

SENATE.

FRIDAY, June 16, 1882.

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

TAX ON DISTILLED SPIRITS.

Mr. FERRY. Noticing in the RECORD an omission of a pair that I arranged on yesterday on House bill No. 5656, known as the bonded-spirits bill, I desire to state that on the amendment of the Senator from Georgia [Mr. BROWN] I was present in the Senate and voted against it. I was soon after that taken ill and left the Senate about three o'clock. Before leaving, however, I arranged a pair with my colleague on the Committee on Finance, the Senator from Kentucky, [Mr. BECK,] who was to announce the pair but omitted it. I desire further to state that if I had been present, although the result of the vote would not have been changed, as there was quite a majority for the indefinite postponement of the bill, yet my vote would have been for indefinite postponement, adding one to that majority. I was then and am now opposed to the bill, and it would have so appeared had my pair not been omitted as stated. I make this statement so that I may be placed right on the record as against the bill.

PETITIONS AND MEMORIALS.

Mr. FRYE presented the petition of Thomas Tyrie and other ex-Union soldiers in the late war, residents of Auburn, Maine, praying for an increase of the pension of comrades who have lost an arm or leg; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. FERRY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 572) to fix the compensation of postmasters of the fourth class, reported it with amendments.

Mr. HILL, of Colorado. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 1906) to amend section 3953 of the Revised Statutes, to report it without amendment. A letter of the Second Assistant Postmaster-General accompanies the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the same committee, reported an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

GARFIELD MEMORIAL CARD.

Mr. ANTHONY. I am directed by the Committee on Printing to report a joint resolution in relation to the memorial cards to accompany the memorial address on the life and character of the late James A. Garfield. The joint resolution is intended to supply a defect. When the memorial address of Mr. Blaine was ordered to be printed the Secretary of the Treasury was directed to cause the memorial cards to be printed and bound with the address, but there was no provision made for paying for it.

The joint resolution (S. R. No. 83) relating to the memorial cards to accompany the memorial address on the life and character of the late James A. Garfield was read the first time by its title.

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

By unanimous consent, the joint resolution was read the second time and considered as in Committee of the Whole. It appropriates \$1,600 to enable the Secretary of the Treasury to furnish the memorial cards to accompany the memorial address on the life and character of James A. Garfield, ordered to be printed by joint resolution approved June 7, 1882.

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

ELIZA W. PATTERSON.

Mr. MORRILL. I am asked by a member of the Senate, who was not present yesterday when the bill (S. No. 2001) for the relief of Eliza W. Patterson and others was passed, to enter a motion to reconsider it, as I now do.

The PRESIDENT *pro tempore*. The yeas and nays were not called. However, the motion may be entered.

Mr. DAVIS, of West Virginia. Does the Senator from Vermont simply enter a motion to reconsider a bill, or is it an item in an appropriation bill?

The PRESIDENT *pro tempore*. It is the bill for the relief of the widow of the late Carlile P. Patterson, relieving the estate from the payment of taxes. The bill passed the Senate yesterday without a call of the yeas and nays and without objection. However, the motion to reconsider will be entered.

Mr. MORRILL. The motion can be called up at a future time.

The PRESIDENT *pro tempore*. The Chair is informed by the Sec-

retary that the bill has been sent to the House of Representatives, and there must be connected with the motion to reconsider a motion to request that the bill be returned.

Mr. MORRILL. I move that a message be sent to the House requesting the return of the bill.

The PRESIDENT *pro tempore*. In connection with the motion to reconsider is also a motion to request the House to return the bill. The question is on the latter motion. The Senate cannot reconsider any thing about it until the House returns the bill.

Mr. BUTLER. I shall object to the House being requested to return the bill.

The PRESIDENT *pro tempore*. That question must be disposed of at once by the rule.

Mr. ALLISON. Why not decide at once the motion to reconsider the bill?

The PRESIDENT *pro tempore*. The bill has been sent to the House, and there is coupled with the motion to reconsider a motion to request the House to return the bill.

Mr. MORRILL. I know nothing about the case. I voted for the bill yesterday thinking it was all right, but there is a member of the Senate who wants to examine it. He does not know that he will object to the bill, but he would like to have it here so that he may examine it, in order that he may know all about it. I think there is no harm in having it brought back and having it fully explained. I presume that I shall vote for it after its return. I know something about it, but not all.

Mr. BUTLER. I must object to the motion. I cannot consent to it.

Mr. HOAR. Is it not usual to grant the request of a Senator to have a bill returned?

The PRESIDENT *pro tempore*. Rule 21 provides that—

When a bill * * * upon which a vote has been taken shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider such vote shall be accompanied by a motion to request the House to return the same to the Senate; which last motion shall be acted upon immediately, and determined without debate, and when determined in the negative, shall be held to be a final disposition of the motion to reconsider.

The question is on the motion to request the House to return the bill.

Mr. ROLLINS. Will the Senate pardon me—
The PRESIDENT *pro tempore*. No debate is in order. It is a motion to request the House to return the bill.

Mr. ROLLINS. I do not think there will be any objection to allowing the bill to be returned so that we may inquire into it.

The PRESIDENT *pro tempore* put the question on the motion; and there were on a division—yeas 14, noes 22; no quorum voting.

Mr. ROLLINS. We had better have the yeas and nays. Let us see whether we can have an opportunity merely to examine this matter in order to ascertain whether the bill is correct or not.

Mr. BUTLER. The Senator has no right to make such a statement as that.

The PRESIDENT *pro tempore*. The Senator from New Hampshire is out of order, because no debate is in order at all.

Mr. BUTLER. The bill was fully examined by the Committee on the District of Columbia.

Mr. ROLLINS. If I am not in order—
The PRESIDENT *pro tempore*. All debate is out of order. No quorum has voted. Is there a call for the yeas and nays?

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

The yeas and nays were ordered.

Mr. SEWELL. I should like to have the Senator who made the motion give his reason for making it.

The PRESIDENT *pro tempore*. The bill has been sent to the House. The Senator from Vermont cannot give a reason. He moved to reconsider the vote by which the bill was passed, and in connection with that motion he moved that the House be requested to return the bill, which latter motion must be decided without debate.

Mr. SEWELL. He could do so by unanimous consent.

The PRESIDENT *pro tempore*. Of course; anything can be done by unanimous consent. The Senator from New Jersey requests the Senator from Vermont to give the reason for making the motion, which can be done by unanimous consent.

Mr. MORRILL. I have already stated that I make the motion at the request of a member of the Senate who was not present yesterday, and there was no explanation of the bill that appears upon the record to show what it was for. I voted yesterday in favor of it; I am inclined to think that I shall vote the same way after any explanation that may be made. I do it merely in courtesy to another Senator. I think it ought to be granted. I understand the bill involves somewhere about forty thousand dollars of release of taxation to the Carlile Patterson estate.

The PRESIDENT *pro tempore*. The roll will be called on the motion to request the House to return the bill.

The question being taken by yeas and nays, resulted—yeas 20, nays 31; as follows:

YEAS—20.

Blair,	Davis of Illinois,	Hoar,	Morrill,
Brown,	Davis of W. Va.,	McDill,	Rollins,
Cameron of Wis.,	Ferry,	McMillan,	Saunders,
Chilcott,	Hawley,	Mahone,	Sawyer,
Conger,	Hill of Colorado,	Mitchell,	Sewell.

NAYS—31.

Allison,	Dawes,	Ingalls,	Ransom,
Anthony,	Farley,	Jackson,	Sherman,
Bayard,	Frye,	Johnston,	Slater,
Beck,	Garland,	Jonas,	Vance,
Butler,	George,	Logan,	Vest,
Call,	Groome,	Maxey,	Walker,
Cockrell,	Grover,	Pendleton,	Williams.
Coke,	Harris,	Pugh,	

ABSENT—25.

Aldrich,	Hampton,	Lapham,	Saulsbury,
Camden,	Harrison,	McPherson,	Van Wyck,
Cameron of Pa.,	Hill of Georgia,	Miller of Cal.,	Voorhees,
Edmunds,	Jones of Florida,	Miller of N. Y.,	Windom.
Fair,	Jones of Nevada,	Morgan,	
Gorman,	Kellogg,	Platt,	
Hale,	Lamar,	Plumb,	

So the motion was not agreed to.
The PRESIDENT *pro tempore*. This is a final disposition of the motion to reconsider.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. No. 2313) authorizing the Sioux City and Pacific Railroad Company to construct and maintain a railroad bridge over the Mississippi River.

The message also announced that the House had passed the following bills:

A bill (S. No. 841) to provide for the payment of the salaries and compensation of members of the Houses of Congress and their officers and employes in certain contingencies; and

A bill (S. No. 1608) authorizing the Texas and Saint Louis Railway Company to build certain bridges in the State of Arkansas.

The message further announced that the House had passed a bill (H. R. No. 6518) making the Sergeant-at-Arms a disbursing officer, and for other purposes; in which it requested the concurrence of the Senate.

PRESIDENTIAL SUCCESSION.

Mr. HOAR. I ask leave to introduce a bill for reference to the Committee on Privileges and Elections. The bill is a very important one, and as it is a very short one I ask that it be read at length.

By unanimous consent, leave was granted to introduce a bill (S. No. 2035) to provide for the performance of the duties of the office of President in case of removal, death, resignation, or inability both of the President and Vice-President; which was read the first time by its title and the second time at length, as follows:

Be it enacted, &c., SECTION 1. In case of removal, death, resignation, or inability of both the President and Vice-President of the United States, the Secretary of State, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Treasury, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of War, or if there be none, or in case of his removal, death, resignation, or inability, then the Attorney-General, or if there be none, or in case of his removal, death, resignation, or inability, then the Postmaster-General, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Navy, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Interior, shall act as President until the end of the term for which the President whose place shall have been made vacant shall have been elected.

SEC. 2. The preceding section shall only be held to describe and apply to those officers who shall have been appointed by the advice and consent of the Senate to the offices therein named.

SEC. 3. Sections 146, 147, 148, 149, and 150 of the Revised Statutes are hereby repealed.

Mr. ANTHONY. I suppose it was intended to name the members of the Cabinet in their order. The Secretary of the Navy I see is put after the Postmaster-General. He should be higher up.

Mr. HOAR. The bill names the members of the Cabinet in the order in which they originally became members of the Cabinet, and substantially in the order of their public importance. The Secretary of the Navy was not originally an officer under Washington's administration. The Postmaster-General was an officer under Washington's administration, but was not invited to meet with the Cabinet until a much later day. On the other hand, the Attorney-General, always one of the most distinguished officers in the Government, was a member of the Cabinet from the foundation of the Government, and when the Department of Justice was created he was placed below the other members of the Cabinet. The bill restores the original order of the creation of those offices, and it has a twofold advantage.

In the first place, it insures in all human probability the existence of an officer competent to succeed to the Presidency. In the next place, it is a protection to the Presidential office, because no person would aim at the life of the President for the sake of changing the existing administrative policy which the people are supposed to have sanctioned and desire to prevail for four years in their selection for the Presidency.

The Secretary of State is usually the most or almost the most distinguished member of the party which has elected the President. He is the President's chief adviser and choice, and is always one of the most distinguished citizens of the Republic.

The difficulty with the present method is twofold, if I may be permitted to add one word, as the Senator from Rhode Island has called attention to it.

In the first place, if there should be a vacancy in the office of President of the United States as now filled, that office would be held by the Presiding Officer of the Senate, whoever he might be, until an election, which the law provides shall take place. If there were to be a new election of President in the intermediate year, between the years of the election of members of the lower House, the whole historic calendar, our olympiad, would be changed. The President and Vice-President would be elected for a full term of four years. That term might begin in the middle of a term of the House of Representatives, in the middle of a Congress, and the terms of the offices which now expire with the Presidential term, or very soon after, would expire in the middle of the Presidential term and create great confusion. There are a great many instances of confusion which I might name which I will not detain the Senate by naming now.

The other difficulty in the present arrangement is, that the office of President is devolved upon an officer whose duties, if he shall perform them, require the whole of his time in their discharge, because under one construction, and probably the correct one, the Acting President of the United States must be actually presiding in the Senate, or in case the office devolve upon the Speaker of the House, in the House of Representatives, while he is exercising and discharging the functions of the great executive office at the same time.

In the next place, it devolves upon an office changeable day by day, at the pleasure of this body, and the relation for that portion of the Presidential term of the Presiding Officer of the Senate to the executive duties of the President, it seems to me, would be found on trial totally inadmissible, and that an experience of the present arrangement would be enough to make it the duty of Congress to change it as soon as possible.

On the other hand, all the less important of the duties of the Secretary of State's office could naturally be performed by subordinates, by assistants selected with reference to those duties; and he is the person to whom the public would naturally look as qualified by reason of having been selected for the next greatest executive office of the country by the President of the United States to succeed to the Presidency and to carry out the policies of the President himself. Neither of the two great political crimes in this country which have stricken down a President of the United States while holding his office, would have been committed if the person committing the crime had known that the Secretary of State, instead of some other functionary, would have succeeded to the Presidential office.

Mr. GARLAND. Mr. President, what is the question now pending?

The PRESIDENT *pro tempore*. The question is on the motion to refer the bill to the Committee on Privileges and Elections.

Mr. GARLAND. I am very glad to see that the Senator from Massachusetts concurs with me in his views in reference to this very important matter. Last January I introduced a bill not only substantially but almost identically such a bill as he has introduced here, and I advocated it something more than half an hour by the clock, showing the necessity of descending the Executive office through executive channels. That bill, with a resolution introduced by the Senator from Texas to my right [Mr. MAXEY] and one by the Senator from Kentucky, [Mr. BECK,] was referred to the Committee on the Judiciary. That committee has had the subject under investigation.

I will move to strike out in the motion made by the Senator from Massachusetts "the Committee on Privileges and Elections" and to insert "the Committee on the Judiciary" in lieu thereof. The subject has been there now for over four months, and the members of that committee have from time to time considered it. I am very glad that the Senator from Massachusetts has undertaken to investigate this matter, since he has been added to the Judiciary Committee recently and he is quite an acquisition to that committee, as he would be to any other committee.

I move that "the Committee on the Judiciary" be substituted for "the Committee on Privileges and Elections" in the motion to refer the bill.

Mr. HOAR. I was not aware when I introduced the bill that the Senator from Arkansas had introduced any bill on the subject, and I was not aware that the Judiciary Committee were considering the subject. I suppose that it is very unlikely, with the large number of matters which it is well known the Senate have committed to that committee, that they will be able to deal with the subject at the present session or make any recommendation to the Senate. I suppose the Senator from Arkansas hardly himself expects a report, especially in the absence of the chairman of that committee; so that to refer this to the Committee on the Judiciary would be to send it to the tomb of the Capulets.

Mr. GARLAND. Not at all. If the Senator will allow me to interrupt him—

Mr. HOAR. Let me finish my remark, if the Senator please.

Mr. GARLAND. Certainly.

Mr. HOAR. But I am entirely sensible of the discourtesy of referring to one committee of the Senate a matter which is already under consideration in another, and I certainly should not have made the motion if I had been aware that the Judiciary Committee were considering the subject. I should, however, very much prefer, if the Senator from Arkansas would consent, to have the matter sent to a special committee to be appointed by the Chair; and if that motion should prevail I should request that I be not put at the head.

of it, as other members have previously introduced bills on the subject. Perhaps the Senator from Arkansas will consent to that disposition of the matter.

Mr. GARLAND. I think the matter had better remain where it is, because I know some members of the Committee on the Judiciary have been looking into it and it has been there, as I said, over four months. I should have much preferred originally to have had a special committee on this subject myself, but as we did not get it, and as the matter has gone to the Judiciary Committee, there is no reason why the committee will not act upon it, if we can get a quorum there; and now that the Senator from Massachusetts is one of the committee, I am satisfied that we can act on the subject before the final adjournment takes place. Let the whole matter be referred to the Committee on the Judiciary.

Mr. HOAR. I will withdraw my motion so as to refer the matter to the Judiciary Committee, but I have not myself the slightest belief that the subject will be heard of again this session. I doubt whether the Senator from Arkansas has.

Mr. GARLAND. I am very glad, then, that the Senator has brought it up, for I wanted it brought up.

Mr. HOAR. The Senator will not say he has a belief that the subject will be heard of again this session.

Mr. ANTHONY. I did not mean by the remark I made upon the order of the succession to indicate an opposition to the bill. On the contrary, I am strongly in favor of the proposition. In some remarks which I had the honor to make in the early part of the session I indicated this mode of Presidential succession, but I think the Secretaries should be named in the order of their rank. That, however, may be called almost a verbal criticism, which can be disposed of when the bill is considered.

Mr. President, I will say that I think, considering the difficulties and dangers which surround this matter, the undecided and disputed questions involved in it make it almost criminal for us to adjourn without passing some bill of this kind, providing for the Presidential succession, so that there will be no danger of anarchy. I do not think there would be anarchy, because the good sense of the American people would preserve their Government, but we should obviate the great difficulties and disputes which now surround the question. The worst political contests which have occurred in history have arisen from a disputed succession, and certainly it does not comport with the wisdom and patriotism of this body to allow such dangers to exist any longer.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on the Judiciary by the request of the Senator from Massachusetts.

BILLS INTRODUCED.

Mr. FARLEY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2036) for the relief of Charles Murphy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McDILL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2037) to amend the military record of Samuel S. Troy; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLAIR (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2038) for the erection of a statue in the city of Washington to the memory of Benjamin Franklin; which was read twice by its title, and referred to the Committee on the Library.

Mr. MILLER, of California, (by request,) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2039) for the relief of Arthur L. Fish; which was read twice by its title, and referred to the Committee on Claims.

Mr. HILL, of Colorado, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2040) repealing section 3961 of the Revised Statutes and the proviso of section 2 of the act providing for a deficiency in the appropriation for the transportation of mails on the star routes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. JONAS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2041) for the relief of the heirs of Manning R. Ariail and Sarah Fish, deceased; which was read twice by its title, and, with the accompanying memorial, referred to the Committee on Claims.

