have stated there still remained in 1878 \$23,000,000. They asked us to assume it, and we did it, so far as the payment of interest on the bonded debt was concerned; and we are paying now one-half of that interest.

I ask, then, is it right, is it equitable that the people of the United States should come forward and build this addition to these water-works? I concede the fact, Mr. Speaker, that an increase of water is necessary for the good of the city. There is no question about that. The only question in my mind is how it should be paid; and I need not say that there is a question in my mind in regard to that. The people of the District should pay their half and the people of the United States the other half. That arises from another equitable consideration. It is estimated that about an equal proportion of property is held within the limits of this District by the Government of the United States; that is, that the private property of the District is about equal in value to the public property. So far as the assessments show, the Government of the United States owns over a hundred millions of dollars' worth of property in this District, while over a hundred millions of property belong to the people individually.

I was very much opposed, as every one knows, to the organic law passed by the Forty-fifth Congress. I believed then that it was wrong for the Government to assume to pay one-half of the expenses of this District. That has led to profligacy; it has led to schemes and rings for the purpose of getting money from the United States in every possible way in which it can be got. The people of this District come to Congress constantly for this thing and for that. They have been constantly insisting that the Government should build for them a great central hospital here, at the cost of a million of dollars.

We have listened to their appeals whenever they have been made with any show of equity and justice. But now, when they come and ask us to spend a million and a half of dollars for their benefit, and their benefit alone, it is asking more than we ought to do for them, considering that the burdens of taxation here are somewhat light, lighter, I may say, than in any city of its size in the country. There is no people of any city in the United States of the size of Washington that pays so little tax. And yet at the same time there is scarcely a city beneath the sun where so much money is expended for the improvement of the city and the benefit of its people. That being so, I submit that in equity and justice to the people we represent outside of this District we should not expend this great amount here. I certainly do not desire to do any injustice to the people of the District, who by the Constitution are under the exclusive jurisdiction of Congress. I would do no injustice to them; but I do not want to see any injustice done to other people of the United States. I think the people of the District should pay one-half of the expenses provided for in this bill. If they will do that, then I will be content to vote for the bill. If they are not willing to do that, if this House is not willing that it shall be done, I shall vote against the bill, because I feel it would be unjust to the people I represent, unjust to

all the people outside of this District and throughout this great country.

I trust, therefore, that this House will adopt the amendment proposed by the gentleman from Georgia, [Mr. BLOUNT,] which, as I understand it, requires that the people of this District shall pay one-half of the expense of the improvement provided for in this bill.

Mr. BLOUNT. I believe, Mr. Speaker, I have fifteen minutes left.

The SPEAKER. The gentleman has fourteen minutes.

Mr. BLOUNT. I yield five minutes of my time to the gentleman from Missouri, [Mr. BUCKNER.]

Mr. BUCKNER. When the act of Congress was passed dividing the expenditures of this District, and in point of fact, though not in words, assuming the payment of one-half of the debt of the District, I moved an amendment, which ought to have been adopted, providing that the Government of the United States should pay only 40 instead of 50 per cent., and that the people of the District should pay 60 per cent. of the expenditures of this District. It is becoming more and more obvious that that was the true policy of the Government; that the Government should not have been required to pay one-half of the expenses of this District.

By virtue of the provisions of the act authorizing the issue of 3.65 bonds, the Government is now paying annually an amount which, if devoted to a sinking fund, would ultimately pay the debt; the Government is practically paying one-half of the debt. That is the condition of things at the present time.

We are now asked to go still further and supply the people of this District with water at the expense of the Government of the United States. I think that is piling it up rather too high; that it is too much of a good thing to require the people of the United States to supply the people of this District with water for their use.

It is said by the gentlemen here that the people of the District pay water rents. Yes, they do. But the people of almost every city in the United States, after paying the expense of constructing their water-works, pay rents for the water they use. That is the case in Saint Louis and in other cities. After paying for the construction of the water-works, the people are taxed for the water they use individually. The people of this District are taxed for nothing except for the water they use in the way of water rents. Under the operation of the laws which we have passed the people of this District are the lightest taxed of any people in the United States in any city of the same size. That is beyond all controversy. And to ask us now to go to this additional expense for the benefit of the people here is a most exorbitant demand on their part. It is enough that we now pay one-half of the expenditures of the District.

I am in favor of that portion of the amendment of the gentleman from Georgia [Mr. BLOUNT] which provides that the people of this District shall pay one-half of this expense; not by the issue of 3.65 bonds, for as the law now stands the Government of the United States practically pays one-half of those bonds. They are fifty-year bonds, running fifty years from the date of their issue.

The people of this District ought to pay one-half of the expense of this improvement by taxation, and then their taxes would be no higher than taxes are at present in many if not most of the cities of the United States of the same size.

It will not do to say as I have heard it said here, that the people of this District have no commercial business, no manufacturing business. They are in the receipt of millions and millions of money, and they will continue in the receipt of it as long as this Government continues. It is distributed here in the way of salaries and other expenditures. It does not depend upon the seasons or anything else, but depends upon the Government alone, and the Government never yet has failed them. I say it is an outrage upon the people of this country to require them to pay the entire amount of the cost of this work for the benefit of the people of this District.

Mr. BLOUNT. I have been somewhat surprised at the arguments offered by gentlemen who are opposing the proposition that the Government of the United States shall pay one-half of the expense of this improvement and that the people of the District shall pay the other half. They oppose it because forsooth the Government might lose somewhat of its title to the present property. In other words, they are so eager about preserving the right and control of the United States over this property that they propose that the Government shall pay the entire cost of the improvement proposed by this bill. Where the Government has control not only of the general property of the Government here but of the affairs of the District itself, it does not make any difference in whom the title of this particular property may be.

These gentlemen are so eager to preserve this title that while the Government is now using only 3,000,000 gallons of water per day, the residue of the 27,000,000 being used by the people of the District, they are ready to build this additional main and furnish double the present supply of water to the people of the District at the expense of the Federal Treasury. What consideration there is in this toward the American people—what a zealous regard for their equitable rights! Why, Mr. Speaker, can any gentleman suppose that this House is to be misled by such a delusion? What can come of it? Suppose the people of this District obtain an equitable interest by reason of contributing to the expense of an additional main, what can be the consequence to the Government? What injury can come to this great property? I can conceive of none. On the contrary, I can conceive of a good result if the people here be made to pay



one-half of this expense, instead of obliging the people outside of the District to pay a million and a half of dollars while the people here are paying nothing.

Mr. ATKINS. I wish to ask the gentleman whether the tax collected for the use of the water by the citizens of this District goes into the Treasury of the District of Columbia?

Mr. BLOUNT. The water tax is to be used exclusively for connecting pipes with the mains of the Government for the use of the people here.

Mr. McLANE. And for the use of the Government.

Mr. BLOUNT. Not at all; the Government has its connections.

Mr. ATKINS. Who is credited with this tax, the District or the United States Government?

Mr. BLOUNT. The people of the District.

Mr. ATKINS. Then they collect tax upon the entire amount, of which we pay one-half?

Mr. BLOUNT. Yes, sir. Mr. Speaker, I am briefly calling the attention of the House to what I conceive to be the most odious suggestion in connection with this provision. As has been repeatedly stated here, we started out under the organic law for the government of the District upon the idea that the United States should contribute one-half of all the expense of the government of this District. It was a liberal provision. Now, here is a proposition upon a single bill for a single improvement to take one million and a half of dollars out of the Federal Treasury, without the slightest burden on the people of the District. As I said yesterday, there was a proposition urged here only a few weeks ago to appropriate an amount variously estimated from \$2,000,000 to \$10,000,000 for the improvement of the Potomac flats; not a cent of the money to be raised by taxation upon the people here. From time to time we have these various propositions for District improvements pressed here, and it is not proposed that the people be burdened with any tax to assist in paying for them. They have nothing to do but sit down and devise various schemes of public improvement. Not a particle of the burdens do they propose to carry themselves.

Mr. STEELE. Are we not notified upon the face of this bill that a million and a half of dollars may not be sufficient?

Mr. BLOUNT. That is true. While the bill designates a million and a half as the sum to be expended, the report itself discloses the fact that this is not a complete and satisfactory estimate. I cannot conceive of any possible condition of things better calculated to beget corruption and to create scandals, such as those with which the country was offended years ago under the board of public works, than for us to take the position that we are not content with assuming one-half of expenses of this character, but that whatever scheme may be presented here for the improvement of the Federal capital, in whatever way the taste of the most refined gentleman can conceive of, we are to take hold of it without any restraint by the terms of the organic act of the District and without any provision for imposing any portion of the burden upon the people of the District. I trust that we are not prepared to create such an opportunity for scandal.

Mr. STEELE. I wish to ask the gentleman one question. In addition to the amount spent upon the pipes for the convenience of the city, is there not a sinking fund accumulated to pay the original debt?

Mr. BLOUNT. I think that is true. Now, Mr. Speaker, there has been some criticism thrown out in reference to the amendment offered by myself, to the effect that it makes the people of the United States pay three-fourths of the debt of this District.

A MEMBER. Three-fourths of the interest.

Mr. BLOUNT. Three-fourths of the interest. Now let me read the very first sentence:

One-half of the improvements provided for in the foregoing sections shall be paid for by the District of Columbia in accordance with the organic laws of the District.

This proposition enunciates clearly the principle that one-half of this expense shall be paid by the Federal Government and one-half by the District. It seems to me so plain that there can be no controversy about it. We were met by this condition of things: it was alleged there was no time to raise taxes; that an immediate necessity existed for this additional supply of water, and that there was no way of providing the means except by the issuing of bonds. Therefore I have added to the amendment this provision:

And the District commissioners are hereby authorized to issue bonds at 3.65 rate of interest to such an amount and from time to time as the principal is required in execution of said improvements.

Bonds are to be issued as the money is needed for these improvements, and one-half of the expense is to be paid by the Federal Government and one-half by the people of the United States. If there be any defect in my amendment I am willing to accept any proper modification; and at any rate it should be remembered that this is a Senate bill, and if the amendment as now adopted should be deemed to require modification the details may be arranged in a committee of conference.

Mr. NEAL. I yield what remains of my time, which I believe is twenty-five minutes, to my colleague on the Committee on the District of Columbia, the gentleman from Maryland, [Mr. URNER.]

Mr. URNER. Mr. Speaker, this is an important measure, and should receive the careful consideration of this House; but I have been a little surprised at some of the opposition it has encountered.

The great objection, as I understand it, is in the line of the amendment offered by the gentleman from Texas, [Mr. REAGAN,] which provides that the District shall pay one-half of the expense of this improvement in increasing the water supply of this District. Now, it must not be forgotten that the Washington water-works; that the dam which has been built across the Potomac at the Great Falls, the Aqueduct that conveys the water from the Great Falls down to the distributing reservoir above Georgetown; that the reservoir itself, and that the great mains that carry the water from the reservoir to this city, are all Government property; that they belong to the Government of the United States, and that the District of Columbia has no property in them whatever.

If we look back for one moment at the history of the legislation providing for the water supply, we find that in 1852 Congress passed an act directing an appropriation of \$5,000 to "enable the President of the United States to cause the necessary surveys, projects, and estimates to be made for determining the best means of affording the cities of Washington and Georgetown an unfailing and abundant supply of good and wholesome water." It provided that a report thereof should be made to Congress at the next session, and that the sum of \$5,000, as I have said, or so much thereof as might be necessary, should be appropriated for that purpose.

March 3, 1853, an act was passed and approved which made an appropriation to this effect:

To be expended under the direction of the President of the United States for the purpose of bringing water into the city of Washington on such plans and from such places as he may approve, \$100,000, &c.

And so the work went on, Mr. Speaker, until 1859, when it was completed, and then it was that Congress passed the law upon which the gentleman from Georgia [Mr. BLOUNT] relied yesterday in support of his amendment. I simply desire to call the attention of the House to the title of that law. It is "An act to provide for the care and preservation of the works constructed by the United States for bringing the Potomac water into the cities of Washington and Georgetown, for the supply of said water for all governmental purposes, and for the uses and benefits of the inhabitants of said cities." The act clearly shows the work was then considered a Government work. It was paid for and is owned by the United States alone. Now, we have had some little experience during this session in appropriating money for public buildings, and in no single instance has any gentleman on this floor, although those public buildings are to meet the public requirements and the necessities of the people living in the localities where they are to be erected, not a single gentleman on this floor has for one moment contended that the people in the localities where the buildings are to be erected should bear any portion of the expense incurred in their erection.

If gentlemen will reflect it seems to me they cannot fail to see how untenable and unjust is the demand that the District shall pay the one-half of the expense of enlarging and improving these Government water-works. Here is a Government work; the Government, as I have said, owns the dam, the Government owns the aqueduct, it owns the reservoir, and it owns the great mains which bring the water to this city. When the people of the District of Columbia want to use it then the District authorities tap the mains, lay the distributing pipes, and convey the water to the houses of the consumers, and the people who use the water pay for the same. This great work of distribution is under District control and at the expense of the District.

The Congresses that enacted the laws providing for the erection of the present water-works had in contemplation the growth of the city and the probable increasing demand for water, and they provided an aqueduct capable of supplying 27,000,000 of gallons of water daily. But it cannot be said of them, "they built more wisely than they knew." A supply that was abundantly ample then is wholly inadequate now. I learn from the census tables that the population of the District in 1800 was about 14,000; and in 1850 it was about 51,000. At that time Alexandria had been receded to Virginia. The increase in the first fifty years of this century was but little more than 40,000. They built as they supposed wisely, and they did, when their work is considered in the light of the events then known to them; but they greatly underestimated the growth of this city and District in population. Since 1850 the increase of population has been about 126,000; and now we find that this reservoir, that these water-works, although they were ample and sufficient at the time of their creation, wholly fail to meet the requirements of the present.

It cannot be disputed that we need, and urgently need, an additional supply of water, and the citizens and authorities of this District have directed our attention to this necessity. It is a pressing necessity, one we cannot ignore and discharge our duties as legislators. I will give a single illustration of the scarcity of water in certain portions of this city. I have a letter which was handed to me by the gentleman from Indiana, [Mr. PEIRCE,] who is a member of the Committee on the District of Columbia, addressed to himself and to Mr. HEILMAN, another member from Indiana, and I would like to read a portion of it for the benefit of the gentleman from Indiana on the other side, [Mr. HOLMAN,] who not only opposes this enterprise but opposes everything involving an expenditure of money that comes before the House.

He seems, however, to have a tender point when an appeal is made from Indiana, and the writer of the letter is an Indiana gentleman.

This great watch-dog of the Treasury, who stands here barking whenever an expenditure of public funds is demanded, I am told is mute when an appeal comes from Indiana, and that the ferocious bark we so frequently hear is turned then into an encouraging whine. [Laughter.] I want to read for his benefit what this Indiana gentleman says:

In matter of water supply for the District of Columbia.

WASHINGTON, D. C., June 5, 1882.

GENTLEMEN: Not only as an ex-Indianian (you being Representatives from that State) but because you are members of the House Committee on the District of Columbia, I take the liberty of this writing.

It has been stated that your committee, through Hon. M. G. URNER, will to-day make an effort to pass the Senate water-supply bill under a suspension of the rules. You know my home is now here, and in common with all residents of Washington, particularly those who reside on "Capitol Hill," (East Washington,) I am earnestly solicitous for the passage of this much-needed measure.

It seems to me if members of the House were well posted as to the extreme need for the relief proposed by this bill, or to put it stronger, as to the serious perils involved in delay, there would be not one dissenting or objecting voice.

Let me give you one or two facts within my own knowledge.

It was only last month that on two occasions, two different days, within the same week, I found my house entirely destitute of water. I could not, even in the basement, draw so much as a single tumblerful, nay not even a spoonful to quench thirst. This was the situation one day for nearly or quite three hours. Of course, I suffered only as did all other residents of Capitol Hill. Now, what was the trouble? Prior experiences enable me to answer this question with almost absolute certainty. Somewhere in the western part of the city there was a fire, or it was feared there would be one, or possibly it was thought there ought to be one, and so in order to insure water to fight the flames raging or anticipated, the flow was cut off entirely from Capitol Hill until the peril was over. What if, at just that time, a fire had broken out in East Washington? Worse still, what if a fire had just then developed in the Capitol building?

Bear in mind this is not entirely a fancied danger. That grand edifice is not in all its parts fire-proof. In more than one locality within its walls a match carelessly dropped might do incalculable damage; and though, to some extent, the building has its special internal arrangements for water, I conjecture an outside supply would be the chief hope in case of a fire getting any considerable headway. It does seem to me members cannot hesitate to spare a half hour to pass this, the most important bill now pending before the House. It should have been the law three years ago.

Hoping you may succeed in the contemplated effort, and that the above facts may aid to that end, I am,

Very respectfully, your obedient servant,

CHAS. CASE.

Hon. WILLIAM HELLMAN and Hon. R. B. F. FIERCE,  
House of Representatives.

There has been a committee of very intelligent and respectable gentlemen of this city who have closely investigated this water question, and made a report embodying very important data upon the subject. This is the report as published in the Washington papers:

The following important data relative to the question of an adequate water supply for the city of Washington, and arguments showing the necessity of its increase, have been compiled by a sub-committee of the citizens' committee of one hundred, consisting of Messrs. C. J. Hillyer, Thomas Sunderland, Henry A. Willard, Reginald Fendall, Sayles J. Bowen, and W. C. Dodge, and are submitted for the consideration of Congress with a view to securing such prompt and liberal legislation as the exigencies of the situation demand.

The water-works belong to and are controlled by the United States Government. The law for their construction provides that the Government, in all its departments, is to be supplied first; and then, if any be left, the citizens may have it under such regulations as the Government may impose. When the works went into operation in 1859 there were three hundred and fifty-four citizens who took the water. Now there are 20,000. The Government has expended \$3,784,546.72; the citizens have paid, up to 1879, \$1,353,351.17; the citizens paid in 1879-'80, \$196,459.09, or almost \$200,000 a year.

The necessity for an increase admits of no question. In not one of the Departments or the Capitol can the water be had without the aid of steam-pumps, at a large annual expense; and it is only by depriving the citizens of the water, for which they pay the full rate annually in advance, that the Capitol grounds, the Botanical and Propagating Gardens, and the public grounds and fountains can be supplied, as well as the fish ponds and all the reservations and public buildings. Great difficulty was encountered during the past season in the Capitol grounds and parks in keeping the grass and shrubbery alive for want of water. The same is true in regard to the parking, the thousands of young shade trees, and sprinkling the streets. Private fountains are not allowed to be used at all. Up to within a few years the supply was ample: to-day there are thousands of dwellings in which the water will not flow into the boilers connected with the ranges, nor into the water-closets.

During the hot weather of last summer there were seven hundred children in the Wallach school building, and not a drop of water would flow in the water-closets or urinals on the ground floor, and in many of the school buildings it will not at any time flow in the teachers' closet on the second floor. In order to get along at all, the school authorities were obliged to get the Commissioner of Public Buildings and Grounds and the Secretaries of the various Departments to order all public fountains to be shut off entirely, and still the suffering for want of water was intense.

That the scarcity of water is not due to the use or waste of it by the citizens is shown by the official report of Colonel Casey. On the 28th of June, 1870, he measured the quantity flowing from the reservoir; it was 25,740,138 gallons. From twelve o'clock at night to six a. m. it passed out at the rate of 970,909 gallons. (See Appendix N. N. of the annual report of the Chief of Engineers for 1880, page 2349.) The citizens were not using it then to any considerable extent, because they were in bed and asleep. Their spigots were not left running to prevent freezing then, because it was in June. If, now, it runs out at the rate over and above what the citizens use during those hours, of course it does so at all other hours. In twenty-four hours that would amount to 23,301,816 gallons, thus leaving but 3,438,322 gallons for the citizens, or but 13½ gallons per capita, instead of 155½, as has been supposed.

It is clear that something must be done, and that soon. The bill introduced by Senator HARRIS, Senate bill 1427, will afford a complete and adequate remedy, and nothing less will. It will provide all the water need for all time, both for the Government and the citizens. It has been thoroughly considered, and is approved by all the authorities and the citizens. The total cost is less than a million and a half, and that ends the whole matter.

Rome had a water supply of about four hundred gallons per capita. Water is as necessary to life and health as air.

The water-works have already cost over \$5,000,000, and afford a daily supply of

26,000,000 gallons. By expending \$1,500,000 more the daily supply can be increased to 80,000,000 gallons. The difference is between distressing scarcity and bountiful abundance, both for public and private use. The construction was undertaken by the General Government, and primarily for its own benefit. The original act restricts the use of water by citizens to the surplus remaining after Government needs are fully supplied. The work when completed, even if paid in part by local taxation, will belong exclusively to the General Government, and will be controlled and disposed of at the will of Congress.

There have been laid in this city 175 miles of water mains, (excluding service pipes,) of them the United States has constructed and paid for 5.17 miles, i. e., 3.80 of 30-inch and 1.98 of 20-inch mains; the balance, 169.83 miles, including 3.12 of 36-inch mains, has been paid for by the inhabitants. Yet these belong to the General Government and are completely subject to the control and disposition of Congress. All new distributing mains within the city are laid at the expense solely of private property owners, and yet when laid belong to the Government.

An annual tax in the shape of water rent is imposed upon the citizens, averaging for the last two years \$138,000 per annum. From the money raised by this tax the general expense of the water system is defrayed. In the estimates for appropriations upon the half-and-half principle Congress takes no account of this tax; that is, no appropriation of Government money is made against it. It stands, therefore, as an annual payment by the citizens on account of water supply. One hundred and thirty-eight thousand dollars is interest at the rate of 3.65 per cent. on \$3,800,000. On the plan, therefore, of equal division of expense, (and no one doubts that more than half the water is used for public purposes,) the Government should expend \$3,800,000 in construction to offset this annual tax for care and maintenance.

There are engineering difficulties in obtaining a free discharge of the sewerage of the city. The menace to health from this cause will be reduced to a minimum by pouring through the sewers daily 80,000,000 gallons of the pure water of the Potomac.

If the Government cannot afford to furnish an ample supply of water to the national capital, let the tax on its inhabitants be increased. They can stand increased taxation better than a perpetual water famine.

It cannot be denied an additional water supply is required, and to withhold it would be cruel and inhuman, and endanger the health of the people and the safety of both public and private property. While the people of the District will be directly benefited by an increase of the water supply here, just as the people of Baltimore, Rochester, and Brooklyn and other cities are benefited by the erection of public buildings, it is no more right to ask the people of this District to bear one-half of this necessary improvement than it is to ask the people of those cities to help to pay for the erection of the public buildings to be owned exclusively by the Government as these water-works are.

Ah, but, say some gentlemen, here is a great water tax imposed. It is true, Mr. Speaker, there is a water tax imposed, or rather a water rent collected from the citizens of this District, but where does that tax go to? During this session of Congress we have passed an act entitled "An act to make appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1883, and for other purposes," in which bill we have incorporated a provision in its third section that hereafter all moneys appropriated for the expense of the government of the District of Columbia, together with all revenues of the District of Columbia—including of course the water tax, because that is a part of the revenue of the District of Columbia—that all of the revenues of the District of Columbia derived from taxes or otherwise shall be deposited in the Treasury of the United States as required by the provisions of section 4 of the act approved June 11, 1878, and shall be drawn therefrom only on requisitions of the commissioners of the District of Columbia, and so forth—

Mr. DINGLEY. Will the gentleman pardon me right here for a question at this point?

Mr. URNER. Certainly.

Mr. DINGLEY. It becomes an important question to know what becomes of the tax on water after having been paid into the Treasury; what is done with it, and for what purpose it is used.

Mr. URNER. I had in my hand a moment since the act known of the "organic law," providing the present system of government for this District, and to which I intended to refer in this connection, but someone has taken it from my desk. But, as I understand it, the water tax that is collected from the rental or from consumers in the District is paid into the Treasury of the United States. There it goes to the credit of the District of Columbia expenditures.

Under the organic act, passed, I believe, by the Forty-fifth Congress, it is provided that the District commissioners shall make a report to the Secretary of the Treasury of the moneys required for the current expenses of the District government. In that report is embraced an item for keeping in repair the Washington Aqueduct and appurtenances. The commissioners are required to make that report as to the necessary expenditures of the District government to the Secretary of the Treasury, which report is required to embrace all of these items of expense, and all expenditures incurred in the execution of all laws applicable to the District. The Secretary of the Treasury then takes that report of the commissioners, taking into consideration the money received from all sources, and upon that makes an estimate which he sends to Congress, and upon those estimates received from the Secretary of the Treasury the appropriation is made for the District government, one-half of the expense of carrying on the government of the District being borne by the citizens of the District themselves, and the other half by the United States.

Mr. REAGAN. That tax, or one-half of it, goes to the credit of the District.

Mr. URNER. At this point I desire to call the attention of the House to one distinction. The amendment proposed by the gentleman from Texas—



Mr. PAGE. The gentleman from Texas [Mr. REAGAN] suggests that one-half of the tax derived from the water supply goes to the credit of the District of Columbia. Is that so?

Mr. VALENTINE. That is a very important item to be considered in connection with the passage of this bill. What becomes of that water tax?

Mr. URNER. I am told that the aggregate of that tax—

Mr. NEAL. If the gentleman from Maryland will give way for a moment I will explain that point.

Mr. URNER. I will yield to the gentleman in a moment, after I have made a single remark in connection with the amendment of the gentleman from Texas. I only want to call the attention of the House to one practical point, which is now before us.

Mr. REED. I would suggest to the gentleman from Maryland that this question is very important in this connection.

Mr. VALENTINE. Let us understand that plainly. What becomes of the water tax; does it reduce the amount to be appropriated by Congress or not?

Mr. URNER. Very little time has been allowed me in this discussion, and I will turn the question over to the chairman of the committee, who will explain to the satisfaction of the House the disposition made of that tax.

Mr. REED. It is a vital point here, and if the gentleman from Maryland will permit me to say so, it is not worth while to explain anything else until that is explained.

Mr. URNER. The whole matter will be satisfactorily explained by the chairman of the committee.

Allow me to call attention to the following extract from the report of the water registrar:

*Statement showing the amount of money collected by the collector of taxes for the water department from July 1, 1880, to June 30, 1881.*

Water tax	\$26,809 53
Water rent	109,679 58
Water taps	1,851 00
Water permits, &c.	1,908 22
	140,248 33

*Expenditures of the water department from July 1, 1880, to June 30, 1881.*

Office rolls	\$10,830 00
Contingent expenses of office, (printing, &c.)	1,141 10
Laborers' rolls	23,692 55
Material, &c.	29,080 69
Refunded	290 24
Erection of stand-pipe	1,580 39
Interest and sinking fund	74,123 77
	140,738 74

It will be seen the receipts for last year amounted to \$140,248.33, and after the payment of the expenses there was a balance of \$74,123.77, which was applied to "interest and sinking fund."

The District government incurred a heavy debt in laying pipes and conveying the water to the consumers of the District. Bonds or "water stock" were issued under the law, and the net receipts from the water rents are pledged to the liquidation of that indebtedness.

The following from the water registrar's report will show the water-mains laid in the District of Columbia by the United States and the District, respectively:

WATER REGISTRAR'S OFFICE, DISTRICT OF COLUMBIA,  
September 30, 1881.

Sir: I have the honor to make the following report of the operations of the department from July 1, 1880, to June 30, 1881.

WATER-MAINS.

1. The total length of water-mains laid in the District of Columbia is 927,777½ feet, or 17,534¼ miles.
  2. Laid by the United States Government: 30-inch, 12-inch, 6 and 4 inch mains, 93,750 feet, or 17,534¼ miles.
  3. Laid by the late corporation of Washington: 6 and 4 inch mains, 55,000 feet, or 10,370 miles.
  4. Laid by the District of Columbia: 36, 30, and 20 inch mains, 31,639 feet, or 593¾ miles.
  - 5th. Laid by the water department since its organization to June 30, 1881: 12, 6, and 4 inch mains, 751,179½ feet, or 14,214¼ miles.
- Of the above, there were laid since its organization to June 30, 1881: 12, 6, and 4 inch mains, 751,179½ feet, or 14,214¼ miles.
- Of the above, there were laid since July 1, 1880, to June 30, 1881, 3,709 feet, of which the following is a correct list.

I desire in the brief time remaining to me to further call the attention of the House to the provisions of this amendment of the gentleman from Texas. It is here proposed that when we have a bill for the purpose of continuing a Government work, the building of a dam and the extension of the Aqueduct, the erection of another reservoir, the condemnation of land for the purpose of extending that Aqueduct, and all of the matters which pertain to the work, all of which shall be Government property, it is proposed by the gentleman from Texas that the District of Columbia shall bear one-half of the expense incident to the execution of this Government work. Now, in the organic law Congress has very justly agreed to pay one-half of the expense of carrying on the District government. But this is not an expense of the District government; it is but an enlargement and extension of a Government work; an increase of the United States property, and it has never heretofore been contended that the District should pay one-half of the expense of carrying on a Government

work. There is no reason why this enlargement should be put upon any different basis from the original undertaking, when the United States bore all the expense and has all the ownership and control.

Mr. VALENTINE. Will the gentleman yield to me a moment? I will be very brief, or try to be so.

Mr. URNER. I yield to the gentleman.

Mr. VALENTINE. It has been stated this water tax was paid over to the Treasurer of the United States the same as other revenues of the District. Now, is it not the fact that that, together with the other revenues of the District, is deducted from the total amount so as to ascertain the whole amount to be appropriated by the Government of the United States? And is it not a fact that the Government of the United States gets its proportionate share, or half of this tax?

Mr. DINGLEY. Should not the Government receive the whole of it and not merely the half?

Mr. NEAL. I ask the gentleman from Maryland to yield me a single minute to answer the question of the gentleman from Nebraska.

Mr. URNER. I yield one minute to the chairman of the committee.

Mr. VALENTINE. I shall be glad to have an answer from the chairman of the committee.

Mr. NEAL. The fact is just this: a few years ago the Congress of the United States authorized the District authorities to lay certain water pipes or mains in the streets for the supply of the public buildings and of private residences. They authorized a special assessment to be made upon the property-holders of 33 per cent. of the amount which was collected as a water-main tax; and they authorized the issuing of bonds to pay the other two-thirds.

Here are outstanding some \$300,000 or \$400,000 of those bonds. Every dollar of money that is paid by the people of this District for the use of water goes into the hands of the Treasurer of the United States and is appropriated annually by Congress. A portion of that money goes to keep up the water-works. The remaining portion of it constitutes a sinking fund for the payment of the debt and the interest. The amount collected last year was \$139,000. That will increase every year. In three or four years these bonds will be all paid off, and then the money will go into the Treasury to be distributed as Congress in its wisdom may see fit. The people of this District pay a full price for every drop of water they receive.

Mr. VALENTINE. And the Government gets the benefit of that revenue.

Mr. REAGAN. The statement of the gentleman from Ohio [Mr. NEAL] would have been perfect if he had gone on and shown that the water tax goes to the credit of the District of Columbia and is a part of its 50 per cent.