Mr. INGALLS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2042) for the relief of the heirs of James H. Shreve, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

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

BRIDGES OVER WILLAMETTE RIVER.

The PRESIDENT *pro tempore*. If there be no further morning business the Senate will proceed to the consideration of the Calendar.

Mr. SLATER. Before proceeding to the consideration of business under the Anthony rule I desire to ask consent of the Senate to call

up Senate bill No. 1681. It will take but a moment, being a local bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1681) to authorize the Oregon Pacific Railroad Company to construct one or more bridges across the Willamette River, in the State of Oregon, and to establish them as post-roads.

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

That it shall be lawful for the Oregon Pacific Railroad Company, a corporation created and existing under and by virtue of the laws of the State of Oregon, to build one or more bridges across the Willamette River, in said State, at such points, not exceeding two, between Salem and the head of the navigation of said Willamette River, as may be selected by the said railroad company, and to lay on or over said bridge or bridges railway tracks for the more perfect connection of the railway tracks they may hereafter build to the points to be selected for crossing the said river.

SEC. 2. That any bridge built under the provisions of this act may, at the option of said railway company, be built as a draw-bridge, or other form of draw, or with unbroken or continuous spans: *Provided*, That if any such bridge shall be made with unbroken and continuous spans, the spans thereof over and above the channel or channels of said river shall not be less than two hundred feet in length in the clear, and the main span shall be over the main channel of the river. The lowest part of the superstructure of said bridge shall be of such height above extreme high-water mark, as understood at the point of location, as the Secretary of War may prescribe, and the bridge shall be at right angles to and its piers parallel with the current of the river: *Provided*, That if any bridge built under this act shall be constructed as a draw-bridge the same shall be constructed with an opening over the center of the channel of at least one hundred feet in the clear, and the piers of said bridge shall be parallel with the current, and the draw of said bridge shall be over the main or deep channel of the river, as may be fixed and determined by the Secretary of War: *Provided also*, That said draw shall be opened promptly upon reasonable signal for the passage of boats, and in no case shall unnecessary delay occur; and said company or corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe: *And provided also*, That said bridge, at the option of the corporation or company by which it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War.

SEC. 3. That any bridge authorized to be constructed under this act shall be a lawful structure, and shall be recognized and known as a post-route, and it shall enjoy the rights and privileges of other post-roads in the United States, and shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving for the space of one mile above and one mile below the proposed location the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

Mr. CONGER. I desire to inquire if this is the bill reported from the Committee on Commerce?

Mr. SLATER. It has been so reported by, I believe, a unanimous vote.

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.

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. GARLAND. Mr. President, the presentation of the matters contained in this resolution by the Senator from Texas [Mr. MAXEY] yesterday was so thorough and complete that it is not worth while for me, or for any one else, to undertake to speak in reference to the general features and principles of this measure with a view at least of giving any new or additional light on the subject, and my duty now is narrowed down to a very small circle, having introduced the original resolution, which has been reported back by the committee through the Senator from Texas with several amendments. Indeed I should not have said a word in addition to what I said on Friday last, except for the very pertinent question that was put by the Senator from Wisconsin [Mr. CAMERON] in reference to the decision of the Court of Claims touching these matters, and I wish the attention of the Senator from Wisconsin, as well as of all other Senators who desire to comprehend this matter, upon this particular point.

I stated on last Friday that the decision of the Court of Claims in the case of Huffman, when examined, would furnish a complete justification for any Senator in voting for this resolution, inasmuch as my opinion was that the Court of Claims had established the rights of these persons to a judgment against the Government, notwithstanding the appropriation under the act of March 3, 1877, has lapsed into the Treasury. Now I repeat that assertion.

The Senator from Wisconsin, in submitting his question to the Senator from Texas yesterday, seemed to doubt whether or not the broad statement I had made on last Friday was borne out by the decision

in the Huffman case. Technically speaking, and applied to the Huffman case alone, it is not borne out; but in all that the court say in Huffman's case, and in what they there refer to with approval in their previous decisions, it is borne out; and that I wish the Senate to understand. Huffman's case was a case for carrying the mail in the State of Kentucky, announced as a non-seceding or adhering State, in which the Court of Claims said that the rule of law would apply there as it would if the case was an ordinary one between individuals; that the claimant would not have to prove in the court that he had not been paid, but that the party who had made the payment must prove that it had been made. But when it came to the other cases, the cases of carrying the mails in the seceded States, by virtue of the language of the act of 1877, which required the party to show that he had not been paid, the onus of proof of non-payment was shifted to the claimant instead of being on the defendant. I call the attention especially of the Senator from Wisconsin to the language of the court. He cited correctly the fourth finding of fact in Huffman's case and what the court there stated. Now, if the Senator will look down through the same column on the same page, near the bottom, he will find that the court say:

In the case of Hukill (16 C. Cls., 562) the court, when interpreting this statute, reached two general conclusions: first, that the court has jurisdiction of cases arising under it; and second, that the provision declaring that those claims "which have been paid by the Confederate States government shall not be paid again," when interpreted in connection with certain confederate statutes directing payment of the same, casts upon the claimant the burden of showing that his claim was not paid. We see no reason now for doubting the correctness of either conclusion—

That is, that the court had jurisdiction, and that the claimant must show that he had not been paid—

but the latter is applicable to cases like Hukill, where the route was within a seceded State, and is not applicable to a case like the claimant's, where the service was rendered in the State of Kentucky. Neither the reasoning of the court nor the language of the confederate statutes extends to the case of a contractor whose route and service were both extraterritorial to the power and authority of the confederate government.

That is the distinction between the class of cases. Hukill, being a mail contractor in the seceded States, must show to the court that he had not been paid; Huffman, being a contractor in Kentucky, an adhering Union State, was not under that burden, and the Government must show that he had been paid if he had been. Now, I call the attention of the Senate to the Hukill case as reported in the sixteenth volume of Court of Claims Reports, page 565:

So, in effect, by that appropriation, said Congress to those contractors, well knowing when it did so that, unless it so said, there was no possible way for them to get payment through executive action, and that their right to invoke the aid of this court had long before been barred by existing law.

Did Congress intend that that recognition of the legality and justice of those claims should be annulled unless the parties succeeded in getting payment before the end of two years? We think not. Beyond doubt the authority to take the money out of the Treasury for such payment under that appropriation lapsed at the end of two years; but the right of the parties to assert and maintain their claims, once recognized and affirmed by Congress, became thenceforth, in virtue of that act, an acknowledged right against the United States, which this court is bound to take cognizance of under its general power "to hear and determine all claims founded upon any law of Congress."

That is by the court finding the right of action in Hukill. Hukill's case is just one case that would be covered by this joint resolution if passed. He was a mail contractor in the State of Arkansas, one of the seceded States. The court has found his right to come into the court and bring his suit.

But while we thus affirm our right to take jurisdiction of a claim of this description, we are met by a difficulty to which we will now refer.

But for the proviso to that section we should not probably hesitate in rendering a judgment in the claimant's favor for the amount standing to his credit on the Auditor's books; but that proviso, in connection with another matter, presents an obstacle which we do not see our way clear to overcome.

In our opinion, the effect of the proviso is to require from the claimant, at least, some evidence to raise a reasonable presumption that the claim was not paid by the so-called Confederate States government. On that point the claimant at the trial offered no evidence whatever—

He rested his case just as Huffman rested his—

though his petition avers that the claim was not paid by that Government, or by any government, or pretended government, of any State.

Not only is there an entire absence of any such evidence but we have had brought to our notice two acts passed by the Congress of the Confederate States.

Then the court copies these acts and sums up thus:

In our judgment, the defendants, [the United States,] in any such case as this, are entitled to the benefit of the presumption that every United States mail contractor, on routes within the insurrectionary States, who came within the terms of those two laws, did receive full payment from the insurrectionary government of all that had been earned by him under his contract, prior to the time when the State in which his route lay declared its secession from the Union.

As before intimated, the claimant has not, in the least degree, attempted to meet and rebut that presumption, though the necessity for doing so is plainly indicated on the face of the very statute under which he seeks to maintain this suit.

Mr. President, had Hukill shown that he had not been paid, the court by its very language would have rendered a judgment in his favor against the Government. The court failed to render that judgment because Hukill failed to present this testimony in view of the proviso in the act of 1877. This joint resolution has more than that proviso. This joint resolution puts the burden of the negative upon the claimants that they must show that not only the Confederate States did not pay them but that not one of the States separately paid them. So we admit that if one of these claimants goes

into the Court of Claims and fails to show that he was not paid, he must lose his case; but if he makes this proof that he was not paid, under the decision in the sixteenth volume of Court of Claims Reports, he is entitled to his judgment.

That is all this resolution undertakes to do. It fastens this burden of proof on the claimant stronger than the proviso in the act of 1877, because he must not only negative the payment by the confederate government but he must negative by pleading and by proof the payment by any one of the individual States of those seceded States where his contract may have been executed. Now, does the Senator from Wisconsin understand the difference between these two cases?

Mr. CAMERON, of Wisconsin. I understand the difference perfectly. I did not examine the case in the sixteenth volume of Court of Claims Reports until this morning. The Senator, I think, has stated the decision in each case correctly.

Mr. GARLAND. I did not read the Hukill case before, because the Huffman judgment being the last decision of the court, and having had that incorporated in the RECORD, I supposed Senators could examine it for themselves.

This restriction now is more extensive and is more comprehensive than the restriction in the act of 1877. Not only that but the restrictions in this joint resolution are more extensive, more comprehensive in several particulars than any that were contained in the act of 1877, and I insist that there is not a possibility under this joint resolution of fraud being perpetrated on the Government.

I insist that the fears which were entertained and expressed the other day by the Senator from Michigan [Mr. CONGER] in reference to this matter are utterly and entirely groundless. There never was in the history of legislation, in my humble judgment, a bill providing for the assertion of a right that was guarded by so many restrictions, and in which so many burdens were thrown on a claimant in asserting his right, as there are in this joint resolution. But yet apparently such a departure as it is from the ordinary rules of procedure in matters of this kind, in order that these persons may be paid their money, and receive what they have honestly earned under their contracts, the friends of the measure are willing that these restrictions should be incorporated in the joint resolution.

Now, Mr. President, the Senate is brought to this alternative conclusion to settle the matter in this way, or send each of these individual claims to the Court of Claims, a litigation that in seven cases out of ten would eat up the entire amount involved by costs and expenses. Some of the claims are under \$100. Will the Senate compel these persons to go to the court to litigate these claims, or will they prescribe a means of settlement before the Department such as is contemplated by this joint resolution?

Mr. President, this measure has received the sanction heretofore of Congress in a well-matured bill, when the two Houses of Congress were divided between the parties, and it received the sanction of a Republican President by his signing the bill, and it has received the sanction repeatedly of the Court of Claims, and if any person comes in with his claim and does not make this negative proof, he must lose his case.

The Senator from Texas yesterday stated the case of the payment of marshals down in that country. Other instances could be given to illustrate it, and this proposition does not offer, in my judgment, any room for ventilating the war, or anything that grew out of the war, and the Senate will have to excuse me from venturing upon anything of that sort. It is simply an assertion of a plain matter of right heretofore recognized by the departments of the Government, the legislative and the executive branches of the Government, and by a part of the judicial branch, and we simply ask now to make this right available so that these persons will not waste in going to the Court of Claims the small sums that are due them. That is all I desire to say.

Mr. CAMERON, of Wisconsin. Mr. President, I am not a member of the committee to which this case was referred, and from which the favorable report came. My attention was called to the resolution when it was under discussion last week. I noticed the statement made by the Senator from Arkansas that all these claimants can go into the Court of Claims and recover their respective claims in that court. I thought at that time, if that were the law there really was no justice in compelling all these claimants to resort to the Court of Claims for the purpose of enforcing their respective claims. The Senator referred to the case of Huffman, who was a contractor during the years 1859, 1860, and 1861 for carrying the mails on a certain mail route in the State of Kentucky. The finding of facts and the conclusions of law in that case were printed in the RECORD of last Saturday. I examined those findings and became satisfied, and the Senator now admits that the decision in that case is not broad enough to cover all the claims which would be paid under the provisions of this joint resolution.

In 1867 Congress passed an act which is now incorporated in the Revised Statutes as section 3480. That act provides:

It shall be unlawful for any officer to pay any account, claim, or demand against the United States which accrued or existed prior to the 13th day of April, 1861, in favor of any person who promoted, encouraged, or in any manner sustained the late rebellion, or in favor of any person who during such rebellion was not known to be opposed thereto, and distinctly in favor of its suppression; and no pardon heretofore granted, or hereafter to be granted, shall authorize the payment of such account, claim, or demand until this section is modified or repealed.

In 1877 Congress passed the act which has been referred to several times. It was incorporated in the sundry civil appropriation act, passed March 3, 1877. That act provides:

That the sum of \$375,000, or so much thereof as may be necessary, be appropriated to pay the amount due to mail contractors for mail service performed in the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Texas, Tennessee, and Virginia in the years 1850, 1860, 1861, and before said States respectively engaged in war against the United States; and the provisions of section 3480 of the Revised Statutes of the United States shall not be applicable to the payments herein authorized: *Provided*, That any such claims which have been paid by the Confederate States government shall not be again paid.

The case of Hukill, reported in the sixteenth volume of the Court of Claims Reports, at page 562, to which the Senator from Arkansas has referred, was the case of a mail contractor, as he stated, in the State of Arkansas. The Court of Claims in this case held that by virtue of the act of 1877 these contractors have a standing in court and can enforce their claims in the Court of Claims, but they held that under that act it was necessary for contractors in the seceding States to prove affirmatively that they did not receive pay from the Confederate States government or from any of the Confederate States. The claimant in this case offered no evidence upon that point, and consequently he did not recover in the Court of Claims. This case, so far as I know, was not appealed, and I am not willing to conclude that it is a correct interpretation of that law. Until the case is decided by the Supreme Court of the United States, I will take the liberty of differing from the conclusion of the Court of Claims.

But there is another difficulty about this case. This resolution provides "that no payments shall be made after the claimants ceased to carry the mails for the United States; nor for mail service rendered after May 31, 1861." Under this all the mail contractors in the States named in the resolution will be entitled to payment for all their services rendered in carrying the mails prior to the last day of May, 1861. The Court of Claims do not hold in the Hukill case that the claimants can recover up to that time. They only hold that they can recover up to the time that the Confederate States made war against the United States.

Now, it is important to know when the ordinances of secession in the several seceding States were passed. I have looked up that matter, and I find that the ordinance of secession was passed by Alabama on the 11th day of January, 1861; by Arkansas on the 6th day of May, 1861; by Florida on the 10th day of January, 1861; by Georgia on the 18th day of January, 1861; by Louisiana on the 26th day of January, 1861; by Mississippi on the 9th day of January, 1861; by North Carolina on the 20th day of May, 1861; by South Carolina on the 20th day of December, 1860; by Tennessee, as near as I can get at it, on the 8th of June, 1861; by Texas on the 1st of February, 1861; by Virginia on the 4th of April, 1861.

Mr. JOHNSTON. That is a mistake as to Virginia. It was on the 19th of April, I think.

Mr. CAMERON, of Wisconsin. No; it was on the 17th. I beg pardon. The convention was called April 4, 1861; and it passed the ordinance of secession April 17, 1861.

Mr. JOHNSTON. But the ordinance itself provided that it should not take effect until it was submitted to the people, which was some time after.

Mr. CAMERON, of Wisconsin. It is a question whether those States were in rebellion and had commenced war against the United States at that time or prior or subsequent to it. It was held by the Supreme Court of the United States in the Prize Cases (2 Black, p. 636) that the war commenced with the President's proclamation of blockade, of April 27, 1861; so that it would seem by that decision of the Supreme Court in the Prize Cases that war commenced as early as the 27th of April, 1861, more than one month prior to the time fixed in this joint resolution for which the claimants are entitled to recover for their respective claims.

Mr. MAXEY. The Senator will remember that I stated yesterday that the United States everywhere and under all circumstances had denied the validity of any of the acts of secession. The Senator will remember that in the celebrated case as to the United States bonds ordered to be issued to Texas in 1850, reported in 7 Wallace, the Supreme Court decided that the States were never out of the Union. Then it is simply reduced down to a question of fact—

Mr. CAMERON, of Wisconsin. That is a question I do not think it worth while to go into now.

Mr. MAXEY. Here is the point I am trying to reach. It is simply reduced to a question of fact. The United States having recognized and claimed the right to run the mails in those States, notwithstanding the acts of secession, if the fact exists that they did run the mails to the 31st of May, 1861, and if these men carried the mail under contracts with the United States Government, are they not entitled to their pay?

Mr. CAMERON, of Wisconsin. I do not think that is the only question there is in this matter by any means. The act of 1877 provided only that these claims should be paid to contractors who carried the mails prior to the commencement of the war against the United States. Then the question is important, when did the war against the United States commence? I think for the purposes of this case it would be no great stretch to hold that it commenced at the time of the adoption of the respective ordinances of secession; but at any rate I think there can be no doubt under the decision of the Supreme

Court in the Prize Cases that it commenced on the 27th of April, 1861.

Without the act of 1877, in the opinion of the Court of Claims, these claimants would have no standing whatever in court. Whatever standing they have in court they get under and by virtue of the act of 1877. The Court of Claims has held that under that act that court has jurisdiction of these cases and that the claimants in the seceding States can recover if they prove affirmatively what they are required to prove under the proviso of that act.

As I stated before, until this question is decided by the Supreme Court of the United States I shall not accept it as the correct interpretation of this act; so that I do not agree with the Senator from Arkansas that all these claimants can sue the United States and recover the amount of their respective claims in the Court of Claims. I will wait until it is decided by a higher court.

Mr. SHERMAN. I now submit the amendments of which I gave notice.

The PRESIDENT *pro tempore*. The amendments are at the Secretary's desk.

Mr. SHERMAN. Let the first one be read.

The ACTING SECRETARY. In line 10, after "1861," it is proposed to insert "and before said States respectively engaged in war against the United States."

Mr. SHERMAN. Let the amendments all be read now.

Mr. GARLAND. So far as those who support the resolution are concerned we have no objection to the amendment just read.

Mr. MAXEY. I simply want to say in regard to that, as I have stated time and again, that if one of these claimants ever got any pay we do not want him to have it again; and if any State was in a condition of war which rendered it necessary to stop carrying the mails, then as a matter of course in a case like that he ought not to be paid any further than to the time the war actually broke out. So I see no objection to that amendment.

The PRESIDENT *pro tempore*. The remaining amendments of the Senator from Ohio will be read.

The ACTING SECRETARY. In line 20, after the word "made," it is proposed to insert "in whole or in part," and in line 22, after the word "date," to insert "nor for services rendered in any State after the Legislature of such State or any State convention therein had passed a so-called ordinance of secession;" so as to read:

Provided, That no payments shall be made after the claimants ceased to carry the mails for the United States; nor for mail services rendered after May 31, 1861, when discontinuance was ordered by the Postmaster-General; nor where payments were made in whole or in part by the confederate or any State government for mail services rendered prior or subsequent to such times or said date; nor for services rendered in any State after the Legislature of such State or any State convention therein had passed a so-called ordinance of secession.

Mr. SHERMAN. Mr. President, I am not disposed to deny the obligation of the United States to pay for services rendered to the United States in the Southern States prior to actual secession or war. The contracts were subsisting, and I know of no law confiscating debts due from citizens of the Southern States to the United States. The Senator from Massachusetts thought there was a provision of that kind, but I do not know of any. Assuming that there was none—

Mr. HOAR. The Senator will pardon me. The Senator alludes to me, I suppose?

Mr. SHERMAN. Yes, sir.

Mr. HOAR. The suggestion which I made to the Senator in private, and which I am very happy to make in public, was this: I understand that under the law of nations, as formerly practiced, every debt due from a citizen of an enemy's country to any citizen of the other belligerent was confiscated as a matter of course and was seized upon; that is, the citizen owing the debt was compelled to pay it to his government. In modern times the hardness of the laws of war is so far corrected that unless there is an express declaration or affirmation of that policy, it does not prevail; and it is not a defense to a debt contracted by a citizen of Great Britain, for instance, with a citizen of the United States that their two countries have been at war, after peace is restored, unless the Government has actually elected to confiscate the debt.

We did, as I understand, make provision for the confiscating of debts due; so that our Government elected to that extent to pursue the harsher old policy, and there are numerous instances of proceedings in the district courts of the United States adjudging and ordering that Northern debtors, loyal debtors dwelling in loyal States, should pay debts due by them to persons dwelling in the States in rebellion who were enemies to the Government. A good many of these proceedings have been held invalid for want of some technical regularity, but a great many such proceedings took place. My point is, that when the United States passed an act declaring that debts due from loyal citizens to the citizens of States in rebellion were confiscated to the Government and providing for a process, that very statute was *ipso facto* an assertion of the policy and operated to put in motion the old rule of the laws of war making every debt due from the Government itself to the citizen of a State in rebellion confiscated and forfeited; so that it was a legal extinguishment; the state of war and the assertion of this policy by the Government were a legal extinguishment of all such debts.

That is entirely independent of the question whether under the particular circumstances this Government will elect to revive them,

because in either case it requires an act of legislation, as every one will concede.

Mr. GARLAND. I wish to make a statement to the Senator from Ohio in that connection. I do not know whether it will have anything to do with his views or not. The Senator from Massachusetts stopped short of one very important feature necessary to complete and carry out the doctrine of confiscation. The Supreme Court decided expressly, in 20 Wallace's Reports, in confiscation cases that notwithstanding the Government had declared that policy, it must take an actual proceeding necessary to enforce it, and if there was no proceeding, no action to enforce it, the declaration or assertion of the principle amounted to nothing.

Mr. HOAR. That is as between private citizens.

Mr. SHERMAN. Mr. President, I am very glad to have brought out from the Senator from Massachusetts his view of the law of confiscation. I understand it to be that no debt due from a citizen of the Southern States was confiscated, whether due to the United States or to an individual, unless judicial process during the existence of the law was taken in court and there was a judgment of the court pronouncing confiscation in the particular case. That I understand to be the law, and I take it that the United States has never confiscated a debt due to a citizen of the late Confederate States that was due and payable before the breaking out of the war. If there have been cases of that kind, my attention has never been called to them. I do not think it would be right to confiscate such debts. After the war was over, a proclamation of amnesty was issued and there was a general release of all imperfect confiscations or of confiscations that had not been enforced by legal process. So that to the extent that there was money due to these mail contractors, actually due from the United States before the breaking out of the war, I think the Government of the United States might properly provide for the payment of that money now, whether they were actually rebels or not.

But this resolution goes far beyond that. It assumes that the United States should pay for all the mail services rendered in the Southern States up to the last day of May, 1861.

Mr. SAULSBURY. The Senator will allow me to call his attention to the amendment inserted by the committee:

Provided, That no payments shall be made after the claimants ceased to carry the mails for the United States.

Mr. SHERMAN. As a matter of course, that would be the common law.

Mr. SAULSBURY. So that if these men carried the mail for the United States after the secession of a State, this amendment would deprive the party who had complied with his contract and carried the mail of the United States of any right against the Government.

Mr. SHERMAN. Here is a resolution expressly declaring that all payments accruing under contracts that existed during certain years, including 1861, accruing on those contracts by the terms of the contracts shall be paid.

Provided—

And here is the limitation—

That no payments shall be made after the claimants ceased to carry the mails for the United States; nor for mail services rendered after May 31, 1861, when discontinuance was ordered by the Postmaster-General.

What I object to in this resolution is that it would practically, in effect, require the payment by the Government of the United States for all the mail service rendered until that date, because these contracts were nominally subsisting; the contracts on their face covered this time and until the Postmaster-General formally abrogated the contracts and declared the abrogation undoubtedly claims could be presented.

In my judgment it would be not only wrong but outrageously wrong for the United States to pay for mail services carried on in South Carolina after the firing upon Fort Sumter, because there was an act of war, and every contractor who carried the mail knew that that was war; and it would be equally wrong to pay for services rendered in South Carolina after the ordinance of secession—it was first adopted in that State—because that ordinance of secession was supported by the whole people of the State of South Carolina, and the Government of the United States had not and could not exercise one single item of power within that State after that ordinance of secession, without open civil war. We held the forts there, after the ordinance, only by war, and were finally defeated in that incipient war.

Mr. MAXEY. Will the Senator allow me to interrupt him? I dislike to do it, but I will call the Senator's attention to the fact that this joint resolution provides by the amendment of the committee that the party shall not be paid any longer than up to the time he ceased to carry the mail for the United States. The Senator takes the position that he may not have carried the mail to the 31st of May. It is the duty of every postmaster along the route to make a report of every failure that is made, and the evidence of failure is therefore in the Auditor's office and the contractors are fined so much for every failure.

Mr. SHERMAN. The Senator does not understand my argument.

Mr. MAXEY. But I beg to ask if, notwithstanding the ordinance of South Carolina, or any other State, the contractors actually did carry the mails, and did do it under their contracts and by order of the Government, should not the Government pay for it?

Mr. SHERMAN. The Senator does not understand me. It makes no difference to the United States whether after the ordinance of secession the mails were carried there or not. Practically that ordinance of secession superseded all practical *de facto* power there; it was not *de jure*, because it has been decided by the Supreme Court.

Mr. MAXEY. Then the Government ought to have ordered the mails to stop.

Mr. SHERMAN. Please do not interrupt me. According to the decisions of the Supreme Court, and according to well-known law, all those ordinances of secession were null and void, but in fact those States were recognized as belligerents; not only that but they were really belligerents, because they had absolute power and control in their States after the ordinances of secession, and no act of power was done by the United States in these respective States after their ordinances of secession. Now, sir, up to the time when these affairs occurred, or when the ordinance of secession was promulgated, I believe the United States ought to pay for this mail service; but the ordinance of secession was a public act, known to every citizen within those States, it was observed by every citizen in those States, and no mail contractor in the State of South Carolina, or any other seceded State, carried the mail one day after the ordinance of secession was adopted in that State, with any expectation of receiving any money from the United States for the carrying of that mail.

Mr. SAULSBURY. I ask the Senator whether the ordinance of secession of South Carolina was not about the 20th of December, 1860, whereas actual war did not commence until some time in April, 1861? Is it not the fact that the contractors in South Carolina not only carried the mail but the postmasters there made their quarterly returns during that period to the Department here? I understand that the books of the Department show precisely the amount due to the various contractors. I understand that the accounts were properly kept, and they show exactly on the books of the Department what is due under the contracts to each contractor.

Mr. SHERMAN. The moment the ordinance of secession passed in a State, the people of the State, contractors as well as others, everybody concerned in those contracts, did not longer look to the United States, although no doubt for a month or two the returns might have been made; and long before the time fixed by this resolution all our power had ceased there, and no contractor carrying on work in those States looked to the United States. Indeed they no doubt were in heart in sympathy with the people of the State, and they participated, so far as they did any act, probably in acts of rebellion. But I waive all that.

But after an ordinance of secession, it is sufficient to say that the contract then was changed by the only thing that can change a contract, either the act of God or the king's enemy. Here was the act of the enemies of the country who changed the contract by assuming all the powers of the National Government within certain limits. The people in that State never looked to us after that time, never expected after that time the enforcement of a contract with the United States. We may reasonably presume so; all the presumptions of fact and of law would be in favor of their acquiescing in this abrogation of a contract with the United States; and, whether they consented or not, they belonged to a State which was from the date of the ordinance of secession waging war against the United States, and therefore they had no claim either in law or equity for any matter growing out of any contract with the United States, because they all knew that from that time forward the United States had no interest in the enforcement of that contract. It was an abrogation of a contract by the king's enemy; and I believe the only two grounds upon which an honest contract once made can be broken are, that it is put an end to by the act of God or the king's enemies, or the circumstances have changed.

I think, with the amendments I have indicated and with a careful examination of the confederate records to see how far these men have been paid, this resolution would probably be an act of justice. I am told that many of these contractors were loyal men. Whether they were loyal men or not, they would be entitled to the benefits of this resolution, and up to the time when the power of the Government of the United States was practically superseded in these States, I would be willing to vote for a law to give them the money due, although I think it is rather cheeky to come in and claim that money should be expended by the Government of the United States in the Confederate States after an ordinance of secession.

Mr. SAULSBURY. I certainly do not wish any man who had a contract with the Government of the United States to come to the Treasury to be paid unless he rendered service to the Government. If, therefore, there is any one of these contractors who failed to comply with his contract to carry the mails for the United States Government, I do not want him paid. But I put a question to the Senator from Ohio, which he has not answered yet, whether it is not true in fact that some of the contractors in the seceding States after the ordinances of secession were passed and before actual war commenced and before the proclamation of the Postmaster-General of the 30th of May, did carry the mail and make their returns to the United States Post-Office Department, or hold the money subject to the order of the United States? That question has not been answered; but the Senator supposes that an ordinance of secession operated as an abrogation of a contract on the part of the Government of the United States with these contractors.

Mr. SHERMAN. I did not answer the Senator's question, because I really do not know. He is a member of the Committee on Post-Offices and Post-Roads, and can judge better than I.

Mr. SAULSBURY. I have understood that was the case. I do not know the fact.

Mr. SHERMAN. I do not know myself.

Mr. SAULSBURY. The vice of the Senator's argument is that the passage of the ordinance of secession by a State worked *ipso facto* an abrogation of the contract on the part of the Government of the United States. I take issue with him on that. It is well known that the ordinance of secession took place before actual war commenced, and that the intercourse between the people of those States and the Northern States actually went on as it had been carried on before. Correspondence was carried on through the mails as it was before, until at last actual war commenced.

Now, take the case of South Carolina. There was an ordinance of secession passed, I believe, on the 20th of December, 1860, and yet the firing on Fort Sumter did not take place until some time in April, 1861. So there was a period of three or four months when this intercourse was going on between the people of the Northern and the Southern States, correspondence being kept up through the mails carried under contracts with the Government.

If these contractors actually carried the mail, performed their part of the contract, and have not been paid, it is proper and right that they should be paid. The fact is they could not have set up the ordinance of secession as a plea in bar against a suit upon their bond. It would have been no defense whatever. They were under bond to carry out their part of the contract, and they and their sureties were liable for it. If they had set up the ordinance of secession of South Carolina it would not have been a bar to the contract, it would not have released them from their obligation to perform the contract. Neither ought it now to be invoked to release the Government of the United States from the obligation to pay for the services actually rendered.

I do not desire that any man who failed to comply with his contract, who failed to carry the mails of the Government of the United States, shall be allowed one dollar; and even after he carried them for the United States, if the confederate government, or any State of the confederate government, paid him, I do not want him to come to the Treasury of the United States and be paid again. He ought not to have it. I only want these contractors to be paid what is actually due from this Government to them under their contracts to carry the mails, and I think the resolution is sufficiently well guarded on that point. It expressly provides:

That no payments shall be made after the claimants ceased to carry the mails for the United States; nor for mail services rendered after May 31, 1861.

That was the date when the Postmaster-General abrogated the contracts, and perhaps strictly and legally speaking these parties might well claim up to that date, but we have limited it so that if they ceased to carry the mails for the United States before that date they shall not be paid; nor shall they be paid after that date, because the Postmaster-General then formally abrogated the contracts; nor shall they be paid if the confederate government, or any State in the confederate government, paid them. The committee, I think, were scrupulously exact in putting restrictions upon these claims.

Mr. CONGER. Mr. President—

Mr. GARLAND. Before the Senator proceeds I will state that so far as the friends of the resolution are concerned they are willing to accept the three amendments offered by the Senator from Ohio, [Mr. SHERMAN.]

Mr. CONGER. I desire to say a word or two more, and I shall detain the Senate but a few minutes. When this discussion commenced I attempted in what I thought a fair and proper manner to present to the Senate the objections which I had to this resolution and to ask the consideration of Senators to its provisions and to the propriety of requiring every one of us, whatever our views may have been, to consider the objections which I had stated to it, and if they were valid to recommit this resolution that it might be amended and have the sanction of the Post-Office Committee to the amendments and to the wording of the resolution, so that a safe, proper, and just measure should be perfected.

I stated that the original law of 1877 was passed hurriedly, without examination, in a rush. That was denied by the Senator from Texas. Now, I call his attention to the authority on which I rest that statement, and I do not believe when I quote my authority he will question it. I ask the attention of the Senator from Texas to the authority I have for saying that the bill of 1877 was passed, guarded as that was much more than this, in haste, and without consideration. The Senator took occasion, and I join with him in that, in his remarks in reply to mine to admit the statements I made in regard to the date of the orders of Mr. REAGAN, the former confederate postmaster-general, and to assert—in which I join very cordially—his high estimate of that gentleman's personal integrity. He even stated that what Mr. REAGAN had asserted on the floor of the House in 1878 he acknowledged afterward was a mistake, and said that Mr. REAGAN would not be guilty of knowingly making any statement unworthy of a truthful man.

I join with the Senator in that, and I am glad he has paid that tribute to Mr. REAGAN, because I wish to read in regard to the pass-

ing of the bill of 1877 in a rush, what Mr. REAGAN admitted when I charged it in the House before, for I made the same charge on February 5, 1878, in the House, that the bill of 1877 was passed without consideration. Mr. REAGAN said:

Permit me to make a statement, and I think the gentleman will see that he is incorrect:

I had said:

I say that it was passed unknown to the country, unknown, or rather I mean in opposition to the views of the Republican members of this side of the House. I will venture to say that there were not ten members of the Republicans on this side of the House who approved that change of the law, and the Record will show it if it can be found. If I recollect aright, it came at last to a point where the majority had control of it.

Then this followed:

Mr. REAGAN. Will the gentleman allow me to make a statement?

Mr. CONGER. Certainly.

Mr. REAGAN. That provision was adopted at first after some discussion by a two-thirds vote of the House.

Mr. CONGER. As to the discussion, I do not recollect it. My recollection is that it was passed, and it was afterward found that such a provision, without its meaning being understood, had been passed here in the confusion prevalent at the time and without the full knowledge of the members. That is my recollection.

Mr. REAGAN. Permit me to make a statement, and I think the gentleman will see that he is incorrect. It was passed just after the Presidential count was completed, when there seemed to be a rush of conciliation, and gentlemen upon the other side of the House voted for it as freely as gentlemen on this side.

That is the history as stated by Mr. REAGAN himself. After the Presidential count was over, and in a rush of conciliation, without much care and without much thought, the act of 1877 was passed; but it did have provisions guarding the bill which this resolution does not have, as I asserted in my opening remarks; and it has not been denied by any one as yet.

Now, sir, the amendments that have been proposed by the Senator from Ohio meet a part of the subject which I desire the Post-Office Committee to consider if this resolution shall be referred to them again to prepare a more correct bill or resolution. I had prepared a statement for the consideration of that committee if the Senate shall send the resolution back for a recommitment of the points to be provided for. I propose to have them consider whether Congress should not in this law make provision to restrict the accounting of these claims first to the time when the State in which the service was rendered engaged in hostilities against the United States; second, to the date of the secession of such State from the Union; third, to make deductions of any fines or deductions for breaches of contract which had theretofore accrued; fourth, to make deductions for the value of any United States property carried away or kept unaccounted for by the mail contractors; fifth, that all these claims should be first proved, so that it may appear how much of the appropriation of \$375,000 reappropriated by this resolution may be distributed *pro rata* and to whom it should be distributed.

I think any bill that pretends to be a fair bill for the United States and a fair bill to these contractors should have these provisions in it.

There are some other remarks which I desired to make, but in order that I may test the question by the motion which I propose to make, I will omit them now, and I move that this joint resolution be recommitted—and I do that partly by request of some of the members of the committee—to the Committee on Post-Offices and Post-Roads, together with the propositions of amendment made here, for the further consideration of the committee.