Mr. NEAL. The gentleman from Texas [Mr. REAGAN] does not know anything about it. [Laughter.] It goes into the Treasury for the purpose of paying the expenses of the water-works and then for the interest on these bonds.

Mr. URNER. How much time have I left?

The SPEAKER *pro tempore*, (Mr. KLOTZ.) Five minutes.

Mr. URNER. There is an amendment offered to this bill by the gentleman from Virginia, [Mr. GARRISON,] my colleague upon the Committee on the District of Columbia, upon which I desire to say one word. That amendment provides an appropriation to make a fish-way over the Great Falls.

I think that is a very important provision. I went to the Superintendent of the Census this morning to get some statistics to show the growth of the fishing interests in the last ten years. He told me heretofore they were not considered of sufficient importance to make a special item of in the census, and therefore he could not give me the relative growth. But he knew they were swelled to very great proportions. In the fisheries of Virginia alone over twenty millions of pounds of food fish were caught in the year 1880. Then there are the large fisheries of Maryland, Maine, and elsewhere.

The attention of the people is being directed to fish as an article of food. In this age of steam and electricity, when mechanical appliances and inventions are taking the place of muscular labor, the brain is taxed to the utmost, and I am told by medical gentlemen—with one of whom, the distinguished health officer of this District, I was in conversation this morning—that fish is one of the best articles of food that can be used to strengthen and give tone and character to the brain. It contains a large proportion of phosphorus, which is brain food, and public policy requires we should encourage fish culture. The Legislature of Maryland has passed an act requiring that persons who build dams across fishing streams shall also build a fish-way so that fish can get up into their spawning grounds.

The gentleman from Virginia [Mr. GARRISON] assured us yesterday upon the authority of Professor Baird that the fish originally got over the Great Falls, but since the dam was erected there by the Government to supply the water-works of the city they can no longer get beyond the falls. We think the Government of the United States having put that obstruction there, will not only promote the interest of the people of the country, in view of the importance of the fishing interests, but owes it as a duty especially to the people living along the streams above, the Monocacy, the Conococheague, the Shenandoah, &c., that facilities shall be provided for the anadromous fishes of the Potomac, such as the shad and herring, to get up into their natural spawning waters.

Have I any time remaining?

The SPEAKER. The gentleman has one minute of his time remaining.

Mr. URNER. The gentleman from California [Mr. PAGE] asked me to yield a minute to him. I understand he has gone out of the Hall.

Mr. NEAL. Give me that minute, then.

Mr. URNER. I yield to the gentleman from Ohio, [Mr. NEAL.]

Mr. NEAL. Since I spoke a moment ago I have obtained possession of the fourth annual report of the commissioners of the District of Columbia for the fiscal year ending June 30, 1881. I find in that report a statement of the amount of money collected by the collector of taxes for the water department from July 1, 1880, to June 30, 1881. There was collected from the people of this District the sum of \$140,248.31. The expenditures of the water department from July 1, 1880, to June 30, 1881, were as follows: office rolls, \$10,530.10; contingent expenses, (printing, &c.,) \$1,141.10; laborers' rolls, \$23,692.55; material, &c., \$29,080.69; refunded, \$290.24; erection of stand-pipe, \$1,580.39; and interest and sinking fund, \$74,123.77; making the entire expenditure \$140,738.74, not a cent of which went into the District treasury.

Mr. REAGAN. That all went into the District treasury, and was balanced by an equal amount from the Treasury of the General Government.

Mr. NEAL. The gentleman is entirely mistaken.

Mr. REAGAN. That is provided for under the act of establishing a District government.

The SPEAKER. The time for debate has expired. The question is first upon the amendment recommended by the Committee on the District of Columbia, which the Clerk will read.

The Clerk read as follows:

Add to the bill these words:

"To provide for the erection of suitable fish-ways at the Great Falls of the Potomac and at the dam to be constructed under the provisions of this act in accordance with plans and specifications to be prescribed by the United States Commissioner of Fish and Fisheries, \$50,000, or so much thereof as may be necessary."

The question was taken upon the amendment, and it was agreed to.

The SPEAKER. The question is next upon the amendment offered by the gentleman from Texas, [Mr. REAGAN.]

Mr. REAGAN. I withdraw that amendment, because I think the one offered by the gentleman from Georgia [Mr. BLOUNT] makes better provision for the same object.

The SPEAKER. That amendment having been withdrawn, the question now comes up on the amendment offered by the gentleman from Georgia, [Mr. BLOUNT.]

Mr. HEWITT, of New York. I desire to offer a substitute for the amendment of the gentleman from Georgia, which I have shown him and which is acceptable to him.

The SPEAKER. That is not now in order pending the operation of the previous question.

Mr. BLOUNT. I desire to say that my amendment was hastily drawn, and the same idea, and I think more elaborately and clearly expressed, is contained in the amendment which has been drawn up by the gentleman from New York, [Mr. HEWITT.]

The SPEAKER. The amendment will be read, after which the Chair will ask for consent that it be substituted for the amendment of the gentleman from Georgia.

Mr. McLANE. I call for the regular order.

The SPEAKER. That will be taken as an objection.

Mr. RANDALL. And it is so intended.

The SPEAKER. So the Chair understands. The question is upon the amendment of the gentleman from Georgia, which the Clerk will read.

The Clerk read as follows:

Add to the bill the following:

"One-half of the improvements provided for in the foregoing sections shall be paid for by the District of Columbia in accordance with the organic laws of the District; and the District commissioners are hereby authorized to issue bonds at 3.65 per cent of interest to such an amount and from time to time as the principal is required in execution of said improvements."

Mr. BLOUNT. I understand that the gentleman from Maryland [Mr. McLANE] withdraws his objection to the amendment of the gentleman from New York, [Mr. HEWITT.]

The SPEAKER. Then the amendment of the gentleman from New York will be read, after which the Chair will ask consent that it be substituted for the amendment of the gentleman from Georgia, just read.

The Clerk read as follows:

Add to the bill the following:

"Provided, That the cost of the said improvement shall be annually computed and stated by the Treasurer of the United States and charged to a capital account on the books of the Treasury, and that the interest at the rate of 3.65 per cent thereon shall be annually included in the District tax-levy and paid into the Treasury of the United States; and that any surplus of water rents over and above the expense of maintaining the works and appendages, and paying prior interest charges now existing, shall be paid into the Treasury of the United States and credited to the capital account thus created until the same shall be finally extinguished."

The SPEAKER. Is there objection to substituting the amendment just read for the one offered by the gentleman from Georgia?

Mr. URNER. I object.

The SPEAKER. The question then recurs on the amendment of the gentleman from Georgia, [Mr. BLOUNT], which has been read.

Mr. REED. I hope the gentleman from Maryland [Mr. URNER] will withdraw his objection.

Mr. URNER. I will withdraw it.

The SPEAKER. There being no further objection, the question is now upon the amendment offered by the gentleman from New York.

Mr. GARRISON. There should be a verbal amendment to that amendment. If adopted it will be the second proviso to the bill, and it should be changed so as to read, "and provided further," &c.

The SPEAKER. If there be no objection the verbal amendment will be made.

There was no objection.

The question was taken upon the amendment of Mr. HEWITT, of New York; and upon a division there were—ayes 71, noes 39.

So (no further count being called for) the amendment was adopted.

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

Mr. NEAL 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.

#### FOLDING-ROOM OF THE HOUSE OF REPRESENTATIVES.

Mr. BREWER. I now call up the report of the Committee on Ventilation, submitted yesterday, in regard to the folding-room of the House of Representatives, and ask that the report be read.

Mr. CANNON. If that report will take any considerable time I must raise the question of consideration, and antagonize it by a motion to go into Committee of the Whole on the legislative, executive, and judicial appropriation bill.

Mr. BREWER. I think the consideration of this report will not occupy more than five minutes. When the report has been read I believe every gentleman on the floor will be in favor of its adoption. It is a unanimous report.

The SPEAKER. The gentleman from New Jersey [Mr. BREWER] calls up for present consideration the report of the Committee on Ventilation.

Mr. CANNON. Until that report is read I will reserve the right to raise the question of consideration.

Mr. McMILLIN. Is not this report subject to the point of order that its first consideration must be in Committee of the Whole?

The SPEAKER. The resolution provides for payment of the contemplated expenses out of the contingent fund of the House. The rule referred to by the gentleman has not been applied to propositions of this kind.

The Clerk read the resolutions and accompanying report, as follows:

*Resolved*, That the Select Committee on Ventilation and Acoustics be instructed to inquire into the sanitary condition of the House folding-room, and to report whether the same is not detrimental to the health of those employed therein.

*Be it further resolved*, That if said committee shall find said folding-room unfit for human habitation they are hereby instructed to inquire into and report upon what terms more suitable quarters can be obtained.

Your committee, charged to inquire into the sanitary condition of the folding-room and to report whether the same is not detrimental to the health of those employed therein, and also to report upon what terms more suitable quarters can be obtained, beg leave to report as follows:

We have made a careful inspection of the folding-room, and find that it occupies a suite of dark, damp, dungeon-like chambers in the basement of the House. It is so poorly lighted as to make it necessary to keep gas burning from forty-two burners during the entire day. The walls are of brick and in a condition of perpetual dampness. Over the heads of the employes extend the lines of steam-pipe used in the heating of the building. The floor is of stone, covered with thick planks that do not prevent the ingress of the cool and damp vapors from the ground. The walls are not over ten feet high, and as the steam-pipes, about six inches in diameter and constantly full of hot steam, are hung nearly a foot below the ceiling, the heads of the employes are compelled to be in such close proximity to the heating-pipes that the temperature of that part of their bodies is abnormally high, while that of their feet on the other is reduced to a degree bordering on the dangerous.

Owing to these causes the atmosphere becomes a constant succession of hot and cold draughts, that makes the contraction of colds and catarrhal affections unavoidable. The dampness of the walls and floor have a certain tendency to rheumatic troubles, and a great many of the laborers are suffering from symptoms of that disease more or less aggravated. The air is poisoned by the fumes of gas and the impurities incident to the discharge of fifty pairs of lungs in a space hardly sufficient to afford good air to ten. It is therefore our opinion that from a sanitary point of view the folding-room of the House is utterly unfit for the occupation of human beings.

There are also objections to it from an economical stand-point. The amount now expended for gas would, in our opinion, more than repay the rent of suitable and healthful quarters in a convenient part of the city. This would involve an incidental outlay for two horses and a wagon, but the expense would be trifling. Your committee have visited a house on East Capitol street, between Second and Third streets, three stories in height, containing fourteen rooms and out-buildings for stables, &c., that can be secured at an annual rental of \$1,000. We recommend that that building be rented, and used for a workshop for the men and for the storage of such books as it will hold, and that the rest of the books remain where they are. The cost of the horses and wagon to carry books to and from the proposed new folding-room is as follows:

Two horses .....	\$300
Feed, one year .....	240
Double harness .....	40
Driver .....	600
Cost of wagon .....	300
Repairs and shoeing .....	100
Total .....	1,580



So that the proposed change can be effected at a net cost to the Government of \$1,500 the first year and \$900 the second year, as the following table will show:

Cost of wagon and horses.....	\$1,580
Rent.....	1,000
	2,580
Deduct saving in gas, estimated at.....	777
	1,803
Net cost first year.....	1,803
Deduct price of wagon and horses, which expense is only incident to first year.....	600
	1,203

Net cost second year..... 1,203  
An additional saving will accrue from the attendance and work of those usually sick and whose work is lost thereby.

We therefore recommend that the Doorkeeper of the House be authorized to rent the building described in this report and to use the same as a folding-room, and that he be also authorized to purchase a wagon and horses and to provide for their keeping and care, at a cost not to exceed the figures herein estimated, and that he be empowered to employ a driver at a salary not to exceed \$600 per year.

*Resolved*, That there be paid out of the contingent fund of the House, under the direction of the Doorkeeper, the sum of \$2,580, or so much thereof as may be necessary, for the rental of a building to be occupied by the folding department of the House, and for the expense of transportation of public documents for the use of the House for the ensuing fiscal year.

C. B. DARRALL,  
*Chairman.*  
J. H. BREWER,  
H. VAN AERNAM,  
ABRAM S. HEWITT,  
GEO. W. COVINGTON,  
A. HERR SMITH,  
*Sub-committee.*

Approved June 8, 1882.

I agree to the above report.

J. A. MCKENZIE.

Mr. HOLMAN. I see that the appropriation here proposed is from the contingent fund of the House. I wish to inquire whether it is subject to the point of order that it must receive its first consideration in Committee of the Whole?

Mr. HAWK. I hope the gentleman from Indiana will not interpose that point of order.

The SPEAKER. The point of order has already been raised. In the opinion of the Chair the resolution is not subject to the point of order.

Mr. CANNON. If the gentleman from New Jersey can get unanimous consent to have this measure considered as read the third time and passed, I will withdraw my right to antagonize it.

The SPEAKER. It does not require a second and third reading. It is a House resolution.

Mr. SPRINGER. Is this expense to be paid out of the contingent fund?

The SPEAKER. It is.

Mr. SPRINGER. I think this is a very proper measure to be adopted.

Mr. BREWER. I do not wish to antagonize the bill which my friend from Illinois [Mr. CANNON] wishes to call up.

Mr. WHITE. I desire to offer an amendment.

Mr. CANNON. Pending that, I move to dispense with the morning hour for the purpose—

The SPEAKER. The resolutions which have been read are before the House.

Mr. CANNON. Oh, no; I expressly reserved before the reading of the report commenced the right to raise the question of consideration in the event that this measure should elicit amendment or debate.

The SPEAKER. The question of consideration is not raised by such a motion as the gentleman has indicated.

Mr. CANNON. Very well; then I move that the House resolve itself into Committee of the Whole—

The SPEAKER. The Chair entertains this privileged question as against that motion.

Mr. BREWER. I demand the previous question.

The SPEAKER. The gentleman from New Jersey demands the previous question on agreeing to the resolutions reported by the Committee on Ventilation.

Mr. KASSON. I wish to put a question, only a question, to the gentleman from New Jersey, [Mr. BREWER.] I desire to inquire whether it is not possible that the work of the folding department may be accomplished in the Rotunda upon the floor below with safety to the employes of the House, instead of taking this business entirely away from the Capitol?

Mr. BREWER. A portion of the force has already been working in the place mentioned by the gentleman; but it is dark and damp, not a suitable place. Besides, there would have to be an inclosure, or it would be entirely too public for this kind of work.

Mr. KASSON. I have observed a few—a very few—persons employed there, and had supposed it to be a comparatively suitable and convenient place. I think it is, in general, bad policy for us to scatter the dependent employments of the House over the city, instead of having them carried on in the Capitol. For this reason I wished to know whether inquiry had been made as to finding some suitable place in this building.

Mr. McMILLIN. I desire to ask the gentleman—

The SPEAKER. The gentleman from New Jersey has demanded the previous question.

Mr. SPRINGER. I wish to know whether the accounts for rent must, under this resolution, be approved by the Committee on Accounts. Is any restriction of that kind provided? It ought to be understood that the accounts for the renting of this property are to be approved by the Committee on Accounts. If there is nothing in the resolution to this effect, I want a provision of the sort inserted before the previous question is ordered. I inquire of the gentleman whether there is anything in the resolution requiring that these expenditures shall be audited and approved from time to time by the Committee on Accounts?

The SPEAKER. Would not that follow under the rule?

Mr. SPRINGER. If so, I have no further question to ask.

The SPEAKER. In the opinion of the Chair, all expenditures from the contingent fund must be audited by the Committee on Accounts.

Mr. SPRINGER. Then I hope this resolution will be adopted. It is absolutely inhuman to require anybody to work where these employes are now compelled to perform their duties.

Mr. PAGE. I understand the gentleman from New Jersey will yield to me for a question.

Mr. BREWER. I wish to say in the first place, in answer to the gentleman from Illinois, that all expenditures coming out of the contingent fund of the House of Representatives must be first approved by the Committee on Accounts under the rules of the House. I yield now to the gentleman from California, [Mr. PAGE.]

Mr. PAGE. I wish to ask the gentleman from New Jersey whether his committee has taken into consideration whether it would not be better to provide some room outside of this building for the accommodation of the unimportant committees of the House and thereby save the expense of keeping up horses and wagons after the removal of the document-room of the House to another and remote part of the city; whether, in fact, it would not be better to hire rooms near by, so that some of these committees could be accommodated, and then there would be no necessity for any such removal as is here provided for?

Mr. BREWER. I desire to say to the gentleman from California that the committee did consider that matter, but inasmuch as it had nothing to do with the resolution of the House referring this subject to us, we did not follow it up.

Mr. WHITE. I rise to a parliamentary inquiry. Have I not a right to offer a substitute for this report?

The SPEAKER. Not unless the gentleman from New Jersey yields for that purpose by withdrawing his demand for the previous question.

The House divided; and there were—ayes 82, noes 12.

Mr. WHITE. No quorum has voted. I demand this matter shall be discussed. I am willing to withdraw the point of no quorum if the gentleman permits me to offer a substitute.

Mr. BREWER. I cannot yield for that purpose.

The House again divided; and the tellers reported—ayes 132, noes 18.

So the previous question was ordered.

Mr. WHITE. I desire to debate the resolution. I offer an objection to it in the form of debate for five minutes. Now, the argument which has been made by the gentleman from New Jersey in favor of this resolution—

The SPEAKER. Does the gentleman from New Jersey yield to the gentleman from Kentucky?

Mr. BREWER. I do not yield.

The SPEAKER. The previous question has been ordered and debate is not in order.

Mr. WHITE. But I had taken the floor to debate the resolution.

The SPEAKER. But not under any recognition for that purpose.

Mr. WHITE. If legislation is to go on in this way I can stand it.

The SPEAKER. It goes on in that way under the rules.

The House divided; and there were—ayes 98, noes 13.

So the resolution was adopted.

Mr. BREWER 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.

#### ORDER OF BUSINESS.

Mr. CANNON. I move to dispense with the morning hour, with the view of moving that the House at once resolve itself into the Committee of the Whole for the consideration of the legislative appropriation bill.

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

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

Mr. CANNON. I move that the House resolve itself into Committee of the Whole, to resume the consideration of the legislative appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union. (Mr. ROBINSON, of Massachusetts, in the chair,) and resumed the consideration of the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

The CHAIRMAN. No amendment is pending. The Clerk will continue the reading of the bill.

Mr. TOWNSHEND, of Illinois. I offer the following amendment, to come in at the end of line 1976.

The Clerk read as follows:

*Provided*, That the compensation of all persons paid out of the Treasury of the United States as provided for in this bill shall be reduced 1 per cent. per annum: *And provided further*, That it shall be unlawful for any portion of the salaries provided for in this bill to be used or paid on assessments for political purposes: *And provided further*, That any person or persons who shall directly or indirectly demand or receive from any executive officer or employee of the United States, or any person entitled to receive any such salary, a sum of money, property, or other valuable thing for political purposes, shall be deemed guilty of a misdemeanor, and on conviction shall be fined a sum not exceeding \$500, or imprisonment for a period not exceeding six months.

Mr. CANNON. I make the point of order on all the provisions of that amendment except the first one.

The CHAIRMAN. The Chair desires only a short discussion of this point of order. If no gentleman wishes to be heard the Chair will rule on it.

Mr. TOWNSHEND, of Illinois. I desire an opportunity to discuss the point of order for a few minutes. I should like the gentleman from Illinois to state the grounds on which he bases his point of order.

Mr. CANNON. It is so well established by the rulings of the present chairman and others that I do not feel it at all necessary for me to take up the time of the committee.

Mr. TOWNSHEND, of Illinois. I hope the Chair will not then find any reason in the point as stated by the gentleman as sufficient to overthrow this amendment. It has been strictly drawn in accordance with the rule to which the gentleman from Illinois has referred, which is that an amendment on an appropriation bill may change existing law if it shall retrench expenditures. This amendment does retrench expenditures. It provides, in explicit terms, that there shall be a reduction of 1 per cent. per annum. I ask that the Clerk read that part of the amendment.

The Clerk read as follows:

*Provided*, That the compensation of all persons paid out of the Treasury of the United States, as provided for in this bill, shall be reduced 1 per cent. per annum.

Mr. TOWNSHEND, of Illinois. That provision clearly brings it within the rule because it reduces the expenditures of the Government.

Mr. CASWELL. No point of order is made to that part of the amendment.

Mr. CANNON. I make the additional point of order that we have passed by the paragraph to which the amendment is offered, and it cannot possibly come in on the paragraphs now pending.

Mr. TOWNSHEND, of Illinois. As far as the last point made by the gentleman is concerned, this amendment is an additional clause to the bill to come in at the end of line 1976. I was about to state, the whole amendment must be taken as one amendment. All its parts must be construed together. Now, the gentleman from Illinois makes the point of order upon a single portion of the amendment, and not upon the other portion of the amendment which under the rule itself retrenches expenditures. It is true that the other portion of the amendment or clause to which he does make the objection is for the correction of one of the most grievous abuses which has grown up in the Departments of the Government, and it strikes me that it is not obnoxious to the point of order simply because it corrects an abuse. That is all it is intended to do; and I hope my friend will not insist upon his point of order, even if it is technically correct, for the reason that it does correct an abuse. For he must admit that the dictates of humanity and the preservation of a republican form of government in this country depend upon some correction applied to the abuses by which elections may be controlled by moneys and contributions extorted from laboring men and employees of the Government.

The CHAIRMAN. The Chair will suggest to the gentleman from Illinois that the debate should be confined to the point of order.

Mr. TOWNSHEND, of Illinois. I am confining myself to the point of order for the reason that I am referring now to the ground on which the point of order alone can rest, and showing that the clause objected to by the gentleman from Illinois, as I am stating, was simply intended for the correction of an abuse. The whole ground of his objection is that it is out of order because a portion of it may not be technically within the rule, but if it corrects an abuse which must be acknowledged to be an abuse, he will, as I have said, I hope, withdraw the technical objection. I can conceive of no valid objection to it.

Without going into the merits of the amendment itself, which I hope to have the opportunity of discussing when it is properly before the committee, I insist that the amendment, taken as a whole, does retrench expenditures, and comes within the provision of the rule.

The CHAIRMAN. The Chair is prepared to rule upon the question of order raised by the gentleman from Illinois. This is by no means a new question. It has been previously raised and decided, and the Chair could not vary from the decisions which have heretofore been made with reference to such a proposition. The Chair has nothing whatever to do with the merits of the proposition at this stage of the question. The clause of the rule under which the point of order is made is so clear that the Chair thinks it may have been

overlooked, "nor shall any provision in said bill or amendment be in order," &c., recognizing the different provisions in a bill and the different provisions in an amendment.

Now, the Chair thinks it is not competent to make an amendment embodying several provisions distinct and separate in character, and hold that it would be in order simply because one of the provisions of the amendment may be in order.

The gentleman from Illinois himself seems to have recognized that as the case, for he asked the Clerk in this language:

If the Clerk will read the first provision of my amendment.

And then he proceeded to discuss as he said that provision of the amendment. It seems very clear to the Chair that the gentleman himself therefore—and the gentleman will allow the Chair to make that statement—had in mind the different provisions of the amendment when he was referring to it. One of the provisions of the proposed amendment reduces expenditures; the second provision of the amendment is a substantive provision of law, is a change of existing law, and does not in itself retrench expenditures at all. The Chair must hold, therefore, the amendment to be out of order.

Mr. TOWNSHEND, of Illinois. If I understand the ruling of the Chair, it is held that this amendment is obnoxious to the point of order for the reason that it is divided into provisions. If that be so I desire to strike out the word "provided" wherever it occurs except in the first clause of the amendment. Then it will be but one provision to the bill as I understand it. I may have inaptly used the words "first provision" of the amendment when I referred to the reading from the desk. What I intended to say was, the first clause of the amendment, which in fact it is.

The CHAIRMAN. The Chair understands the gentleman from Illinois proposes to modify his amendment so as to strike out the last provision.

Mr. TOWNSHEND, of Illinois. No; to strike out the word "provided" wherever it occurs after the first clause.

The CHAIRMAN. The gentleman does not appeal from the decision of the Chair?

Mr. TOWNSHEND, of Illinois. I do not.

The CHAIRMAN. The Chair will ask the gentleman to submit his amendment.

Mr. TOWNSHEND, of Illinois. I know too well that there are too many on that side for us to reform the abuses in the civil service—

The CHAIRMAN. The gentleman from Illinois will have an opportunity to submit any amendment he may desire; but debate is not now in order.

Mr. TOWNSHEND, of Illinois. Then I will modify the amendment.

Mr. VALENTINE. Regular order.

Mr. TOWNSHEND, of Illinois. I now propose to offer the amendment in this form.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

*Provided*, That the compensation of all persons paid out of the Treasury of the United States as provided for in this bill shall be reduced 1 per cent. per annum, and that it shall be unlawful for any portion of the salaries provided for in this bill to be used or paid on assessments for political purposes; and that any person or persons who directly or indirectly demand or receive from any executive officer or employee of the United States, or any person entitled to receive any such salary, a sum of money or property or other valuable thing for political purposes, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not exceeding \$500, or imprisonment for a period not exceeding six months.

Mr. TOWNSHEND, of Illinois. I insist this is one provision.

Mr. CANNON. I believe I have the right to be recognized. I renew my point of order against this amendment for the reasons before stated on the other amendment.

Mr. TOWNSHEND, of Illinois. I insist there is but one provision in this whole amendment. It is but one amendment. All its parts taken together constitute but one amendment.

Mr. SPRINGER. I desire to be heard for one moment on the point of order. The rule relied on by my colleague [Mr. CANNON] to cause the Chair to suppress this amendment is in the following words:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

When, under this provision, will a proposition changing existing law be in order? That is the question. The rule says it shall be in order when, being germane as to the subject-matter of the bill, certain other things shall follow. I assume there is no question but this is germane to the bill. Being germane then to the subject-matter of the bill, what else is required? It must reduce the amount required to be appropriated in the bill. This reduces the amount 1 per cent. on all the salaries provided for in this bill. Therefore, it retrenches expenditures "by the reduction of the compensation of any person paid out of the Treasury of the United States."

It reduces the compensation and brings it within the provisions of the rule; and any legislative provision germane to the bill accompanied by these provisions is in order.

Now, what is there about this that is obnoxious to this rule? It says that the employees of the Government whose salaries are appropriated in this bill shall not be subject to assessments for political purposes.



Mr. BROWNE. Will the gentleman permit me to say there are two propositions in the amendment; one is to reduce the salaries 1 per cent.; the other is to prevent political levies on employes. Now, I can see very well that a reduction of salaries 1 per cent. is in the line of economy. But what have political assessments to do with it? How does the provision as to them reduce expenditures? They are two distinct propositions.

Mr. SPRINGER. I understand that; but the rule provides for this. The rule says you may legislate on appropriation bills; you may offer anything germane to the bill that does reduce expenditures.

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

Mr. SPRINGER. I am discussing a point of order.

Mr. CANNON. I want to ask the Chair how long it is in order to run this debate upon a question that has been decided time and again and is the thoroughly settled policy of the committee?

Mr. TOWNSHEND, of Illinois. I rise to a point of order. I make the point that my colleague [Mr. CANNON] is out of order when he discusses what is not before the committee.

Mr. SPRINGER. I think it is in order for me to discuss a point of order.

The CHAIRMAN. The Chair wishes to say he is not impatient about the discussion of the point of order; but he is quite willing to decide the point of order when the gentleman from Illinois [Mr. SPRINGER] has contributed his view of the matter.

Mr. SPRINGER. Knowing the Chair would decide this question rightly, I desired, before his opinion was announced, to submit such reasons as would justify the Chair before the committee and the country for the opinion he was about to deliver.

Section 1546 of the Revised Statutes is the existing law which gentlemen allege is changed by this amendment. In order to understand whether the amendment changes this existing law, I desire to have that section of the statutes read. It will then be seen what the existing law is. I ask the Clerk to read section 1546 of the Revised Statutes.

The Clerk read as follows:

No officer or employé of the Government shall require or request any workingman in any navy-yard to contribute or pay any money for political purposes, nor shall any workingman be removed or discharged for political opinion; and any officer or employé of the Government who shall offend against the provisions of this section shall be dismissed from the service of the United States.

Mr. SPRINGER. The amendment of my colleague would enlarge this so as to include persons whose salaries are appropriated by this bill. But it reduces their pay 1 per cent. If you do not adopt this amendment the employes will be required under the order of the Republican national committee to pay 2 per cent. of their salaries for political purposes.

Mr. TOWNSHEND, of Illinois. Two and a half per cent. has been assessed.

Mr. SPRINGER. Then this will be an economy, by saving them 1½ per cent. on their salaries, and at the same time it will save the Government 1 per cent. in the amount appropriated in the bill. Therefore the amendment is doubly in the interest of economy—to the Government and to the employes themselves; and it is in the interest also of purity of elections, which above all other things I would enjoin on gentlemen on the other side to observe. By adopting this amendment you will ingratiate that in the law of the land.

Mr. TOWNSHEND, of Illinois. I desire to correct my colleague on one point—

The CHAIRMAN. The Chair does not wish to hear any further debate on the point of order.

Mr. TOWNSHEND, of Illinois. Is the Chair ready to decide the point of order in advance of discussion?

The CHAIRMAN. The Chair is ready to decide the point of order. The Chair is quite willing, as he has been willing at all times, to hear gentlemen on the point of order; but the Chair will say those discussions sometimes wander from the point of order involved.

The reasons given by the Chair in former decisions seem to him to cover this proposition entirely. It would seem that no one could fail to recognize in the language of the rule a clear distinction between "any provision in any such bill or amendment" and the bill or amendment itself. The rule does not say "nor shall any bill or amendment changing existing law be in order, except," &c.; but it reads, "nor shall any provision in any such bill or amendment thereto changing existing law be in order," &c.

It appears to the Chair that the rule was drawn with exceeding great care, so that it should not be competent for any gentleman to string together a number of propositions, hanging them upon the reduction of a few dollars in the first line, and then providing subsequently for legislation which might cover perhaps a volume as large as the entire appropriation bill now under consideration. Unless "any provision" means something distinct from the entire bill or amendment the rule would at once become useless and sound legislation be absolutely impossible.

The Chair believes the rule is a sound and safe one, and should be rigidly adhered to, whatever the purpose may be on the part of any gentleman who has a proposition which he would like to have incorporated in the bill. The Chair, therefore, sustains the point of order as to the second provision in the amendment, and if made as to the first provision the Chair would overrule it.

Mr. TOWNSHEND, of Illinois. If we cannot correct the abuse I

do not wish to reduce the salaries of these poor clerks, and therefore I withdraw my amendment.

Mr. COX, of New York. I will renew it, simply to say one word, not speaking upon any point of order.

Mr. TOWNSHEND, of Illinois. I understand the gentleman from New York to renew that portion of my amendment in regard to which the Chair stated he would overrule the point of order.

Mr. COX, of New York. I desire to say with all earnestness to gentlemen on both sides of this House that I remember very well when this section 1546 was originally ingrafted upon the naval appropriation bill, for I drew it myself. It was intended to stop an abuse in our navy-yards, by which assessments were levied on the workmen for political purposes.

I do not know how prevalent that abuse has been since the enactment of that provision. I do not know whether the one party or the other has practiced this scheme in our navy-yards for making political assessments. We have not had charge of them for years, and I presume that we are comparatively innocent. But I say to gentlemen on the other side that when they send out the circular of Mr. HUBBELL, as the chairman of the Republican Congressional committee, and undertake to levy these political assessments, as I saw on Friday and Saturday, in the handwriting of Mr. HUBBELL, on the workmen of the Brooklyn navy-yard, they are, if not directly at least indirectly, breaking the very laws which they were sent here to administer or execute in many ways, or at least to perfect.

Just think of it; an assessment of \$21 on a calker. He asked me in the simplicity of his heart whether he should pay that sum or take the risk of being turned out.

Mr. TOWNSHEND, of Illinois. What did you tell him?

Mr. COX, of New York. I told him that I would not embarrass his family or embarrass his politics; that I believed if he could stand it he had better pay it to this miserable committee rather than have his family suffer. That is all I could say to him.

It is meaner than blackmailism, this taking advantage of men who are practicing their trade, and who have been properly chosen as skilled laborers and artisans. Under this law it is worse than blood-money; it is trying to take the very bread from the mouths of the families of those who earn this money.

Mr. TOWNSHEND, of Illinois. It is bread-money.

Mr. COX, of New York. And you, gentlemen, will not in the last resort make so much by it as you think at the present time. I will ask to have placed in the RECORD one of the sweet morsels issued by "Jay A. Hubbell, chairman, D. B. Henderson, Secretary;" Executive Committee—Allison, Hale, Aldrich, Hiseock, Robeson, McKinley, Davis, Fisher, Page, Calkins, Ryan, Washburn, Honck, Van Horn<sup>4</sup> and Hubbs. It is almost as difficult to read as one of those tape-worm tickets which they use in California. [Laughter.] It is issued from "Headquarters of the Republican Congressional Committee, 520 Thirteenth street, northwest, Washington, District of Columbia." It says:

This committee is organized for the protection of the interests of the Republican party in each of the Congressional districts of the Union. In order that it may prepare, print, and circulate suitable documents illustrating the issues which distinguish the Republican party from any other—

The Greenback party especially, [laughter]—

and may meet all proper expenses incident to the campaign, the committee feels authorized—

Authorized by what law? By this law on your statute-book? By the law of morality, the law of God?

A MEMBER. Yes.

Mr. COX, of New York. Yes; you are a nice higher-law man. I ask the printing of this in the RECORD as a suitable reproach to all parties who now practice or may hereafter practice any such thing, and as a special reproach just now to those Republicans who are trying to come back to Congress by this kind of blood-money sucked from the very veins of labor. I ask to print this, together with my few feeble remarks on the subject. [Laughter.]

There was no objection, and leave was granted accordingly.

The circular is as follows:

[Jay A. Hubbell, Chairman. D. B. Henderson, Secretary. Executive Committee: Hon. W. B. Allison, Hon. Eugene Hale, Hon. Nelson W. Aldrich, Hon. Frank Hiseock, Hon. George M. Robeson, Hon. William McKinley, jr., Hon. George R. Davis, Hon. Horatio G. Fisher, Hon. Horace F. Page, Hon. W. H. Calkins, Hon. Thomas Ryan, Hon. Wm. D. Washburn, Hon. L. C. Honck, Hon. R. T. Van Horn, Hon. Orlando Hubbs.]

HEADQUARTERS OF THE  
REPUBLICAN CONGRESSIONAL COMMITTEE, (1882.)  
(520 Thirteenth Street, Northwest.)  
Washington, D. C., May 15, 1882.

SIR: This committee is organized for the protection of the interests of the Republican party in each of the Congressional districts of the Union. In order that it may prepare, print, and circulate suitable documents illustrating the issues which distinguish the Republican party from any other and may meet all proper expenses incident to the campaign, the committee feels authorized to apply to all citizens whose principles or interests are involved in the struggle. Under the circumstances in which the country finds itself placed, the committee believes that you will esteem it both a privilege and a pleasure to make to its fund a contribution, which it is hoped may not be less than \$40. The committee is authorized to state that such voluntary contribution from persons employed in the service of the United States will not be objected to in any official quarter.

The labors of the committee will affect the result of the Presidential election in 1884 as well as the Congressional struggle; and it may therefore reasonably hope

to have the sympathy and assistance of all who look with dread upon the possibility of the restoration of the Democratic party to the control of the Government. Please make prompt and favorable response to this letter by bank check or draft, or postal money-order, payable to the order of Jay A. Hubbell, acting treasurer, P. O. lock box 589, Washington, D. C.

By order of the committee.

D. B. HENDERSON, Secretary.

Mr. TOWNSHEND, of Illinois, obtained the floor.

Mr. SPRINGER. Let the circular be read.

The SPEAKER. Permission has been given that it be printed in the RECORD, and the time of the gentleman from New York [Mr. Cox] has expired.

Mr. TOWNSHEND, of Illinois. I move to amend the amendment by striking out 1 per cent. and inserting one-half of 1 per cent. Mr. Chairman, it seems to me that it should bring the blush of shame and remorse to the face of any honest man to accept a seat in Congress bought with the bread-money of the families of half-starved clerks and laborers. Sir, it was only last night that a negro man made complaint that he had been assessed \$6 for campaign purposes by the Republican campaign committee; and he is drawing a salary of only \$50 a month. The "spoils" system is the foulest blot upon our boasted free institutions.

Mr. HUMPHREY. It was born in the Democratic party.

Mr. TOWNSHEND, of Illinois. I do not remember ever having heard before that political assessment was born in the Democratic party; but I do not care where it was born, I am opposed to the system. It is a festering sore which, if not arrested, will taint the whole body-politic and eventually destroy the Republic and render the freedom of elections a farce. I believe it essential to the perpetuity of free institutions in this country that we should strike down the dangerous corrupting influence of Federal patronage and political assessments which was used so extensively in the last Presidential election. Is it not well known, sir, that if it had not been for the bread-money extorted from the clerks, laborers, and other employees of the Government, and the funds furnished on the begging appeals of Republican candidates by the star-route men who are now on trial for stealing that and other funds from the national Treasury, Indiana would have gone Democratic in 1880; and the country would not be disgraced on the 30th of this month by the horrible spectacle of hanging a detestable wretch (a maniac perhaps) for making a stalwart President of the United States. I say again, that if the last election had been free, had been unbought by this bread or blood money, if there had been no "spoils" system in this country, there would have been a different political party in control of the Government to-day.

I feel, sir, that it is the duty of every patriotic member of Congress and every true lover of freedom in this land to rise up and put the seal of condemnation on this cruel and demoralizing practice. I speak not only in the interest of freedom, of which this system is the bane, but in the interest of humanity, in order that the Republican campaign committee may no longer make use of the political guillotine to extort from the employees in the civil service earnings needed to provide their families against want. It is indeed a cruel system, for the terrors of starvation, nakedness, and want are indirectly employed to force contributions for the purpose of filling seats on that side of the House from doubtful districts. It is a tyrannical system. Some say these contributions are not compulsory. That statement is not true, for it is too well known that when the dreaded messenger arrives at the home of the poor clerk or laborer and announces that he is assessed or invited to subscribe a certain percentage of his salary to the campaign fund, the victim need not be advised that the danger of loss of employment may follow refusal to comply.

It is tyrannical to demand the assessment and slavish to comply if against the will. Is it more honorable than bull-dozing?

Is there a Republican member on this floor who is not aware of families pinched for necessities of life by these political assessments, and who would spurn the demand upon their savings with indignant refusal if they dared to defy the power of this political machine? It destroys the freedom, the independence, the manhood of the citizen.

I believe there are but few, if any, employees of the Government to-day who do not in their hearts feel the amendment I offered is just, and who would not hail its adoption with secret pleasure. Go to any of the employees whose salaries are barely enough to support their families, and ask them whether they do not wish this political guillotine destroyed that they may be like other free-born citizens, exempt from the degradation of compulsory political assessments and enjoy the fruits of their labor. Their answer may be given in a whisper, but it will be of no uncertain sound. God grant that public sentiment may soon be awakened to the enormity of this foul system and that public condemnation and punishment may be visited with severity and certainty upon all who practice it or any other system which interferes with the political privileges of any freeman, and that the time may soon come when he who is intrusted with public office shall be driven from power in disgrace if he shall attempt to pollute the purity and freedom of the ballot-box by the use of official patronage. Until the return of this wholesome condition of former days I fear we shall not again witness the rule of the majority in this land.

[Here the hammer fell.]

Mr. CANNON. I only wish to say that certain amendments were offered and ruled out of order; then the gentlemen offer certain

other amendments and do not try to discuss them, but to lead the Committee of the Whole off upon a collateral issue. I could if I chose make some reply to the remarks of these gentlemen. I would if I had the power give both the gentlemen from Illinois, my colleagues, the privilege of talking for an hour apiece after the adjournment and putting their remarks in the RECORD, if that is what they want. But I do hope that we shall not be switched off from the legitimate consideration of this appropriation bill; that the Committee of the Whole will stand by me in considering the bill upon its merits. After all, perhaps as many hard things might be said upon this side—possibly a few more than could be said upon the other. I hope that a vote will be had upon the amendment and that we shall proceed with the consideration of the bill.

Mr. BURROWS, of Michigan. I ask for the reading of the amendment proposed by the gentleman from Illinois, to show how applicable the remarks which have been made are to that amendment.

The CHAIRMAN. The Chair was about to direct that the amendment be read.

The Clerk read as follows:

*Provided*, That the compensation of all persons paid out of the Treasury of the United States, as provided for in this bill, shall be reduced  $\frac{1}{2}$  per cent. per annum.

Mr. TOWNSHEND, of Illinois. I wish to withdraw that amendment. It was simply offered in order to make the other provision of the amendment in order.

Mr. BURROWS, of Michigan. I object to the withdrawal.

Mr. SPRINGER. We do not desire these salaries to be reduced by political assessments.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois, [Mr. TOWNSHEND.]

Mr. TOWNSHEND, of Illinois. I have withdrawn it.

The CHAIRMAN. Objection was made to the withdrawal; therefore it must be voted on.

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

Mr. HOLMAN. I offer the following amendment as a limitation of the appropriations contained in this bill, and the Chair will perceive from the last clause that it avoids the rule.

The Clerk read as follows:

*Provided, however*, That if any officer or employee of the United States for whose office or employment any sum of money is herein before appropriated shall contribute or pay to any committee or person or into any fund any of the money herein before appropriated for his office or employment, and paid to him for any political purpose whatever, or to aid in the election of any person to any office, or shall pay to any committee or person any assessment upon his salary or compensation received from the United States, under this act, for any political purpose with intent to aid in the election of any person or persons to office, shall be deemed guilty of a misdemeanor, and on conviction therefor in any court of competent jurisdiction shall be fined any sum not exceeding \$500, and such officer or employee shall forfeit his office or employment and the sum of money herein before appropriated for such office or employment undrawn at the time of such conviction shall be covered into the Treasury.

Mr. CANNON. I make the point of order on that amendment that it conflicts with the rule providing for the amendment of an appropriation bill.

Mr. SPRINGER. There can be no point of order raised against that amendment under the rules.

Mr. HOLMAN. I wish to be heard a moment on the point of order.

The CHAIRMAN. The gentleman from Illinois has the floor to state his point of order.

Mr. SPRINGER. My colleague seems to need some help in making his point of order.

Mr. TOWNSHEND, of Illinois. While my colleague is finding the point of order, my friend from Indiana might be heard on the subject.

Mr. CANNON. If the gentleman will allow me I will read the amendment so I may know exactly what point of order to make against it.

Mr. WHITTHORNE. Before the gentleman from Illinois makes his point of order, I appeal to my friend from Indiana to amend his amendment so as to make a definition that an officer of the Government within the meaning of this amendment is a member of Congress.

Mr. TOWNSHEND, of Illinois. I understand the amendment does embrace members of Congress.

Mr. COX, of New York. But the gentleman from Tennessee wishes to make it certain.

Mr. SPRINGER. Certainly it ought to include members of Congress, for they are now violating the law and they ought to be indicted for their conduct.

Mr. CANNON. In the first place I make the point the amendment is not germane, and in the second place that it does not retrench expenditures. It is in reality an effort on an appropriation bill to create a misdemeanor, but I will not go into the merits of any such proposition at this time. It is an effort to make a misdemeanor and to enforce a penalty, and of course is not germane to an appropriation bill.

Mr. KASSON. I should like to ask the Chair to take notice, before the gentleman from Indiana replies, of a clause in this amendment which I hardly understand the effect of without explanation, and which prohibits the paying of any money out of private funds in aid of any political object by any person who shall receive any money under this bill. If that is so the gentleman himself will be obliged to admit that is new legislation.



Mr. HOLMAN. I will modify my amendment by withdrawing those words "or any money" where they occur, applying it solely to the money appropriated under this bill.

Mr. KASSON. Those words certainly bring the amendment under the rule and will oblige the Chair to rule it out of order.

Mr. HOLMAN. I have withdrawn those words "or any money." The amendment, therefore, applies exclusively to money appropriated under this bill and to no other money.

Mr. CANNON. I have finished my statement of the point of order. The CHAIRMAN. Does the gentleman from Indiana wish to be heard?

Mr. HOLMAN. Only for a moment. I would suggest, Mr. Chairman, that it has been uniformly held that any limitation upon the expenditures of money appropriated by the bill is within the rules of parliamentary proceeding. Otherwise it would be almost impossible for Congress to regulate the object for which money shall be applied. Congress is not limited to the simple duty of appropriation of money, but may provide for the method of its expenditure and impose any proper limitation on its expenditures. It may declare the money appropriated shall not be expended except in a specific way and for a certain object, and not to some other object. It may well be declared here on this bill as a limitation of the appropriation that the money shall be applied to one specific object alone and not to any other object. Indeed that is our daily experience, and one particular duty in framing an appropriation bill is to limit the expenditures of money.

This amendment is but a limitation of the money appropriated by this bill. It retrenches expenditures in this way: if any officer shall violate the limitation imposed by Congress, then the money appropriated for that officer shall revert to the Treasury. If this limitation is violated, the money in reference to which the violation has taken place returns at once to the Treasury.

It seems to me, Mr. Chairman, that the amendment is not subject to the point of order. I believe it has been uniformly ruled in the House, and such is my experience as a member on the floor, that the object of a proviso is to impose a limitation upon the expenditure of money. It is within the rules of the House as they were before the adoption of the present rule.

Mr. BUTTERWORTH. Will the gentleman permit me to ask him one question right here?

Mr. HOLMAN. Certainly.

Mr. BUTTERWORTH. Do you insist that Congress has the power to prescribe what an employé may or may not do with the money he receives as a salary? That is what this proposes.

Mr. HOLMAN. Undoubtedly. I assert it without hesitation; Congress has that power. Congress may well prescribe that under certain conditions it shall be forfeited.

Mr. BUTTERWORTH. Then you may provide, according to your theory, how a Government employé shall expend private funds.

Mr. HOLMAN. You may say that if he appropriates the money paid to him for his Government service in violation of law the unpaid portion of his salary shall revert to the Treasury. There is no shadow of doubt of the power of Congress to do that.

Mr. BUTTERWORTH. Then, if I am a clerk here in one of the Departments, and on the 1st day of July I am paid \$100 for my previous month's work, you may by statute law provide what I may or may not do with that salary?

Mr. HOLMAN. Will the gentleman deny that Congress has power to say who shall receive such salary; and that the party receiving it shall receive it until such time as he appropriates it for an unlawful purpose? And if the money so paid be appropriated for an unlawful purpose, then that the unpaid balance of the salary shall revert to the Treasury? It would be strange if Congress had not the power to protect itself and the people in such a matter.

Mr. BUTTERWORTH. If he does an unlawful thing you may punish him under the law. There is no question of that.

Mr. SPRINGER. That is what is sought to be done here. This is a punishment by depriving him of his salary.

Mr. BUTTERWORTH. But you cannot make a condition that he shall not use his salary which he has earned for any purpose he may see proper. You may punish him according to law for an infraction of law.

The CHAIRMAN. The Chair thinks that the debate is running away from the point of order.

Mr. HOLMAN. With reference to the point of order, Mr. Chairman, I desire to say that you can impose any proper limitation upon the expenditure of money appropriated by Congress. You can declare a forfeiture of the amount that has been appropriated or cover the unpaid portion of it back into the Treasury under certain conditions. For that reason then I hold that this is not only a measure of limitation, which you have a right to inaugurate under the law, but it is a measure of retrenchment as well as of limitation. It embodies both features, and I think that within two hours I would be able to find a multitude of precedents where it has been held that Congress may impose whatever limitations it sees proper upon any salary or money appropriated by an appropriation bill. But it must be confined to the limitation, and a limitation touching that particular money appropriated. I repeat, however, that there can be no question of the power of Congress to impose a limitation upon any such sum appropriated in any bill.

Mr. KASSON. Has the gentleman from Indiana made reference to the clause referring to private funds where his proposed amendment says "any money?"

Mr. HOLMAN. I have stricken that out. I concede the gentleman is right there, and that the point of order could properly apply to that. I told my friends here that that portion of the measure could not be sustained under the point of order, for the reason that it did not apply to moneys appropriated by this bill. But as to the money appropriated by the bill, the House has the unquestionable power to impose any limitation it sees proper. And, Mr. Chairman, if it did not possess that power it does not possess the power of reasonable self-defense in the matter of appropriating public moneys.

Mr. REED. This clause 3 of Rule XXI was a rule of limitation. It was put into this rule after an earnest contest made by the Democracy. We had a long fight over it, and its meaning was well understood.

It is a rule of limitation, and for an amendment to be in order it is necessary that it shall be germane to the bill. It is necessary that if it changes existing law it shall reduce expenditures, and it must reduce expenditures in one of three ways. There is no such thing as a general reduction tolerated by this clause. It must be a particular reduction in one of three modes, and they are as follows: First, by the reduction of the number and salary of the officers of the United States. This amendment does not do that. Second, by the reduction of the compensation of any person paid out of the Treasury of the United States. That it does not do. Or, third, by the reduction of amounts of money covered by the bill. This amendment does not make such reduction.

Mr. TOWNSHEND, of Illinois. This retrenches expenditures by reducing salaries.

Mr. REED. The only way in which it is claimed it can reduce the compensation of any officer of the Government is by conviction; and in that manner it may do it. But that is no ground on which to base a claim that an amendment excluded by the express terms of the rule can be admitted; for the presumption is—and the only presumption on which we can work—that our employés will not disobey the law, and the Chair cannot presume a reduction founded on a proposed or assumed violation of law by the employés who are paid under the law.

Again, this amendment has no logical ground to stand upon. It is as absurd, as a parliamentary matter, as it is as a matter of statesmanship, to undertake to interfere with any man in the use of the money which he properly earns; and it has been reserved for the gentleman from Indiana to undertake to do that—

Mr. HOLMAN. That is not to the point of order.

Mr. REED. But it is a good remark to make at any time.

Mr. HOLMAN. To enable a person to receive money under an appropriation bill certain conditions may be enforced; but the gentleman from Maine is discussing the policy of the amendment, and not the point of order.

Mr. REED. The gentleman is capable of advocating what he desires, and he can do it, but in his own proper time and in his own way.

Mr. SPEER. Clause 4 of Rule XXI is as follows:

No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

Here is a bill now pending before the House, introduced by the gentleman from Maryland, [Mr. MCLANE,] which contains substantially the provisions of the amendment offered by the gentleman from Indiana.

Mr. HOLMAN. I believe that point of order is made a little too late. I have not seen the bill the gentleman refers to; but in any case the point of order comes too late.

The CHAIRMAN. The Chair suggests that but one point of order can be pending at a time; but until the House passes to the merits, any point of order can be made.

Mr. SPEER. I ask that the bill be read; and I insist it is substantially the amendment of the gentleman from Indiana.

The Clerk read as follows:

A bill (H. R. No. 658) to prohibit officers of, and claimants against, or contractors under the United States from contributing money for political purposes.

Be it enacted, etc., That it shall not be lawful for any person holding any office under the United States to contribute or pay to any committee or person, or into any fund, any money, property, or valuable thing for any political purpose whatsoever, or to pay any assessment or percentage upon the income or emoluments of his office for any political purpose, or give, lend, advance, or pay any money, property, or valuable thing with the intent, or with the assent, permission, or understanding, that the same may be applied to or for any political purpose whatsoever, or to himself apply the same to any political purpose. No head of a Department or other superior officer shall himself collect, or permit or allow any other person to collect or receive, from any officer in his Department or under his supervision, or from any other officer whatsoever, any assessment, percentage, contribution, gift, loan, or advance of any money, property, or valuable thing with the intent, understanding, or permission that the same shall or may be used for any political purpose.

SEC. 2. That no person having a contract with the United States, or any officer thereof, or who shall have had such a contract within three months previous, or who shall have such a contract within three months thereafter, or who shall have furnished within three months previous, or who shall, within three months thereafter, furnish any supplies, materials, work, or labor to or for the use of the United States, and no person having any pending claim against the United States, or before any Department or officer of the Government thereof, shall pay or contribute any money, property, or valuable thing for any political purposes.

SEC. 3. That any person who shall violate any provision of this act shall be

deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment for a term not exceeding six months, and, in the discretion of the court, by a fine not exceeding \$5,000. Any officer of the United States who shall violate any provision of this act shall, in addition to such imprisonment and fine, be deemed and taken to have vacated the office by him held.

Mr. SPRINGER. I want to state that the amendment of the gentleman from Indiana is not the substance of the bill which has just been read. It is an entirely different proposition.

Mr. HOLMAN. The bill applies to all moneys and property whatsoever; this applies only to what is appropriated under this bill and nothing else.

The CHAIRMAN. The Chair is ready to dispose of the point of order; and he prefers to dispose of it under clause 3 of Rule XXI rather than under clause 4, because the Chair has not had time to read carefully the bill which has just been read from the Clerk's desk to see whether the amendment is substantially the same as that bill.

The Chair begs again to call the attention of the committee to the exact language of clause 3 of Rule XXI. The amendment must be "germane." There may well be grave doubt whether this amendment is germane to this bill. The Chair will not insist upon that. It shall not change existing law—and this proposition does—unless it shall retrench expenditures in one of three ways specified:

By the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of the amounts of money covered by the bill.

Now, it is plain to the Chair that the purpose of this rule is to reach three different features of such amendments as may be proposed. It may be desired to change the law so far as to accomplish one of these three things; namely, to reduce the number and salary of the officers of the United States—that is a distinct proposition; again, to reduce the compensation—which may not be in the nature of salary, which may be something different from salary—it may be desired to reduce the compensation, to pay a less compensation; third, to reduce the amount of money covered by any proposition contained in the bill.

The Chair believes that rule was framed to meet those conditions and those only; and this proposition which has been offered does not reach any one of those in any way.

Mr. HOLMAN. Does it not provide in express terms that on certain conditions the moneys appropriated shall be covered back into the Treasury?

The CHAIRMAN. The Chair realizes the force of that suggestion, and remarks in that connection that that has a tendency to retrench expenditures, but not in one of these three ways. It may result in having expenditures saved to the Treasury, but not in the way contemplated by one of these three clauses. The Chair is re-enforced in that view by the further language of clause 3 of Rule XXI, which the Chair will read:

*Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment being germane to the subject-matter of the bill, shall retrench expenditures.

The Chair understands the gentleman from Indiana does not offer this amendment by the instructions of any committee, but that he offers it on his individual responsibility; therefore it comes from an individual, and is not in order under that clause of the rule. The Chair has read that clause in order to illustrate the three conditions in the preceding clause; because, as will be well remembered by those who took part in the debate at the time this rule was formed, the intention was to give the opportunity to the committee having charge of the subject-matter to report a proposition that might retrench expenditures, though not perhaps in one of the three ways named in the preceding clause. If the Committee on Reform in the Civil Service had made this proposition as a report of a committee, and if in itself it retrenched expenditures, although not in one of the three ways specified, then an altogether different proposition would be presented. That is not the case here, and the Chair therefore sustains the point of order.

Mr. SPRINGER. I wish to say to the Chair, with due deference to the opinion it has given, that I think this point of order should be submitted to the committee. With that view I respectfully appeal from the decision of the Chair, and if debate were in order on that appeal I would say I regard this in order on a ground not touched by the Chair's decision—a ground independent of clause 3 of Rule XXI, that it is a limitation upon the expenditures of the Government which every appropriation bill may contain.

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER] appeals from the decision of the Chair. The Chair has no personal feeling about it. The judgment of the committee is higher than the judgment of the Chair at all times.

Mr. SPRINGER. I ask for tellers.

Those in favor of ordering tellers having been requested to rise, The CHAIRMAN said: The Chair is not able to count more than twenty-nine. He would gladly count thirty if he could.

Mr. RANDALL. I vote "ay;" one more.

The CHAIRMAN. The Chair would vote himself for tellers if necessary. Tellers are ordered, and the Chair appoints the gentleman from Illinois, Mr. CANNON, and the gentleman from Illinois, Mr. SPRINGER.

The committee divided; and the tellers reported—ayes 75, noes 31.

So the decision of the Chair stood as the judgment of the committee.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois, [Mr. TOWNSHEND.]

Mr. COX, of New York. Let the amendment be again reported.

The Clerk read as follows:

After line 1976 add these words:

"Provided, That the compensation of all persons paid out of the Treasury of the United States, as provided for in this bill, shall be reduced one-half of 1 per cent. per annum."

Mr. COX, of New York. I move to strike out the last word, for the purpose of speaking a little about the merits of this question. It is a matter deserving of more grave consideration than the committee is really giving to it. I did not broach it here with the view of making any political capital. I did not care anything about it in that line. I wrote this out, and had it put on an appropriation bill, and it has been since revised and made a part of our law. This is not a mere sentiment, but we ought to go at once to the practical meaning of this kind of legislation. Here is the proposition I refer to as it now stands in our statutes:

Laborers shall be employed in the several navy-yards by the proper officers in charge, with reference to skill and efficiency, and without regard to other considerations.

Then follows another section, which has already been quoted, that:

No officer or employé of the Government shall require or request any working-man in any navy-yard to contribute or pay any money for political purposes, nor shall any working-man be removed or discharged for political opinion, &c.

The idea of these two sections was, if possible, to give the skilled laborer, irrespective of his political affiliations, a fair chance in our navy-yards. You cannot turn your navy-yards into a mere political machine. Your navy-yard is kept up for the purpose of building ships for the Government, and not to run any particular party into power.

I say to gentlemen who have stated that both parties have practiced this, that the Democratic party is responsible to some extent for having those inhibitions on our statutes; and if the other party is responsible for such a practice, there is the more reason why they to-day should cut this up by the roots. Why, sir, in Boston, judging by what I read in the Boston Herald, an independent Republican paper, or quasi independent paper, it appears that seven hundred of these missives from the chairman of the Republican committee, Mr. HUBBELL, have been sent to the employés of the Charlestown navy-yard—seven hundred of them, intended to raise some \$15,000. What for? As the circular states, to elect you men to Congress. I will not speak here about levying this assessment on the little pages in the House. I should be ashamed to come to Congress in virtue of a subsidy made up by little sums of money exacted from the pages. We pay our assessments that are levied by our party. It is proper we should pay assessments in coming to Congress. But the difference between paying assessments in that way and this insidious business is the difference between a perfume and a smell. And gentlemen on the other side owe it to themselves as officers of the Government, if not technically as officers, to protect those clauses of the statute. I do not say that my friends on the other side in what they are now doing were meant by this clause; but it looks very much as if they might be included in it:

And any officer or employé of the Government who shall offend against the provisions of this section shall be dismissed from the service of the United States.

Suppose you are not technically officers of the Government as meant by that law. Yet you would say here by your votes and by your political conduct that while you are not amenable to dismissal from your places as officers of the Government, you will allow a thing to be done indirectly which you have not the courage to do openly. Why did you not include Congressmen in that provision? Why do you not do so now? Why seek to take this money from the very mouths of the poor people who are earning but two and three dollars a day, in order to help you to your places here to pass statutes which you defy and violate?

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX, of New York, subsequently asked and obtained leave to have printed in the RECORD the following article from the Daily Boston Herald of Monday, June 12, 1882:

#### KEEPING IT UP.

The managers of the Republican party evidently do not mean to leave anybody in doubt as to their attitude in regard to political assessments. Within a week of the conviction of General Curtis for collecting the tribute levied by the New York State committee last fall, and before the derisive laughter that greeted the resolution of Mr. Cameron's convention against political assessments had fairly died away, the Congressional committee of the Republican party issued its circular letter to the employés in the national capital, asking for a stated per cent. of their salaries for campaign purposes. And now the employés in the Charlestown navy-yard, some seven hundred in number, have received each a copy of the same letter, calling upon them to contribute a prescribed sum, varying from \$11 for the common laborers to \$25 for the workmen of a higher grade. Doubtless the same policy is to be pursued toward all the Federal office-holders, and the result will be the collection of a larger fund to influence the approaching elections than has been realized from this source since 1876. The Congressional committee stands next to the national committee, if not on a level with it, as the official head of the party organization. It has deliberately and openly adopted the policy of a general assessment of office-holders, as its method of raising money to control the elections, and announces that it is "authorized to state" that such contributions as are solicited "will not be objected to in any official quarter."



This is a long step backward. Under President Hayes political levies upon Federal employes were decidedly objected to. In the Interior Department, and, we think, in one or two others, assessments were forbidden, collectors were denied access to the offices, and the clerks were notified that they were under no more obligation to pay than any other class of Republicans. Notices to the same effect were posted in the New York custom-house and post-office. Such notifications will not be seen under this administration. There is to be "no objection in any official quarter"—not even in the district attorneys' offices, it is to be presumed, where a Federal statute is broken, as in General Curtis's case. We do not think we overstated it at all, some days since, in saying that the well known views and practices of the President in this matter, and the sanction which he has given to this assessment, will make a difference of 70 per cent. in the amount of the collections. No public servant subject to removal at will can feel any assurance that his tenure of employment does not depend upon the promptness with which he responds to this call for a portion of his wages. Back of this letter, with all its smooth phrases, is the shadow of the guillotine. The call "means business," and the men so understand it.

It hardly seems necessary at this late day to expose the wrong and injustice of political assessments. As a method of raising campaign funds it is official blackmail. Every dollar that comes in more than would be contributed under a general appeal to all voters of the party in power is blood-money, extorted as the price of the official life of the victims. It is also a robbery of the tax-payers. For, if the employes of the Government are able and willing to part with 2 or 3 per cent. of their wages for the sake of keeping their places, they would be justly paid with an equal deduction from their wages if they stood in no fear of removal for refusing to respond. The people are entitled to the benefit of this saving, if it can be rightly made, and not the managers and "workers" of the party in power. Political levies are corrupting to the service. If an employe feels that he has been unjustly taxed he is under strong temptation to "take it out" of his employers. Or if he is too honest for this, it is certainly not conducive to a high state of discipline for an employe to feel that he has "paid for his place," and is entitled to hold it so long as his party is in power.