Mr. MAXEY. I trust that motion will not be adopted. I am satisfied with the agreement that has been made to accept the amendments offered by the Senator from Ohio that a very large majority of the Senate is in favor of letting the matter be settled now, and my judgment is that it will be impossible for the committee to give it any further or better investigation than they have done, and that the Senate cannot be better advised than it is to-day. Therefore I hope that will not be done. We have accepted everything that was offered that would go toward perfecting the resolution, and there is no need for a recommitment.

Mr. FERRY. Mr. President, I shall occupy but a moment or two. I desire to state that the Committee on Post-Offices and Post-Roads directed the Senator from Texas to report the joint resolution favorably for passage. It is due, however, to the committee to say that there was a division of the committee on the question when the claims for mail service against the United States expired in consequence of hostilities against the Government of the United States.

Mr. MAXEY. My colleague on the committee will pardon me a moment. The amendment of the Senator from Ohio that we accepted removes all that.

Mr. FERRY. If the Senator will allow me—and I may speak for myself that I differed in committee upon that point—I understand by what has been intimated by the Senator from Texas that the amendment offered by the Senator from Ohio covers in the main those points, but as to the division that existed in the committee there can be no question. Without expressing any opinion upon the merits of the case, except as applies to myself—for I have no right to speak of the opinions of the other members of the committee; they are competent to speak for themselves—I desire to say that my vote for recommitment for further consideration will be no intimation of any change of views on my part upon the merits of the claims of these contractors for the services they rendered before the respective acts

of secession and before the confederate government had possession of the territory over which the service was performed. For that reason simply, and believing that these claims are just for mail services rendered up to and prior to the time the services were discontinued, whether by a hostile force or by the order of the Postmaster-General, I shall vote to give the committee further opportunity to consider more carefully the question of when by acts of secession service ended for the United States, and for which such services the claimants have not received payment either from the United States or from the confederate government. With these material points properly guarded against, I shall sustain the merits of the claims; but for the purpose stated that there may not arise any question about the time service ceased and whether payments were made, I shall vote to recommit for more careful consideration of the joint resolution.

Mr. GARLAND. I ask the Senator from Iowa, [Mr. ALLISON,] who has charge of the unfinished business, to let us continue the consideration of this matter. I think we can soon dispose of it.

Mr. ALLISON. If this only takes a few minutes of time, ten, fifteen, or twenty, I shall be very glad to have it disposed of.

Mr. GARLAND. There will be no further debate.

Mr. ALLISON. If the debate is to be prolonged on this question I must call for the regular order.

Mr. CONGER. I will make one statement further. I am willing myself, if this resolution be recommitted, that on its report back to the Senate it shall resume its place as it is now in the morning hour, to be disposed of at once. That is a fair proposition. All I desire is to have this measure in a shape which will satisfy the people of this country, of all parts of it, that this Government is willing to do what is just, but is not willing to be imposed upon.

Mr. GARLAND. In accepting the amendments of the Senator from Ohio we think the friends of the measure have done everything they could to get to a proper adjustment, and we would rather the Senate should kill the proposition here and now than recommit it after adopting the amendments of the Senator from Ohio.

Mr. CAMERON, of Wisconsin. I was going to suggest another amendment; I do not care about offering it myself. It was stated the other day by some Senator—and the statement seemed to be acquiesced in by the Senators who had information on the subject—that these contractors had property in their hands belonging to the United States, and that they turned over this property to the confederate government. It seems to me that the value of the property thus turned over to the confederate government by the contractors ought to be deducted from any amount that may be found due to them if this joint resolution becomes a law.

Mr. MAXEY. I will state to the Senator from Wisconsin that it is only necessary to look over the postal regulations to find that none of this property goes into the possession of the contractor; it is in the hands of postmasters, and if they fail to account for it, they are responsible on their bonds for every dollar, and I have no doubt they have been required by the Government to account for it since the war. It is not any more in the possession of contractors than the letters put in the mail-bags. The postal regulations make any loss chargeable to the postmasters, and not to the contractors.

Mr. CONGER. If the proposition is not accepted, I desire now to claim the floor. If the resolution is not recommitted by consent, I wish to be heard. So it may go over for to-day.

The PRESIDENT *pro tempore*. The joint resolution goes over.

Mr. MAXEY. We can take a vote on it. We want to dispose of it. I would prefer to have the Senate kill the bill than to recommit it. If you do not want to pay, say so.

Mr. CONGER. We feel disposed at present not to kill the bill.

The PRESIDENT *pro tempore*. The Senator from Michigan objects to the further consideration to-day, and the joint resolution goes over until to-morrow.

Mr. ALLISON. Regular order!

HOUSE BILL REFERRED.

The bill (H. R. No. 6518) making the Sergeant-at-Arms a disbursing officer, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 15th instant approved and signed the act (S. No. 1168) to amend the several acts in relation to the division of the State of Mississippi into judicial districts, and further to amend the several acts in relation to the northern judicial district of the State of Mississippi and to provide for the times and places of holding the United States district courts in said northern district.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 6519) to authorize the construction of bridges over the rivers Saint Mary's, Satella, Little Satella, and Crooked, in the States of Georgia and Florida, in which it requested the concurrence of the Senate.

NATIONAL BANKING ASSOCIATIONS.

The PRESIDENT *pro tempore*. The unfinished business is House bill No. 4167.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence.

Mr. ALLISON. It has been suggested to me that it might be as well to dispense with the formal reading of this bill, and if there is no objection I ask that that first reading be dispensed with, and that the amendments be considered as they are reached in order in reading. And I also ask in that connection that the amendments of the Committee on Finance be considered first. Let each section be read, and the amendments to each section acted on as the section is read and the amendments reached in order.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) If there be no objection, the formal reading of the bill will be dispensed with, and the bill will be read by sections, and the amendments of the Committee on Finance acted on as they are reached in regular order in reading. There is an amendment to the first section.

The Acting Secretary read the first section of the bill.

The first amendment reported by the Committee on Finance was, at the end of section 1, to insert "or unless hereafter modified or repealed;" so as to make the section read:

That any national banking association organized under the acts of February 25, 1863, June 3, 1864, and February 14, 1880, or under sections 5133, 5134, 5135, 5136, and 5154 of the Revised Statutes of the United States, may, at any time within the two years next previous to the date of the expiration of its corporate existence under present law, and with the approval of the Comptroller of the Currency, to be granted as hereinafter provided, extend its period of succession by amending its articles of association for a term of not more than twenty years from the expiration of the period of succession named in said articles of association, and shall have succession for such extended period, unless sooner dissolved by the act of shareholders owning two-thirds of its stock, or unless its franchise becomes forfeited by some violation of law, or unless hereafter modified or repealed.

The amendment was agreed to.

The Acting Secretary read section 2.

Section 3 was read.

The Committee on Finance proposed to amend section 3 by striking out, after "Comptroller of the Currency," in line 3, the words "may, if he deems it necessary," and insert "shall;" so as to make the section read:

SEC. 3. That upon the receipt of the application and certificate of the association provided for in the preceding section, the Comptroller of the Currency shall cause a special examination to be made, at the expense of the association, to determine its condition; and if after such examination or otherwise it appears to him that said association is in a satisfactory condition, he shall grant his certificate of approval provided for in the preceding section, or if it appears that the condition of said association is not satisfactory, he shall withhold such certificate of approval.

The amendment was agreed to.

Section 4 was read.

The Committee on Finance proposed an amendment, in section 4, after the word "begun," in line 16, to insert:

And provided further, That no attachment, injunction, or execution shall be issued against such national banking association, or its property, before final judgment, in any suit, action, or proceeding in any State, county, or municipal court.

Mr. VEST. I rise simply to inquire the object of putting this extraordinary provision into this bill. If I understand it correctly, it is to exempt a national bank from the general operation of the laws of the country in regard to attachments and injunctions prior to final judgment. That is a most extraordinary provision. I should like to hear from the committee before I proceed further to discuss it.

Mr. ALLISON. Before speaking upon this particular proviso I must call attention to the fact that the last clause of this section should come in before the proviso. It should be transposed. The words in lines 21, 22, and 23 should be inserted after line 16. The object of the first proviso is to place national banks upon exactly the same footing as other citizens in the several States.

Mr. VEST. That is right. I understand that.

Mr. ALLISON. The present law, as the Senator from Missouri well understands, authorizes suits by and against national banks to be brought only in the courts of the United States. The committee were of opinion that it might be wise, so far as the general provisions of this proviso are concerned, to allow suits to be brought in the State courts; yet that in matters relating to the existence of a bank it was not a wise thing to place the whole control of national banks in the hands of State courts. We thought that in cases of attachment or injunction or other proceedings of that character the present provision relating to national banks should continue to exist, namely, that when they become insolvent or when attachments are authorized to be issued, the Comptroller of the Currency shall seize upon the banks, and through the operations of a receiver and the United States courts shall hold their assets as provided in the national banking law itself; first, of course, for the benefit of the circulation, then the deposits, and so on.

That is all there is in it. I do not think it is a very extraordinary provision, especially in view of the present law which prohibits the institution of suits in State courts where national banks are concerned.

Mr. VEST. Then, if I understand the Senator from Iowa, while the bill provides that a plaintiff may by injunction restrain a national bank from an injury to his property or to his person, while the committee have put these banks under the general operation of the State law as other banks are placed, they make an exception in regard to attachments and injunctions. I say it is an extraordinary provis-

ion. If the principle is right that these banks should be subject to the general State law as to rights of property at all, why are they excepted in regard to an injunction from an act which may ruin and destroy my property? Suppose a national bank is about to commit an act, pending litigation, before final judgment, which will absolutely destroy that judgment after it is rendered; where is the justice, where is the common sense of allowing a State court to proceed and render judgment which the bank itself has rendered null and void preceding that final judgment? With due deference to the committee, permit me to say that it is an absurdity.

You here confer jurisdiction upon a State court to go on and render judgment against one of these banks as it could against a State bank, and yet you say in the same breath that if this national bank is about, by an act of its own pending that litigation, to destroy the force and effect of a judgment, to remove the subject-matter of the contest out of the jurisdiction of the court for instance, then this law steps in and says that the judgment of the State court may be nullified by the illegal conduct of one of the litigants itself. That is the whole effect of it.

Is any reason given here why an exception should be made if the principle which the committee have adopted is right that these banks ought to be subject to State laws? Sir, the whole principle of giving these banks an exemption from the legislation of the States was wrong *ab initio*, and the committee have recognized that fact, because they have now conceded that these banks should be placed under the general operation of State laws, and yet they say as to attachments and as to injunctions they shall not be subject to the legislation of the States, but shall still be alone subject to Federal jurisdiction. There is no reason for it. If the principle is right in one case, it is right in the other; it should apply throughout the whole domain of legislation. Why is it, where is the reason that makes a national bank so sacred that when about to commit an illegal act an injunction shall not be issued against it by a State court? Why is it when a national bank is about fraudulently to evade its indebtedness, that under the attachment laws of the States it should not have its property seized as much as that of an individual?

Sir, the committee have stricken down the monopoly feature which gave jurisdiction alone to the United States courts, but, terrified at their own act, they have stopped short and failed to meet the logical sequence of their own act. What is there so sacred about these banks that they are not subject to injunctions or attachments? If a final judgment can be rendered against them, and a sheriff can seize their property and make that judgment effectual, why, if the facts exist for an attachment or an injunction, cannot the same court protect its subsequent judgment by attachment or injunction if it sees fit? No argument, in my judgment, can be made against the logical sequence which I have stated. Admit that they are subject to the jurisdiction of the State courts, as the committee thinks, and there can be no reason assigned why an injunction or attachment should not apply to them as to other litigants.

The PRESIDING OFFICER. The question is on the amendment. Mr. VEST called for the yeas and nays, and they were ordered.

Mr. ALLISON. Before a vote is taken on this amendment let me say a word. The existing law, as I stated before, provides now for jurisdiction wholly in the United States courts in reference to national banks. The House of Representatives put in a provision here giving the State courts jurisdiction. The Committee on Finance believed that while that might be a provision fair in itself, it was an unjust thing to place these national banks (which are wholly under United States law and which are wholly under the control and direction of the Secretary of the Treasury and the Comptroller of the Currency) in the hands of State courts with reference to disputed questions, so that the State courts might annoy them pending litigation. There may be unfriendly courts in some States. It was the intention of the committee to keep these banks under the Comptroller of the Currency so as to protect all their creditors under existing law, and not permit, for instance, a creditor in a locality where a preference is created by an attachment or by an injunction or otherwise to take away the assets of one of these banks. We think these assets, in case of insolvency or in case of any conduct that would justify an attachment or injunction, should be placed under the control of the existing United States statutes, and under the control of the United States courts, and in the charge of the Comptroller of the Currency under his power to appoint receivers. That is all there is in it.

If the Senator from Missouri thinks that is not a fair exception to be made to the concession that has been made in this section, then let him vote against the amendment. I have stated the view of the committee. I believe it is a just and a fair view, and therefore I shall vote for the amendment.

Mr. JOHNSTON. It seems to me that the amendment is wrong in one respect. The amendment is:

And provided further, That no attachment, injunction, or execution shall be issued against such national banking association, or its property, before final judgment, &c.

No execution is issued before final judgment in any case. Is it the purpose to insert "exclusively" there?

Mr. ALLISON. I would rather think so, but—
Mr. HOAR. Allow me to make one suggestion. In equity, which is the most important thing with which the amendment of the com-

mittee deals, executions as at common law are frequently issued as interlocutory orders.

Mr. JOHNSTON. They issue process to enforce interlocutory orders—

Mr. ALLISON. The language of the amendment is the language of the law for fifteen years, and has been interpreted over and over again by United States courts. The committee did not see proper to change it; they merely injected into this section giving jurisdiction to State courts a provision that has existed in the national banking law since its foundation.

Mr. BAYARD. Mr. President—
Mr. ALLISON. Before the Senator from Delaware proceeds I should like to call his attention to section 5242 of the Revised Statutes:

And no attachment, injunction, or execution shall be issued against such association or its property before final judgment in any suit, action, or proceeding, in any State, county, or municipal court.

That is the exact phraseology of the present amendment.
Mr. BAYARD. Mr. President, I have lost sight of the introduction of these words in italics in the committee. I remember very well the consideration given to the proposition of the House that these national banks should be subject to precisely the same jurisdiction as other corporations or other banks, and that they should not be withdrawn wholly from State jurisdiction in respect of suits brought by or against them. The Senator from Ohio and I undertook to frame some language to meet the object of that more fully, but I believe in the end it was my opinion, and I suppose it was his, that the House had covered by the language it used the end in view, which was simply to restore the jurisdiction of the State courts in all litigations by or against national banks as though the statute of the United States excluding the State jurisdiction had never been passed. I believe that is fully and fairly reached by the language of section 4 from line 9 to line 17. Then what is the effect of this additional proviso, "That no attachment, injunction, or execution shall be issued against such national banking association, or its property, before final judgment?"

If the suit may be commenced, if the proceeding may be taken either by a bank or against a bank in a State court, there is very little process of an interlocutory character that would be affected by that proviso. The object, I think, of bringing the national banks within the jurisdiction of the State courts is substantially reached by the language not in italics. That is my judgment, after very careful examination. I think it is fully accomplished when they are put precisely upon the basis of State banks and other incorporated associations precisely as we desire them to be and as it is my object they should be. I do not remember the addition of this second proviso; no doubt it occurred in committee, and possibly I may have been absent at the time it occurred. I do not see, I confess, any great advantage to come from its presence.

Mr. HOAR. I should like at a convenient time to ask the Senator in regard to the meaning of this section, the effect of it, if it is agreeable to him.

Mr. BAYARD. Oh, yes.
Mr. HOAR. Under section 4, as it is left without the proviso, would not a creditor's bill lie in a State against a national bank and the entire bank be put into liquidation by the appointment of a receiver?

Mr. BAYARD. I believe not under the existing laws.
Mr. HOAR. No, but under this law. It seems to me—

Mr. BAYARD. Under this present bill?

Mr. HOAR. Yes, sir. The Senator's judgment is, of course, much better than mine on a question of this character; but it seems to me, from a reading of this House bill, as it would stand without the amendment of the committee, to be very clear that in the State of Massachusetts, for instance, or in any other State where they have full equity jurisdiction, a creditor's bill would lie against a national banking association, because all suits (and a creditor's bill is certainly a suit) which could be against any other association doing banking business in that locality lie against this in the State courts. That creditor's bill would make it lawful to appoint a receiver, to require all existing creditors of the bank to prove their claims in the suit, to distribute its assets according to the order and decree of the court. Thus the equity jurisdiction in that State would entirely destroy both the security and the process provided by the existing banking law to be carried on in the Treasury Department in the Comptroller's Office.

Mr. BAYARD. The laws regulating the insolvency of these institutions, winding them up, forcing them into liquidation, are laws now in existence in which the power of control is, as a rule, vested in the Comptroller of the Currency, and I do not know that the present bill alters any of the features of those remedies. I think they all continue to exist.

Mr. HOAR. Now, allow me to state to the Senator the law of my State as I understand it. I want to have the Senator's judgment on this point.

In the State of Massachusetts a State banking association—I do not speak now of an association liable to our State insolvent law—a State banking association may be sued in equity by a single creditor for himself and all other creditors who shall become parties thereto. That suit may cause a writ of attachment to issue as at common law, and all the property of the bank subject to attachment, attached.

When the process is returned the complainant in the suit in equity may move for the appointment of a receiver and he may move to have the case sent to a master to take proof of all claims of creditors who choose to come in and be made parties, and thereupon by that process the entire assets of the bank will be distributed. This fourth section, without the committee's proviso, says that the jurisdiction in suits hereafter brought, unless the suit be brought by the United States or its officers or agents, shall be the same against national banks and not other than the jurisdiction of suits by or against banks organized under the law of the State of Massachusetts to do banking business there. If I am not right as to the effect of this section if left as the House left it, will the Senator tell me why?

Mr. BAYARD. My understanding of this—

Mr. SHERMAN. If my friend will allow me, I will explain the matter as I understand it.

This proviso is now the law found in section 5242, but it was supposed that the provision inserted in section 4 of this bill would repeal the existing law and make mesne process by attachment, &c., issuable by the State courts, and this proviso was inserted in the language of the old law merely to guard against that possibility. It is done at the suggestion of the Comptroller of the Currency. The purpose of this banking act is this: in all preliminary movements for winding up national banks the law now confines the process to the action of the Comptroller of the Currency. Even the United States courts are not invested with jurisdiction to wind up a national bank in the first instance; it must be done under the existing law by the Comptroller of the Currency; and that system has operated so wonderfully well that scarcely any losses have occurred; and a failing bank pays far more than any bank could possibly pay wound up by process of law.

Mr. MORGAN. Will the Senator from Ohio allow me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. MORGAN. If this bill is enacted, either with or without the proviso to which reference has been made, will not the law remain as it is in reference to the insolvency of banks and the jurisdiction to dispose of them?

Mr. SHERMAN. It was supposed the first part of section 4 was intended to encourage suits in the State courts rather than in the Federal courts, and repeal this provision which is now in the law that forbids the United States courts, and State courts as well, from issuing writs of attachment or other mesne process.

Mr. MORGAN. I do not intimate that I have any objection to the proviso, except one which I think the Senator will see ought to be allowed.

Mr. BAYARD. What is that?

Mr. MORGAN. The proviso is—

That no attachment, injunction, or execution shall be issued against such national banking association, or its property, before final judgment in any suit.

I do not know of any case in which you can issue an execution before final judgment.

Mr. SHERMAN. The attachment or injunction may be issued as mesne process.

Mr. MORGAN. I think the word "execution" ought to come out.

Mr. SHERMAN. It is in the language of the present law. I will read the section. It is section 5242. At the end of that section there is this proviso:

And no attachment, injunction, or execution shall be issued against such association, or its property, before final judgment, in any suit, action, or proceeding in any State, county, or municipal court.

The same words, exactly, as the proposed proviso.

Mr. MORGAN. The word "execution" there has no legal significance.

Mr. SHERMAN. Perhaps as to the word "execution" it might not, but an attachment might issue as a mesne process.

Mr. BAYARD. It is difficult to see what judgment is to be executed except a final judgment.

Mr. SHERMAN. Sometimes interlocutory judgments may be enforced by execution, and the final judgment would not come until afterward.

Mr. BAYARD. Possibly it has happened, but I have never known of it.

I do not care to protract this debate. In my apprehension the national banks were organized under acts of Congress which placed them very largely, for the sake of their creditors, under the summary control of the Comptroller of the Currency. If their notes were not redeemed, provision was made for protest, for the immediate sale of the bonds deposited by them as security for their notes. If there were many other violations of the banking act the Comptroller of the Currency was authorized to put the liquidating provisions in force, and these provisions, as I understand, it is not intended to disturb. They were all made, and experience has proved them to have been wisely made, for the protection of the creditors of the banks. It is not intended to take from the creditors of the bank, the holders of the currency, or any persons connected with the banks, any of the remedies created by existing law. On the contrary they were all established for a good purpose and are to be continued, and it was the intent of the House (and so far they had the concurrence of the Committee on Finance) to give the courts of the States the same jurisdic-

tion over national banks and suits by or against them as over those brought by or against other banks within their limits. In other words, it was to subtract from something of the local jealousy of these institutions by making them subject to the same methods of suit, in the same tribunals, as other banks. That was the intention and the object, and that I think is accomplished by the fourth section of this bill.

I think the word "execution" in the proviso is rather surplusage, but certainly it can do no harm if it does no good. It has been in the existing law for many years, as the Senator from Ohio has read, and I see no special harm in its remaining; but I do not for a moment suppose that this section, in giving to the local courts the same jurisdiction which heretofore has been enjoyed solely by the United States courts over these institutions, is to take from the creditors of the banks any of the summary remedies which by law now are vested in the Comptroller of the Currency. It is not meant as any interference with him or his powers in behalf of the creditors of the banks and to enforce the obligations of the banks, either by compelling them to go into liquidation, or selling their bonds, or any other remedy which now can be invoked at his hands by any creditor. I do not wish to see that disturbed or diminished, but I do desire where a man has a right of action against a bank that he may bring it in a State court or in a United States court, or that he may be sued in a State court by a bank wherever the ordinary jurisdiction would compel them to sue him in a State court; that he is not to be taken into a Federal court against his will. For that reason I think the section really carries out the object of the House and does not interfere by the additional proviso with the purpose.

Mr. VEST. Mr. President, it was perfectly logical and symmetrical that this provision should be found in the Revised Statutes heretofore. Under the system which has prevailed in regard to national banks, one of the most objectionable features to the people at large, without distinction as to party, was the fact that the United States Government could establish these banking institutions, without any consultation with the people of the States, inside of the States, and yet, by what I have always considered an arbitrary exercise of power, reach out and take these institutions away from the operation of the State laws. The people of the States, living under the laws of the States, dealt with these institutions, contracted with them, borrowed from them their money, paid them large rates of interest, and if they saw proper to sue a citizen it was right and just that the bank should choose its own tribunal; but if a citizen saw proper to sue a bank, it immediately escaped under the United States statute and went into the tribunals that were presumed to be friendly to its organization, and, as the Senator from Iowa says, where no unfriendly feeling existed against these national organizations.

That objectionable feature remained in the old law, as we may term it, or the existing law rather, until this bill was framed by the House of Representatives. Now, when the House of Representatives and the Senate Finance Committee place before us an entire revocation and repeal of that system, when they accede to the just demands of the people of the country that these banks are not foreign institutions to the States, but that they must be subject to the legislation of the States, as we are, the people of the States, then I say it is illogical for that committee to retain a feature of the old banking law which was based upon the idea that these banks should be litigated with alone in the United States tribunals.

Mr. SHERMAN. Will the Senator permit me to interrupt him for a moment?

Mr. VEST. Certainly.

Mr. SHERMAN. I ask him does he construe this amendment as preventing any suit from being brought in any State court against a national bank in that State?

Mr. VEST. No, I do not.

Mr. SHERMAN. The provision relates solely to mesne process by attachment or otherwise. The courts of the United States have not that power and they have so decided. The Supreme Court has decided that Congress has pointed out a mode of proceeding against a failing bank, and even the courts of the United States do not interpose by attachment and by this summary process.

Mr. VEST. I understand that.

Mr. SHERMAN. This provision applies only the same rule to the State courts that is applied by the courts of the United States themselves to the courts of the United States. Congress having provided another mode of pursuing a failing bank, even the courts of the United States will not interpose, and this provision simply declares, in accordance with the old law, that neither shall a State court interpose by attachment or other proceedings to prevent the ordinary course of winding up a national bank.

Mr. VEST. With due deference to the Senator from Ohio, he does not meet the objection I make.

Mr. SHERMAN. I entirely sympathize with the view of the Senator that suits against banks should be brought, and that the banks ought not to be either allowed to bring suits or to have suits brought against them in any other tribunal than a State bank or a State company would resort to. I drew an amendment much more sweeping even than the proposition of the House, but the Committee on Finance did not agree with me, and so I abandoned it.

Mr. RANSOM. Will my friend from Missouri allow me to ask the Senator from Ohio a question?

Mr. VEST. Certainly.

Mr. RANSOM. As I understand the Senator from Ohio, according to the purport of this clause a person would have the same remedy, the process is identically the same in a State court against a bank that he would have in the Federal courts.

Mr. SHERMAN. Certainly; precisely the same.

Mr. RANSOM. I understand the Senator from Ohio to have no doubt upon that question.

Mr. SHERMAN. There is no doubt, because—

Mr. RANSOM. May I ask the Senator one further question, for I am seeking information? What will be the effect in this amendment of the words "in any State, county, or municipal court?" Does not that act as an exclusion of the Federal courts from the prohibition of the amendment?

Mr. SHERMAN. Not at all. Suits may be commenced in the State courts, but the State courts shall not issue process of attachment or injunction or summary proceedings, arbitrary proceedings in the nature of mesne process, because the law provides a different way. Nor can the United States courts, under the law as it now stands, issue an injunction or that kind of process in the struggle of a creditor against a failing bank, because the law points out a different mode, which proves to be a very good one, until after final judgment.

Mr. RANSOM. Then, to carry out the idea of the Senator from Ohio, the amendment, to express his meaning, should read "that no court, State or Federal, shall issue any attachment, injunction, or execution against such national banking association, or its property, before final judgment, in any suit."

Mr. SHERMAN. The Supreme Court have already made one or two decisions covering the whole ground. They say that the law gives to these courts no power to issue process of this kind against the banks, but, on the other hand, excludes the courts from exercising such power, because it gives that power to the Comptroller of the Currency, who may upon application seize a bank, put it in the hands of a receiver, and do all that a court could do; and that as Congress has seen proper to provide one mode of dealing with a failing bank the courts are thereby excluded from pursuing the ordinary measures.

Mr. VEST. Let me ask the Senator from Ohio a question. The Supreme Court has decided that when a bank commits any act which under the banking law renders it what you might call a bankrupt institution, or puts it in failing circumstances, then the Comptroller of the Currency may seize the bank; but suppose, *pendente lite*, while such a suit is pending in the United States circuit court against a national bank, the bank refuses to answer or to obey the process of that court, does the Senator from Ohio mean to tell us as a lawyer that the United States circuit court could not attach that bank and force it to comply with or to obey its process? That is the point.

Mr. SHERMAN. The Senator, I have no doubt, is a better lawyer than I am, because he is more familiar with the practice—

Mr. VEST. I say it is perfectly logical under the law as it stands now in the Revised Statutes, that this clause should have been in the statutes, because the theory, the intention, and the spirit of existing legislation is that the national banks shall be sued only in the Federal courts, assuming, as the Senator from Iowa said a while ago, that there was an inimical feeling on the part of State tribunals toward these national organizations.

Mr. ALLISON. No, not assuming that.

Mr. VEST. I do not say the Senator from Iowa assumes it, but I say that is the reason why the law was made that way.

Mr. SHERMAN. I wish to say that there is no cause that I know of for which an injunction or an attachment can issue against a bank under the law of any State that for the same cause the Comptroller of the Currency could not put a receiver into the bank and commence winding it up, and take possession of its assets.

Mr. VEST. Now, let us look at that proposition. Suppose that I sue a national bank of the United States, and that suit is pending in a State tribunal under this bill. I have a right to bring the suit in any circuit court in the State of Missouri. Suppose the bank undertakes to remove its assets in order to escape the final judgment of that court, am I to be told that I must go to Washington City and apply to the Comptroller of the Currency for an order to take possession of that bank, rather than that the tribunal which is about to render final judgment in the case shall interfere and make that judgment effectual?

Mr. SHERMAN. I think that is the law undoubtedly. I think the purpose of the national-bank act is to apply the liquidating process whenever a bank does anything whatever in the nature of an act of bankruptcy or that gives a preference or seeks to avoid an obligation. Take the very case the Senator has put. The purpose of the law, then, is not to allow the creditor, who is only looking out for his own interest, to get an advantage in the distribution of the assets of the bank, but whenever anybody makes such a complaint to the Comptroller of the Currency it becomes his duty at once, upon being satisfied that that complaint is just, to take possession of the assets of the bank for general distribution among all the creditors alike. That is the policy of the banking act.

Mr. VEST. It is unquestionably the policy of the act where the bank has committed an act of bankruptcy, where it is in failing circumstances, but the banking act never contemplated that in the United States courts the national banks should be exempt from the ordinary

processes of the court. Who has ever heard before that a national bank in a United States court could nullify the judgment of that court in advance, and that the litigants must wait until the Comptroller of the Currency interfered, rather than that the court itself should by its ordinary process, in the same mode as to it as to other litigants, interfere to make its judgment effectual?

Mr. RANSOM. Will my friend from Missouri let me put a question to him or to the Senator from Ohio?

Mr. VEST. Certainly.

Mr. RANSOM. I think if the Senator from Ohio will look at the national banking law, with which he is much more familiar than I am, he will find that the prohibition does not apply to Federal courts, but is a prohibition expressly intended against the State courts.

Mr. VEST. Certainly.

Mr. RANSOM. Is not that so, sir?

Mr. SHERMAN. This proviso is in the very language of the act of 1864, embodied in a section of the Revised Statutes.

Mr. RANSOM. It applies to "any State, county, or municipal court," and does not apply to the Federal courts.

Mr. SHERMAN. As I said before, the Federal courts themselves have decided that Congress having provided one mode of pursuing a failing bank, that excludes the ordinary processes before the Federal courts.

Mr. VEST. Unquestionably that is the decision as to bankrupt acts which are specified in the national banking act, but not as to other cases where a national bank is evading the intermediate process, I may term it, of a Federal court, where it refuses in contempt to obey a process of the court, where it is about to nullify the action of the court pending litigation. The national banking law never did—I never heard any such construction put upon it before—provide that the banks were not subject to the process of the court. If they are about to commit an act of bankruptcy the Comptroller can seize them for the purpose of making an equitable *pro rata* distribution of the assets. But that is not the question. Here is a provision which is *in totidem verbis* with the Revised Statutes, which, while it adopts a different system as to national banks and puts them under the jurisdiction of State courts, still comes in and makes an exception, and says that as to injunctions and attachments and intermediate process the State courts shall have no jurisdiction.

I say that under the old system, as I will term it, under the existing law, it was logical that this provision should be in the Revised Statutes, because the Federal courts had exclusive jurisdiction, and therefore the State courts and the municipal courts had no right to interfere, and the spirit and policy of the Revised Statutes was to prevent them from interfering; but now this committee and the House of Representatives have given up that position. Now the committee says that that was wrong. Now the committee accedes to the popular demand that these banks should not go into a State and make money off the people and still hold themselves aloof from the jurisdiction of the State tribunals. And yet, while the committee concedes that as to the banks, while the House of Representatives has demanded it and put it in the bill, the committee of the Senate comes in and makes the extraordinary provision that the jurisdiction of the State tribunals shall extend thus far and no farther. In other words, while I am permitted to sue a national bank in a State tribunal, yet, if that bank undertakes to nullify in advance the judgment of the State tribunal, if it undertakes to say to the court, "You may render judgment, but your judgment is not worth the paper upon which it is written," then the committee says that I am without remedy, and the Senator from Ohio says I must come to Washington City to the Comptroller of the Currency.

If the system which the committee have recommended is logical, if it is right, if it is just, it ought to apply to all sorts of process which are necessary to make firm and effectual the judgments of the court. It is a fraud, I say it respectfully, upon this provision to tell me that I am not entitled to an injunction from the same tribunal which is litigating my rights with one of these organizations. Take this case; suppose in a suit with a national bank it undertakes to remove its assets, or it undertakes to put me in a position in court so that my rights cannot be enforced, why should I not have an injunction? Why should I not be permitted to go to that tribunal and say, "You are about to litigate the rights pending between me and this bank, and the bank is now in advance destroying all my remedies; there is no possibility for me to get a cent if this thing goes on which the bank is now doing; here are facts sufficient to justify any court in granting an injunction;" and yet the committee tell us that while that court has jurisdiction over the subject-matter, the persons and parties, while it has the right to adjudicate between them, still the State court must sit there helpless and hopeless while the bank destroys itself the whole force and effect of the judgment of the State court. I say it is illogical.

Gentlemen of the committee, take one system or take the other. Stand by the law as you have got it, and say that these organizations shall be subject alone to the national tribunals, to the United States courts, or else take the other system which you have attempted to put into existence, and if the State courts have jurisdiction as to one particle of the litigation, let them have it as to all.

Mr. ALLISON. Mr. President, this feature runs through all the national-bank acts. There are provisions making it the duty of the Comptroller of the Currency to watch with vigilance the conduct of

the banks, and they require him, when certain acts are performed, or because of the non-performance of certain other acts, to immediately take hold of all the assets of the bank and administer upon its affairs for the benefit of all the creditors, share and share alike.

Suppose in the State of Missouri it should turn out that the laws of that State authorize a creditor who shall attach property to have a first lien upon that property. So in the State of Massachusetts a creditor's bill can be filed marshaling the assets of the bank. The law is imperative upon the Comptroller. The law says he shall do this thing. When he undertakes to do this thing he finds a conflict of jurisdiction between the United States laws and the laws of the several States. The only object here is to prevent such a conflict. We say let the banks sue and be sued in the ordinary process of the courts, but if injunctions are to be allowed, if their property is to be attached, take these special provisions in the national banking law which make it the duty of the Comptroller to marshal the assets for the benefit of all the creditors. Is there anything dreadful about that? It seems to me not. After careful consideration in the Committee on Finance and consultation with the Comptroller, we believed it wise to make this exception. But if it is thought better and wiser to turn the national banks over in a condition of insolvency to the special laws of the several States, all that Senators have to do is to vote down the amendment of the committee.

Mr. McMILLAN. I should like to ask the Senator from Iowa if I understood him correctly as saying that in the present banking law there is applicable to the United States courts substantially the proviso embraced in section 4?

Mr. ALLISON. This was the Senator from Ohio who spoke of that.

Mr. SHERMAN. This proviso is in the exact words of the law.

Mr. ALLISON. Undoubtedly it is in the words of an existing section of the Revised Statutes.

Mr. SHERMAN. It is copied from it.

Mr. RANSOM. If my friend from Minnesota will examine the banking act and compare it with the amendment he will see that the pending proviso applies expressly to State courts and not to Federal courts.

Mr. CAMERON, of Wisconsin. Let me ask a question right there. I ask the question for information from any Senator who can communicate it. Under the present banking law a national bank commits an act which, under the State law, would subject its property to attachment; for instance, in my State there are various statutory reasons for the granting of attachment. One is, if a debtor has conveyed or is about to convey his property with intent to defraud his creditor—

Mr. HOAR. In my State we have an attachment as a matter of course.