The practice is likewise unjust to the party not in power, and a fruitful source of corruption in politics. No party has a right to make a partisan machine of the machinery of government. The postal Department is maintained to carry the mails, not to carry elections. Navy-yards exist to build or repair ships, not to build up a faction. Custom-houses are established for the collection of imposts, not for the collection of campaign funds. These and all other Federal offices were created and are supported by and for the people, not for the benefit of a party. There can be no more gross perversion of the republican principles than for the party in charge of the Government to maintain itself in power by employing the public servants to influence elections, with the help of a corruption fund collected from those who have a selfish interest in its success. This is what the Republican party is doing. If the people disapprove of such conduct it is time for them to think how they can best put a stop to it.

Mr. KASSON. I should be glad to say a single word, but for another purpose than that indicated by the gentleman from New York, [Mr. COX.] It seems to me that his only object in what he said is not so much a reform of the law as it is to create a prejudice against a political party.

Now, I should be glad to co-operate with him, and I beg him to remember the assurance, in anything that can be done to stop the oppression, if there be any, upon the subordinates of the Government. I desire it to be done by a carefully prepared law that shall, if necessary, provide for the impeachment of any officer of the Government who should attempt to bring that sort of oppression to bear, or who should in any way punish a subordinate for declining an invitation to contribute money to a political fund. I will go to the extreme that we can go without imperiling the personal rights which are as essential to a subordinate as they are to a superior. One of those personal rights is the right to give his money either to a religious purpose, to a charitable purpose, or to a political purpose, provided he does it freely and not under compulsion.

In one committee on which I once served this question came up, and it was then proposed as now to prohibit any officer of the Government at the head of a Department, the President, anybody, from contributing any money whatever to aid in the success of a political party. Now, the gentleman from New York knows as well as I do that contributions must be made for the circulation of printed documents and for the organization of parties.

Why attempt to be pure above purity itself? You do not succeed anywhere within my knowledge in this country except by means of contributions to pay legitimate and proper expenses in political campaigns. The great difficulty we have had who have tried to cure the evil of which complaint is made, and which I admit, has been to reconcile personal right with the abolition of anything that could be even constructively regarded as oppression upon the individual or subordinate.

Mr. COX, of New York. Does my friend from Iowa [Mr. KASSON] approve of that circular?

Mr. KASSON. I do not, as addressed to subordinates barely earning a living.

Mr. COX, of New York. I am glad to hear that.

Mr. KASSON. And let me add further, if one of them in the navy-yard had asked me, as he did the gentleman from New York, [Mr. COX,] whether he should pay that assessment which he was not able to pay, I should have said to him, "Don't you do it, unless you do it with a free will."

Mr. COX, of New York. I could not have kept him there.

Mr. KASSON. And I should try to keep a political opponent there if it had been proposed to turn him out for such a cause as that.

Mr. COX, of New York. I could not even get an appointment there, much less keep a man in.

Mr. KASSON. I do condemn this effort even as an invitation, owing to the unseen and indescribable official influence which makes these subordinates feel the danger of refusing; owing to that, I do condemn the invitation to contribute under such circumstances addressed to laborers and subordinates who are in the presence of power.

Let there be no concealment, for I think I may say that on this side

of the House we feel the same on that subject. But on the other hand, if you attempt to say by law that I, who believe that the domination of the Republican party is necessary to the promotion and preservation of the great interests of this country, shall not contribute of my salary or my private means for the legitimate expenses of that party, I will not agree to a law that refuses me that power and that privilege. I have no doubt that the gentleman from New York and all the gentlemen on the other side of the House have contributed of their money in all the recent political campaigns.

Mr. TOWNSHEND, of Illinois. Never by compulsion.

Mr. KASSON. Ah, but you propose to employ compulsion now, by providing by law that even if a man shall want to and is able he shall not contribute to these political expenses. There is the difference between the two. I wish to say that while those who are not dependents on political authority and who have the means to contribute to the legitimate expenses of political campaigns should have the privilege of doing so, when you will devise a plan that will make it impossible to use oppression you will, I think, find a unanimous vote in favor of it on this side of the House.

Mr. SPRINGER. During the time the Democrats had the control of this House to my knowledge there was never a political assessment levied upon one of its employes.

Mr. KASSON. Does not the gentleman from Illinois [Mr. SPRINGER] himself contribute for political expenses?

Mr. SPRINGER. Upon my own motion.

Mr. KASSON. Exactly; and I claim that every man should have the same privilege as the gentleman from Illinois, exclusively on his own motion.

Mr. SPRINGER. I say that when this House was Democratic the employes never had a notice sent to them to contribute.

Mr. VALENTINE. I have been informed by an employe of the last House that not only was an assessment made upon them, but the amount was deducted from their pay on the pay-roll.

Mr. SPRINGER. That is not so.

Mr. HUMPHREY. It does not make any difference; it is not right any way.

Mr. COX, of New York. I withdraw the *pro forma* amendment to strike out the last word.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Illinois, [Mr. TOWNSHEND.]

Mr. TOWNSHEND, of Illinois. I withdraw that amendment.

Mr. BURROWS, of Michigan. I object to the withdrawal.

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

Mr. KASSON. Before passing from the pending clause of the bill I have been requested to offer with a slight modification the amendment I submitted on Saturday last. To save time I wish to ask the gentleman from Illinois [Mr. CANNON] whether he would prefer that I should offer it in the House and have it pending when the previous question is offered.

Mr. CANNON. "The gentleman from Illinois" has reported a clean appropriation bill under the rules of this House, and he will not assent to letting it be made a dumping-ground for any member who may wish to violate the rules of the House.

Mr. KASSON. I move to amend by adding after line 1976 the proviso which I send to the desk.

The Clerk read as follows:

*Provided*, That the appointment of the additional clerks herein provided for the Pension Office, for the office of the Adjutant-General, and for the office of the Surgeon-General shall be subject to the following regulations:

First. That candidates for admission to such clerical employment shall be of good moral character and habits, and not physically impaired to such a degree as to prevent a proper performance of clerical duty. Admission to the said service shall only be allowed after a preliminary examination as now required by section 164 of the Revised Statutes shall have been satisfactorily passed, the nature and extent of such examination to be determined by the heads of the several offices above mentioned, who are hereby authorized to designate and make the appointments aforesaid, each for his office respectively.

Second. That appointments upon original entry into this service shall be temporary, and not for a period exceeding six months; and if during said period the appointee shall, by reason of lack of industry or zeal, or because of incapacity or bad habits, prove his unfitness for the service, his temporary appointment shall be canceled by the head of the office.

Third. That if upon the expiration of the temporary period of six months the appointee shall have proved his capacity and fitness for the service, he shall be entitled to receive a permanent appointment, to continue during a full term of three years, unless sooner removed for cause or because such clerical service is no longer required.

Fourth. That in making the appointments to the clerical service aforesaid, it shall be the duty of the appointing authority to prefer suitably qualified persons coming from States and Congressional districts which upon the present list of appointments therein have less than an equal *pro rata* representation in the clerical force of such office.

Mr. CANNON. Mr. Chairman, I think this is identically the same amendment which was offered to a prior paragraph of the bill on Saturday last. I fail to discover any change in the amendment. I renew the point of order, for the reasons stated at that time, and for these additional reasons: first, the proposition is not germane; second, we have passed the paragraph of the bill to which it pertains; and third, there is no agreement as to this amendment at this time and place, as there was with regard to the amendment offered on Saturday.

Mr. KASSON. Mr. Chairman, the pending paragraph, following the one to which I offered this amendment on Saturday, relates also to appointments in the Pension Office. I have offered the amend-

ment with one of the original clauses struck out, that prescribing a limit of age. This is the only modification.

I wish to say that further reflection, as well as consultation with members experienced in parliamentary rules, has induced me to reoffer this amendment in accordance with the wishes of my committee.

Upon the point of order I have no additional reason to offer except this: the amendment does not touch any existing officer or employé; consequently it changes no existing law. It applies exclusively to the new clerks provided for in these particular offices, touching whom there is no law in existence. They are to be brought into existence by the clauses of this bill. No law can apply to them until they come into existence. This amendment, therefore, is a modification of the new authority given in a new law, if it shall become law. When the provisions of this bill have been enacted this qualification, if adopted, will come into operation at the same time.

This is, I may add, a question which frequently arose under the old rule, and which the new rule does not affect in the way of increased stringency. The old rule prohibited all new legislation. The new rule prohibits all new legislation except certain kinds reducing expenses. The sole question here is whether upon new legislation an amendment is in order modifying the proposed expenditure of the money and the execution of the new authority. The new rule, therefore, has no effect with reference to this amendment. The case stands precisely as if these three clauses of the bill had been submitted to the House in the form of a new law, when no question would have been made as to the germane character of this amendment.

Mr. SPRINGER. One word on the point of order. It seems to me quite clear, Mr. Chairman, that when there is a provision in an appropriation bill for an increase of clerical force, the rules do not forbid the offering of amendments restricting the manner of making such appointments. If this amendment required that the additional force provided for in this bill should be made from honorably discharged soldiers of the late war, subject to the requirements named in the amendment, would any gentleman undertake to declare it obnoxious to the point of order?

It would be a change of existing law as to existing appointments, but not as to those which do not exist but are provided for in this bill. I wish to say to gentlemen on the other side of this House that if this amendment is ruled out of order or rejected I shall ask, if those gentlemen do not, to offer an amendment that the additional force provided for in this bill shall be drawn entirely from those who have received an honorable discharge from the service of the United States, or the children of such honorably discharged soldiers, and then add the other provisions and qualifications included in the amendment of the gentleman from Iowa, [Mr. KASSON.] Now it will not be held on any point of order we cannot, when creating an additional force, say they shall come from certain honorably discharged soldiers of the United States.

The CHAIRMAN. The question is on the point of order. The proposition is almost identically the same as that offered on Saturday last, but at that time, in response to an interrogatory put by the gentleman from Iowa, the Chair said he did not rest his opinion on the particular feature which the gentleman has now stricken from his proposed amendment. Therefore the decision of the Chair not turning on Saturday on that clause in his amendment, it does not rest there. The Chair does not see any reason whatever to reverse his ruling and does not deem it necessary to occupy the time of the committee in giving further reasons. The Chair will not be the first one to break over the provisions of clause 3 of Rule XXI. The Chair therefore sustains the point of order, and rules the amendment out.

Mr. KASSON. I desire for myself, as well as for a number of others, to take the sense of the committee on this question, as it is a peculiar precedent, and therefore I take an appeal from the decision of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The committee divided; and there were—ayes 57, noes 20.

Mr. CURTIN demanded tellers.

Tellers were not ordered.

So the decision of the Chair was sustained.

Mr. SPRINGER. I move the following amendment:

Add to the end of the section, after line 1976, the following proviso:

"Provided, That the appointment of the additional clerks herein provided for the Pension Office, for the office of the Adjutant-General, and for the office of the Surgeon-General, shall be appointed from honorably discharged Union soldiers of the late war, or their wives, daughters, or sons, and shall be subject to the following regulations:

"First. That candidates for admission to such clerical employment shall be of good moral character and habits, and not physically impaired to such a degree as to prevent a proper performance of clerical duty. Admission to the said service shall only be allowed after a preliminary examination as now required by section 164 of the Revised Statutes shall have been satisfactorily passed, the nature and extent of such examination to be determined by the heads of the several offices above mentioned who are hereby authorized to designate and make the appointments aforesaid, each for his office respectively.

"Second. That appointments upon original entry into this service shall be temporary, and not for a period exceeding six months; and if during said period the appointee shall, by reason of lack of industry or zeal, or because of incapacity or bad habits, prove his unfitness for the service, his temporary appointment shall be canceled by the head of the office.

"Third. That if upon the expiration of the temporary period of six months the appointee shall have proved his capacity and fitness for the service, he shall be

entitled to receive a permanent appointment, to continue during a full term of three years, unless sooner removed for cause or because such clerical service is no longer required.

"Fourth. That in making the appointments to the clerical service aforesaid, it shall be the duty of the appointing authority to prefer suitably qualified persons coming from States and Congressional districts which upon the present list of appointments therein have less than an equal *pro rata* representation in the clerical force of such office."

Mr. SPEER. I raise the point of order on that amendment that it changes the law, and does not retrench expenditures. There are hundreds of men in the Southern States who were not Union soldiers, but who are as much entitled to positions in the Departments here as the class of gentlemen to whom the gentleman from Illinois alludes. They are loyal to the Government, and they are devoted to its flag; and, sir, it is a poor way for Northern gentlemen to propitiate Southern men to exclude them from any chance of participating in the benefits of our common Government.

Mr. TOWNSHEND, of Illinois. Is the question before the House for debate?

Mr. SPRINGER. This additional force is provided for the Pension Office and it is proper, in my judgment, that honorably discharged soldiers should have the places provided for.

The CHAIRMAN. The Chair is ready to decide the point of order so we may progress with the bill.

Mr. ATKINS. Has the Chair arrived at a conclusion on the point of order?

The CHAIRMAN. The Chair is ready to rule, unless the gentleman wishes to be heard.

Mr. ATKINS. If the Chair has decided in his own mind I do not wish to be heard. I take it, however, that the amendment is liable to the point of order.

The CHAIRMAN. The Chair has no doubt in sustaining the point of order, for the reasons which have been given a great many times in the course of this debate. The amendment is therefore excluded.

The Clerk read as follows:

United States Patent Office:

For compensation of the Commissioner of the Patent Office, \$4,500; for assistant commissioner, \$3,000; for chief clerk, \$2,250; three examiners-in-chief at \$3,000 each; examiner in charge of interferences, \$2,500; trade-mark examiner and examiner of designs at \$2,400 each; twenty-three principal examiners at \$2,400 each; twenty-six first assistant examiners at \$1,800 each; twenty-six second assistant examiners at \$1,600 each; twenty-six third assistant examiners at \$1,400 each; twenty-five fourth assistant examiners at \$1,200 each; one financial clerk, \$2,000; who shall give bonds in such amount as the Secretary of the Interior may determine; one librarian, \$2,000; three chiefs of division at \$2,000 each; three assistant chiefs of division at \$1,800 each; two clerks of class 4; one machinist, \$1,600; four clerks of class 3, (one of whom shall be translator of languages); fifteen clerks of class 2; forty-five clerks of class 1; one skilled laborer, \$1,200; four skilled draughtsmen at \$1,200 each; three draughtsmen at \$1,000 each; thirty permanent clerks at \$1,000 each; one messenger and purchasing clerk, \$1,000; five model attendants at \$1,000 each; ten model attendants at \$800 each; ninety copyists, one of whom shall be a draughtsman; forty-five skilled laborers at \$720 each; forty laborers at \$600 each; twenty-five laborers at \$480 each; and fifteen laborers at \$360 each; in all, \$548,800.

Mr. ATKINS. I move to strike out that clause, and I do it for the purpose of saying one or two things. This clause provides for an increase of thirty-seven additional officers at an expense of \$67,000. I do not believe the needs of the service justify this increase. I am not informed by any data or statistics that I can produce before the House to substantiate that statement, but I am nevertheless satisfied that it is correct. I do not believe that the Patent Office needs any additional force, and I wish I was at liberty to give to the House the evidence which has convinced my mind of the truth of that assertion.

Now, it is contended that the Patent Office is self-sustaining. I do not believe it is self-sustaining. I am aware it turns into the Treasury a considerable fund every year, but when all the expenditures of the Patent Office, the rent of buildings, stationery, clerical force, and everything else are included, I doubt whether it is self-sustaining.

But even suppose it is self-sustaining, are we not appropriating more money and providing for more clerical force than is absolutely necessary to the work?

Now, sir, there are boys, girls, and women in the Patent Office today who are doing practically the work of examiners. These examiners get from \$1,400 to \$1,600 or \$1,800 a year, and the principal examiners get \$2,400 a year; and yet, as I have said, there are boys and women doing their work in this bureau, while these principal examiners are not employed in many instances one-half of their time, in my judgment. We could not go in there and ascertain the facts though; and I may be permitted to say that I doubt now whether Mr. Marble, who is a very worthy gentleman, and against whom I have nothing whatever to say—I doubt very much whether he knows anything about, or at least is cognizant of how matters are carried on in that bureau. It is impossible, from the very nature of things, that he should know. Where there are so many clerks in that Department it would be a matter of almost impossibility to know all these facts. But still I believe they exist; and if boys and women are doing examiners' work, why should we pay these very extravagant and large salaries to the examiners themselves? That is the question.

This fact I now mention is one that has been recognized as the truth years ago. It has been true of that bureau for years past, and this is not the first time that I have taken occasion to mention it on



this floor. It was not denied when General Payne was Commissioner of Patents. It is true to-day, as it was true then. I do not myself believe that many of these inventions for which patents are granted are worthy of consideration. I am not here to attack any useful invention in the Patent Office; not at all. There are some exceedingly useful patents; but I venture to make the assertion, without fear of contradiction, that while there is one useful invention now patented by the office there are fifty utterly worthless and of no value to anybody. I think there is no doubt about it, and I think we might have allowed the bureau to go on as it is now and as it has been going on for some time past without increasing the force as largely as it has been increased in this bill, at all events.

I believe that my honorable friend in charge of the bill has given all of the force asked for by this bureau. I think he has filled up the full estimate; and I am satisfied that some of these bureaus make estimates when they do not expect to get them allowed, and in many cases make them larger than necessary, knowing or feeling satisfied that they will be cut down. In this case, though, I believe that every man has been given that was estimated for. I withdraw the amendment.

Mr. CANNON. Before the gentleman from Tennessee withdraws his amendment, I desire to say a few words briefly in reply. This increase was not recommended without very grave and careful examination of the entire question. But the gentleman is in error in saying that all that is asked for in this connection was granted by the committee. Instead of giving all the estimates called for, there were many which we did not give. One of these is an increase in the salaries of examiners.

Mr. ATKINS. I did not speak with reference to the increase of salaries. It is well understood there is no increase in this bill.

Mr. CANNON. Another thing we did not give. The room there is circumscribed. The Commissioner wanted twenty-four additional examiners at \$2,400, so as to give one to each division, which he could do in his present room. We thought he ought to have twenty-four people, but allowed them only \$1,200 each, so that the amount in the bill cuts the salaries of the examiners lower than was estimated, with the expectation that he would be able to get a lower grade, or rather get competent men at a lower price for some of these positions. But I desire to call the attention of my friend and the committee to the large increase that there has been in the business of the office over past years. For instance, in 1880 there were 1,839 applications in January. In 1881 there were 1,847 applications, while in 1882 there were 2,324 applications. And so it runs on throughout the whole field and through the different months of this calendar year as compared with the last.

I hold in my hand a letter, which I will publish with my remarks, from the Commissioner of Patents, dated June 9, 1882, in which he shows the wonderful increase in business in this office in the last few years. I will sum it up here in a brief form, but print the tables in full, and if gentlemen desire to examine them they will see the large increase that has taken place there. I find from this letter that the increase in receipts per working day for the year 1882 over 1881, from fees alone, amounts to \$509, while the increase in receipts per working day of 1882 as compared with 1880 is \$702 per day. The number of applications from January 1 to June 1, 1882, is 15,244, while in 1881 it was only 12,937.

I am satisfied from the best examination—and it has been thoroughly examined by the committee—that this increase ought to be given and is called for by the increased business of the office. That is all I desire to say about it. This letter and table will supply the details if gentlemen choose to examine them.

The letter and tables referred to by Mr. CANNON are as follows:

DEPARTMENT OF THE INTERIOR,  
UNITED STATES PATENT OFFICE,  
Washington, D. C., June 8, 1882.

Sir: I have the honor to herewith hand you a statement of the receipts of this office from January 1 to June 1, 1882, showing the increase in the same over the years 1881 and 1880 for the same period.

Very respectfully,

E. M. MARBLE, Commissioner.

Hon. J. G. CANNON,  
Chairman Sub-committee on Appropriations, House of Representatives.

Receipts from January 1 to June 1—	
1882.....	\$428,805 65
1881.....	364,182 10
1880.....	338,144 80
Increase in receipts during same period of—	
1882 over 1881.....	64,623 55
1882 over 1880.....	26,037 30
1882 over 1880.....	90,660 85
Increase in receipts per working day of—	
1882 over 1881.....	509 00
1882 over 1880.....	702 00
Number of applications filed from January 1 to June 1—	
1882.....	15,244
1881.....	12,937
1880.....	12,205
Increase of 1882 over 1881.....	2,307
Increase of 1882 over 1880.....	3,039

Mr. VANCE. I would like to ask the gentleman from Illinois in charge of this bill whether he would not be willing to consent that the Commissioner of Patents should receive the same salary as the Commissioner of Pensions, \$5,000?

Mr. CANNON. I will say to my friend from North Carolina that I will not allow anything that is not in order to go into this bill.

Mr. TOWNSHEND, of Illinois. I move to strike out the last word. My friend from Tennessee [Mr. ATKINS] is usually correct in his efforts at economy. But in my judgment he has in this instance selected the wrong bureau of the Department service on which to practice economy and retrenchment.

It is the fact that the Patent Office is more self-sustaining than any other branch of the public service. My service upon the Committee on Patents for four years brought me into an intimate acquaintance with the details of the Patent Office, and I am convinced it is the last place where we ought to experiment with the knife of retrenchment unless we clearly see that it can be safely and wisely applied. Without great caution I fear there is great danger of crippling the usefulness of that bureau.

As has been said by my colleague the number of applications and the amount of fees collected are steadily and rapidly on the increase. And as he has stated, during the last five months, compared with the corresponding five months of 1881 and 1880, there has been an enormous increase, amounting to from \$64,000 to \$90,000. I desire to say further, Mr. Chairman, I am reliably informed that the increase of receipts over expenditures during the last twelve months are more than enough to meet the expenditure required for the additional force provided in this bill.

I am satisfied that my friend from Tennessee is mistaken when he asserts that the receipts of the Patent Office are not greater than its expenditures. If he will make inquiry he will discover there is a fund of nearly \$1,500,000—

Mr. YOUNG. Eighteen hundred thousand dollars.

Mr. TOWNSHEND, of Illinois. A fund of nearly \$1,800,000 of surplus over and above all the expenses of the Patent Office in the Treasury at this time.

Mr. ATKINS. And not a dollar paid for the rent of the Patent Office all the time.

Mr. TOWNSHEND, of Illinois. Does the gentleman say he wants to charge the Patent Office with rent?

Mr. ATKINS. I am simply talking about its being a revenue to the Government.

Mr. TOWNSHEND, of Illinois. Mr. Chairman, my friend from Tennessee, as well as myself, ought to be the last in the House to do anything that will cripple the efficiency of the Patent Office, for the reason that his constituents and mine are preyed upon by the harpies who travel over our districts victimizing our people by selling their improper and fraudulent patents.

Mr. ATKINS. Where do they get their improper and fraudulent patents?

Mr. TOWNSHEND, of Illinois. They would not get them from the Patent Office if its force was ample and the system perfect. The way to prevent the issue of improper patents is to increase the efficiency and force of the corps of examiners. We are dependent upon the skill, integrity, and learning of the examiners in the Patent Office to protect our constituents from fraudulent or improper patents.

I wish to call attention to another fact. It is, that those who are employed in the examining corps of the Patent Office are required to have better qualifications and a higher degree of accomplishment than any employees of the Executive Departments. The law expressly declares that the examiners-in-chief shall possess a high standard of qualification. I have the law before me, and I will read the qualifications prescribed. I will only cite those of the examiners-in-chief, but all the examiners are more or less required to have similar qualifications, if not by statute by the custom of the office:

The examiners-in-chief shall be persons of competent legal knowledge and scientific ability, whose duty it shall be on the written petition, &c.

They are required to have competent legal knowledge and scientific ability. My acquaintance with the qualifications of the examiners-in-chief and principal examiners in the Patent Office convinces me that if competitive examinations were in force, and members of this House were on examination for appointment in that corps, but few members of this body would pass a successful examination in competition with the examiners now employed.

For the purpose of protecting the public from improper patents, and that justice may be done to honest inventors, I insist that instead of applying any picayune economy to that department, we should furnish it with all the force and facilities which are necessary to perfect the system and enable us to have the best integrity and the best talent employed in the examination of applications for patents.

I expected that an amendment would be offered to this bill, in accordance with the request of the Commissioner, changing the new fourth assistant examiners provided in this bill to assistant principal examiners; and the reasons for this change as given by the Commissioner and others highly competent to know convinced me the change ought to be made, and I intended to give the proposition my support, but as the gentleman having it in charge is absent, the chairman of the Committee on Patents deemed it advisable not to press the amendment at this time.

Now, Mr. Chairman, all who are acquainted with Commissioner Marble and the officers of his bureau will, I have no doubt, bear testimony to their excellent qualifications and faithful performance of the highly important duties assigned to them.

Our patent system, known as the "American system," has become the most useful and popular in the world, and it is recommended by the press of all countries for imitation. The foundation for its great usefulness was laid by the late Judge Charles Mason, who was the fifth Commissioner since the organization of the office and the third under the Secretary of the Interior. He was appointed to the office in 1853. He thoroughly mastered the spirit of the system as contemplated by the law, and so systematized and shaped it at the beginning that it was only necessary for care and culture to make it as it is now, the admiration of the world. He for years bestowed great labor upon it, and at first personally performed the duties of the present board of chief examiners, often extending his labors into the night in his reviews of the decisions of the examiners. He found, however, he could not endure the performance of such immense services as the rapidly increasing business of the office imposed on him, and therefore he originated the plan for the present board of chief examiners.

The history of the Patent Office shows that the progress of mechanical inventions in the United States is marvelous. The report of the Commissioner of Patents shows that nearly 23,000 applications for patents were made last year, an increase of over 1,900 over the previous year. This was in addition to a large number of applications for designs, reissues, caveats, trade-marks, appeals, disclaimers, &c. The number of patents, including reissues and designs, issued was 15,175; and the receipts of the office was \$789,895.52, an increase over previous year of \$59,358.40. The aggregate appropriations and expenditures was \$749,731.53. These figures show an excess of receipts over expenditures of over \$40,000. From other sources I learn that there has been nearly 4,000 patents bearing on electricity alone. The description of the various electrical inventions fill nearly sixteen quarto volumes.

I have cited these figures to show the magnitude of the business of the office at this day.

Now, in conclusion, let me repeat that the surest way to protect the people from the deceptions and annoyances occasioned them by improper patents and outrages of the tricksters and swindlers who rob them by means of improper or deceptive patents is, in the first place, to perfect the efficiency of the Patent Office force. This will prevent the issue of improper or fraudulent patents. The examiner can thereby shield and protect the public to a great extent from imposition. Of course the Patent Office can go no farther than to guard against the issue of such patents. Other legislation must be devised to protect honest people from the annoyance of black-mail and litigation into which wily swindlers often involve them. There is much need of reform in the laws in these particulars, which ought to be accomplished before the end of this Congress.

I do not think this will be a waste of money. We are simply using the funds furnished by inventors themselves. Every dollar used in running the Patent Office is derived from a tax on inventors; not one single penny comes out of the national Treasury. No taxpayer in the district of the gentleman from Tennessee, [Mr. ATKINS,] or in any district, or in any other district has paid a dollar of this money unless he happens to be an inventor.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNSHEND, of Illinois. I withdraw my amendment.

The Clerk read as follows:

For photolithographing or otherwise producing plates for the Official Gazette, \$29,000.

Mr. HOLMAN. I move to amend the paragraph just read by striking out the last word. It is difficult to understand the reason for the increase in the appropriations for this particular bureau, in view of the fact that during the last ten years there has been no material increase in the business of the bureau, no large increase. There has been an increase, I concede, but no large increase. And yet the appropriations during the last six years have been increased very heavily.

The very first item of appropriation in this bill for this bureau is increased \$164,000 over and above the appropriation for the same item of expenditure only six years ago. The item now under consideration is increased \$4,600. Nearly every item of appropriation for the Patent Office is increased to a greater or less extent. The increase for the personnel of the bureau to the extent of \$164,000 is certainly quite a remarkable increase in any Department of the Government, unless much heavier duties are imposed upon it than are thrown upon this bureau.

I attribute that result to the fact that the greater you make the compensation of an office above what is fair and reasonable the more persistent are the applications of parties who depend upon what is known as political influence to secure such an office. While the salary is moderate, fair, and reasonable, a just compensation for the services performed, appointments are likely to be made upon the merits of the applicants. Whenever you go beyond that, whenever you increase the salary so that the office becomes one very desirable to be held on account of the large salary, then is brought to bear the force and pressure of political influence to secure appointment.

I say to gentlemen if they will watch closely the operations of this Government they will find that the enlargement of salaries beyond what is moderate and reasonable in comparison with similar employment in civil life does not tend even to secure integrity or efficiency

in the public service. The whole history of this Government and the history of every State in the Union demonstrate the soundness of that proposition.

Mr. VANCE. Is it not true that good officers are more apt to remain in office where they receive reasonable salaries than otherwise?

Mr. HOLMAN. They remain where the salaries are reasonable.

Mr. VANCE. Where an officer is not properly paid, he is apt to go out of office and begin the practice of an attorney.

Mr. HOLMAN. I do not find many persons resigning their places under the Federal Government. As we said many years ago, but few of our employes die and still fewer resign.

When officers are paid a fair and reasonable compensation as compared with the compensation of similar employments in civil life, wherever an office is vacated it is promptly filled. The only trouble is to secure proper resistance on the part of the heads of Departments who are urged to make appointments which are not proper to be made. And that pressure increases just as you make the office exceedingly desirable on account of the largeness of its salary. [Here the hammer fell.] I withdraw my amendment.

The Clerk read as follows:

For photolithographing or otherwise reproducing copies of drawings destroyed or damaged by fire or otherwise exhausted, \$34,720; the work of said photolithographing, 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. YOUNG. I move to amend by inserting after the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

For preparing and printing classified abridgments of the patents of the United States, \$50,000.

Mr. YOUNG. Near the close of the Forty-sixth Congress, on the representations of the Secretary of the Interior and the Commissioner of Patents, an appropriation was made for commencing the work of abridging and condensing the patents of the United States.

Mr. ATKINS. What is the amendment?

The CHAIRMAN. The amendment has been read and the gentleman from Ohio [Mr. YOUNG] is speaking upon it.

Mr. ATKINS. I want to reserve all points of order on the amendment.

The CHAIRMAN. If there is no objection, points of order will be reserved.

There was no objection.

Mr. YOUNG. When the distinguished gentleman from Tennessee [Mr. ATKINS] was chairman of the Committee on Appropriations in the Forty-sixth Congress, that committee reported a bill containing an appropriation of \$10,000 to be expended by the Commissioner of Patents for the purpose of preparing an abridgment of the patents of the United States.