Mr. CAMERON, of Wisconsin. I understand that in the Senator's State an attachment is the first process. It is not so in my State; but if a debtor has conveyed or is about to convey his property with the intent to defraud his creditors, a creditor is entitled to an attachment against the debtor's property. Under the present law if a national bank has conveyed or is about to convey its property with intent to defraud its creditors, can an attachment be issued by a United States court?

Mr. ALLISON. It cannot.

Mr. CAMERON, of Wisconsin. Then I think this provision is consistent and is logical.

Mr. ALLISON. It cannot, for the reason that the law provides that all such transfers are absolutely void and that the property shall be administered upon in the case of such acts by the Comptroller of the Currency through a receiver and through the United States courts for the benefit of all creditors alike.

Mr. CAMERON, of Wisconsin. I supposed that was the law. Therefore, I think this provision as applicable to State courts is consistent with the present law, and, to use the language of the Senator from Missouri, is "logical."

Mr. SHERMAN. Mr. President, as this matter is deemed important, I will again state the reasons why the provision was recommended by the committee. The House proposed to cut up by the roots the practice of banks in any State going to the capital of the State and commencing suits there in the United States courts on notes of a local character. I have no doubt that banks abused the power to commence suits in the United States courts, which are very much more expensive than the State courts. The House undertook to break up that system. The Senate Committee on Finance was in full sympathy with that view, and concurred in the proposition made by the House. Indeed, an effort was made by me to carry it a little further and to repeal some of the laws authorizing the removal of causes, but it was deemed best upon the whole to leave it as the bill as it came from the House stood. Then it was feared that the action of the House would enable any subordinate tribunal in a State to do what the United States courts could not do and had decided they would not do; that is, issue mesne process, an attachment or an injunction embarrassing proceedings, founded upon alleged fraud, because as a matter of course an attachment can only issue upon an allegation of fraud or misconduct of some kind.

The laws of the United States in relation to national banks provide in every possible case of fraud or alleged fraud a clear and satisfactory remedy, which has been in force now for seventeen or eighteen years without any complaint whatever. It is a simple pro-

ceeding. In one section of the Revised Statutes will be found one of the causes for which a receiver may be appointed. Section 5242 provides that—

All transfers of the notes, bonds, bills of exchange, or other evidences of debt owing to any national banking association, or of deposits to its credit; all assignments of mortgages, sureties on real estate, or of judgments or decrees in its favor; all deposits of money, bullion, or other valuable thing for its use, or for the use of any of its shareholders or creditors; and all payments of money to either, made after the commission of an act of insolvency, or in contemplation thereof, made with a view to prevent the application of its assets in the manner prescribed by this chapter, or with a view to the preference of one creditor to another, except in payment of its circulating notes, shall be utterly null and void.

This is only one section out of several which provide the causes for which a receiver may be appointed. The policy of the law is to confine the preliminary process of enforcing the obligations against national banks to the Comptroller of the Currency, and to give to the United States courts no power to interfere by attachment or injunction or other proceeding of that kind. It gives that power to an executive officer, who is compelled by his duty, upon any application being made, to cause an immediate inquiry to be made, and immediately to appoint a receiver. It may be vacated afterward by order of a court. In addition to what I have read section 5242 further provides, in the very language that is now inserted:

And no attachment, injunction, or execution shall be issued against such association or its property before final judgment in any suit, action, or proceeding in any State, county, or municipal court.

This amendment does not prevent a suit from being brought in any State court or municipal court against a bank. It simply declares that such courts shall not, by injunction or other proceeding, interfere with the equal distribution of the assets required by the law. In many of the States it is competent for a creditor, by process of attachment, to get a preference over other creditors. That is contrary to the spirit and policy of the national banking act. It is possible by an injunction for a man to acquire a kind of lien. In some of the leading States a man who commences a proceeding by attachment or injunction gets a priority in the distribution of the assets. This provision was for the purpose of preventing that. It was feared that if section 4 were enacted without this proviso it would operate as a repeal of the law.

Mr. RANSOM. Will the Senator from Ohio allow me to interrupt him for one second?

Mr. SHERMAN. Certainly.

Mr. RANSOM. If the national banking act specifies the rights of certain parties to the assets of a bank, or gives certain liens or priorities to the Government or to other persons, in the judgment of the Senator from Ohio, would the law of a State differing from that nullify the national law? Would not any court, either a Federal or a State court, be obliged to follow the directions of the national banking law in reference to the priority of rights, the distribution of the assets, or the administration of any other duty or power under that law?

Mr. SHERMAN. That begs the whole question.

Mr. RANSOM. Is not that according to the Constitution of the United States?

Mr. SHERMAN. The object is to prevent any State court from interfering with the ordinary disposition of the property of a national bank and the assets of a bank, and that is a wise provision. The Senator must see that it is to the interest of all the creditors.

Mr. RANSOM. I had thought that, by the Constitution of the United States, the Constitution and the laws made in pursuance thereof were paramount in this country.

Mr. McMILLAN. If the Senator from North Carolina will permit me, however, I will call his attention to the fact that if the section is adopted without the proviso recommended by the committee, then there would be no law of the United States preventing the State courts from issuing writs of attachment.

Mr. RANSOM. If the Senator from Ohio will pardon me—I am afraid I am interrupting him unpleasantly, not intentionally so, however—

Mr. SHERMAN. Not at all. I was about through at any rate.

Mr. RANSOM. I understood the Senator from Ohio to say that his views went much further than those of the committee, and that he was in favor of striking out all discrimination whatever against the State courts. This certainly is a discrimination against the State courts.

Mr. SHERMAN. Not at all. I again repeat that by the decision of the Supreme Court itself no United States court could issue an attachment, for it declared—

Mr. RANSOM. Then, if that be so—

Mr. SHERMAN. Just let me finish the sentence.

Mr. RANSOM. Only one word, and I shall not interrupt the Senator again. If the Senator from Ohio is correct in that position, may I ask him what use there is in the world in adopting the pending amendment?

Mr. SHERMAN. The decision of the Supreme Court is that the United States courts cannot intervene by injunction or attachment, because the laws of the United States have pointed out a different remedy. But that does not prevent any justice of the peace, any court of common pleas, any court of inferior jurisdiction, from interposing and doing what the courts of the United States cannot do.

Mr. RANSOM. And why not?

Mr. SHERMAN. Because if a national bank commits an act of bankruptcy its property ought to be divided up under the laws of the United States in the mode pointed out by those laws; and the local tribunals should not substitute another mode for the mode provided by the law of the United States.

Mr. RANSOM. As I understand the Senator from Ohio, the national banking law prevents the Federal courts from issuing any process before final judgment against a national bank. Does not that same law apply as well to the State courts when you give them jurisdiction?

Mr. SHERMAN. The national law simply does not provide for any authority in the United States courts to issue the process. They stand in a position entirely different from the State courts. It is necessary for jurisdiction to be conferred by a law of the United States in order to enable the courts of the States to exercise jurisdiction.

Mr. JOHNSTON. I should like to ask the Senator from Ohio a question.

Mr. SHERMAN. Certainly.

Mr. JOHNSTON. I understand the Senator to say that the object of the amendment is to prevent State courts from winding up a national bank. If that is the object it is not effected at all, because the language of the amendment is:

That no attachment, injunction, or execution shall be issued against such national banking association, or its property, before final judgment.

It acknowledges the right to issue the process after final judgment but not before. As it now stands, after final judgment it is in the power of a creditor who has sued a bank to obtain an injunction or an attachment, or any other process.

Mr. SHERMAN. Certainly; and after final judgment against a national bank, if it does not appeal and take the case to a higher tribunal or does not pay the judgment, it commits an act of bankruptcy, and at once the proper officer here would order such a bank into limbo and appoint a receiver to settle up its assets.

Mr. JOHNSTON. I think that this matter is objectionable in one respect. As I understand it, a national bank has the right to sue its debtors in a State court in order to collect its debts.

Mr. SHERMAN. Oh, yes.

Mr. JOHNSTON. Take the case of a national bank at Richmond, for example. It sues in a State court to collect debts due to it. In the State of Virginia there are two branches of law, equity and common or statute law. There are certain offenses in law and certain others only in equity. Where a party is sued and his defense is in equity, his only mode under our practice is to obtain an injunction against a suit in law and let it go on in a court of equity. In that case such a law as is proposed here would prevent the debtor of the bank from making a defense in the suit. He does not want any remedy against the bank except merely to defend himself in the suit. In order to do that an injunction may be necessary. When you wind up a bank and get a judgment, if you want to keep the bank from using improperly the money of a creditor an injunction may be necessary to do that.

Mr. SHERMAN. I do not know that we are under any special necessity to pass laws to enable debtors to refuse to pay their debts.

Mr. JOHNSTON. Do you propose to take away the right to make a defense? When a man has a good defense, do you propose to deprive him of the mode provided under the law? The objection to the provision is, that it may deprive a man with a valid defense against a debt of his right of defense; and for that reason it ought not to be adopted.

Mr. JONAS. Mr. President, I have heard some plausible reasons, but not satisfactory ones, given why neither an attachment nor an execution should be allowed in a State court, but have heard no reason in the world given why national banks should be protected against the issuance of a writ of injunction. Writs of injunction are not often used, as the honorable Senator from Ohio has said, for the purpose of marshaling the assets, or for the purpose of protecting the assets, either of a banking institution or of an individual; but writs of injunction are frequently issued and form a common defense as a means of protection against a suit instituted by a national bank or by an individual.

If the amendment is adopted, and a national bank shall commit an act of trespass against an individual, that individual will have no right to go into a State court and protect himself by injunction against the illegal and tortious act of the national bank. If a national bank shall seize my property and advertise it for sale illegally, I shall have no right to stop that process by applying for a writ of injunction in a State court. The writ of injunction, which nine times out of ten is used as a means of defense, or for the purpose of protecting a party from the wrongful exercise of power, as the means of preventing some illegal and tortious act, is altogether taken away from ordinary litigants so far as the State courts are concerned, and they are compelled to go into the United States courts to assert their rights where a national bank is concerned.

I therefore move to strike out the word "injunction," in the seventeenth line of the section, so as to make the amendment of the committee read:

That no attachment or execution shall be issued against such national banking association, &c.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana [Mr. JONAS] to the amendment of the Committee on Finance.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the committee as amended, on which the yeas and nays have been ordered.

Mr. RANSOM. Mr. President, I hope that the amendment will not be adopted, and for this, to my mind, conclusive reason. The Senator from Iowa in charge of the bill, and the distinguished Senator from Ohio, who is so well advised with regard to these matters, both know that a national bank, under the national banking law, will have the power to call upon the court to give them, against a debtor, against the citizen, in any State court the powers of attachment, injunction, or any other process before final judgment. I know the Senator from Iowa believes with me in that matter. The national banks have that right; it will be secured to them by the courts.

A national bank sues a debtor in a State court. It applies for a process of attachment, an injunction, or any sanction under the law to enforce its claim, and the court grants it; but when the debtor comes into court as defendant, or as plaintiff either, in the same identical case in which an attachment, an injunction, or an interlocutory process has been granted against the debtor and asks for the same remedy against the bank, the court is chained and cannot render it.

Mr. President, will that be justice? Will that be fairness? Will it not be a reproach to our legislation and to our judiciary system that, in the very same case, before the same court, one party to a suit shall have a different class of rights and a higher order of rights than the other party? The national banks, suing on one side and being sued on one side, ought to have the same rights and no more than the rights the citizen has who sues or is sued on the other side.

The PRESIDING OFFICER. The question is on the amendment of the committee as amended, on which the yeas and nays have been ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. BECK, (when his name was called.) I am paired with the Senator from Maine [Mr. HALE] upon all questions growing out of this matter. As I do not understand his views, and do not know how he would vote on this question, I shall not vote.

Mr. GARLAND, (when his name was called.) I am paired on this question with the Senator from Vermont, [Mr. EDMUNDS.] If he were here, I should vote "nay."

Mr. GROVER, (when his name was called.) I am paired generally with the Senator from Nebraska, [Mr. VAN WYCK.] I do not know how he would vote on this amendment. If he were present, I should vote "nay."

Mr. McDILL, (when his name was called.) I am paired on this question with the Senator from Tennessee, [Mr. JACKSON.]

Mr. SEWELL, (when his name was called.) I wish to announce my pair with my colleague, [Mr. McPHERSON.]

The roll-call was concluded.

Mr. ALDRICH. The Senator from New York [Mr. MILLER] is paired generally with the Senator from Maryland, [Mr. GROOME,] but on this question he is paired with the Senator from Kansas, [Mr. PLUMB.] The Senator from New York, if present, would vote "yea" and the Senator from Kansas would vote "nay."

The result was announced—yeas 24, nays 27; as follows:

YEAS—24.

Aldrich,	Davis of Illinois,	Hoar,	Morrill,
Allison,	Ferry,	Ingalls,	Rollins,
Anthony,	Frye,	Lapham,	Saunders,
Cameron of Wis.,	Harrison,	Logan,	Sawyer,
Chilcote,	Hawley,	McMillan,	Sherman,
Conger,	Hill of Colorado,	Mahone,	Windom.

NAYS—27.

Brown,	Farley,	Maxey,	Saulsbury,
Butler,	George,	Miller of Cal.,	Vance,
Call,	Gorman,	Mitchell,	Vest,
Cockrell,	Hampton,	Morgan,	Voorhees,
Coke,	Harris,	Pendleton,	Walker,
Davis of West Va.,	Johnston,	Pugh,	Williams.
Dawes,	Jonas,	Ransom,	

ABSENT—25.

Bayard,	Garland,	Jones of Nevada,	Plumb.
Beck,	Groome,	Kellogg,	Sewell.
Blair,	Grover,	Lamar,	Slater.
Camden,	Hale,	McDill,	Van Wyck.
Cameron of Pa.,	Hill of Georgia,	McPherston,	
Edmunds,	Jackson,	Miller of N. Y.,	
Fair,	Jones of Florida,	Platt,	

So the amendment was rejected.

The Acting Secretary read section 5 of the bill.

The Committee on Finance proposed to amend by inserting, in line 19, after the word "due," the words "and be forthwith paid;" and, in line 20, after the word "bank," by striking out "until paid;" so as to read:

And if said reappraisal shall exceed the value fixed by said committee, the bank shall pay the expenses of said reappraisal, and otherwise the appellant shall pay said expenses; and the value so ascertained and determined shall be deemed to be

a debt due, and be forthwith paid to said shareholder from said bank; and the shares so surrendered and appraised shall, after due notice, be sold at public sale, within thirty days after the final appraisal provided in this section.

The amendment was agreed to.

The Acting Secretary read section 6 of the bill. The next amendment of the Committee on Finance was, in section 6, line 10, after the word "and," to strike out "when the amount of such notes shall be reduced to 5 per cent. of the capital stock of the bank issuing the same," and insert "at the end of three years from the date of the extension of the corporate existence of each bank;" so as to read:

And at the end of three years from the date of the extension of the corporate existence of each bank the association so extended shall deposit lawful money with the Treasurer of the United States sufficient to redeem all of its outstanding circulation.

Mr. BECK. I do not know whether this is the proper time to offer an amendment, but I submitted an amendment in committee and had it printed the other day striking out all of the section after the word "law," in line 10, and substituting what I ask the Secretary to read.

Mr. ALLISON. I believe there was an understanding, when we began the bill, that the amendments of the Finance Committee should be acted on first. If the Senator from Kentucky will allow the amendments of the committee to be acted on, then when we get through the bill we can test the sense of the Senate on striking out section 6 and inserting his provision, and I think we shall perhaps make better progress by pursuing that course.

Mr. BECK. I was not aware of any agreement. I supposed that all amendments to the sections were to be offered at the time the sections were considered. If the amendment of the committee is adopted so as to read "at the end of three years from the date of the extension of the corporate existence of each bank," that would destroy altogether the amendment that I propose to offer, because my amendment provides one year instead of three.

Mr. ALLISON. But the Senator's amendment, as I remember it, is to strike out the whole of section 6 and to insert something else.

Mr. BECK. It is to strike out all after the word "law," in line 10. It simply gets clear of the proviso at the end of the section, which I believe the committee now agree to strike out. Am I correct in that? My amendment provides that they shall have one year instead of three, so that the adoption of the amendment of the committee would in effect deny the amendment I wish to offer. I suppose the whole question had better be considered at once. I have no choice about it, but I wish to give the reasons why I offer the amendment.

Mr. ALLISON. Then I suggest to the Senator from Kentucky that we pass over all the amendments to section 6 for the present, and go on with the other amendments.

Mr. BECK. There are pretty serious complications going to follow very soon as we progress with the bill, and I do not know that we have anything easier than this subject to deal with in our consideration of the measure.

Mr. HARRIS. I suggest to the Senator from Iowa, as the committee amendment, in the part proposed to be stricken out by the amendment of the Senator from Kentucky, will have to be acted on now, according to the suggestion of the Senator from Iowa, that we had just as well go along regularly and allow the Senator from Kentucky to propose his amendment now, and dispose of the bill section by section as we come to each section.

Mr. ALLISON. Very well; I shall yield to the Senator from Kentucky.

Mr. BECK. The Secretary will be kind enough to read the amendment I send to the desk.

The ACTING SECRETARY. In section 6 it is proposed to strike out all after the word "law," in the tenth line, and to insert:

And every national banking association shall, within one year after the Comptroller of the Currency grants to it his certificate authorizing it to have succession for the extended period named in its amended articles of association, be required to deposit with the Treasurer of the United States lawful money of the United States equal to the amount of its former circulation then outstanding; whereupon the bonds pledged as security for such circulation shall be surrendered to the association making such deposit. And if any bank shall fail to make the deposit and take up the bonds for thirty days after the expiration of the time specified, the Comptroller of the Currency shall have power to sell the bonds pledged for the circulation of said bank, at public auction, in New York City, and after providing for the redemption and cancellation of said circulation, and the necessary expenses of the sale, to pay over any balance remaining from the proceeds to the bank or its legal representatives; and any gain that may arise from the failure to present such circulating notes for redemption shall inure to the benefit of the United States; and the new circulating notes which may be issued to said national banks by virtue of the succession for the extended period aforesaid shall bear such devices as the Comptroller of the Currency may approve so as to make them readily distinguishable from the circulating notes issued to them respectively prior to the date of the extension aforesaid: *Provided*, That each banking association which shall obtain the benefit of this act shall pay the cost of preparing the plate or plates for such new circulating notes as shall be issued to it, and all other costs incident to the substitution of such new circulating notes for the old, in addition to the tax now imposed on the banking association by law.

Mr. BECK. I desire to amend the amendment, which, of course, I have a right to do. In line 23 of the amendment I move to strike out the words "Comptroller of the Currency" and to insert "Secretary of the Treasury."

Mr. HARRIS. That is a modification of your own amendment?

Mr. BECK. It is simply a modification of my own amendment made at the suggestion of the Treasurer of the United States in a

letter which he sent to the committee, the committee itself having agreed to it.

Mr. President, I will state to the Senate why I offer this amendment. It was offered, I may say, in part before the amendment adopted by the majority of the Committee on Finance. When the bill first came from the House of Representatives it contained the words the committee has agreed to strike out, which I will now read:

When the amount of such notes shall be reduced to 5 per cent. of the capital stock of the bank issuing the same, the association so extended shall deposit lawful money with the Treasurer of the United States sufficient to redeem all of its outstanding circulation.

That seemed to me to be an effort on the part of whoever framed the bill to prevent the banks from ever depositing lawful money to pay for the circulation then outstanding. Suppose a bank, say in the city of Chicago, had received \$100,000 of circulation, and \$6,000 of it had been destroyed in the great conflagration there, then it never could be reduced down to 5 per cent. of the amount which had been issued to it, and consequently no deposit of lawful money would ever have to be made. Or suppose when a bank saw that its circulation was about to be reduced down to 5 per cent., it took six or seven thousand dollars of its own outstanding notes and used them for other purposes, preferring to keep the circulation issued to it from coming down to 5 per cent., it would hold them, and as long as the books of the Treasury showed that more than 5 per cent. was outstanding it would never have to make a deposit of lawful money to redeem the outstanding circulation.

That was the intent and object, I have no doubt, of whoever originally framed the bill, because the struggle has been with the banks all the time not to pay back the money that they agreed to pay when they took out their charters. Many of them claimed that what was lost of circulation ought to inure to their benefit, and the United States ought not to have it. But it is the contract, the law, that whenever a bank goes into liquidation, it has to make a deposit of lawful money within six months of the time when it goes into liquidation sufficient to cover all its outstanding circulation. Every bank would renew itself but for that law. Every bank that can renew its charter on the expiration of the old one, and twenty-five or thirty of the largest banks who did it recently all had deposited lawful money equal to the amount of outstanding circulation within six months of the time when they went into liquidation. That is by the act of July 14, 1870. I desire to read that act, and if Senators will look at the amendment I have offered they will see that it is precisely in the language of the existing law in regard to banks going into liquidation, except that upon a suggestion that where we require so many banks all at once to deposit 5 per cent. of lawful money or the amount of lawful money necessary to redeem their circulation after six months, it might produce a contraction of the currency. To avoid that I have proposed twelve months instead of six months as now provided by law for banks going into liquidation, so as to guard against any probability of any amount of contraction of the currency taking place by reason of that deposit.

I selected twelve months because, according to all the statements of the officers, the volume of the national banking currency in one form or another passes through the Treasury of the United States once in twelve months. I do not mean the currency of any particular bank. Some of the far country banks may not reach it; but the amount in one form or another goes through the Treasury once in twelve months; so that there would be no contraction of the currency, because the great mass of these notes or an equivalent sum to them will pass through the Treasury once in twelve months, and the remnant they would have to deposit would not be very great. The existing law, the act of July 14, 1870, provides:

That every bank that has heretofore gone into liquidation under the provisions of section 42 of the national currency act, shall be required to deposit lawful money of the United States for its outstanding circulation within sixty days from the date of the passage of this act. And every bank that may hereafter go into liquidation shall be required to deposit lawful money of the United States for its outstanding circulation within six months from the date of the vote to go into liquidation; whereupon the bonds pledged as security for such circulation shall be surrendered to the association making such deposit. And if any bank shall fail to make the deposit and take up its bonds for thirty days after the expiration of the time specified, the Comptroller of the Currency shall have power to sell the bonds pledged for the circulation of said bank at public auction in New York City, and after providing for the redemption and cancellation of said circulation, and the necessary expenses of the sale, to pay over any balance remaining from the proceeds to the bank, or its legal representative.

That is word for word my amendment, except that I insert "twelve months" instead of six, so as to avoid any possibility of a contraction of the currency.

The question naturally arises, as these bank charters are expiring, as their contract under existing law was on the extension of their charters to pay into the Treasury of the United States, within six months of the time of the extension of their charters, or of the time of their going into liquidation, an amount of lawful money of the United States equal to all their circulation then outstanding, now, when they are asking for a renewal of twenty years more, and are asking for new notes to be issued upon their bonds, why should they not, within twelve months, (giving ourselves, if you please, the benefit of the other six months, so as to prevent any possibility of a contraction of the currency,) pay into the Treasury of the United States the amount of money that they agreed by their contract to pay, and which by their charter they were required to pay into the Treasury

in six months? The bill, as now amended by the Senate Committee on Finance, insures it within three years. The bill as it came from the House did not so insure it, because there was an attempted evasion there, plainly, (and I think all the committee so concluded,) cunningly drawn, artfully inserted, but still clearly having that effect.

The question I put is, when these people are asking us for a twenty years' extension of their privileges, why should we extend the time from six months up to three years for them to deposit the lawful money which by law and by contract and by charter they had agreed to deposit in six months, especially when it is apparent upon all the statements of the Treasury officers that the amount of money issued by all the national banks does pass through the Treasury of the United States once every twelve months? That is the whole proposition involved in the amendment in which I and other members of the committee differed with the majority of the committee.

There seems to be apprehension all the time that the banks will create a contraction. I agree there is a difficulty in that respect. One of the great difficulties of the national banking system, is that the banks have the power to contract the currency. That is the reason why other amendments are offered, such as that of the Senator from Iowa, [Mr. ALLISON,] providing for the issue of certificates upon the deposit of gold coin and bullion. I would issue those certificates, backed by gold coin and gold bullion, so that the banks would not have the same power of contracting the currency that they have now.

Mr. SAULSBURY. If the Senator will permit me to ask him a question, I see by the amendment there is a provision for the surrender of bonds that have heretofore been deposited for the security of the circulation of the banks.

Mr. BECK. Certainly.

Mr. SAULSBURY. What is to become of the surety for the circulation to be hereafter issued?

Mr. BECK. Then they will have new circulation upon either the redeposit of those bonds or the deposit of new bonds.

Mr. SAULSBURY. Under the general law?

Mr. BECK. Under the general law. We are now providing for winding up all the old banks, the withdrawing of the old circulation, the settlement of the old account before the new one is opened; and whenever they deposit lawful money then they are entitled to have the bonds surrendered. My amendment provides, as the present law does, that if they fail for thirty days to do what by their contract and their charter they are required to do, the Comptroller of the Currency shall sell those bonds, and pay them over after deducting the expense of making the sale.

The simple question between myself and other members of the committee and the majority of the committee is, is it wise? I agreed to extend the time six months beyond what they had the right to claim, beyond what all the national banks that have renewed themselves have had. Twenty-five of the highest have been renewed. We had the list before us; perhaps the Senator from Iowa has it; I do not have it at hand; but quite a large number have renewed, and each one of them has had to pay lawful money in six months if it desired to redeem its outstanding circulation. Those banks, without the proposed enactment, voluntarily renewed their charters, and if this bill does not pass each one of those banks continues by going there and taking out new articles of association, which it can do to-day, and which banks are doing every day, placing in six months an amount in the Treasury of the United States corresponding to their own outstanding circulation. I propose to give them twelve months; the committee provides three years. There is the difference between the two propositions.

I wish to say another thing before I sit down. I disagreed with the committee in another matter, though I am not sure that I do now; I think they have stricken that out. There was some confusion in regard to the provision of the House in the latter part of the section, and the clause from line 34 down to line 40 was inserted by the Committee on Finance.

Mr. ALLISON. The Senator must have some print that I do not know of.

Mr. BECK. I beg your pardon. The committee met again. Will the Senator give me the letter of the Treasurer upon that subject? When I submitted my amendment and had it printed there was an amendment adopted by the committee adding to the sixth section these words:

And the expense of redeeming national-bank notes shall be assessed upon each bank in proportion to the average amount of circulating notes outstanding for the year previous to the date of assessment, as determined from the reports of the banks; and this provision shall apply to the circulation of national banks in process of liquidation.

There is another amendment to section 7 which, I suppose, is also stricken out in the last print, which I do not happen to have before me. These were inserted, as I understand, on the suggestion of the Comptroller of the Currency, but were stricken out on a letter from the Treasurer of the United States explaining why it was that they could not be used. That portion which is stricken out I would not care to say anything more about, except that I would be glad to have the letter of the Treasurer read upon which the committee reversed its former action, and instead of following the Comptroller

agreed to the suggestions made by the Treasurer. But the main question is between three years and one year.

Mr. ALLISON. I do not find the letter just now. I will have it read later in the day.

Mr. BECK. If the Senator does not have it convenient, no matter. Finding this print on my table, and believing it should be stricken out on the suggestion of that letter, I was not aware that there was a subsequent print which struck it out. That is all that I care to say. The question is merely between the period of one year and three years.

Mr. ALLISON. Mr. President, I desire to have the attention of the Senate but a few moments in relation to this amendment, and I beg Senators to listen to what I have to say.

It will be observed that the House provision in section 6 simply provides a mode whereby all the notes of the existing banks now in circulation shall be returned and destroyed and canceled, and new notes bearing different devices and inscriptions substituted for them as the notes come in and are redeemed at the Treasury by the ordinary methods now in vogue, and that when that is done the benefit of it shall accrue to the United States Government and not to the banks. Then there is another provision that the banks shall pay the cost of the new plates, and also the cost of printing, the circulation, &c. These provisions constitute the substance of section 6.

The House, however, inserted a provision that whenever the old circulation reached a point of 5 per cent. then the banks should deposit lawful money for that 5 per cent. The committee all agreed that a bank which intended to evade that provision could very easily do so by laying aside a portion of its own circulation and not taking new circulation for it. Therefore we all agreed that the 5 per cent. provision was an unwise one, all agreeing, however, to the general provisions of the section, namely, that there ought to be new circulation instead of the old, and that the Government should have the benefit of whatever loss occurred in any way by means of the destruction of notes.

Then we set about making a provision which should cover these points. The Senator from Kentucky, for some reason or other unknown to me, can never get out of his mind the idea that we ought to assimilate this provision to the provision with reference to banks in liquidation. This is an entirely different purpose. This does not relate to banks in liquidation, but only provides for an exchange of currency, giving new national-bank notes for old ones and giving the Government the benefit of the loss of circulation.

Mr. BECK. No; it is making substantially a new banking association for twenty years longer and winding up the old one.

Mr. ALLISON. Undoubtedly; and giving the Government the benefit, of course, of the loss of circulation.

The Committee on Finance believed that it would take some three years before the great body of the notes would come in under the ordinary processes of redemption. Therefore we said the banks ought to have the necessary time, because while an old note is out of course a new one cannot be issued, because new notes are not issued until the old notes come in. Either an old national-bank note is in circulation or a new one is issued in its place.

The Senator from Kentucky says that at the end of twelve months whatever notes are not in of these old notes the banks shall deposit lawful money for. I undertake to say that there is not in this bill, and has not been presented at this session, a proposition which may cause so large a contraction of the volume of the currency as the proposition of the Senator from Kentucky. Under the present provision relating to banks in liquidation, there are \$35,000,000 of lawful money in the Treasury of the United States lying there against the outstanding notes of banks in liquidation. The Senator from Kentucky proposes that if the old notes are not in within twelve months, lawful money of the United States shall be put in there to cover the old notes, thus necessarily, in my belief, involving a large contraction of the volume of paper currency. Should we attempt to do that thing, when by the provisions of the amendment proposed by the committee at the end of three years there would be an absolute turning into the Treasury of all the surplus derived from the loss of national-bank notes on account of the old circulation?

If we do anything in this bill with reference to banks in liquidation, according to my belief we ought to repeal the law which the Senator from Kentucky has read, rather than imitate its bad example. Although it has been the law for a long time, I know no reason, except that a bank should hasten the liquidation of its affairs, why it should be required to put in legal-tender notes, and thus contract the volume of paper money. Why should not banks in liquidation allow their notes to be redeemed by the ordinary process, paying their proper share, as we have provided for their payment in another section of the bill, without locking up a large volume of greenbacks?

Let me say to Senators that the great difficulty with this bill, and the one to which I desire to call especial attention, is that unless we guard safely every provision in it we are to be confronted with a large contraction of the volume of paper money within the next six or nine months. We are handling edged tools in adopting and considering these amendments. We are possibly putting in little provisions here which may within the next six or nine months contract the volume of paper money fifty, sixty, or seventy millions of dollars by authorizing the national banks to put into the Treasury

lawful money for their circulation, thus withdrawing the legal-tender notes, which now form a part of the circulating medium of our country.

I am glad that the Committee on Finance have in every amendment to the bill widened its provisions so as to see to it that there shall be no contraction of the volume of paper money as far as we can prevent contraction by the bill. We have limited the power of the national banks to deposit lawful money to \$3,000,000 per month in another section of the bill. We have authorized, as the Senator from Kentucky has already stated, the deposit of gold coin at the office of the Treasurer or any assistant treasurer of the United States, thus enabling the people to secure paper money as a substitute for that gold coin. We have by the bill undertaken to remedy, so far as we could remedy, the impending evils which are certain to come upon us by a contraction of the volume of paper money.

Does anybody believe that with the great number of banks whose charters are falling in within the next few years, even with or without this bill extending their charters, there is to be an increase of the volume of national-bank circulation when we are paying our national debt at the rate of one hundred or one hundred and fifty millions a year, and when, by our policy and our laws, we allow bank circulation to be issued only upon the bonds of the United States, these bonds drawing 4 per cent. bearing a premium which enables the holder of them only to draw about 3 per cent. per annum to-day? Are banks likely to enlarge their circulation, or even to continue as they now are with the circulation they have, when they are thus handicapped and thus surrounded? Therefore I appeal to my friend the Senator from Kentucky to so enlarge his amendment or enlarge the provisions of this bill as to prevent in every possible way the contraction of the volume of money, so as that at the same time we shall be able to give to the people of this country an absolutely safe and secure currency having behind it to every holder absolute security and absolute redeemability. With the provisions we have endeavored to place in this bill, I have no fear for the currency of our country in the near future, except that the volume is likely to be circumscribed and limited by the operations of existing laws.

Now, I appeal to my friend from Kentucky and ask him to see whether or not the provision with reference to the withdrawal or deposit of lawful money under this section is not better as the Committee on Finance have left it than as proposed in his amendment. I want to do him the credit to say that when that amendment was prepared by him, a good and fair amendment in itself, the Committee on Finance had made no amendment to the section. His was an original amendment to the House provision, and the committee are in favor of some general proposition of that kind; but after giving great attention to the sixth section, we enlarged the amendment as proposed by the Senator from Kentucky, and as it stands to-day reported from the Committee on Finance it is more liberal in its provisions by reason of the fact that the currency is not locked up than the amendment proposed by the Senator from Kentucky. Therefore I hope the Senate will be careful before it adopts his amendment as a substitute for the proposition presented by the Committee on Finance.

Mr. BAYARD. Mr. President, I shall vote against the amendment of the Senator from Kentucky, and for this reason: the very object of this bill is to prevent the necessity of the national banks going into liquidation. The amendment that he proposes would in effect force them into liquidation; that is to say, it would have an equivalent effect on their circulation. That is all there is of it. The law we now propose to pass is a measure to prevent their going through what I call the form of liquidation involving a necessary contraction. The amendment proposed by the Senator from Kentucky would have the effect of compelling the very result which this bill is intended to prevent.

Mr. BECK. Mr. President, I have only an additional word to say. If this bill does not pass at all (and it may not) the banks will go on renewing their charters just as they are doing now, and just as a large number have done without any contraction of the currency or any danger of it, even as to the two or three hundred that will make the change within a year. They will all deposit lawful money within six months after the time of the expiration of their charters as they are now required by law to do. As that is the case now, and as that is going on now every day, why should you give to banks that are obtaining new privileges to issue circulation without limit for twenty years more, the right to hold back for three years what by their contract they agreed to do in six months after they went into liquidation, or after their charters expired, or after they sought to make a change. Besides, the fact will not be denied—because it was proved by the Comptroller of the Currency before us, known to the late Secretary of the Treasury, who is a member of the committee—that the bulk of the money, a sum equivalent to all the national-bank notes outstanding, passes through the Treasury once a year, and that money can be taken out and held there just as it would be if three years were given. There is no reason in the world why two years and six months should be added to their privileges in addition to the twenty years' extension they are now asking.

The PRESIDING OFFICER. The question is on the first amendment of the Committee on Finance to the sixth section.

Mr. BECK. What amendment is that, please?

The PRESIDING OFFICER. The first amendment of the committee.

Mr. BECK. Mine is an amendment to that amendment, striking out "three years" and inserting "one year."

The PRESIDING OFFICER. The motion of the Senator from Kentucky is to strike out after the tenth line of the section and insert a substitute. It is in order first to perfect the portion proposed to be stricken out.

Mr. BECK. Suppose the "three years" is adopted now, can we then adopt "one year" after that?

The PRESIDING OFFICER. After the Senate has acted upon the amendment of the committee and it is agreed to or disagreed to, then the motion of the Senator from Kentucky will be in order to strike it all out and insert what he proposes.

Mr. BECK. The amendment of the committee is very much better than the bill was as it came from the House. There is no doubt about that.

Mr. ALLISON. I do not care about the form. If the Senator from Kentucky prefers to have his amendment acted on now, let it be done.