Mr. ATKINS. I cannot hear the gentleman.

Mr. YOUNG. Come over here, then.

Mr. ATKINS. I cannot afford that; I do not take interest enough in what the gentleman says.

Mr. YOUNG. I am not permitted to leave my place. If you want to hear come up closer.

Mr. VANCE. If my colleague on the Committee on Patents will allow me, I will correct him. It was a bill reported by the Committee on Patents and not by the Committee on Appropriations.

Mr. YOUNG. Nevertheless, the appropriation was made with the consent of the Committee on Appropriations.

Mr. ATKINS. It was not made by any such consent.

Mr. YOUNG. I will ask the gentleman if the appropriation was made at all?

Mr. ATKINS. It was made by the House. It was offered in the House by the Committee on Patents, and the Committee on Appropriations resisted it; but it was carried over the heads of the Committee on Appropriations.

Mr. YOUNG. It was a very good thing to be done.

Mr. ATKINS. The gentleman should be correct in his statement, then.

Mr. YOUNG. I think the gentleman ought to be correct himself. He made a statement awhile ago in reference to this bureau of the Interior Department at variance with the truth. He stated among other things—

Mr. ATKINS. If the gentleman intends to make a personal point upon me I desire him to say so.

Mr. YOUNG. I do not intend to make any personal point upon the gentleman; I only want to correct his statement. The gentleman stated awhile ago that the examiners in the Patent Office did not know what was going on; that, with all due deference to the Commissioner of Patents, for whom he had great respect, he thought the Commissioner did not know what was going on in his office.

Mr. ATKINS. Well, my speech will be reported in to-morrow's RECORD.

Mr. YOUNG. Wait until I get through. I do not believe there is a more capable man at the head of any bureau of the Government than Mr. Marble. There is no information in regard to his office that he cannot give. There is another thing; I do not believe the gentleman understood the facts when he stated that there are boys and



girls in that office doing the work of the examiners. The statement is preposterous on its face, because they have not the talent for it. They may do work as copyists. It was this kind of assertion that made me utter the statement I did.

Now a few words in regard to my amendment. In the Forty-sixth Congress the sum of \$10,000 was appropriated for the purpose of making an abridgment of patents. In pursuance of that appropriation a force was put upon the work, which was continued until the sum was exhausted. Now, the Secretary of the Interior, knowing how useful this work is, not only to the office itself but to the country, has asked in the estimates \$50,000 for the continuation of this work. The Committee on Appropriations has thought proper to omit any appropriation of this kind. In offering this amendment I desire to show some reasons why it ought to be adopted.

In visiting the centennial exhibition in 1876 every American must have felt proud of the progress of the inventive genius of our country as compared with that of every other country. This progress has been largely due to the encouragement given by this Government to our inventors and our manufacturers, supported, sustained, and protected by our Patent-Office system. In England, in France, in Germany, and in other countries whenever there is an exposition of the inventive genius of mankind, Americans carry away the prizes. Why? Simply because we encourage through the operations of our Patent Office men who make it their business to try to invent new methods for the improvement of agriculture and the manufacturing arts and sciences, upon which we depend for our material progress.

As economy seems to be a prime consideration with gentlemen on the other side, particularly at this time, I wish to say that as a matter of economy we ought to encourage this abridgment of patents for the purpose of assisting inventors and manufacturers as well as farmers and other classes of the community who use these inventions.

[Here the hammer fell.]

Mr. BUTTERWORTH obtained the floor and yielded his time to Mr. YOUNG.

Mr. YOUNG. It is proposed to make this publication in order that the parties interested who will have to pay for copies of the work may be saved from being defrauded by peripatetic dealers in patented inventions. It is also an advantage to the inventor who, when he thinks he has a new idea, may go to this abridgment (which will be put within his reach at his own cost after it is published) and see whether his ideas upon any given subject have been anticipated.

I hold in my hand some specimen leaves of this work, done under the direction of the Commissioner of Patents under the appropriation of \$10,000 heretofore made. I invite any gentleman who feels interested in the question to examine these sheets. We do not ask that this money be expended in binding volumes for distribution. We ask that this work be printed for the use of the office, for the use of the examiners, and also for the use of inventors or patentees, who if they wish these volumes as they are published will have to pay for them. We know from the experiment already tried that the amount received from these books will more than compensate the Government for their publication. It is said it will cost a great deal of money. That is true; it will cost a great deal of money from year to year, but that money does not come from the tax-payers. As my friend from Illinois [Mr. TOWNSHEND] has said, it comes out of the pockets of the inventors themselves, and is no tax upon the people generally.

We have a great many inventions to be abridged and described, two hundred and fifty thousand and over. Great Britain, which claims to be in the front rank of inventive genius, has only 146,000 of record; and notwithstanding that, the British Government has thought proper, and is liberal enough, to authorize the abridgment of her patents, very much to the use and benefit of her people, and of ours also if they choose to buy that abridgment.

Speaking of the receipts of the office and the reason why this amendment should be adopted, let me state that the surplus receipts of the Patent Office over expenditures for the last year were \$248,000. This money is covered into the United States Treasury. Where does it come from? From the pockets of inventors and the people who sustain inventors by buying their patents for use in different manufacturing.

If \$248,000 is turned into the United States Treasury it seems to me we could afford, without taxing the people, to pay \$50,000 a year out of that fund for the purpose of continuing the publication of this abridgment so as to bring it within the reach not only of patentees and inventors, but within the reach and knowledge of every reading man in the country.

And more than that, Mr. Chairman, the \$248,000 which goes into the Treasury is a surplus which was never intended to go there. The Patent Office was established in the first place for the purpose of encouraging the useful arts. If any gentleman on this floor assumes or pretends it was intended as a revenue office I should like to know it. If it were intended as a portion of the internal-revenue system to gather money into the Treasury taken from the people for specific reasons and purposes, then the Patent Office ought to belong to the Internal Revenue Bureau and legislated for accordingly. But there never was any such intention on the part of the men who originated the Patent Office, as the law establishing it declared it was

established for the encouragement of the useful arts. It was intended to be self-sustaining and to pay its own way, and it does pay its own way and has this surplus. Men come here and on the ground of retrenchment and economy say it is a great extravagance and that it ought not to exist.

The CHAIRMAN. The gentleman's time has expired.

Mr. YOUNG. I ask leave to print additional remarks on this subject.

The CHAIRMAN. The Chair hears no objection, and it is ordered accordingly.

Mr. ATKINS. I heard the amendment indistinctly, but gathered sufficient to discover it proposes an appropriation of \$50,000 for the publication of a summary of the various patents issued from the Patent Office.

The amendment was again read.

Mr. ATKINS. I raise the point of order against the amendment. I do not believe there is any warrant of law for it. It is true we appropriated last year \$10,000 for that purpose, but, sir, I do not believe that is any reason why the Chair should now hold it is such a law as will justify a continuance of the appropriation for that purpose.

The CHAIRMAN. The Chair would like to call the gentleman's attention to the first part of the rule not referred to generally, which excepts amendments "in continuation of appropriations for such public works and objects as are already in progress," if this abridgment has been in progress of publication during the last year, as the Chair gathered from the remarks of the gentleman from Tennessee that an appropriation was made for it last year.

Mr. ATKINS. It is admitted that an appropriation of \$10,000 was made for this purpose last year, but it was the first time, and I do not know that would be considered as making this a continuous appropriation. If the Chair decides it is a continuous appropriation I yield the point, of course.

Mr. VANCE. I understand the Chair to decide that the amendment is in order?

The CHAIRMAN. Looking to the former rulings on this point the Chair would not like to reverse the practice.

Mr. CANNON. I move to strike out the last word, and will call the attention of the committee to the facts surrounding this appropriation. It is true that under the lead of the Committee on Patents \$10,000 was appropriated for the current year for this abridgment of patents, and it is also true the estimates contained an estimate of \$50,000 to continue that work. When we made up this bill in connection with the gentleman from Tennessee [Mr. ATKINS] the subcommittee, and afterward the full committee, exhaustively inquired as to the necessity for this work, in the first place, and, secondly, as to its cost. We made up our minds the necessity was not sufficiently great to warrant the cost which would be incurred.

If the committee will bear with me I will say that we found on inquiry of the Commissioner of Patents that with the \$10,000 for the current year and the \$50,000 proposed to be appropriated by the amendment of the gentleman from Ohio, making \$60,000 in all, he can complete the abridgment of 15,000 patents, making four volumes of 1,000 pages each, and print 10,000 copies, making 40,000 volumes in all. But these books would have to be bound, and we find on inquiry that it will cost \$1.50 a volume to bind them, which makes an expenditure of \$60,000; so that to abridge 15,000 patents and print and bind 10,000 copies of the same will cost \$120,000. There are now over 260,000 patents, and the Commissioner says that by the time the abridgment could be completed there would be at least 300,000, so that it will be seen this whole work of abridging, printing, and binding will cost at least \$2,200,000. That is all there is of it. The Commissioner did not believe the importance of the work authorized such an expenditure, and preferred to throw away the \$10,000 already expended to continuing this expensive work. Especially is the committee fortified in its conclusion when it is recollected that there are now sixty-five volumes all told of Patent Office reports and of the Official Gazette and the abridgment when complete will number seventy-five volumes. I trust the amendment of the gentleman from Ohio will not be adopted.

Mr. ATKINS. I desire to say briefly, Mr. Chairman, that I was mistaken about its being an amendment to the legislative, executive, and judicial appropriation bill at all. It seems that it was a separate act, and was a bill reported from the Committee on Patents. I was under the impression, when I spoke, that it was an amendment to the legislative bill offered by the gentleman from North Carolina, [Mr. VANCE,] at that time chairman of the Committee on Patents. I think two years ago he did offer that amendment to the legislative appropriation bill, but it was defeated if I recollect. This act, however, which I hold in my hand, if the gentleman from North Carolina will allow it to be read in his time, shows that this abridgment was provided for in a separate act.

Mr. SPRINGER. Let it be read.

Mr. ATKINS. However, I will not ask the gentleman to allow it to be read in his time, as he has but the five minutes.

Mr. VANCE. Mr. Chairman, the necessity for abridging the patents of the United States has been recognized by some of the most distinguished Commissioners who have ever been at the head of the Patent Office. It was recommended by such gentlemen as General Spear, by the present efficient Commissioner, Mr. Marble, Mr. Fisher, and various others.

I would suggest to my colleague to reduce the amount of the amendment to \$35,000. I am informed by those who are familiar with the subject that \$35,000 will enable the Department to have printed nine thousand volumes; that is to say, three thousand volumes of three copies each, making nine thousand in all, and that these can be sold at \$4 each and make a profit to the Treasury for their printing. In discussing this matter, Mr. Chairman, gentlemen should bear in mind that these books are not to be printed alone for the use of the Patent Office. They are to be printed for the use of the inventors of the whole country, and I hope gentlemen will also bear in mind that there is some difference in this country now from what it was when George Washington issued the first patent by authority of the United States Government. We then had something over three millions of people, and now we rejoice in a population of not less than fifty millions. It should also be borne in mind that there has been a great increase in the number of patents issued as compared with former years. For instance, there is an increase in the number of applications from January 1 to June 1, 1882. The applications during that period numbered 15,224. During the same period in 1881 the applications were 12,937, while in 1880 there were 12,205, showing an increase in 1882 over 1881 of 2,307 patents, as a reason why the work of the Patent Office is now behind. That also is the reason why clerks have to be employed to do the work of examiners.

The applications in that office have increased so wonderfully and so materially that the work has gone entirely ahead of the capacity of the present officers; and my friend from Tennessee was mistaken when he said that the work of examination is done by girls, boys, and women. It is true that clerks have been employed for that work in some instances, and the reason is that the work in the various classes of the examiners is so far behind that it is impossible to keep it up with the present force. I hope gentlemen will look at this matter from the stand-point of the good of the country.

I hold in my hand the daily report of the examiners in the Patent Office, and I find in some of the classes they are nearly five months

behind, in some three months, in some two months, in some one month, and in none of them are they less than thirteen days behind time. Inventors come and pay their money into the Patent Office, and they expect the patent to be issued within a reasonable period; and yet they have to wait five months. What is the cause of that? It is because there is no index to the patents. The proposition is to furnish a classified abridgment of the patents of the United States, in order that the people may know what patents are now in existence; and the people have a right to know, because the Patent Office is not sustained by taxation. We have now in the Treasury of the United States, covered into the Treasury from the earnings of the Patent Office, nearly \$2,000,000 in round numbers, paid in by men who have covered their country with glory, men who have wonderfully advanced the interests of the people in every department of our country. I think, sir, this great Government can afford to pay an additional sum of \$35,000 or \$50,000 to those men who have done so much for the country, and so much for civilization and for humanity.

I append the following tables to my remarks:

Receipts from January 1 to June 1—	
1882.....	\$428,805 65
1881.....	364,182 10
1880.....	338,144 80
Increase in receipts during same period of—	
1882 over 1881.....	64,623 55
1881 over 1880.....	26,037 30
1882 over 1880.....	90,660 85
Increase in receipts per working day of—	
1882 over 1881.....	509 00
1882 over 1880.....	702 00
Number of applications filed from January 1 to June 1—	
1882.....	15,244 00
1881.....	12,937 00
1880.....	12,205 00
Increase of 1882 over 1881.....	2,307 00
Increase of 1882 over 1880.....	3,039 00

Examiners.	June 5.					June 6.					June 7.				
	New applica- tions.	Old applica- tions.	No. cases on hand.	Date of oldest new case.	Date of oldest amended case.	New applica- tions.	Old applica- tions.	No. cases on hand.	Date of oldest new case.	Date of oldest amended case.	New applica- tions.	Old applica- tions.	No. cases on hand.	Date of oldest new case.	Date of oldest amended case.
Antisell, Thomas.....	40	40	80	May 5	May 10	38	35	73	May 5	May 13	46	39	85	May 5	May 16
Appleton, W. H.....	144	46	190	Feb. 23	Mar. 15	145	53	198	Feb. 23	Mar. 15	149	52	201	Feb. 23	Mar. 15
Bartlett, W. A.....	186	13	199	Mar. 22	May 24	180	9	189	Mar. 22	June 2	182	10	192	Mar. 22	June 2
Behrens, W. C.....	165	47	212	Apr. 20	May 15	149	48	197	Apr. 20	May 15	153	46	199	Apr. 20	May 15
Bowen, J. E. M.....	120	86	206	May 5	May 8	111	88	199	May 9	May 9	113	97	210	May 9	May 12
Boyd, E. D.....	45	40	85	May 1	Apr. 7	45	38	83	May 1	Apr. 7	44	46	90	May 1	Apr. 7
Burke, W.....	86	58	144	May 1	Apr. 18	84	62	146	May 3	Apr. 26	83	63	146	May 3	Apr. 26
Catlin, B. R.....	44	28	72	Apr. 25	May 25	39	17	56	May 10	May 31	56	22	78	May 10	May 31
Chapman, J. P.....	47	3	50	May 24	June 3	48	3	51	May 25	June 5	48	2	50	May 26	June 5
Cook, L. M. E.....	134	123	257	Mar. 2	Mar. 2	143	119	262	Mar. 2	Mar. 9	140	132	272	Mar. 2	Mar. 9
Fisher, R. J.....	98	20	118	May 4	May 9	95	18	113	May 4	May 9	101	13	114	May 4	May 10
Fowler, F.....	94	24	118	May 4	May 25	90	39	129	May 4	May 25	88	37	125	May 4	May 25
Fox, O. C.....	94	40	134	Apr. 1	Apr. 17	98	25	123	Apr. 1	Apr. 17	98	24	122	Apr. 1	Apr. 17
Freeman, F. L.....	103	96	197	May 2	May 11	106	79	185	May 2	May 11	107	56	163	May 2	May 11
Hedrick, R. S.....	93	33	126	May 4	May 9	93	24	117	May 5	May 9	95	30	125	May 5	May 10
Jayne, J. W.....	202	30	232	Mar. 20	May 12	202	32	234	Mar. 20	May 12	198	32	230	Mar. 23	May 12
Mason, R.....	80	12	92	Apr. 14	May 29	79	10	89	Apr. 14	May 29	79	9	88	Apr. 14	June 1
Pond, B. W.....	232	87	317	Mar. 28	Mar. 29	233	86	319	Mar. 28	Mar. 29	233	86	319	Mar. 30	Mar. 27
Sanders, H. P.....	134	52	186	May 1	Apr. 29	123	28	151	May 1	Apr. 29	126	31	157	May 3	Apr. 29
Schoepf, A.....	24	20	44	May 22	May 29	24	19	43	May 31	May 29	18	17	35	May 31	June 3
Seely, F. A.....	162	94	256	Apr. 10	Apr. 18	169	80	249	Apr. 10	Apr. 18	168	75	243	Apr. 10	Apr. 18
Stocking, S. W.....	30	3	33	May 22	June 3	18	5	23	May 27	June 1	9	5	14	May 29	June 5
Whitaker, J. H.....	185	68	253	Mar. 13	Apr. 12	163	68	231	Mar. 13	Apr. 12	167	76	243	Mar. 13	Apr. 12
Wilkinson, A. G.....	59	46	105	May 11	May 13	56	51	107	May 11	May 13	63	41	104	May 11	May 20
Williams, F. S.....	49	61	110	May 5	Apr. 29	59	55	114	May 5	May 9	56	58	114	May 8	May 9

  

Antisell, Thomas.....	50	34	84	May 9	May 16	38	34	72	May 9	May 16	49	33	82	May 9	May 16
Appleton, W. H.....	147	53	200	Feb. 23	Mar. 15	148	43	191	Feb. 23	Mar. 15	148	45	193	Feb. 23	Mar. 15
Bartlett, W. A.....	178	13	191	Mar. 22	June 2	177	21	198	Mar. 22	June 2	169	7	176	Mar. 22	June 2
Behrens, W. C.....	153	52	205	Apr. 20	May 15	142	32	174	Apr. 20	May 15	142	36	178	Apr. 20	May 15
Bowen, J. E. M.....	116	82	198	May 9	May 12	114	97	211	May 12	May 12	119	101	220	May 12	May 12
Boyd, E. D.....	44	49	93	May 1	Apr. 7	42	52	94	May 1	Apr. 7	41	50	91	May 1	Apr. 7
Burke, W.....	75	64	139	May 3	Apr. 26	83	56	139	May 3	Apr. 26	86	47	143	May 3	Apr. 26
Catlin, B. R.....	48	13	61	May 10	May 31	52	6	58	May 10	May 31	43	10	53	May 15	May 31
Chapman, J. P.....	40	4	44	May 27	June 7	46	4	50	May 27	June 7	51	5	56	May 27	June 9
Cook, L. M. E.....	145	124	269	Mar. 2	Mar. 9	145	121	266	Mar. 2	Mar. 9	150	120	270	Mar. 2	Mar. 9
Fisher, R. J.....	106	10	116	May 13	May 4	93	5	98	May 16	May 4	82	19	101	May 16	May 10
Fowler, F.....	88	32	120	May 8	May 25	88	20	108	May 8	May 25	89	27	116	May 9	May 25
Fox, O. C.....	103	27	130	Apr. 1	Apr. 17	103	37	140	Apr. 1	Apr. 17	97	31	128	Apr. 8	Apr. 17
Freeman, F. L.....	107	62	169	May 3	May 11	102	59	161	May 6	May 11	107	64	171	May 8	May 11
Hedrick, R. S.....	97	19	116	May 5	May 10	99	18	117	May 5	May 10	99	17	116	May 5	May 10
Jayne, J. W.....	208	37	245	Mar. 29	May 12	207	20	227	Mar. 30	May 12	211	22	233	Mar. 30	May 12
Mason, R.....	76	8	84	Apr. 21	June 3	73	4	77	Apr. 24	June 6	70	3	73	Apr. 28	June 6
Pond, B. W.....	235	88	323	Mar. 30	Mar. 30	233	90	323	Mar. 27	Apr. 12	226	88	315	Mar. 27	Apr. 12
Sanders, H. P.....	113	25	138	May 4	Apr. 29	105	29	134	May 4	Apr. 29	105	32	137	May 4	Apr. 29
Schoepf, A.....	12	20	32	May 31	June 3	12	24	36	May 31	June 3	9	20	29	May 31	June 6
Seely, F. A.....	170	72	242	Apr. 10	Apr. 18	169	75	244	Apr. 10	Apr. 18	181	59	240	Apr. 10	Apr. 18
Stocking, S. W.....	6	2	8	May 29	June 6	15	3	18	May 29	June 6	21	2	23	May 29	June 7
Whitaker, J. H.....	170	74	244	Mar. 13	Apr. 12	164	68	232	Mar. 14	Apr. 12	163	66	229	Mar. 14	Apr. 12
Wilkinson, A. G.....	64	47	111	May 11	May 13	66	37	103	May 11	May 13	63	35	98	May 11	May 20
Williams, F. S.....	50	61	111	May 9	May 9	52	71	123	May 9	May 9	51	66	117	May 10	May 9

\* Transferred.



Mr. CANNON. I withdraw the amendment.  
 Mr. DWIGHT. I move to strike out the last word.  
 Mr. SPRINGER. Has the point of order been disposed of?  
 The CHAIRMAN. It has.  
 Mr. SPRINGER. I did not hear the decision of the Chair.  
 The CHAIRMAN. The Chair gave its decision.  
 Mr. SPRINGER. Did the Chair decide the amendment was in order?  
 The CHAIRMAN. That was the decision of the Chair.  
 Mr. SPRINGER. Did the Chair have before him the act—  
 The CHAIRMAN. The Chair thinks it would not be proper to reopen the discussion on the point of order.  
 Mr. SPRINGER. I did not hear the Chair decide the point of order, and I was listening all the time.  
 The CHAIRMAN. The Chair would have liked the gentleman from Illinois to have heard the decision on the point of order—  
 Mr. SPRINGER. If the Chair will read—  
 The CHAIRMAN. The Chair does not entertain further discussion upon the point of order.  
 Mr. SPRINGER. I ask the Chair to bear with me—  
 The CHAIRMAN. The Chair is ready to bear with the gentleman; but to revert to the point of order now would occupy the time of the committee, and the gentleman from New York [Mr. DWIGHT] has been recognized.  
 Mr. SPRINGER. When the gentleman from New York has concluded I will speak on the point of order or upon the merits.  
 The CHAIRMAN. The Chair will be glad to hear the gentleman from Illinois on the merits.  
 Mr. DWIGHT. In the Forty-sixth Congress I was a member of the Committee on Patents and learned there the necessity for this work, which is really an abridgment or index that it is intended should be published for the purpose of giving all the people of the country an opportunity of knowing when they make an application for a patent what has been patented and what is patentable. It will be a digest of all the patents that are in force. It is a work that is called for abroad as has been already stated. But it is more in demand at home and is absolutely needed by the business of the country.  
 My recollection is that the Commissioner of Patents, General Spear, said he thought it could be published for a sum in the neighborhood of \$50,000; it might be something more perhaps, but an estimate was made for \$10,000 for the purpose of beginning the work. And he said that when the objects of the work should be fully understood there would be no question about the wisdom of completing it.  
 As I understand it, it simply means this: the Patent Office is more than self-supporting. It is not a tax upon the Treasury. The work will be sold for more than it will cost. This index and digest is required both by the public and those who are interested in applying for patents. In my judgment, no more important appropriation is called for in this bill, and it ought to be made.  
 The gentleman from Ohio [Mr. YOUNG] and my friend who has just taken his seat, [Mr. VANCE], who are members of the Committee on Patents, have made statements as to the necessity of this work. In those statements I concur fully. I hope the appropriation asked for will be made. I was surprised to hear my friend from Illinois [Mr. CANNON] indicate, first, that the work is not necessary, and next, that before it is completed it will cost \$2,000,000.  
 Mr. CANNON. I was not laboring under any misapprehension when I spoke. The Commissioner was before our committee, and there was no disagreement upon that point.  
 Mr. SMITH, of Illinois. I desire to ask the gentleman from New York a question. Is it the purpose of this codification that the world may know what patents are in force?  
 Mr. DWIGHT. That is it, exactly.  
 Mr. SMITH, of Illinois. If that is true, then what is the use of filling up hundreds of volumes with patents that have expired?  
 Mr. DWIGHT. The object of this work is that all interested may know readily and with little trouble what patents are in force and what is still required for the benefit of the public. I hope the amendment will prevail, and that \$50,000 will be added to what is reported by the committee.  
 Mr. MCCOID. This item is sustained by the unanimous support, I believe, of the Committee on Patents. I believe it is the fact that the Committee on Patents unanimously recommended the continuation of this work; so that the position of the Committee on Appropriations is the position of a committee that has not jurisdiction, really, of the subject. Therefore I feel we ought to sustain the Committee on Patents in this recommendation.  
 Now, this work does this: these abstractions cull out the novelty in each man's invention, and show it at the proper place in the report, so that any inventor can go and see at a glance the growth of the art in which he seeks to make an invention; see who has patented, and what he has patented, and whether what he applies for will be a novelty and of value. In that respect this will reduce the work of the Patent Office a great deal over what it is now, and retrench the expenditures of the office. I have a report of that office in which they say the reduction of the work in that Department will equal in each examiner's division one man at \$1,200 a year, making a total saving of \$31,000 in that bureau when this work is completed.  
 Last year there were 26,000 applications for patents, of which some

16,000 were granted and over 9,000 rejected. Now, those 9,000 rejected patents required just as much work and involved just as much expense to the Government as did the others which were granted.

Why do these applications accumulate to such an extent? It is because the inventors do not know how much is covered by the patents already granted; they do not know the growth and progress of the art in which they are seeking to obtain a patent for an invention. If they did they could protect themselves against the expense.

It is said by gentlemen here that for ten cents any one can obtain a printed copy of a patent. That is true, but in some cases it would take three hundred dollars from a poor inventor to obtain copies of all the patents on the subject in regard to which he is seeking to perfect an invention.

There are now two hundred and sixty-five different subjects of patents, and twenty-three or twenty-four divisions. I refer now to classified subjects of patents. Every one of these ought to be made plain by such an abstract as will show the people of the country just who own these different patents. Take the subject of plows and other agricultural implements. The farmer when he buys an implement of this kind wants to know whether the seller owns the patent or not.

To-day the farmers of this country are harassed by numberless lawsuits, dragged into the courts, and often black-mailed, for it is that, by the payment of attorneys' fees, expenses of suits, and costs of compromise, just because they do not know who owns the patents upon the articles which they have purchased, and they are not prepared to contend for their rights.

If a man could go into a library and examine an abstract book that would give him all the information about the article which he desires to purchase, he would be saved all that expense. As to the cost of this abridgment, I have here a table which I would like the Clerk to read.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MCCOID. I will then ask to have printed with my remarks a document which I have here relating to the abridgment of American patents.

There was no objection, and leave was granted accordingly.

The document is as follows:

#### HISTORY OF OFFICE PUBLICATIONS.

The policy of "promoting the useful arts," which originally was declared to be the object of our patent system, has from the beginning been encouraged by liberal appropriations for the dissemination of information concerning their progress. As early as 1805 Congress ordered to be printed and gratuitously distributed lists giving the names and residences of inventors, and the titles and dates of inventions.

This was continued until 1843, when a demand for something concerning the essence of the invention was recognized, and the claims were added to the lists.

In 1853, when patents had become more numerous and inventors more practical and inquiring, a further advance had to be made, and a brief of the invention and suitable illustrations were added to the claims. Thus these publications grew step by step, in response to popular demand, into what came at last to be the standard Patent Official Report, of which vast editions, at great expense, were freely distributed over the country, as the following table, which we believe has never before been printed collectively, will show:

#### REPORTS.

1843, one volume, 3,000 sets.
1844, one volume, 3,000 sets.
1845, one volume, 7,000 sets.
1846, one volume, 7,000 sets.
1847, one volume, 30,000 sets.
1848, one volume, 45,000 sets.
1849, one volume, 65,000 sets.
1850, one volume, 31,420 sets.
1851, one volume, 28,900 sets.
1852, one volume, 18,420 sets.
1853, one volume, 61,420 sets.
1854, two volumes, 88,420 sets.
1855, two volumes, 88,420 sets.
1856, three volumes, 88,420 sets.
1857, three volumes, 31,426 sets.
1858, three volumes, 32,950 sets; cost, \$85,650.08.
1859, two volumes, 68,550 sets; cost, \$138,400.32.
1860, two volumes, 66,550 sets; cost, \$118,992.
1861, two volumes, 26,550 sets; cost, \$48,903.50.
1862, two volumes, 41,550 sets; cost, \$106,783.50.
1863, two volumes, 26,550 sets; cost, \$93,851.12.
1864, two volumes, 20,550 sets; cost, \$105,132.60.
1865, three volumes, 20,550 sets; cost, \$116,633.62.
1866, three volumes, 20,550 sets; cost, \$148,777.68.
1867, four volumes, 20,550 sets; cost, \$212,010.72.
1868, four volumes, 31,650 sets; cost, \$198,000.65.
1869, three volumes, 20,675 sets; cost, \$84,363.29.
1870, two volumes, — sets; cost, —.
1871, three volumes, — sets; cost, —.

(The number and cost for 1870 and 1871 could not be ascertained.)  
 Making a grand total of 1,910,655 volumes.  
 The expense of printing prior to 1858 could not be ascertained, but for the twelve years from 1858 to 1869, inclusive, there was a total of 991,575 volumes, costing the Government \$1,457,808.17.

#### OTHER PUBLICATIONS.

But, in 1871, Congress discontinued the publication of the reports, and provided instead for the distribution of not exceeding one hundred and fifty sets of the printed specifications and drawings of all patents to the capital of each State and Territory, and to the office of the clerk of each United States district court.

Practically, this amounted to a denial to the public of the benefits which Congress intended to confer by the change, as only two or three copies would go to many of the States, and would be so far from the great body of inventors as to be unavailable for reference.

That there was a wasteful number of the old reports printed, and a reckless system of distribution employed, no one doubts; but who can say that the marvelous growth of invention in this country is not, after all, largely attributable to this liberality; and, if so, the benefits conferred exceed by many hundred-fold the expenditures, reckless as they may now appear.

## THE GAZETTE.

But these one hundred and fifty "sealed books" failed almost wholly to supply the public want, and a year later were supplemented by the Official Gazette, substantially in its present form, eight copies of which are furnished to each member of Congress for distribution in his district, and about 4,000 are sold annually to subscribers.

## PRINTING THE SPECIFICATIONS.

So much has been done for the public exclusively. For the use of the public and the office reciprocally, after repeated recommendations and most urgent solicitations by many commissioners, the office was authorized in 1861 to print two copies of the current specifications and drawings. Prior to that time the specifications appeared only in manuscript, and there were no duplicate drawings, but as Commissioner Holloway deplorably says, in his next annual report:

"After a trial of eight months the work was discontinued on account of the expense, and the section of the law authorizing the printing subsequently repealed." But such were the demands within and without the office for this work, that in 1866 Congress was forced to reconsider its action and renew the publication, authorizing the printing of twenty copies now instead of ten, and in 1871, when their value began to be appreciated, increasing the number to one hundred and fifty copies, at many times the expense which was thought too great ten years before, the office and the public meantime having been denied the advantage of the work for that period.

The back printing has not, owing to inadequate appropriations, been wholly completed, and although at the beginning apparently so expensive as to make this an insuperable objection to its undertaking, it has been demonstrated by the experience at the office that by selling the copies at ten cents apiece, the office price, they will in time return to the patent fund substantially all that has been expended in their preparation, while the office has the use of all the copies it requires.

These constitute all the publications of the office for public and official use, except certain indexes which have no particular value.

Of the Reports and Gazettes there are ninety-nine volumes, and of the printed specifications and drawings in the office, seven hundred and eighty-two, leaving two hundred and thirty in manuscript.

The business of the office has grown from 443 patents in 1840, representing about 265 subjects of invention, to 16,584 patents in 1881, representing 3,147 subjects of invention. Among these subjects, or sub-classes, the 268,662 patents issued up to present date are variously distributed, varying from ten to twenty in the smaller classes to several hundred in the larger ones.

## IMPORTANCE OF ABRIDGMENT.

The importance of an abridgment such as is contemplated, and has been begun under act of Congress, becomes apparent at this point. Invention is no longer primitive, visionary, unskilled, and, we might add, despised, as in its earlier days, but practical, professional, skilled, and honored, including within its ranks some of the most gifted, progressive, and cultivated minds in the land, grappling with the most profound and abstruse principles in science and art, and developing interests of such vast and valuable import that we find in their achievements the proudest monuments of our civilization and an exhaustless mine of wealth and power.

In nearly all of the 3,147 subjects into which invention is divided by the office, men are exclusively engaged in developing a particular art, and in some there are many hundreds so employed, but the products of their labors are improvements rather than original devices. How many thousands of patents are built upon the ideas first advanced by Fitch, Whitney, Morse, Howe, McCormick, Hoe, Brown, and others who are recognized as the founders of our useful arts!

But to make an improvement one should know what has been done before, and all that has been done.

## FACILITIES FOR EXAMINATIONS.

What facilities are furnished American inventors for obtaining this all-important information? Only those already enumerated, viz: the Reports and Gazette, or the thousand and odd volumes of specifications throughout which the various classes are scattered and buried, or the printed specifications and drawings which the office sells at ten cents each. An inventor can order all of a particular class that has been printed in this way, and pay from a few to several hundred dollars for it, but if he be poor, as most inventors are, the field in which he is engaged will remain covered as by Egyptian darkness until he has filed his application, minus office and attorneys' fees, when the references may show that his invention was known and patented years before.

But if a classified abridgment of that art were available in the nearest public library or other known depository, or were purchasable at the office for a reasonable sum, the inventor would be protected and the office spared the labor and expense of examining his worthless application.

## PERCENTAGE OF REJECTIONS.

Some years ago as high as two-thirds of all applications were rejected for want of novelty, case after case coming in for the same thing. The reports gave the inventors some light and the ratio of rejections was reduced, but they have continually been too great and mainly because inventors have not been able to inform themselves in the arts. The applications in 1881 were 26,059, to 16,584 patents, leaving 9,475 rejections, over one-third of all.

## ITS VALUE TO INVENTORS.

A classified abridgment would become the inventor's hand-book and companion, and be of more value to him than all the publications now extant for his benefit and published at great expense to the Government.

It would give him the information he absolutely needs to proceed intelligently and successfully, and while it saved him most of the labor, expense, and disappointment represented in the thousands of applications annually rejected, and to that extent limit the force and expense of the office, it would contribute greatly to the improvement and perfection of the arts by raising the standard of the inventions presented.

## ITS VALUE TO MANUFACTURERS.

On its value to manufacturers there is not space to elaborate, but here, as with inventors, there is special need for such a work. From the smallest patented article to the greatest, manufacture runs in certain lines, and the proprietor is compelled to have a knowledge of the art in which he is engaged before he can proceed, with due business-like caution and judgment, in the production of his wares. In his dealings with inventors, in litigation, in the improvement of his own productions, he must be wholly and reliably informed.

## ITS VALUE TO THE OFFICE.

Its value to the office would be simply incalculable. Here there is now no classified subject-matter index whatever to inventions. To supply this great want classifications have been made which bring together, as nearly as possible, all the patents of a particular kind in a sub-class; but after doing the best it can in this way, the office has failed to make a complete and satisfactory arrangement, for the reason that important devices are often associated with others of equal or greater importance, and in the classification go with them to some other class, or even division, where they are only found, if at all, after prolonged and diligent search.

A subject-matter index would at once point them out to the examiner and assure an exhaustive search in a comparatively brief space of time, instead of requiring hours and days for the same work, as under the present method. Indeed so important and valuable would be a well-indexed classification of this kind that it would in a few years save enough in the total expense of increased service to meet the cost of its preparation. It would be equal in each examiner's division to at least one man at \$1,200, and as there are twenty-six divisions the annual saving

would exceed \$31,000. The Government is daily patenting labor-saving machinery for other departments of industry, but here is an opportunity to do something for itself which is not surpassed in labor and money-saving merit by anything that can be introduced into this branch of its service.

## ENGLISH ABRIDGMENTS.

Its practical value is further shown by the English abridgments. Although there are less than 150,000 English patents to-day, the English Government began twenty-five years ago to make an abridgment, with exhaustive cross-references, to which our examiners can go and readily find, within classified volumes, all that their art discloses.

The English publications, although not more obscure than our own, are thus brought within convenient and speedy reference, and it would be considered a hardship unbearable and a labor unending if the examiners and attorneys who have much use for these were compelled to surrender the abridgments; yet there are no arguments in their favor which are not of greater force when applied to American patents.

The English, it is well known, make no preliminary official examinations. Whoever applies may, by paying the required fees, obtain a patent. The abridgment is of no value to their patent office, and patentees at last have to ascertain their rights in the courts; but here there is a critical and prolonged preliminary inquiry of a semi-judicial character by the office; so that this work, by increasing largely the percentage of certainty and correctness of official action, would give a standing and value to our patents in this country and abroad which they never yet have obtained, and vindicate, in a most satisfactory way, the superiority of our system.

## EXPENSE OF PRINTING.

If objection be made on account of its expense the answer will be found in the following figures, which any practical printer will say are liberal, and would yield a good profit in any well-managed private establishment:

Single edition, containing 5,000 patents.....	6,000 vols.
Free distribution provided for by law.....	3,000 vols.
Leaving.....	3,000 vols.

## COST.

Abridging, at \$2 per page.....	\$2,000
Printing, at \$1.20 per page.....	1,200
Photolithographing, at \$6.75 per page (the present cost of Official Gazette).....	6,750
Indexing 100 pages, at \$15 per page.....	1,500
Pasting dummies, per edition.....	100
	11,550

## CREDIT.

3,000 volumes, at \$4 per volume.....	12,000
3,000 volumes to libraries, free.....	

Balance over cost.....	450
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The edition might be increased to 10,000 by adding the cost of press-work and paper, which would be comparatively small, and there is scarcely a doubt that in ten years after the last volume was printed the Government would be reimbursed out of the sales for every penny it expends in this behalf.

## URGED BY SUCCESSIVE COMMISSIONERS.

If further arguments were needed to show the utility and necessity of the work, the earnest recommendations of many successive Commissioners might be added. These gentlemen, it must be allowed, are familiar with the workings of our patent system, and have practical ideas as to what is required to improve it. From Burke, in 1848, to the present, by such men as Holloway, Leggett, Fisher, Spear, Paine, and others, its desirability has been urged upon Congress, and Mr. Commissioner Marble, in his report for 1881, thus forcibly and, as it would seem, unanswerably sums up the arguments in its behalf:

"Nearly 240,000 patents have been issued by this office. If the examination of the office upon applications filed were limited to American patents only, the necessity for a digest of such patents would, to any person at all acquainted with the business of this office, be apparent, but when to this number of patents are added those issued in foreign countries as well as the inventions described in scientific and other works, the importance of such a digest, in order that an examiner may know what the state of the particular art is, cannot be overestimated. As well might it be expected that a lawyer could promptly tell what the law is upon a given subject from the isolated decisions found in the reports of the decisions of the courts of this and other countries without a digest of such decisions, as that an examiner, although an expert in the particular class, can determine from the great number of inventions already patented, as well as those described in books and publications, whether a particular device or composition of matter is patentable, without some book in which reference is made to all the patents which have been issued in that particular class, as well as the inventions described in books and publications.

"The advantage to the public, and especially to inventors and manufacturers, would be incalculable. Inventors often spend months, and even years, in producing a device to do a certain thing, only to find at the end of the time thus spent that their inventions have been fully anticipated by other devices, if not identical with the one presented, in all respects similar to it. \* \* \*

"Had the preparation of such a work been commenced when it was most urgently recommended by Mr. Commissioner Ewbank, more than thirty years ago, and after its publication annually kept up, many useless and worthless patents would not have been granted, and its cost to the Government, in my opinion, would have been many times saved. \* \* \*

"For the foregoing reasons, and for reasons which have been given by my predecessors in their reports on this subject, I earnestly recommend that action be taken by Congress looking to an early commencement of the preparation of this work."

## A TRAINED FORCE.

It must be clear from these facts that it is only a question of time when the Government will be obliged to do this work, and go over all the ground from the beginning substantially in the manner which is now proposed. Is it not better, then, that it should be prosecuted from to-day when a force, trained at great labor and with considerable expense, is employed to carry it forward? The temporary outlay it involves comes out of an accumulated inventors' fund, amounting now to nearly two millions of dollars, and increasing at a rate of a quarter of a million yearly.

Mr. DWIGHT. I withdraw the *pro forma* amendment.

Mr. SPRINGER. I renew it. When this classified abridgment of patents was authorized to be published, in 1881, the bill for that purpose came from the Committee on Patents. It was not regarded as a part of the ordinary expenses of the Government to be included in an appropriation bill, but an entirely separate and distinct law on the subject was passed. I ask the Clerk to read the act of March 3, 1881.

The Clerk read as follows:

*Be it enacted, etc.* That the sum of \$10,000 be, and the same hereby is, appropriated, out of any moneys belonging to the patent fund in the Treasury not otherwise appropriated, to be expended under the direction of the Commissioner of Patents



in the preparation of classified abridgments of all letters patent of the United States.

SEC. 2. That the said abridgments shall be printed, and one copy of each shall be furnished to each Senator, Representative and Delegate in Congress; one copy to each of eight public libraries to be designated by each Senator, Representative, and Delegate; and two copies to the Library of Congress; and also copies to such foreign governments, libraries, and learned societies as the Commissioner of Patents may designate: *Provided*, That copies shall be sold at the cost of printing, and all sums received from such sale shall, on or before the first day of each month, be paid into the Treasury.

Mr. SPRINGER. I now ask the Clerk to read the amendment offered by the gentleman from Ohio, [Mr. YOUNG,] and which is now pending.

The Clerk read as follows:

For preparing and printing classified abridgments of the patents of the United States, \$50,000.

Mr. SPRINGER. The Chair will observe that the act of March 3, 1881, appropriated \$10,000 out of the patent fund in the Treasury. This amendment proposes to appropriate \$50,000 out of the Treasury, pure and simple; an entirely different object and purpose from that contemplated by the law as originally passed.

If the law originally passed was a special act, resting upon its own merits, not coming through the Appropriations Committee, for the ordinary expenses of the Government, how is it that an amendment to appropriate for this purpose out of the Treasury of the United States can be in order upon an appropriation bill? The proposition does not belong here; it is not an appropriation for any of the ordinary expenses of the Government, but should be the subject of a special law.

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

Mr. SPRINGER. If I can hear the gentleman.

Mr. YOUNG. Are not all the moneys that come into the hands of the Commissioner of Patents for patents covered into the Treasury of the United States?

Mr. SPRINGER. That is true; but your amendment proposes to appropriate money out of the Treasury of the United States.

Mr. YOUNG. All this patent fund goes into the Treasury of the United States.

Mr. SPRINGER. But if the funds from the Patent Office should not be sufficient to cover the amount required by this amendment, then it must come from the Treasury of the United States. It does not, therefore, belong on an appropriation bill for the ordinary expenses of the Government, or to carry on to completion a work already commenced.

This statute is complete in itself, and was intended to cover this expenditure. It was not expected by any one that Congress would be called upon to continue to make appropriations for this purpose. Did any gentleman suppose, when this little bill of \$10,000 out of the patent fund was passed by Congress, that it was the beginning of an enormous printing job? Nothing of the kind was supposed or intended at that time. And yet we are now asked to enter upon the publication of a series of books which will cost hundreds of thousands of dollars before the publication is completed. I am opposed to it; there is no necessity for it.

Mr. VANCE. Suppose the books are sold and the amount returned to the Treasury, where is there any harm done?

Mr. SPRINGER. That is a very violent supposition. Can any gentleman point me, in any of the items embracing the receipts of the Treasury of the United States, to a dollar received for the sale of a public document?

Mr. VANCE. I can tell the gentleman this, if he will allow me, that I saw one single volume the other day, relating to fire-arms alone, for which an attorney paid \$25.

Mr. ATKINS. Will the gentleman from Illinois [Mr. SPRINGER] allow me to ask the gentleman from North Carolina, [Mr. VANCE,] a member of the Committee on Patents, how far the Patent Office has progressed with this \$10,000 in making this abridgment? Have they completed one subject?

Mr. VANCE. They have got through one class, that relating to plows.

Mr. ATKINS. I understand they have not got through that.

Mr. VANCE. Yes; about through it, not quite.

Mr. SPRINGER. They are about through with the subject of plows, and \$10,000 have been consumed. I ask gentlemen to consider how much must be expended before this compilation is completed.

Mr. MCCOY. The gentleman said a moment ago that he would like to know an instance where the Government was receiving any considerable sum of money from the sale of its publications. The Patent Office now prints and sells at ten cents apiece copies of patents issued by the office; and the fund received in this way pays all the expense of that work. The result will be the same in the present case.

Mr. SPRINGER. I understand that under existing law any person desiring to procure a copy of any patent with the diagram or illustration relating to it can do so for ten cents a copy. Thus for two or three dollars any one may obtain all the information he desires upon any particular subject. But now the Government is called upon to enter on a grand printing scheme which will cost hundreds of thousands of dollars before we complete it; for as the gentleman from North Carolina states, only the subject of plows has thus far been completed; and \$10,000 has already been consumed. Where will this expense end? I am opposed to the project.

The CHAIRMAN. The Chair desires to state in justice to himself that at the time the point of order was discussed and decided the prior

law had not been read. It was generally conceded that the enactment had been upon a former appropriation bill. The Chair took it for granted such was the fact and made his ruling accordingly.

Mr. ATKINS. I corrected that, however.

The CHAIRMAN. Later in the debate.

Mr. ATKINS. What would the Chair decide now?

The CHAIRMAN. The Chair feels that it would be altogether too late now to review the decision already made upon the point of order.

Mr. CANNON. Unless we can have a vote by consent, I must move that the committee rise for the purpose of limiting debate.

Mr. VANCE. I think we can have a vote.

Mr. YOUNG. If there be no objection I will modify my amendment by striking out \$50,000 and inserting \$35,000.

The CHAIRMAN. If there be no objection the *pro forma* amendment will be regarded as withdrawn. The Chair hears no objection. In the absence of objection, the gentleman from Ohio modifies his amendment by striking out \$50,000 and inserting \$35,000.

There was no objection.

The question being taken on the amendment of Mr. YOUNG, it was not agreed to, there being—ayes 29, noes 46.

#### MESSAGE FROM THE SENATE.

The committee rose informally; and the Speaker having resumed the chair, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment a bill (H. R. No. 5127) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia."

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill and joint resolution of the following titles:

A bill (H. R. No. 3278) to authorize the Secretary of War to loan tents to the Northwestern Missouri and Southwestern Iowa Veteran Soldiers' Association and

Joint resolution (H. R. No. 229) authorizing the Secretary of War to turn over to the governor of Minnesota such tents, poles, and pins as he may require for the use of the militia and volunteer organizations of the State at their summer and fall encampment.

The message also announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House was requested:

A bill (S. No. 1990) authorizing the Court of Claims to determine the question of the liability of the United States for damages to the British bark *Diadem* of Swansea, by collision with the United States ship *Supply*; and

Joint resolution (S. R. No. 76) authorizing the Secretary of War to loan to the governor of Colorado tents for the use of the First Battalion of Cavalry and the Third Battalion of Infantry of the said State.

The message further announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. No. 5664) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1883, and for other purposes, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL.

#### LEGISLATIVE, ETC., BILL.

The Committee of the Whole House on the state of the Union resumed its session.

The Clerk read as follows:

For surveyor-general of Minnesota, \$2,000; and for the clerks in his office, \$8,000.

Mr. DUNNELL. I would ask the gentleman from Illinois [Mr. CANNON] whether the provision for this office is the same as last year?

Mr. CANNON. There is an increase of \$2,000.

The Clerk read as follows:

For topographer, \$2,500. For the following force in the topographer's office, heretofore paid from appropriation "for the preparation and publication of post-route maps": two clerks of class 4; three clerks of class 3; two clerks of class 2; five clerks of class 1; two clerks at \$1,000 each; seventeen female clerks at \$900 each; one assistant map-mounter at \$720; two watchmen and one assistant messenger; in all, \$39,880. And the Postmaster-General may authorize the publication and sale of post-route maps to individuals at the cost thereof.

Mr. CANNON. I move to amend by striking out in the last two lines of the paragraph just read the words "and the Postmaster-General may authorize the publication and sale of post-route maps to individuals at the cost thereof."

The amendment was agreed to.

The Clerk read as follows:

For contingent expenses of the Post-Office Department: For stationery and blank books, \$9,000; fuel, and for repairs to engine, boilers, and heating apparatus for the General Post-Office building, including the Auditor's Office, \$4,400; for gas, \$6,000; plumbing and gas-fixture, \$4,000; telegraphing, \$5,000; painting, \$4,000; carpets, \$6,000; furniture, \$6,000; keeping of horses and repair of wagons and harness, \$1,200; hardware, \$1,500; for rent of topographer's office, \$1,500; for rent of a suitable building or buildings for the use of the money-order office of the Post-Office Department, and of the money-order division of the Auditor of the Treasury for the Post-Office Department, \$8,000; miscellaneous items, \$10,000; in all, \$66,600.

Mr. TOWNSHEND, of Illinois. I move to amend by striking out before the word "dollars," at the end of the paragraph, the words "six hundred," and by adding, after the word "dollars," the following:

*Provided*, That on all mail matter on which postage at the rate of three cents for each half ounce or fraction thereof is charged the postage shall hereafter be two cents for each half ounce or fraction thereof.

Mr. CANNON. I make the point of order that this amendment changes existing law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TOWNSHEND, of Illinois. I had hoped that my friend from Illinois would not make any point of order, but would allow us to test the sense of the House on the question of the reduction of postage. As the point of order has been made I wish to call the attention of the Chair—

Mr. CANNON. If my friend will yield for a moment I wish to say in justice to myself that I gave notice I would raise a point of order on everything offered to this bill changing existing law. In other words, I want every member of the Committee of the Whole to conform to the same rules that you apply to the Committee on Appropriations.

Mr. TOWNSHEND, of Illinois. I wish only to call the attention of the Chair to the fact that the experience of the Post-Office Department in the past has been that every reduction of postage has resulted in an increase of receipts from postage. That has been the experience of the post-office department in England as well as of the Post-Office Department in this country. If the Chair can take that circumstance into consideration, in my judgment the amendment is not obnoxious to the point of order made by my colleague. I hope the Chair will give that liberal construction, for the reason I believe it must be the sense of the House that we have reached the time when we can afford to reduce the rate of postage on the letter mail. I am satisfied the receipts of the Department will be largely increased by the reduction of the postage.

The CHAIRMAN. The Chair desires to state that this bill does not provide for the expenses of the Post-Office Department, but they are appropriated for in another bill already passed, and the amendment has no bearing on this bill.

Mr. TOWNSHEND, of Illinois. But this does provide in part for the expenses of the Post-Office Department.

The CHAIRMAN. The Chair sustains the point of order on the grounds stated in reference to several amendments which have been ruled out.

The Clerk read as follows:

For miscellaneous expenses of the topographer's office in the "preparation and publication of the post-route maps," \$12,500, the same having heretofore been paid from the appropriation for "preparation and publication of post-route maps."

Mr. CANNON. I move the following amendment, to come in at the end of line 2327:

And the Postmaster-General may authorize the publication and sale of post-route maps to individuals at the cost thereof, the proceeds of said sale to be applied as further appropriation for said purpose.

That is in continuation of the present law.

Mr. BLOUNT. Was there not a provision in the Post-Office appropriation bill in this respect?

Mr. CANNON. For the first time we have put this appropriation for the topographer's office into this bill.

The amendment was agreed to.

The Clerk read as follows:

For salary of the reporter of the decisions of the Supreme Court of the United States, \$2,500.

Mr. TOWNSHEND, of Illinois. I offer the following amendment. To come in at the end of line 2401:

*Provided*, That hereafter the price of the volumes of the reports furnished by the reporter to the Secretary of the Interior according to the provisions of section 681 of the Revised Statutes shall be at the rate of \$2 per volume; *And provided further*, That the volumes of said reports shall be sold by said reporter to the public for a price not exceeding \$2 per volume.

Mr. CANNON. I make the point of order on that amendment that it is not germane in either of the three ways specified in the rule, and in the second place that it does not retrench expenditures.

The CHAIRMAN. The question is on the point of order only.

Mr. TOWNSHEND, of Illinois. If the Chair will read the amendment it will be seen that it is in order to this clause providing for the payment of the salary of the reporter of the decisions of the Supreme Court of the United States. Now, one of the perquisites of the reporter of the decisions of the Supreme Court is the privilege of selling to the Government the volumes of those reports as they are published for nearly three times what they are actually worth, and to the public for nearly twice what they could be supplied by any of the great publishers of the country if the decisions and head-notes should be furnished without cost.

The statute provides that he may charge \$5 a volume for each volume of reports of the decisions of the Supreme Court. It further provides that he shall furnish to the Secretary of the Interior three hundred volumes, and for these three hundred volumes he receives under the present law \$5 a volume, or \$1,500.

Since the agitation of the question of reducing his perquisites he has reduced the price of these volumes to \$3 to the public, and yet the Committee on Appropriations still permits him to charge \$5 a volume for the three hundred copies supplied to the Government.

I will state further, Mr. Chairman, from facts which I have obtained in reference to this report I am satisfied that they can be published and sold at a fair profit on an average cost price of \$1.50 per volume. The reports of several States, and especially of New York, which contain nearly if not quite as much matter as Otto's Reports,

are furnished to the public at \$1.50 per volume. I have no time to show the cheapness of many other State reports in comparison with those of the Federal courts. The object of my amendment is to reduce the appropriation from \$5 a volume to \$2 a volume, thereby saving to the Government \$900, and a large sum to the public.

If the Chair will look at sections 681 and 682 of the Revised Statutes it will be observed that the amendment does retrench expenses to the extent of at least \$900, while at the same time it enables this reporter to obtain a fair profit on his reports. As it is now the difference between a fair profit and what the book sells for goes into the pocket of the reporter, swelling his perquisites to a large sum. I have heard it stated that the aggregate of salary and perquisites received by him is greater in amount than the salary of a judge of the Supreme Court of the United States. I am in favor of allowing a fair compensation to the reporter, and I have nothing to say against him either as a reporter or otherwise; in fact I think he performs his duty well, but I am not willing to allow him to tax the profession generally to such an enormous extent as he does to-day. Nor am I willing the Government shall pay more for these reports than is charged to individuals.

Mr. CANNON. There are several provisions of the rule, and I make my point of order so as to cover each. But in justice to myself I want to say in reply to the remarks of my colleague that this bill does not carry the appropriation for the payment of these reports at all. That is done in the sundry civil appropriation bill. If this reporter is receiving too much I stand ready to co-operate with my colleague to fix his salary at a proper rate. If I had been on the Committee on the Revision of the Laws or on the Judiciary, as he is, I would have fixed it long ago.

Mr. TOWNSHEND, of Illinois. The Committee on the Judiciary have reported a bill making the change contemplated by my amendment, in somewhat different form, however, but the business of the House is in such a shape it cannot be acted on at this session. But the gentleman in charge of these appropriations makes the point of order so as to prevent any interference with the perquisites of this officer, which I have said is reported to be more than the salary of the judges of the Supreme Court. My amendment proposes to bring the price of the report down to a reasonable rate.

The gentleman states further that the amendment is not in order because it changes existing law. I propose by this amendment to change the law, as I may do under the rule, for I propose also to retrench the expenditures of the Federal Government, and therefore it is in order. The rule expressly states that I may change existing law by a germane amendment if it retrenches expenditures. I regret my colleague interposes objection to the doing away with the large and unreasonable perquisites of this officer. There ought to be a reform and correction of this abuse. The amendment is certainly germane, for we have the question of appropriating for the reporter's salary now under consideration, which is the subject aimed at by this amendment.

The CHAIRMAN. The Chair sustains the point of order for the reasons given.

Mr. MILLER. I offer the amendment I send to the desk.

The Clerk read as follows:

Strike out, in lines 2400 and 2401, the words, "two thousand five hundred dollars" and insert "fifteen hundred dollars;" so that it will read: "For salary of the reporter of the decisions of the Supreme Court of the United States, \$1,500."

Mr. MILLER. That was a proposition originally made by the gentleman from Illinois, [Mr. TOWNSHEND.]

Mr. TOWNSHEND, of Illinois. The amendment which I proposed was with reference to the perquisites arising from the sale of the reports.

Mr. MILLER. I have no doubt that these reports can be published and sold at a profit for from \$2 to \$2.50 a volume, and there is no reason why the Government should pay this large salary and \$5 a volume if they can be printed at a lower price. Therefore, if this price is to be paid for the volumes, I think the salary should be reduced.

Mr. TOWNSHEND, of Illinois. I would propose to amend this paragraph by striking out the salary altogether. If he is to be paid a large salary and get perquisites on all of these books, which makes a large amount, there would seem to be propriety in cutting down the salary, or amend the bill by leaving it out altogether.

Mr. CANNON. Mr. Chairman, just what the regulation ought to be touching the price of these reports I do not know, but from my stand-point, and I doubt not from the stand-point of every gentleman in this committee, the proper time to apply the remedy is when we reach a bill where the question can be properly brought before the House. I think the salary ought to be \$2,500, and then if it be deemed prudent or proper to reduce the perquisites let it be done in a bill where it properly belongs, and not here.

Mr. TOWNSHEND, of Illinois. The report of the Committee on the Judiciary in this case ought to be read.

Mr. CANNON. I hope my friend from Illinois will not misunderstand me, but I must object, as I am quite sure we all want to get through with this bill as early as possible and do right to all parties at the same time.

Mr. TOWNSHEND, of Illinois. That is the very reason I want this report to be read. It is a well-digested report of the Committee



on the Judiciary in the same direction as the amendment offered by the gentleman from Pennsylvania.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Pennsylvania.

Mr. TOWNSHEND, of Illinois. Is it not in order to have the report read?

The CHAIRMAN. The gentleman has no time.

Mr. TOWNSHEND, of Illinois. Then I move to strike out this whole paragraph of the bill, and ask that the report be read in my time.

Mr. CANNON. Have the report printed.

Mr. TOWNSHEND, of Illinois. I do not care to have it printed. I desire to accomplish some practical legislation. It is of no effect to print the report again, as it is already in print, and therefore I offer the amendment, with the view to having it read.

Mr. SPRINGER. The amendment of the gentleman from Pennsylvania has not been voted on?

The CHAIRMAN. No.

Mr. TOWNSHEND, of Illinois. Then I move to amend the amendment of the gentleman from Pennsylvania by making the salary \$500 in place of \$2,500, and ask that this report be read.

The Clerk read as follows:

The Committee on the Judiciary, to whom were referred bills H. R. Nos. 1279 and 1849, submit the following report:

Under the present law the reporter of the United States Supreme Court receives \$4,000 annually from the national Treasury by way of salary when he issues two volumes of the reports yearly, and in addition thereto he receives such profit or royalty on each copy sold as is provided in his contract with the publishers. The reports are now published by Little, Brown & Co., of Boston, for the reporter, under terms of which the committee has no knowledge. These reports were published and sold at \$5 and \$6 per volume, until something over one year ago, when the price was reduced by the publishers to \$3. This reduction was undoubtedly occasioned by the passage in the House during the last Congress of a bill similar to those which are now under consideration. Yet, for the three hundred copies which are furnished to the Secretary of the Interior by the reporter the Government pays at the rate of \$5 per copy.

This committee is advised that if the contract for publishing the reports was open to public bidding, and the reporter confined for his remuneration to a fixed salary to be paid by the Government, that these reports could be profitably published and sold at from \$1.50 to \$2 per volume, in paper, type, presswork, binding, and style not inferior to the reports known as "Otto's Reports."

Indeed a responsible law-publishing firm has stated to members of this committee that if the emoluments of the reporter are limited to a fixed salary, to be paid from the national Treasury, it would take the contract to publish the reports, in paper, type, presswork, and style not inferior to Otto's Reports, furnish three hundred copies to the Interior Department gratuitously, and obligate itself to furnish all the reports called for by any person at \$2 per volume.

The price at which the reports of the different States are now published warrants the belief that the Federal reports can be furnished at the price last mentioned, and a good profit realized by the publisher.

From this statement it will be seen that under the present law the public is compelled to pay an unreasonable price for the reports.

Your committee is of the opinion that a reasonable salary should be fixed for the reporter, and that he should be limited to such salary for compensation. The system which allows him a copyright on the reports for which he prepares headnotes, and the power to levy such royalty upon them as he may demand, is open to abuse and injustice to those who are compelled to purchase these reports.

The Public Printer has furnished your committee with estimates of the cost of the different volumes of Otto's Reports, if they had been issued at the public printing establishment. A table of these estimates is attached hereto, and made a part of this report, from which it will be seen that if the thirteen volumes of Otto's Reports had been published by the Public Printer the cost of each would have been as follows:

Volumes.	Estimated cost of first edition of 2,000 copies.	Estimated cost of second edition, or each additional 1,000.
No. 1.....	\$2 75	\$0 88
No. 2.....	2 86	90
No. 3.....	2 64	86
No. 4.....	2 96	92
No. 5.....	2 87	90
No. 6.....	2 76	88
No. 7.....	2 72	87
No. 8.....	2 54	84
No. 9.....	2 86	90
No. 10.....	2 76	88
No. 11.....	3 03	94
No. 12.....	2 77	89
No. 13.....	3 05	96

Or at an average cost of \$2.81 for each copy of the first edition of 2,000 copies, and eighty-nine cents for each copy of the second edition of 1,000 copies.

The committee has been unable to ascertain the number of copies of the reports that are now printed. When the attorney of the present publishers was before the committee opposing the passage of this bill, he declined to furnish this information, although he was invited to do so. But considering the number issued by the publishers of Wallace's Reports, who were the predecessors of the present publishers, the committee is of the opinion that more than 3,000 copies of each volume are issued and sold.

These reports should be placed within the reach of the public at the lowest price, without incurring additional expense to the Government, and the committee therefore recommend that a plan similar to that in force for printing and disposing of the Revised Statutes should be adopted; that the size of the volumes, the paper, type, presswork, binding, and style be not inferior to those of the reports known as Otto's, and that they should be supplied to persons who may desire to purchase them, at a price not exceeding 10 per cent. in addition to the cost of printing and binding said reports; and in order to prevent speculators from buying up the editions and forcing the public to pay an unreasonable price for them, we recommend that no person shall be permitted to purchase said reports for resale unless he shall give bond as provided in the bill accompanying this report.

It is believed that an annual salary of \$4,000, where the reports of the decisions

shall constitute one volume, and an additional sum of \$500 where more than one volume is printed and published per year, is a reasonable compensation for the services of the reporter, as his privilege to engage in the practice of law is in no wise restricted.

The committee recommend the passage of the accompanying bill, which is a substitute for bills H. R. Nos. 1279 and 1849.

Estimates by the Public Printer of the cost of publishing Otto's Reports of the United States Supreme Court.

Volumes.	Estimated cost of first edition of 2,000 copies.	Second edition, or each additional 1,000 copies.	Volumes.	Estimated cost of first edition of 2,000 copies.	Second edition, or each additional 1,000 copies.
Volume 1:			Volume 7—Cont'd.		
Composition.....	\$740 16		Binding.....	\$1,100 00	\$550 00
Press-work.....	150 00	\$75 00	Stereotyping.....	232 80	
Folding.....	39 81	19 85	Total.....	2,720 87	878 36
Paper.....	479 41	239 70			
Binding.....	1,100 00	550 00	Volume 8:		
Stereotyping.....	237 00		Composition.....	638 46	
Total.....	2,746 38	884 65	Press-work.....	129 00	64 50
			Folding.....	34 00	17 00
Volume 2:			Paper.....	437 67	218 34
Composition.....	794 70		Binding.....	1,100 00	550 00
Press-work.....	162 00	81 00	Stereotyping.....	204 60	
Folding.....	40 05	20 03	Total.....	2,542 13	849 84
Paper.....	510 26	255 13			
Binding.....	1,100 00	550 00	Volume 9:		
Stereotyping.....	253 20		Composition.....	794 70	
Total.....	2,860 21	906 16	Press-work.....	162 00	81 00
			Folding.....	40 05	20 03
Volume 3:			Paper.....	510 26	255 13
Composition.....	696 06		Binding.....	1,100 00	550 00
Press-work.....	141 00	70 50	Stereotyping.....	253 20	
Folding.....	37 31	18 66	Total.....	2,860 21	906 16
Paper.....	451 48	225 74			
Binding.....	1,100 00	550 00	Volume 10:		
Stereotyping.....	223 20		Composition.....	751 50	
Total.....	2,649 05	864 90	Press-work.....	153 00	76 50
			Folding.....	39 81	19 91
Volume 4:			Paper.....	481 81	240 91
Composition.....	843 30		Binding.....	1,100 00	550 00
Press-work.....	171 00	85 50	Stereotyping.....	238 80	
Folding.....	41 49	20 75	Total.....	2,764 92	887 32
Paper.....	542 35	271 18			
Binding.....	1,100 00	550 00	Volume 11:		
Stereotyping.....	269 40		Composition.....	874 98	
Total.....	2,967 54	927 43	Press-work.....	177 00	88 50
			Folding.....	42 63	21 32
Volume 5:			Paper.....	562 55	281 28
Composition.....	799 56		Binding.....	1,100 00	550 00
Press-work.....	162 00	81 00	Stereotyping.....	279 60	
Folding.....	40 05	20 03	Total.....	3,036 76	911 10
Paper.....	513 85	256 93			
Binding.....	1,100 00	550 00	Volume 12:		
Stereotyping.....	255 00		Composition.....	756 18	
Total.....	2,870 46	907 96	Press-work.....	153 00	76 50
			Folding.....	39 81	19 91
Volume 6:			Paper.....	487 66	243 83
Composition.....	750 06		Binding.....	1,100 00	550 00
Press-work.....	150 00	75 00	Stereotyping.....	241 80	
Folding.....	39 81	19 91	Total.....	2,778 45	890 24
Paper.....	484 16	242 08			
Binding.....	1,100 00	550 00	Volume 13:		
Stereotyping.....	238 40		Lithographing.....	20 00	10 00
Total.....	2,762 43	886 99	Composition.....	875 16	
			Press-work.....	177 00	88 50
Volume 7:			Folding.....	42 63	21 32
Composition.....	731 34		Paper.....	564 80	282 45
Press-work.....	147 00	73 50	Binding.....	1,100 00	550 00
Folding.....	39 81	19 90	Stereotyping.....	280 20	
Paper.....	469 92	234 96	Total.....	3,059 89	952 27

#### RECAPITULATION.

	Estimated cost of first edition of 2,000 copies.	Second edition, or each additional 1,000 copies.
Volume 1.....	\$2,746 38	\$884 65
Volume 2.....	2,860 21	906 16
Volume 3.....	2,649 05	864 90
Volume 4.....	2,967 54	927 43
Volume 5.....	2,870 46	907 96
Volume 6.....	2,762 43	886 99
Volume 7.....	2,720 87	878 36
Volume 8.....	2,542 13	849 84
Volume 9.....	2,860 21	906 16
Volume 10.....	2,764 92	887 32
Volume 11.....	3,036 76	911 10
Volume 12.....	2,778 45	890 24
Volume 13.....	3,059 89	952 27
Total.....	36,619 30	11,683 38

Mr. TOWNSHEND, of Illinois. I insist upon the amendment to the amendment.

The committee divided; and there were—ayes 30, noes 40.

So the motion was not agreed to.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Pennsylvania.

Mr. SPRINGER. I desire to offer an amendment to this paragraph.

The Clerk read as follows:

Add to the end of the paragraph, in line 2401:

"Provided, That the reporter shall cover into the Treasury of the United States all receipts from the sale of the reports over the cost of publication thereof exceeding \$2,500, and that the aggregate amount of his compensation from all sources shall not exceed \$5,000 per annum."

Mr. SPRINGER. I offer that as an amendment. I am willing that he shall receive as much as a member of Congress, and I think that ought to be satisfactory to him.

Mr. TOWNSHEND, of Illinois. He gets more than the judges of the Supreme Court now.

Mr. SPRINGER. This fixes a limitation upon his salary, that it shall in no event exceed \$5,000.

The CHAIRMAN. The Chair will suggest that the proposition of the gentleman from Pennsylvania is to strike out of this paragraph \$2,500 and insert \$1,500. In what form does the gentleman from Illinois desire to offer his amendment?

Mr. SPRINGER. I desire to offer it as a substitute for the amendment of the gentleman from Pennsylvania.

The CHAIRMAN. But the gentleman's substitute covers more. The gentleman from Pennsylvania moves to strike out \$2,500 and insert \$1,500.

Mr. SPRINGER. I desire that the paragraph shall remain as it is, but with that proviso.

The CHAIRMAN. The Chair will suggest that the only way to reach that will be to vote upon the amendment of the gentleman from Pennsylvania first.

Mr. SPRINGER. Then I withdraw the amendment for the present, and shall offer it after a vote is taken on the amendment of the gentleman from Pennsylvania.

The amendment proposed by Mr. MILLER was not agreed to.

Mr. SPRINGER. I now renew the amendment which has just been read, and ask that it be added as a proviso to the clause at the end of line 2401.

The proviso was agreed to.

The Clerk read as follows:

For reporting the decisions of the court and superintending the printing of the seventeenth volume of the Reports of the Court of Claims, to be paid on the order of the court, \$1,000; said sum to be paid to the reporter notwithstanding section 1765 of the Revised Statutes, or section 3 of the act of June 20, 1874, chapter 328.

Mr. HOLMAN. I make the point of order upon this paragraph that it repeals two important provisions of the law, one in the code and the other—

Mr. CANNON. What does the gentleman refer to?

Mr. HOLMAN. I was speaking now with reference to the paragraph just read. It repeals the following statutes—

Mr. CANNON. I will call the attention of my friend from Indiana to the fact that this provision is the same as in the appropriation for the current year.

Mr. HOLMAN. That does not meet the case. The law is as follows, as found in section 1765 of the Revised Statutes:

No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation.

The act of 1874, I believe, contains substantially the same provision. I have mislaid that act; but it is referred to in this paragraph.

The objection I have to this is that it is simply an additional compensation to an employé of the Government in that particular branch of the service. The fact that this has been in a former appropriation bill does not change the law.

Mr. CANNON. In answer to the gentleman from Indiana [Mr. HOLMAN] on the point of order, I will say we intended to do exactly what he says the provisions of the Revised Statutes prevented. The Committee on Appropriations in the last Congress, when my friend from Tennessee [Mr. ATKINS] was chairman of the committee, looked into this matter and came to the conclusion that this was both economical and wise; and it is a mere continuation of the provision in the appropriation act for the current year, and I suppose for that reason it is in order.

Mr. HOLMAN. However that may be, it is an increase of salary to the extent of \$1,000. The other provision of law proposed to be repealed *pro tanto* by this paragraph, section 3 of the act of June 20, 1874, is as follows—I call the attention of the Chair to its language:

That no civil officer of the Government shall hereafter receive any compensation or perquisites directly or indirectly from the Treasury or property of the United States beyond his salary or compensation allowed by law.

Mr. ATKINS. The very purpose of this part of the clause is to avoid those two sections; the sections which the gentleman from Indiana [Mr. HOLMAN] has read. Those sections say so and so shall not be done unless authorized by law. We propose to do that thing by authorization of law.

Mr. HOLMAN. But the enacting of such a law is a thing prohibited by the rule. We are prohibited from making a law on this bill on that subject.

Mr. ATKINS. And outside of that I think, Mr. Chairman, it is a very proper thing to do.

The CHAIRMAN. The practice of the Committee of the Whole, in accordance with decisions by the Chair, not only in this Congress but in others, has been to hold the former appropriation bill as a law. We have remained firm upon that, and have held the last declaration fixes the salary, and any increase over the amount in the former appropriation would not be in order. The Chair therefore follows that current of decision—

Mr. HOLMAN. Will the Chair permit me to say custom cannot be plead as against a positive rule of the House? The rule is imperative you shall not change an existing law on an appropriation bill unless by the change you retrench expenditure; and no custom can be in conflict with that established rule.

The CHAIRMAN. The gentleman from Indiana did not allow the Chair to finish the sentence. The Chair was going on to remark, further, the same provision is in the appropriation bill, which is operative for the current year; and that same bill has the clause repealing those clauses, so far as this particular appropriation is concerned.

Mr. HOLMAN. The Chair then holds by implication that those clauses are repealed *pro tanto*. I think that is a dangerous doctrine.

The CHAIRMAN. Following the practice, the Chair cannot sustain the point of order as to this section.

The Clerk resumed the reading of the bill, and read section 4, as follows:

SEC. 4. That no civil officer, clerk, draftsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employé shall hereafter be employed in any of the Executive Departments, or subordinate bureaus or offices thereof at the seat of Government, except only at such rates and in such numbers, respectively, as may be specifically appropriated for by Congress for such clerical and other personal services for each fiscal year; and no civil officer, clerk, draftsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employé shall hereafter be employed at the seat of Government in any other office, or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only for services actually rendered in connection with and for the purposes of the appropriation for which payment is made; and section 172 of the Revised Statutes, and all other laws and parts of laws inconsistent with the provisions of this act, and all laws and parts of laws authorizing the employment of officers, clerks, draftsmen, copyists, messengers, assistant messengers, mechanics, watchmen, laborers, or other employés at a different rate of pay or in excess of the numbers authorized by appropriations made by Congress, be, and they are hereby, repealed; and all details of civil officers, clerks, or other subordinate employés from places outside of the District of Columbia for duty within the District of Columbia, except temporary details for duty connected with their respective offices, be, and are hereby, prohibited; and hereafter all moneys accruing from lapsed salaries, or from unused appropriations for salaries, shall be covered into the Treasury.

Mr. CANNON. I offer the following amendment:

Strike out all after the word "year," in line 8, down to and including the word "made," in line 17.

I desire, before that amendment is considered, to move that the committee rise for the purpose of asking the House to extend the session, notwithstanding the order providing for a recess at five o'clock. If we do that I think we can finish the bill in half an hour.

Mr. SPRINGER. And then not have an evening session?

Mr. REED. Let us have a night session for the Library question, with an understanding there shall be no vote.

The CHAIRMAN. The Clerk will read the words which the gentleman from Illinois [Mr. CANNON] proposes shall be stricken out of the section.

The Clerk read as follows:

And no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employé shall hereafter be employed at the seat of Government in any other office, or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made.

Mr. HOLMAN. Is it proposed to insert anything in the place of the words to be stricken out?

Mr. CANNON. Nothing.

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. BLOUNT. I hope the motion of the gentleman from Illinois, that the committee rise, will now be put. I want to have time to know what the object of this amendment is.

Mr. CANNON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. ROBINSON, of Massachusetts, reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, and had come to no resolution thereon.

#### ORDER OF BUSINESS.

Mr. CANNON. I ask unanimous consent that the order to take a recess at five o'clock to-day be vacated with the view of asking the House to go back into Committee of the Whole and sit for a half



hour longer, and I am satisfied that we will be able to get through with the bill.

Mr. PAGE. Does the gentleman mean there shall be no evening session.

The SPEAKER. That would be the understanding the Chair would have of it.

Mr. BURROWS, of Michigan. The proposition, I understand, is to vacate the order only for to-day.

The SPEAKER. The Chair understands that unanimous consent is asked to vacate for this day only the order to hold an evening session.

Mr. ATKINS. I shall object for this reason—I shall be candid with my friend: my friend has gone on and perfected this legislation; this section has been put in this appropriation bill, and he has agreed to it. Now he comes forward with a proposition, without any consultation with myself as a member of that committee, and proposes to take the very vitals out of this section.

Mr. CANNON. My recollection may be at fault—

Mr. ATKINS. It is the first time I have ever heard of it.

Mr. CANNON. Hold on a minute; let me make a statement. My recollection may be at fault, but I took the pains to have a meeting of the Committee on Appropriations called, and submitted this matter to them, and the bill was modified, certainly by the express action of the committee. I am satisfied that if I can have ten minutes' conversation with my friend from Tennessee he will be satisfied that my amendment is right. I am not making it on my own motion, but by consent and direction of the Committee on Appropriations. He may not have been present. I thought he was.

Mr. ATKINS. I have to say that it is a remarkable circumstance that such a proposition as this should have been submitted to the Committee on Appropriations and discussed and agreed to by that committee, and the only Democratic member of the sub-committee not consulted in regard to it.

Mr. CANNON. I will say to my friend that had I been asked if he were present I should certainly have said he was. I will say now to my friend that it need have no binding force upon him on account of being recommended by the Committee on Appropriations. But I will say further that I am satisfied that I can convince him that this is a proper modification of the section.

Mr. ATKINS. I have no feeling on the subject; I only thought that it would lead to a discussion that would prolong the session too long this evening. I have no feeling on the subject whatever, I assure the gentleman.

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

Mr. ATKINS. It is to strike out a part of section 4—

The SPEAKER. That is the proposition pending in Committee of the Whole. The proposition of the gentleman from Illinois [Mr. CANNON] in the House is to vacate the order for a recess this day.

Mr. ATKINS. I will not interpose my voice against the wish of the House in anything, so far as that is concerned. If it is the desire of the House to go on with this bill in the Committee of the Whole and finish it to-night, then I will make no objection.

Mr. TOWNSHEND, of Illinois. Let us understand distinctly what the proposition is.

The SPEAKER. The Chair will again state the proposition, subject to objection. The gentleman from Illinois asks unanimous consent to vacate for this day the order of the House which requires a recess to be taken from five o'clock until eight o'clock.

Mr. TOWNSHEND, of Illinois. In order to finish the bill to-night?

Mr. CANNON. Yes.

Mr. RANDALL. And to have no session this evening.

The SPEAKER. Under that proposition, if agreed to, the order for a recess would be vacated for to-day.

Mr. RANDALL. So that there would be no session of the House to-night?

The SPEAKER. The Chair will again state the proposition so that there may be no misunderstanding. It is that the order of the House be vacated for this day that would require a recess to be taken at all.

Mr. RANDALL. With the understanding that when this bill is finished the House will adjourn?

The SPEAKER. Undoubtedly; there would be no order of the House that would require a recess to be taken.

There was no objection, and the order was modified accordingly.

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

Mr. CANNON. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of further considering the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

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

The CHAIRMAN. The House is now in Committee of the Whole, and resumes the consideration of the legislative, executive, and judicial appropriation bill. The pending question is upon the motion of the gentleman from Illinois [Mr. CANNON] to amend section 4 of the bill by striking out that which the Clerk will read.

The Clerk read as follows:

And no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employé shall hereafter be employed at the seat of Government in any other office, or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made.

Mr. HOLMAN. This is a very important amendment, and it seems to me strikes at the very vitals of this whole section. I did not make any point of order upon the section, although it is subject to a point of order, because I believed it was a valuable provision.

Mr. ATKINS. If the gentleman from Illinois [Mr. CANNON] will allow me, I will say I thought very strangely of his proposed amendment, because I had understood that this entire section 4 had been debated, discussed, and examined thoroughly in the Committee on Appropriations, and had been put into this bill by the unanimous consent of the committee. When I heard the amendment read, not having the bill before me at the time so that I could refer to it, I felt that it was inconsistent with the whole theory upon which this bill is made up. Since I made the objection I did, I have been informed by the assistant clerk of the Committee on Appropriations that the amendment only has reference to the work upon the Monument in this city and to the National Museum in this city.

Mr. CANNON. It is something more than that; it refers to the depot quartermaster, the General of the Army, and all officers in the District of Columbia who are not part and parcel of the executive department. That is, it relates to that class of officers who are paid from Army appropriations or other appropriations, and which officers might just as well be at Saint Louis as in this city.

But the object of my amendment is not to interfere with the class of employes that the gentleman speaks of. The first part of the section, which prohibits the employment of anybody in the Executive Departments or subordinate bureaus or offices thereof unless in accordance with specific appropriations by Congress, and which forbids the detail of employes in the Executive Departments or subordinate bureaus or offices, is not stricken out. The reason for striking out the clause designated in my amendment was because it was feared by some the effect of the provision might be to cripple the Departments in reference to just the class of employes that the gentleman speaks of.

Mr. ATKINS. Why should not the general restrictions of section 4 apply to the employes of the National Museum as well as to the Executive Departments?

Mr. CANNON. One abuse which is sought to be reached by this section is the habit of employing clerks, messengers, and others in the Executive Departments in the city of Washington, and paying them from miscellaneous appropriations. The second abuse designed to be remedied is the custom of detailing for service in the Departments persons who are employed and paid from permanent appropriations. But there was no desire on the part of the committee and I apprehend there is none on the part of this House to interfere with the employment of persons in the Army. The technical words "Executive Departments" are used for the reason that they have a recognized meaning under the statutes.

In the Revised Statutes you will find the Executive Departments designated, State, Navy, War, &c.; you will find the different bureaus and subordinate offices also designated. But the National Museum is not a part or parcel of any Executive Department; therefore it does not come within the limitation of this clause. Again, the Agricultural Department is not an Executive Department within the meaning of the statutory language. The General of the Army is no part of any Executive Department; he is a part of the Army, and is paid under the Army appropriation act.

While prohibiting the employment of any persons except those specifically appropriated for we wanted to be quite sure that we did not cripple the Government. Therefore we have confined the operation of the provision to this year only and to the Executive Departments, for fear that in the hurry of preparing this bill we might by some general provision cripple or embarrass the Government in some way.

Mr. ATKINS. Do you intend to exclude the Agricultural Bureau?

Mr. CANNON. No, sir; I had that bureau in mind in proposing the amendment. The Agricultural Committee reports appropriations for the Agricultural Department, and the bill as reported by that committee passed some time ago. It is general in its terms, and if the Agricultural Bureau were not made an exception to the terms of this bill it could not employ any force. I submitted to the proper accounting officer the question as to the effect of striking out these words, and he replied that the Agricultural Bureau was not an Executive Department, or a bureau or subordinate office of the same; hence when these words are stricken out it will not come within the terms of section 4.

Mr. ATKINS. If this clause should be stricken out, would it be competent to employ persons in the navy-yards?

Mr. CANNON. Oh, yes; they are paid from the naval appropriations. I will tell the gentleman what will be prohibited by this section if this clause be struck out. It will prohibit the employment of those eighty-odd clerks and messengers in the Navy Department who, as

the gentleman knows, are employed and paid from the Navy appropriation proper. That cannot be done under section 4. Nor can persons be employed in the War Department and paid from the Army appropriations.

The amendment of Mr. CANNON was adopted.

The Clerk read as follows:

SEC. 6. That the Secretary of War is directed to transfer all the records in the office of the Surgeon-General of the Army from which the evidence is furnished for the settlement of claims for invalid pensions, and also the clerks and others employed upon such records, to the office of the Adjutant-General of the Army, if in his judgment the work of furnishing such evidence will be facilitated or the number of clerks employed upon such work can be materially reduced in number by such transfer. And in the event of such transfer, there shall be set apart and used, under the orders of the Secretary of War, so much of the funds appropriated for the contingencies of the Surgeon-General's Office as has or may be estimated necessary to provide the stationery, blank-books, furniture, and other articles necessary for the use of the clerks and others transferred, and for the proper dispatch of the business upon which they shall be employed. That the north half of the east wing of the State, War, and Navy building, now occupied by the War Department, except the two rooms on the second story now occupied by the Secretary of War, and the fourth story and the attic of the south wing of the said building, now occupied by the Department of State, shall be occupied by the War Department for the storage of records now stored in insecure rented buildings, and for clerical purposes connected with said records. That the partition wall separating the corridor of the fourth story of the east wing from the fourth story of the south wing of the State, War, and Navy building shall be removed, so as to afford easy access from one wing to the other on the fourth story of said building. That the occupancy of the north half of the east wing, except the two rooms aforesaid, and of the fourth story and attic of the south wing of the State, War, and Navy building by any portion of the War Department shall cease on the completion and occupancy by the War Department of the west wing and the center wing of the said State, War, and Navy building; and that thereafter the north half of the east wing and the fourth story and attic of the south wing of said building shall be controlled and occupied by the Navy Department and the Department of State, respectively: *Provided*, That all moneys appropriated by this act for the rent of buildings, or balances thereof, remaining after any of said buildings are vacated, shall be covered into the Treasury immediately upon the vacation of any such building because of the operation of the provisions of this section.

Mr. BROWNE. I rise to a question of order. Under the third clause of Rule XXI, I make a point of order upon this whole section, and also on that portion of it included from line 1 to line 16.

Mr. STEELE. I have an amendment which I desire to offer.

Mr. BROWNE. If the section goes out upon the point of order, there will be nothing to amend. Mr. Chairman, I do not desire to discuss the point of order, as the question has been so thoroughly and frequently debated.

Mr. CANNON. I wish to say a word; but before doing so, I would be glad to hear from the gentleman from Indiana on the point of order.

Mr. BROWNE. The gentleman has argued my side of the question of order so frequently since this bill has been under consideration that I do not deem it necessary to discuss the question at all.

Mr. CANNON. Mr. Chairman, I do not think that the section or the provision referred to is subject to any point of order. I wish to call the attention of the Chair to the fact that the section first provides that the Secretary of War shall transfer all the records in the office of the Surgeon-General to the office of the Adjutant-General, if in his judgment the work of furnishing such evidence will be facilitated or the number of clerks employed upon such work can be materially reduced in number by such transfer. The Committee on Appropriations in framing this bill have appropriated for so many clerks for the Adjutant-General's office, and so many for the Surgeon-General's office, and we provide that this transfer shall be made in the discretion of the Secretary if the work will be facilitated in the first place, and in the second place it can be done by a material reduction of the force and of course a lessening of the expense. It is in the line of economy. It does retrench expenditures. It provides for the occupancy of the attic and fourth story of the State Department building by the Secretary of War.

At the conclusion of the section it is further provided that the money appropriated by this act for the rent of buildings which shall be vacated by the removal of these various offices to the State Department building shall be covered into the Treasury immediately on the vacation of such buildings. What does that mean? It means just this, Mr. Chairman, that the Department has twenty-four buildings now leased and occupied by these offices. Seven of them are filled with the Adjutant-General's official records of the Army, for which rent is being paid. The buildings are not fire-proof, but are rather fire-traps, and there is only one copy of these records. In addition the Surgeon-General occupies the old Ford Theater, and rents the Holtzman building, neither of which is fire-proof.

This provides, if the Secretary of War deem it to be economical to do so, that he shall remove these records from where they are now into this fire-proof building, occupying the attic and fourth story of that building which are not now occupied. What else does it provide? That as rapidly as he removes these records the leases shall expire on the nine buildings which are now rented, and the money shall be covered into the Treasury. If that is not in substance as well as in letter within the rule, then I fail to understand the English language.

Mr. BLOUNT. I ask my friend whether it is not also true that the rooms he speaks of in the State Department and to which he proposes to transfer these offices are entirely unoccupied?

Mr. CANNON. That is true. Indeed the force in that wing of the State Department building are so lost in space that, to use a common phrase, it takes an opera-glass to find one of them. [Laughter.]

Mr. ATKINS. Will not these leases expire at the conclusion of the present fiscal year?

Mr. CANNON. Oh, yes.

Mr. ATKINS. The gentleman might also state that these nine buildings—

Mr. BROWNE. Are gentlemen discussing the point of order or the merits of the proposition?

Mr. CANNON. We are showing where it is a retrenchment of expenditure. We have the right in discussing the point of order to show that the whole section does reduce expenditures. I call the attention of the Chair to the fact that the expenditures are reduced many thousands of dollars.

Mr. RICE, of Massachusetts. I wish to address myself to the point of order, and I desire to raise the point especially on that portion which refers to the transfer of the records of the War Department to the upper stories of the State Department building. I ask the Clerk to read the words against which I make my point.

The Clerk read as follows:

And the fourth story and the attic of the south wing of the said building, now occupied by the Department of State, shall be occupied by the War Department for the storage of records now stored in insecure rented buildings, and for clerical purposes connected with said records.

Mr. RICE, of Massachusetts. That is the portion of the section against which I raise the question of order. It seems to me it is involved somewhat in the point of order raised by the gentleman from Indiana.

My point is this, that that building has been devoted to the occupation of the State Department, it was built for the State Department, it was appropriated to the uses of the State Department by legislation year after year, and now it is proposed in this bill to change that legislation and that the two upper stories of the State Department building shall be assigned to the occupation of the War Department, and that, too, without effectuating any retrenchment of expenditures as contemplated in the twenty-first rule.

Mr. Chairman, in regard to that, if the Chair desires references, let me say that in 1869 a commission was appointed to select a site for the erection of a building for the State Department, and this was the site selected. The next year an appropriation of \$800,000 was made for the continuation of the construction of the building to be occupied by the State Department, &c., so that by a series of legislation from year to year this building has been designated for the use and occupancy of the State Department. This fourth story of the building is now occupied by that Department. It is a place or depository for the foreign papers which are received by that Department and which are frequently consulted by it. It is a place to which the clerks are sent for the investigation of important questions where reference is necessary to be made to these foreign documents. This portion of the building is not connected with the rest of the building by any openings whatsoever. It is a distinct and separate building by itself; and if it is to be transferred to the War Department, it opens up the whole building to the access of clerks from another Department not controlled or under the supervision of the State Department.

In neither respect provided by the twenty-first rule does it retrench expenditures. It does not retrench expenditures by the reduction of the number and salary of the officers of the United States, nor by the reduction of the compensation of any person paid out of the Treasury of the United States, nor does it retrench expenditures by a reduction of the amounts of money covered by the bill. I submit, therefore, that the point of order should be sustained.

Mr. STEELE. Mr. Chairman, I wish to address myself to the point of order, briefly, made by the gentleman [Mr. CANNON] in charge of this bill, embraced in the first sixteen lines of section 6. He claims that it would not be proper to strike this from the bill, because the transfer therein indicated would be a saving to the Government, and it indicates that the Secretary of War desires additional authority on the subject. I do not believe he has been consulted; to believe so would be a reflection upon his knowledge of military law. It is well understood that all of the several corps and different arms of the service are subject to the orders and directions of the Secretary of War; so that if he feels now, or has felt, that the bringing of the work of these two departments together would decrease the expenditures and facilitate business, it would reflect upon him that he has not done so heretofore under the authority now vested in him.

I do not believe he has been consulted on this clause of the bill, or that if he was he has requested any additional authorities in the premises. I think the records of all the various departments under his jurisdiction should be brought as closely together as possible, and I do not believe that the records pertaining to the Medical Department should be transferred to any other. It would be just as necessary to have a head to the medical records, after the transfer to the Adjutant-General's Department, as it is now, and no one will pretend that said records could be more efficiently managed or better understood than under the management of the corps under whose jurisdiction they were created. No man is more desirous of facilitating the settlement of claims of pensioners than I am; nor is any one more concerned that these records may be properly preserved and protected than I am, and I hope very soon to see them all within the walls of fire-proof buildings.



I do not think that the Secretary of War needs any additional authority to accomplish this end. More clerks have been asked for, not only for that Department, but for the Adjutant-General, the Commissioner of Pensions, and for other Departments of the Government, to facilitate the settlement of these claims, and this committee has voted them all they have asked as I understand it. Whenever there is additional room that the Secretary of War can get possession of so that he may bring these Departments closer together I believe he will do it, and that if he finds he has more clerks than is required under either of the heads—Adjutant-General's, Surgeon-General's Departments—he will not feel he is compelled to retain them. It is well known that the clerks in both of these Departments are only employed now under his direction and control. I do not think this House or this committee wishes to take from the Medical Department the records which properly belong to it, and which from the very nature of things would be a reflection upon it, it having created them and necessarily understanding them better than any other Department or corps could, and I may say here there is no more efficient corps in our Army or that of any other army in the world than the present medical corps, and in justice to the Adjutant-General's Department, which especially under its present head is magnificently managed, I feel confident in saying that the transfer is not desired. I have endeavored and hope I have succeeded in showing that there is no possibility of decreasing the expenses by the transfer, and that there is a possibility of decreasing efficiency. I therefore hope the lines indicated will be stricken from the bill.

Mr. BROWNE. As I made this point of order I hope I will be indulged in talking about it for about two minutes.

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. BROWNE. These sections contain two substantive provisions. The first part contemplates the transfer of the records from the Medical Department of the Army to the office of the Adjutant-General. That provision is incorporated within the first sixteen lines. The subsequent part of the section refers to the appropriation of certain rooms in the new State, War and Navy building for the custody of these records and the transfer of important records and papers from these offices to this new building. The point of order I make is that it is new legislation and does not come within the provisions of the third clause of the twenty-first rule.

Now, as to this first provision, it is that he may transfer these records from the Surgeon-General's Office and put them, with the force of that office, under the control of the Adjutant-General of the Army, provided in the opinion of the Secretary of War, or in his judgment, the work of furnishing such evidence will be facilitated, or the number of clerks employed upon such work can be materially reduced by such transfer. That this is new legislation I presume will not be controverted. Under the law as it now exists the custody of the records is with the Surgeon-General, and they belong to the Medical Department of the Army. The question then is, if it be new legislation in the language of the rule, does it retrench expenditures, first by the reduction of the number of the officers of the United States, for I presume the clerks are officers in the sense of the rule, for whom this sum is principally appropriated?

I ask the gentleman from Illinois [Mr. CANNON] and I ask the Chair does this section contemplate or does it make a reduction in the clerical force of either of these offices? Certainly it does not. It says the transfer may be made, provided in the opinion of this officer it will reduce the number. But in order that the transfer shall be made it is only necessary that shall be his opinion. That might be his opinion and still no reduction in the clerical force might be made.

This provision ought on its face to show that the act of transfer shall of itself reduce the number of clerks. For this law might be executed and still the effect of it would be to increase rather than diminish the number of employes, because the officer who is to give the opinion may make a mistake. It does not reduce the salaries, nor does it make a reduction in the compensation of any person employed by the Government.

The Chair has repeatedly stated during this and preceding days that the reduction of expenditures to bring a proposition within the rule must be a reduction in one of the three ways named in the rule. Gentlemen say it is in the line of economy because taking the whole section together a saving is effected of the rent of certain buildings in the city of Washington. That may be true; but that is not a reduction of expenditures in either of the three ways contemplated in this rule. The Chair has repeatedly held that the reduction must be in one of the three ways expressly mentioned in the third clause of the twenty-first rule. The Chair has also held, and very correctly, too, that the fact that the proposition will reduce expenditures must appear on the face of the proposition itself; not appear argumentatively, but must appear on the law as it is, having reference to the old law as construed in the light of the new one. The Chair has to take judicial notice as a matter of course of the existing law and then examine the amendment to see whether it is manifest there will be a reduction of expenditure by it in some one of the ways mentioned in this rule.

When I come to discuss the propriety of this section, if we reach that point, I will have something to say. But I have tried to confine myself to the discussion of the rule. I ask the indulgence of the

Chair for having entered on this discussion, for I am in no sense a parliamentarian and seldom attempt to discuss points of order.

Mr. BAYNE. The argument of the gentleman from Indiana [Mr. BROWNE] and also of the gentleman from Massachusetts proceeds from false premises, and consequently the conclusion will be vitiated by the falsity involved in the premises. The assumption is, that the proposition contained in this section of the bill changes existing law. The contingencies pointed out in clause 3 of Rule XXI are contingencies depending upon a change of existing law. Now, what law does this transfer change?

Mr. BROWNE. If the present law requires a transfer, what is the necessity for this one?

Mr. BAYNE. There is no law requiring the transfer. There is this simple fact existing, and not a law—this simple fact, that there are certain buildings now occupied and rented by the Government of the United States. The lease of those buildings will expire on the 1st of July. The question is whether those buildings shall be leased for another term of years when there is no law authorizing the leasing of those buildings, and when there is no law preventing the Government from giving up those leases.

Mr. STEELE. Will the gentleman from Pennsylvania, as he understands this matter, indulge me in a question?

Mr. BAYNE. Of course.

Mr. STEELE. Under the existing law, who has the custody of the medical records in the War Department?

Mr. BAYNE. The Surgeon-General's Office is a mere bureau of the War Department. The custody of the documents and archives of that office is just as much under the charge of the Secretary of War in one building as in another. The custody is a mere constructive matter. He has not the actual custody. The clerks, janitors, &c., have. But the custody of those matters is just as much his in one building as it would be if they were in another building.

Mr. RICE, of Massachusetts. Will the gentleman yield to me for a question?

Mr. BAYNE. Yes, sir.

Mr. RICE, of Massachusetts. When the south part of this building was erected, in virtue of the resolution, for the new State Department, a copy of which I have before me, appropriations were made "for the continuation of the construction of the building for the occupation of the State Department," when the expenditure of those moneys was by statute vested in the Secretary of State when he moved into that building, under and in pursuance of this legislation year after year, does my friend from Pennsylvania say that legislation turning the State Department out of a portion of that building and introducing another Department is not contrary to existing legislation?

Mr. BAYNE. I should be very sorry, Mr. Chairman, to maintain the proposition that the Congress of the United States has not the right to occupy any of the public buildings and public property of the United States in such manner as it may see fit. There is no law, and the gentleman from Massachusetts cannot point out any law which gives the Secretary of State the exclusive right to occupy that building. There is not a word in any law which he can point out to that effect. Congress may direct that that building may be wholly given up and surrendered by the Secretary of State if it sees fit to do so; or to provide that the building now occupied by him shall be occupied by the Secretary of War or the Secretary of the Navy.

Mr. RICE, of Massachusetts. But that is new legislation.

Mr. BAYNE. And there is not a line of the law which gives the Secretary of State any exclusive right and title to the occupancy of that building.

A MEMBER. The State Department occupies the building now under the law.

Mr. BAYNE. It occupies it as all the other buildings are occupied which are rented for the Government, occupied under the law. The question is not whether it is done by sufferance, but whether there is permanent legislation requiring this to be done. The absence of a law is not equivalent to the presence of a law.

Mr. BROWNE. I wish the gentleman from Pennsylvania [Mr. BAYNE] would indulge me to ask another question, as this is a matter in which I feel great interest. Suppose the Committee on Appropriations should bring in a new law entirely; not any change of existing law, but an entirely new law, which new law was not in the interest of economy, and therefore not within any provision of the third clause of Rule XXI: would not that new law be subject to a point of order? The spirit of the rule is that no proposition changing existing law, or making a new law, shall be in order on an appropriation bill unless it involves a decrease of expenditures in one of the ways named in the rule. A new law is of itself a change of law.

Mr. BAYNE. The reply to the gentleman is that there is nothing in the rule forbidding the Committee on Appropriations from bringing in as a rider on an appropriation bill a new law. The gentleman speaks of the spirit of the rule. He would have to refer to some spirit or other, perhaps "spirits from the vasty deep," to sustain the point of order raised against this provision.

Mr. WILLIAMS, of Wisconsin. I desire to detain the committee for a moment on the point of order, although perhaps that has been already sufficiently discussed. In case the point of order should be

overruled, and I can get the floor for the purpose, I shall move to strike out this entire section.

But on the point of order I desire to say that I think the State Department now occupies these quarters by virtue of law. While Congress may provide for the occupation of any public building in such manner as it may choose, it must express its will and apply its power through the medium of law. I think that before you can take this building from the possession of the State Department you would require some law of Congress, and that certainly would be a change of existing law.

The gentleman from Massachusetts, [Mr. RICE,] as I think, has clearly pointed out how this proposed section would be a change of law, and not a reduction of expenditures in any one of the ways specified by clause 3 of Rule XXI. On the face of the section the matter is left to the discretion and judgment of the Secretary of War, and therefore it seems to me it does not affirmatively appear on the face of the proposition that it would reduce expenditures.

There are other portions of the section which have not been mentioned. There is a portion which provides that the Adjutant-General shall employ not less than three hundred clerks in the examination of these records. And as the Surgeon-General is not required to employ less than he now employs under the law, I am at a loss to see how expenditures would be reduced in that respect.

Then rooms are to be filled up, walls to be cut through, rooms to be furnished, and 18,000 volumes of books are to be transferred from one bureau to another. This consideration, however, may come up more properly perhaps upon the proposition to strike out the section.

I cannot see, however, in what way it appears affirmatively on the face of the section that it reduces expenditures when you leave it to the discretion of a Cabinet officer to determine whether such reduction shall be made or not.

Mr. BAYNE. Will the gentleman permit me to ask him a question?

Mr. WILLIAMS, of Wisconsin. Certainly.

Mr. BAYNE. What in the world has the reduction of expenditures to do with it?

Mr. WILLIAMS, of Wisconsin. If the gentleman assumes the ground that this is not a change of existing law, then of course the question of a reduction of expenditures is not involved. But if, as we maintain, it is a change of existing law, then the other condition comes in, that it must reduce expenditures or go out of the bill on a point of order.

Mr. BAYNE. What is that law? Will my friend point out that law?

Mr. WILLIAMS, of Wisconsin. My friend from Massachusetts [Mr. RICE] has pointed out the law, and has the sections before him to which he can refer the gentleman providing that the State Department shall occupy this building. You might as well attempt to put the Senate into this Hall without a change of law as to put any other bureau or Department of the Government into the possession of these premises without new legislation; at least that is my judgment.

Mr. HAMMOND, of Georgia. I wish to say a word upon this point of order. I do not know anything about the merits of the matter; but assuming that this is new legislation, it seems to me it is still in order under Rule XXI of the House.

The last portion of the third clause of Rule XXI permits new legislation upon an appropriation bill if it reduces the amount of money covered by the bill. The first part of this section does not necessarily reduce expenditures, but its tendency is that way, for it provides for a reduction of the number of persons to be employed, provided a certain officer of the Department may think that a portion of those now employed can be dispensed with.

That brings us down to line 9 of the section. That assumes what we are all aware of, that the State, War, and Navy building is partially unoccupied, and it declares that a certain portion of that building, which belongs to the Government and is empty, shall be occupied for a particular purpose; in the language of the bill, "shall be occupied by the War Department for the storage of records now stored in insecure rented buildings, and for clerical purposes connected with said records."

That does declare upon its face that a building belonging to the Government now partly empty shall be utilized in order to get rid of buildings for which the Government is paying rent. Then the concluding provision of the bill is—

That all moneys appropriated by this act for the rent of buildings, or balances thereof remaining after any of said buildings are vacated, shall be covered into the Treasury immediately upon the vacation of any such building because of the operation of the provisions of this section.

Of course the bill does not undertake to exhibit the figures to show how many dollars will be saved; but from the language it is very clear that in the opinion of the committee under the provisions of this section the expenditure of certain moneys appropriated by the bill will be decreased.

Mr. STEELE. Does not the gentleman know that under the present regulations of the Department every clerk employed in the Surgeon-General's Office is put there by the direction of the Secretary of War?

Mr. HAMMOND, of Georgia. I will answer the gentleman by saying that I do not know anything about it.

Mr. STEELE. It is the fact; and consequently the effect of this

provision will simply be to take these records from under the control of the Surgeon-General; it will not give the Secretary of War any additional power.

The CHAIRMAN. The question to be ruled upon in reference to this section is not free from doubt. The Chair has some difficulty in separating these different sentences and treating them as separate provisions, as some gentlemen have intimated they should be regarded. The whole theory of the section seems to tend toward one end—to bring together the operations of different branches of the Government into certain rooms—to condense or combine them, so to speak, in order to save space and avoid expense for rent. In the opinion of the Chair it would hardly be a fair construction to take the last five lines—40 to 44—and treat these as a provision separate from all the rest; because this provision really influences and operates upon the provisions of the entire section.

The clause from line 1 to line 16 would seem to have in contemplation the bringing together of the work of the Surgeon-General's Office and the Adjutant-General's Office in order to economize space, to say nothing about the reduction of the number of clerks, which, as the gentleman from Indiana [Mr. BROWNE] has observed, is not clearly specified in the section. So in regard to the State Department, where there is clearly proposed a change of existing law, the language, if taken in connection with the concluding provision of the section, implies a reduction of expenditures and specifies that the provision shall apply to the rent of buildings provided for in this bill.

While the question is not free from doubt, the Chair does not feel authorized to sustain the point of order and exclude the whole section or any part of it, but, having stated his conclusion in this way, leaves the Committee of the Whole to do as it thinks proper upon the question.

Mr. BROWNE. Mr. Chairman, I move to strike out the section. I do not desire to detain the committee in discussing this amendment, as I know gentlemen are anxious for a vote.

There is much in this section that I approve. I am aware of the fact that the records of the Surgeon-General's Office are distributed among a number of buildings in this city, and I think they ought all to be in one. It is also apparent that the buildings in which these important papers are kept are insecure; that an accident by fire might destroy the evidence upon which a large number of pension claimants must depend to make out their cases. I should be very glad, therefore, to see so much of this section retained as contemplates a removal of these papers to the upper stories of the new Department buildings which the Government is now engaged in erecting, because if they were thus removed they would be secure.

But I do seriously object to the transfer of all these papers to the custody of a single bureau of the Government known as the Adjutant-General's Office. The records of the Adjutant-General's Office and those of the Surgeon-General's Office ought to be kept separate. I do not care how near these two offices may be; the nearer the better for convenience. But I insist that the records of each should be kept under the exclusive control of each, so that the same clerk seeking testimony against the Government may not have access to the records of the two offices.

Gentlemen who have been in the military service can appreciate the importance of this. The Adjutant-General's Office has the custody of the military report proper, the report made by the orderly sergeant to the adjutant of the regiment showing that at a particular time a certain soldier was on the sick list. When the soldier is absent at a hospital this report states the cause of his disability. If the Commissioner of Pensions calls upon the Adjutant-General for that record, he gets it just as it has been kept by the military organization proper. But the Commissioner of Pensions, when he has reached the limits of the information in the Adjutant-General's Office, finds that he must go beyond that—where? To the medical department, in order to obtain the report of the surgeon in charge of the regiment showing the character of the disease, or the hospital record showing the admission of the soldier to the hospital and the character of his disease.

In the one instance it may appear it was a disease contracted in the line of duty, which would entitle the party to a pension, while in the other, where the medical treatment is had, it may appear to have been a disease of a very different type, and one which could not have been contracted in the line of duty as a soldier.

The CHAIRMAN. The gentleman's time has expired.

Mr. BROWNE. I hope the committee will indulge me for a few minutes longer. If I am capable of making the point, I hope I will be indulged at least in an opportunity to do so.

Mr. ATKINS. I will take the floor and yield my time to the gentleman from Indiana.

Mr. BROWNE. What will be the effect of allowing the same clerk to examine both records? He may accept a subsidy, and if he has been "seen" and I take it for granted there are instances of this character, he will make the two records conform.

Mr. SPARKS. He cannot do so unless they do conform.

Mr. BROWNE. Let me say to the gentleman he can do so if they do not conform.

Mr. SPARKS. Then he must be a corrupt officer.

Mr. BROWNE. That is what I said he would be.

Mr. CANNON. Allow me just a word in that connection. If these records are transferred to the Adjutant-General's Office what is to



prevent him from putting, and would it not be his duty to put these records in charge of different corps of clerks?

Mr. BROWNE. That might be done, but it would require a reorganization of things. I say it is essentially necessary that these two classes of records shall be kept in the custody of different officers, so that one may be a check upon the other.

That is what I say in the first place, Mr. Chairman, and, in the second place, that if you put these records in charge of one Department and allow the same person to run down the entire record it will protract the business and make it more difficult to get the evidence before the Pension Bureau.

How is it now? The Commissioner of Pensions addresses a letter in reference to a soldier's record to the Adjutant-General's Office, and contemporaneously addresses the Surgeon-General's Office on the same subject. The corps of clerks in each department hunt up the record, and you get an answer from both in the same time you would get one under the proposed plan.

Mr. HAWK. Will my friend allow me to ask him a question?

Mr. BROWNE. If I had more time I would with great pleasure. But what are the facts? The Surgeon-General's records are in most inextricable confusion in some respects. For instance, I was told some time ago by the Surgeon-General that in tracing the record of one soldier he had to go to twenty-one different hospitals. He has so organized his corps of clerks, giving them control of the records in his department, that as it is now organized there is expedition. If they are all put under charge of the Adjutant-General it would be that organization would be disregarded, and I undertake to say there would not be that completeness and expedition which exist under the present system.

Let me say, therefore, for the safety of the Government, for the expedition of these claims, and for certainty, these records ought to be kept as they are, in the custody of these different Departments of the Government. I say that with some little knowledge of the manner in which things are being done.

I wish to say further this is not asked, so far as I know, by the War Department or by the Surgeon-General's Office. If it is asked by the Commissioner of Pensions I am not aware of it. I have had frequent conversations with him on these subjects, having the honor to be chairman of the Committee on Invalid Pensions; but in none of these conversations has he mentioned the propriety of this change.

If you ask to send these records where they ought to be, to a more safe place, I will go for it whether in the interest of economy technically or not.

Now I regret that my time will not allow me to say all I desire to say, but I ask by unanimous consent to have printed with my remarks a letter from the Secretary of War addressed to me on this subject, inclosing the reasons given by the Surgeon-General's Office why this transfer should not be made. I would be glad to have them read by the Clerk for the information of the committee, but when gentlemen are hungry, and when I have imposed so long on their patience, I will not ask that they be read, but only that they be printed in the RECORD.

The CHAIRMAN. The Chair hears no objection.

The papers are as follows:

WAR DEPARTMENT, WASHINGTON CITY, June 9, 1882.

SIR: With reference to a provision in the legislative, executive, and judicial appropriation bill, (section 6,) now before the House of Representatives, the Surgeon-General has prepared the inclosed suggestions in opposition to the legislation therein proposed, and requests that I should lay these suggestions before you. I do this in pursuance of his request with great pleasure, remarking that, as the legislation proposed contemplates, if it becomes a law, an examination of the subject by the Secretary of War, and contemplates no action unless, in his judgment, such action shall be proper in the administration of business and the reduction of expenses, I have not yet made any such examination, nor am I in any way committed for or against the propriety of the change which would be authorized by the passage of the bill.

I have the honor to be, very respectfully, yours,

ROBERT T. LINCOLN,  
Secretary of War.

Hon. T. M. BROWNE,  
Chairman Committee on Invalid Pensions, House of Representatives.

"The Surgeon-General of the Army, in the performance of duties necessarily and properly devolving upon his office, is the natural custodian of all records and papers originating in and appertaining to the Medical Department of the Army.

"It is proposed in section 6 (lines 1 to 16) of the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, to transfer to the office of the Adjutant-General all the records in the office of the Surgeon-General of the Army from which evidence is furnished for the settlement of claims for invalid pensions, if in the judgment of the Secretary of War the work of furnishing such evidence will be facilitated or the number of clerks employed upon such work can be materially reduced in number by such transfer.

"The records from which such evidence is procured comprise all the records of the Surgeon-General's Office. The records of hospitals—general, post, and regimental—in existence during the war do not wholly contain the evidence required in the settlement of claims for invalid pensions, but the monthly reports of sick and wounded from all hospitals, commands, and stations, and weekly reports of hospitals, (both of which also contain the medical statistics of the war,) the lists of wounded, the quarterly reports of surgical operations, the list of casualties, the returns and reports of medical officers, and of the hospital corps, and a vast number of papers of a miscellaneous nature, are all essential to the preparation of reports required by the Pension Office. In fact, there are no classes of books or papers from which evidence in pension cases is not furnished; even the records of the financial operations of the office contain evidence required by and furnished to the Commissioner of Pensions. A transfer or removal of the records from which evidence is furnished for the settlement of claims for invalid pensions would therefore virtually abrogate the Office of the Surgeon-General itself.

"The proposed transfer would not in the least facilitate the adjustment of pending or future pension claims. As at present administered, the utmost economy of

clerical labor consistent with accuracy is practiced, and every inquiry of the Pension Office is answered as promptly as can be done with the present clerical force. These purely military medical records are under the charge of medical officers of the Army, who are acquainted with the regulations under which they were kept, and who understand the technicalities which characterize them. That the work of replying to the demands of the Pension Office is at present in arrears is due only to insufficient clerical force. If the records were transferred to the Adjutant-General's Office, together with all the clerks now employed upon them, the latter could do no more than they do now. Indeed, there is every probability that, from the disorder and confusion that would inevitably follow for a long time the transfer of these records to untrained supervision, a much larger number of clerks, or a much longer time, would be required.

"It further becomes necessary to advert to the possibility of the establishment, within an office so consolidated, of improper combinations for the furtherance of unauthorized special searches to the prejudice of prior claimants and to the general hindrance of public business; or, even to fear the establishment of methods by which the records of both the Adjutant-General's Office and the Surgeon-General's Office might be materially altered to meet the demands of fraudulent claimants. When so large a number of employés belonging to separate bureaus of the War Department are brought closely in contact, as they must be by the proposed consolidation of the force, it would be by no means impossible for shrewd and dishonest men to make themselves intimately conversant with the records and the routine of both offices with the view of manipulating the knowledge for evil purposes.

"These records are a part of the permanent records of the Surgeon-General's Office. Accumulated by the industry of the volunteer and regular medical officers of the Army during and since the war, under regulations prescribed by the War Department, they constitute the official records of the operations of the medical department of the Army during the war and since. When the uses they subserve are considered, it will be clearly seen that it would be detrimental to the interests of the public service to remove them from the custody of the bureau under whose directions they were created and whose operations they now record. Besides these uses the same records are indispensable to enable the Surgeon-General of the Army to discharge the duties intrusted to him by law in connection with the distribution of artificial limbs, or apparatus for resection, and of trusses, to those who were wounded or ruptured during the civil war. Moreover, the information they furnish is indispensable to enable the Surgeon-General to act or advise intelligently upon any question which involves a knowledge of the former operation of his own department.

"And the possession of these records is indispensable to enable him to comply with the acts of Congress directing the preparation and publication of a medical and surgical history of the late civil war. The object of this work is to put into a useful form for the present and future service of the American people the knowledge acquired by the sad events of the great struggle. The parts already published have been recognized by competent judges as useful, not merely to the Army in peace and in war, but to the civil population of the United States. Considerable expenditures have already been made upon this work, comparatively little is necessary to complete it; the proposed transfer would arrest its progress and defeat the humane efforts to utilize the experience required at such cost. This task, which has been undertaken and is now carried on under the authority of express statute, must, in the event of the proposed consolidation, be postponed until such times as the records in question may be returned to their legitimate custodians; a period so far removed in such an event that the work might well be considered as definitely stopped.

"Among over eighteen thousand volumes of hospital registers, prescription and case-books, &c., and an almost innumerable mass of special reports and other miscellaneous papers, giving account of both the medical and surgical treatment of soldiers serving in our armies during and since the rebellion, it must be recognized that it will be impossible to effect such a separation so that only those pertaining to the invalid pension work of the office will be transferred to the Adjutant-General's Department.

"It cannot be comprehended how or in what manner the work of furnishing such evidence would be facilitated or the number of clerks employed upon such work could be reduced by the proposed transfer. On the other hand, it is possible, and even reasonably certain, that the confusion which would necessarily result would still further delay the work which it is intended to facilitate."

Mr. MILLS. I hope the gentleman from Illinois will consent that the committee do now rise.

Mr. CANNON. I only want to say, Mr. Chairman, that it is impossible for me—

Mr. ATKINS. May I make a suggestion to the gentleman?

Mr. CANNON. In a moment.

Mr. ATKINS. I only desire to suggest that perhaps he had better consent that the committee now rise, and go on with this bill in the morning.

Mr. CANNON. I was going to say that I have not been able to commence what I wanted to say for the reason that gentlemen are urgent that the committee shall rise. But I was going to make a remark in the direction of the suggestion of the gentleman from Tennessee, that it would be impossible for me upon this question, which I regard as one of the most important in this bill, to discuss it in less than ten or fifteen minutes; and not desiring to detain the committee longer this evening, therefore I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. ROBINSON, of Massachusetts, reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, had come to no resolution thereon.

#### ORDER OF BUSINESS.

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

The SPEAKER. Pending the motion to adjourn, the Chair desires to submit a report from the Committee on Enrolled Bills, and also some personal requests of members.

#### ENROLLED BILLS SIGNED.

Mr. PEIRCE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 2938) for the relief of Thomas Evans and Albert T. Whiting; and

A bill (H. R. No. 1993) to amend sections 2582, 2583, 2607, and 2684 of the Revised Statutes of the United States, relating to the collection districts of California.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 5127) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia;"

A bill (S. No. 230) granting a pension to Angus McAuley;

A bill (S. No. 722) granting a pension to Mrs. Emma Schell;

A bill (S. No. 1313) granting a pension to Samuel Horner;

A bill (S. No. 1401) granting a pension to Elizabeth Gray;

A bill (S. No. 1420) for the relief of the Howard University;

A bill (S. No. 1531) to create two additional land districts in the State of Nebraska; and

A bill (S. No. 1778) granting an increase of pension to Marian A. Mulligan.

#### LEAVE OF ABSENCE.

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

To Mr. BURROWS, of Missouri, for two weeks, on account of important business and sickness in his family.

To Mr. WARD, for the remainder of the week.

To Mr. LOWE, for two weeks from the 16th, on account of important business.

To Mr. UPDEGRAFF, of Ohio, for ten days.

#### ANNOUNCEMENT OF A PAIR.

Mr. MOREY. Mr. Speaker, I rise to a question of personal privilege. I desire to state that I voted yesterday on the Army appropriation bill, when I was, as I understand, paired with my colleague, Mr. ATHERTON. I desire to withdraw my vote, and I make this statement in justice to him and to myself.

Mr. RANDALL. Does that affect the result?

The SPEAKER. The Chair will state that this does not change the result of the vote.

The motion of Mr. RANDALL was then agreed to; and accordingly (at five o'clock and fifty-five minutes p. m.) the House adjourned.

#### PETITIONS, ETC.

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

By Mr. BARBOUR: The petition of Mrs. Mary W. Tuley, for a pension—to the Committee on Pensions.

By Mr. BEACH: The petition of Charles E. Knapp, for the establishment of a post-route between Newburgh and Little Britain, in Orange County, New York—to the Committee on the Post-Office and Post-Roads.

By Mr. BLANCHARD: The petition of W. G. Deal and others, of Grand Parish, Louisiana, for an appropriation for educational purposes—to the Committee on Education and Labor.

By Mr. DUNN: The petition of J. S. Johnson, for the passage of a national bankrupt law—to the Committee on the Judiciary.

By Mr. ERMENTROUT: The petition of the National Cigar-Makers' Association, for a reduction of the tax on cigars—to the Committee on Ways and Means.

By Mr. MATSON: The petition of Rev. Jefferson E. Brant, for pay as chaplain of the Eighty-fifth Regiment of Indiana Volunteers—to the Committee on War Claims.

By Mr. MOREY: The petition of Reuth & Mason and others, of Hamilton, Ohio, for a reduction of the tax on malt—to the Committee on Ways and Means.

Also, papers relating to the claim of A. C. Morgan—to the Committee on Military Affairs.

By Mr. SKINNER: Papers relating to the claim of Freeman & Richardson—to the Committee on the Judiciary.

By Mr. SPEER: The petition of W. E. Jones and others, relative to payment of bounties—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. WARD: The petition of John Bolton and others, for the passage of the French spoliation claims bill—to the Committee on Foreign Affairs.

#### SENATE.

WEDNESDAY, June 14, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

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

#### PETITIONS AND MEMORIALS.

Mr. MILLER, of New York, presented a petition of citizens of New York City, praying for the passage of a bill to prevent the taking of menhaden and other fish with purse-nets and by steam-vessels within two miles from the coast; which was referred to the Committee on Foreign Relations.

He also presented two petitions of citizens of Onondaga County, New York, praying for the repeal of internal taxes; which were referred to the Committee on Finance.

Mr. SEWELL presented a petition of citizens of New York and New Jersey, praying for the passage of a bill to prevent the taking of menhaden and other fish with purse-nets and by steam-vessels within two miles from the coast; which was referred to the Committee on Foreign Relations.

Mr. ANTHONY. I present the petition of Warren & Wood and James Tucker, highly respectable dealers in earthen or crockery ware in Providence, Rhode Island, praying for a reduction of duty upon that article. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented resolutions of the Philadelphia Board of Trade, in relation to the establishment of an American steam marine in competition with steamships of other nations for the foreign trade; which were referred to the Committee on Commerce.

He also presented resolutions of the Philadelphia Board of Trade, favoring an increase of appropriation for the naval hydrographic office, so as to enable an increased amount of work to be performed by that office; which were referred to the Committee on Appropriations.

He also presented resolutions of the Philadelphia Maritime Exchange, in favor of the passage of a law referring the French spoliation claims to the Court of Claims; which were ordered to lie on the table.

He also presented resolutions adopted at a meeting of the Franklin Institute of Philadelphia, protesting against the House amendment to section 4919 of the Revised Statutes of the United States, relating to the recovery of damages for the infringement of patents; which were referred to the Committee on Patents.

He also presented a resolution adopted at a meeting of the rebel prison survivors of Beaver County, Pennsylvania, in favor of the passage of the bill granting pensions to Union soldiers confined in so-called confederate prisons; which was referred to the Committee on Pensions.

Mr. COCKRELL presented additional papers to accompany the bill (S. No. 1763) for the relief of Francis L. Valle; which were referred to the Committee on Claims.

Mr. HOAR presented the petition of Samuel B. Gregory, of Hamilton, Massachusetts, formerly acting master, commanding United States steamer Western World, praying for arrears of pension; which was referred to the Committee on Pensions.

Mr. CAMDEN presented a petition of Simon and others, of Collins Settlement, Lewis County, West Virginia, in favor of national aid to free schools; which was referred to the Committee on Education and Labor.

#### REPORTS OF COMMITTEES.

Mr. SAUNDERS, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 1063) providing for the payment of awards made to Creek Indians who enlisted in the Federal Army, loyal refugees, and freedmen, reported adversely thereon; and the bill was postponed indefinitely.

Mr. CAMERON, of Wisconsin. I am instructed by the Committee on Claims, to whom was referred the bill (S. No. 752) authorizing the Solicitor of the Treasury to grant relief to Florence W. Kirwan, to report it adversely with a written report. By request, I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, by request, with the adverse report of the committee, which will be printed under the rule.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was referred the petition of J. N. Osborn, praying to be allowed a pension, to report it adversely, and to ask to be discharged from its further consideration, as the case is now pending in the Pension Office.

The PRESIDENT *pro tempore*. The committee will be discharged from the further consideration of the petition.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. No. 1115) granting a pension to Peter Brewer, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. CAMERON, of Pennsylvania, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 1676) to amend section 1402 of the Revised Statutes, relative to the appointment of naval constructors and assistant naval constructors in the United States Navy, reported it without amendment.

Mr. ANTHONY, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 1552) to establish the office of assistant secretary of the Navy, reported adversely thereon; and the bill was postponed indefinitely.

Mr. CHILCOTT, from the Committee on Claims, to whom was referred the bill (S. No. 623) for the relief of Ethan A. Sawyers, reported it with an amendment; and submitted a report thereon, which was ordered to be printed.

Mr. MILLER, of New York, from the Committee on Commerce, to