Mr. BECK. I only want to avoid confusion. I move to amend the amendment of the committee by striking out, in line 12, the words "three years" and inserting "one year."

Mr. BAYARD. Withdrawing the amendment you offered before?

Mr. BECK. No; but for fear I shall be cut off by the vote being taken on this first, I move to amend the amendment of the committee.

The PRESIDING OFFICER. The Senator from Kentucky withdraws his amendment, and proposes to amend the amendment of the committee—

Mr. BECK. I do not withdraw the amendment finally, but only temporarily, for fear I shall be cut off. I move to amend the amendment of the committee by striking out, in line 12, "three years" and inserting "one year." Did the Senator from Iowa suggest that the vote be taken on my whole amendment now?

Mr. ALLISON. I am perfectly willing that the Senator from Kentucky may have the vote taken on his substitute first if he so desires.

Mr. BECK. I would rather do that.

Mr. BAYARD. Now let the Chair state the question.

The PRESIDING OFFICER. By unanimous consent of the Senate the amendment now proposed by the Senator from Kentucky is to strike out, after the word "law," in line 10, all the remainder of the section and insert what the Secretary will read.

The Acting Secretary read as follows:

And every national banking association shall, within one year after the Comptroller of the Currency grants to it his certificate authorizing it to have succession for the extended period named in its amended articles of association, be required to deposit with the Treasurer of the United States lawful money of the United States equal to the amount of its former circulation then outstanding; whereupon the bonds pledged as security for such circulation shall be surrendered to the association making such deposit. And if any bank shall fail to make the deposit and take up the bonds for thirty days after the expiration of the time specified, the Comptroller of the Currency shall have power to sell the bonds pledged for the circulation of said bank, at public auction, in New York City, and after providing for the redemption and cancellation of said circulation, and the necessary expenses of the sale, to pay over any balance remaining from the proceeds to the bank or its legal representatives; and any gain that may arise from the failure to present such circulating notes for redemption shall inure to the benefit of the United States; and the new circulating notes which may be issued to said national banks by virtue of the succession for the extended period aforesaid shall bear such devices as the Secretary of the Treasury may approve, so as to make them readily distinguishable from the circulating notes issued to them respectively prior to the date of the extension aforesaid: *Provided*, That each banking association which shall obtain the benefit of this act shall pay the cost of preparing the plate or plates for such new circulating notes as shall be issued to it, and all other costs incident to the substitution of such new circulating notes for the old, in addition to the tax now imposed on the banking association by law.

The PRESIDING OFFICER. The question is on agreeing to this amendment.

Mr. VEST called for the yeas and nays, and they 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] on this proposition. Were he here, I should vote "yea."

Mr. GROVER, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.] If he were present, I should vote "yea."

Mr. McDILL, (when his name was called.) I am paired on this question with the Senator from Tennessee, [Mr. JACKSON.] If he were here, I should vote "nay."

Mr. MORGAN, (when his name was called.) On this question I am paired with the Senator from Connecticut, [Mr. PLATT.] If he were here, I should vote "yea."

The roll-call was concluded.

Mr. HAWLEY. On this particular vote my colleague [Mr. PLATT] is paired with the Senator from Alabama, [Mr. MORGAN.]

Mr. MORGAN. I announced the pair.

Mr. WALKER, (after having voted in the affirmative.) I am paired with the Senator from New Jersey [Mr. MCPHERSON] and I withdraw my vote.

Mr. PENDLETON, (after having voted in the affirmative.) I withdraw my vote. I was paired with the Senator from West Virginia [Mr. CAMDEN] and voted inadvertently.

Mr. VEST, of Missouri. I neglected to announce the pair of the Senator from Nevada [Mr. FAIR] and the Senator from North Carolina, [Mr. VANCE.] The Senator from Nevada would vote against the amendment if here and the Senator from North Carolina in favor of it. The result was announced—yeas 14, nays 34, as follows:

YEAS—14.

Beck,	Farley,	Maxey,	Voorhees,
Brown,	George,	Pugh,	Williams.
Butler,	Harris,	Vance,	
Coke,	Jonas,	Vest,	

NAYS—34.

Aldrich,	Davis of Illinois,	Hill of Colorado,	Ransom,
Allison,	Davis of W. Va.,	Johnston,	Rollins,
Anthony,	Dawes,	Lapham,	Saulsbury,
Bayard,	Ferry,	Logan,	Samders,
Blair,	Frye,	McMillan,	Sherman,
Call,	Gorman,	Mahone,	Sherman,
Cameron of Wis.,	Hampton,	Miller of Cal.,	Windom.
Chilcott,	Harrison,	Mitchell,	
Conger,	Hawley,	Morrill,	

ABSENT—28.

Camden,	Grover,	Jones of Nevada,	Pendleton,
Cameron of Pa.,	Hale,	Kellogg,	Platt,
Cockrell,	Hill of Georgia,	Lamar,	Plumb,
Edmunds,	Hoar,	McDill,	Sewell,
Fair,	Ingalls,	McPherson,	Slater,
Garland,	Jackson,	Miller of N. Y.,	Van Wyck,
Groome,	Jones of Florida,	Morgan,	Walker.

So the amendment was rejected.

Mr. ALLISON. That settles, I suppose, the practical question in reference to these amendments, except the last one to section 6.

Mr. SHERMAN. They had better be agreed to formally.

Mr. ALLISON. I ask that they be read and agreed to formally.

The ACTING SECRETARY. In line 10 of section 6, after the word "and," the Committee on Finance propose to strike out the words "when the amount of such notes shall be reduced to 5 per cent. of the capital stock of the bank issuing the same" and to insert in lieu thereof "at the end of three years from the date of the extension of the corporate existence of each bank."

The amendment was agreed to.

The next amendment of the Committee on Finance was, in section 6, line 15, after the word "redeem," to strike out "all of its outstanding circulation" and insert "the remainder of the circulation which was outstanding at the date of its extension;" so as to read:

The association so extended shall deposit lawful money with the Treasurer of the United States sufficient to redeem the remainder of the circulation which was outstanding at the date of its extension, as provided in sections 5222, 5224, and 5225 of the Revised Statutes; and any gain that may arise from the failure to present such circulating notes for redemption shall inure to the benefit of the United States.

The amendment was agreed to.

The next amendment was, in section 6, line 23, after the word "redeemed," to strike out "or lawful money deposited therefor, as provided by law, such notes," and insert "they;" and in line 26, after the word "the," to strike out "Comptroller of the Currency" and insert "Secretary of the Treasury;" so as to read:

And from time to time, as such notes are redeemed, they shall be replaced by new circulating notes, bearing such devices, to be approved by the Secretary of the Treasury, as shall make them readily distinguishable from the circulating notes heretofore issued.

The amendment was agreed to.

Mr. SAULSBURY. I desire to ask the Senator from Iowa one question. Lines 22 and 23 read:

And from time to time, as such notes are redeemed, they shall be replaced by new circulating notes.

I want to inquire whether any bank might not take to the Treasury the notes of any other bank and have them taken in, and who then would get the benefit of this new issue of notes?

Mr. ALLISON. There is no trouble about that. We have in the Treasury a redemption bureau. As the notes of any one of these banks come in they are canceled and destroyed and new notes are issued. So that an old note of a particular bank must come in before a new note of that particular bank can go out.

Mr. SAULSBURY. If a bank in Chicago, for instance, shall take to the Treasury the note of a bank in Philadelphia and have it redeemed, and a new note is to be issued, to whom is that new note delivered, to the bank in Philadelphia or the bank in Chicago?

Mr. ALLISON. The bank in Philadelphia. The bank issuing the note has its note redeemed, and when that note is redeemed a new note of a new device is given.

The PRESIDING OFFICER. The next amendment will be read. The ACTING SECRETARY. The next amendment of the Committee on Finance is, in section 6, line 30, after the word "shall," to strike out "pay" and insert "reimburse to the Treasury;" so as to read:

Provided, however, That each banking association which shall obtain the benefit of this act shall reimburse to the Treasury the cost of preparing the plate or plates for such new circulating notes as shall be issued to it.

The amendment was agreed to.

The next amendment of the Committee on Finance was, in section 6, line 32, after the word "it," to strike out:

And all other costs incident to the substitution of such new circulating notes for the old, in addition to the tax now imposed on the banking association by law.

Mr. ALLISON. The reason why the committee struck that out is that the whole cost of substituting new notes for the old is estimated by the Comptroller of the Currency at about \$20,000 to \$23,000, and he said it would be exceedingly difficult for him to keep an account with each bank in reference to these notes, and it never has been kept in this way since the organization of the system. The cost of circulation has been taken out of the taxes paid upon circulation, and upon capital, &c. He said the total cost would not exceed \$22,000 or \$23,000, and might not reach that.

Mr. SHERMAN. About ten dollars a bank.

Mr. ALLISON. Ten or fifteen dollars a bank.

Mr. BECK. I should like very much, before the amendment is voted upon, to hear the letter sent by the Treasurer to us read. I think it bears upon that subject.

Mr. ALLISON. I have no letter from him on that subject.

Mr. BECK. What subject did that relate to, if it does not bear upon that? The amendment adopted by the committee in lieu of that, and stricken out in the last print, was the one he condemned, and I thought his recommendation went to restoring the House provision.

Mr. ALLISON. The amendment sent to us by the Treasurer of the United States is to be found on page 7, section 8. There the committee have stricken out the part first printed in italics and substituted the exact words sent to us by the Treasurer of the United States.

Mr. BECK. The Senator from Iowa will pardon me. At the end of this section, in the print that was laid on the 1st of June before the Senate by him, is an amendment to strike out these words in the House bill:

And all other costs incident to the substitution of such new circulating notes for the old, in addition to the tax now imposed on the banking association by law.

And after striking out these words the committee added:

And the expense of redeeming national-bank notes shall be assessed upon each bank in proportion to the average amount of circulating notes outstanding for the year previous to the date of assessment, as determined from the reports of the banks; and this provision shall apply to the circulation of national banks in process of liquidation.

That is now stricken out. That was inserted originally by the committee in lieu of the words stricken out, and then this amendment was itself stricken out on the letter of the Treasurer. That letter I desire to have read, because my understanding is that not only did that letter seek to strike out the amendment of the committee but it sought to restore the provision of the House.

Mr. ALLISON. Now, I say to the Senator from Kentucky that in that letter there is not the slightest allusion made to the words proposed to be stricken out here. The Treasurer did say to us that this provision, which we inserted at the end of section 6, was an unjust provision, inasmuch as it provided that the cost of the transportation and redemption of these notes should be assessed upon all the banks, according to the average circulation of all the banks, to be ascertained by the banks themselves. The Treasurer stated to us in the letter that he could compute to a cent the cost of redeeming and transporting these notes to each bank, and he said that was the existing law, and therefore there was no need of a provision with reference to redemptions of existing banks, but he thought there ought to be a provision with reference to banks in liquidation, and he sent to me an amendment which I propose to add to section 8 of this bill when we reach it, covering these exact points.

These are the two points of his letter, and I will have the letter here to-morrow morning so that it may be read to the Senate, and I promise the Senator that if there is one word relating to this subject in that letter I will ask for a reconsideration.

Mr. BECK. That is all I ask. I am not sure about it.

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

The amendment was agreed to.

The Acting Secretary read the seventh section of the bill.

Mr. ALLISON. I move to insert, in section 7, line 11, after the word "associations," the words "except as modified by this act;" so as to read:

And the provisions of sections 5224 and 5225 of the Revised Statutes shall also be applicable to such associations, except as modified by this act.

The amendment was agreed to.

Mr. ALLISON. Now I have the letter requested by the Senator from Kentucky, and I will either have it read at the Clerk's desk—

Mr. BECK. Put it in the RECORD, and we can see it in the morning.

Mr. ALLISON. I should like to have the Senator from Kentucky look it over, and then I will have it inserted in the RECORD.

Mr. BECK. Let it be inserted in the RECORD, and we can all see it in the morning.

Mr. ALLISON. Very well.

The letter is as follows:

TREASURY OF THE UNITED STATES,
Washington, June 15, 1882.

Sir: While fully approving the object sought to be accomplished by the amendment reported by the Committee on Finance to section 8 of the bill "to enable national banking associations to extend their corporate existence," I venture to suggest certain changes in its phraseology which seem to me necessary to insure its smooth practical working.

The amendment in its present form requires all national banks which have here-

tofore made deposits for the reduction or liquidation of their circulation to be assessed "at the time of their deposit," which is manifestly impracticable. So far as concerns liquidating banks which have already made full deposits for the retirement of their circulation, no assessment can be enforced against them, for the reason that the associations have been dissolved and their assets distributed. "Reducing" banks, that have heretofore made deposits which are not yet exhausted, may, however, be assessed without difficulty.

More than \$13,000,000 in notes of reducing banks have already been redeemed during the current fiscal year, the expenses of which have not yet been assessed, and there still remains to their credit \$25,500,000 in lawful money applicable to the redemption of their notes. In order that these amounts may be subject to assessment it is necessary that the amendment include, as it now does, banks which have heretofore made deposits for the reduction of their circulation. As these banks are still in active operation it is not necessary that the assessment should be made upon them at the time of the deposit. They can be assessed at the end of each year on the amount redeemed, in the same way as banks which are not reducing. The present amendment would require banks making a deposit for the retirement of any part, however small, of their circulation to pay at once an assessment on their entire circulation.

A bank of \$1,000,000 circulation desiring to deposit \$9,000 in lawful money in order to withdraw \$10,000 in "called" bonds, would be required to pay an assessment on the entire \$1,000,000, which would be considered a hardship. Under the amendment proposed by the Treasurer the notes redeemed out of the 5 per cent. deposit under section 3 of the act of June 20, 1874, and those redeemed out of the reducing deposit under section 4 of that act, would be placed on the same footing and assessed in the same manner.

Probably by inadvertence, the committee's amendment includes only "the cost of transportation," although "the cost of the redemption" is made the basis of the estimate. The assessment should, in my opinion, cover both the cost of transporting and redeeming. As liquidating and reducing banks from the nature of the case must be dealt with in different ways, it seems impracticable to make the same language cover the mode of assessing both classes of banks.

It is respectfully suggested that the committee's amendment be modified so as to apply only to banks hereafter going into liquidation, and that there be added to it the amendment already suggested by the Treasurer providing for the assessment of reducing banks. The amendment will then read as follows:

Provided, That all national banks which shall hereafter make deposits of lawful money for the liquidation of their circulation shall, at the time of their deposit, be assessed for the cost of transporting and redeeming their notes then outstanding, a sum equal to the average cost of the redemption of national bank notes during the preceding year, and shall thereupon pay such assessment; and all national banks which have heretofore made or shall hereafter make deposits of lawful money for the reduction of their circulation shall be assessed and shall pay an assessment in the manner specified in section 3 of the act approved June 20, 1874, for the cost of transporting and redeeming their notes, redeemed from such deposits subsequently to June 30, 1881.

Very respectfully,

JAS. GILFILLAN,
Treasurer of the United States.

Hon. JUSTIN S. MORRILL,
Chairman Committee on Finance, United States Senate.

The Acting Secretary read the eighth section of the bill.

Mr. SHERMAN. I think, in order to relieve an ambiguity there to carry out the intent of the act, it will be necessary to insert in line 3 of the section, after the words "thousand dollars or less," the words "having a circulation of less than \$9,000." This section only applies to banks having no circulation practically. The language is too broad for its purpose.

Mr. ALLISON. I am not so clear that this section should not be stricken out wholly.

Mr. SHERMAN. I think it had better be left.

Mr. ALLISON. I want to call attention to the fact that this cannot apply exclusively to banks having no circulation. The object of this is, as the Senator knows, to allow small banks to reduce their circulation to \$9,000. For instance, there are many banks of \$150,000 capital who are bound to have \$50,000 of bonds on deposit as the law now stands. A bank having \$50,000 capital must have \$30,000 in bonds whether it has circulation or not.

Mr. SHERMAN. The Senator will see if he reads this section—I did not read it until to-day—that it is so broad and general in its language that it would seem to imply that a bank having a capital of \$150,000, though it might have \$100,000 of circulation, might not have more than \$10,000 in bonds. It ought to be confined to the class of banks it was intended to apply to, that is to those having no circulation, as is the case now with a large number of banks.

Mr. BECK. I ask the Senators from Iowa and Ohio if this section does not require pretty careful change because it was a first suggestion when it came before us in committee, and I understand it was in the House where there was an effort made to organize little national banks with a circulation of eight or ten thousand dollars, to be what are called poor men's banks, which I thought would simply be immense swindles. If men who go into the banking business are not worth fifty or one hundred thousand dollars they are dangerous, because with eight or ten thousand dollars of capital they will get deposits all over the country on the faith that they are a bank, and the chances are that the thing will be a scandal if we allow it to be carried on. It is the name of a bank and not the substance of a bank. That was the first intention, I know, from the discussion in the House.

Mr. SHERMAN. As the section now stands it might allow a bank with \$100,000 of circulation to have only \$10,000 of bonds deposited. The purpose of this section was where banks had no circulation not to require them to have more than \$10,000 of bonds on deposit. There are many banks in New York that have no circulation at all; that do not need circulation for their business; and this was intended to be confined to them. If the case stated by the Senator from Kentucky is true, the whole section ought to be stricken out; but I do not think that objection applies to all, because the other provisions of the banking law are stringent to prevent any banks being started of the kind he mentions.

Mr. VEST. I confess that I have not understood this section, and

shall be very glad to do so. Does the Senator from Ohio mean to say that this section as it now stands (section 8) only applies to banks without circulation?

Mr. SHERMAN. That was the purpose, as I understand, or with very small circulation.

Mr. VEST. Then it does not say so, most emphatically.

Mr. SHERMAN. I know it does not.

Mr. VEST. "That national banks now organized, or hereafter organized, having a capital of \$150,000 or less." There is no limitation as to circulation; and I have puzzled over it because I could not see how the committee could report a section of this bill which allows a bank to issue to the full amount of circulation now provided by law, and then only deposit \$10,000 in bonds.

Mr. ALLISON. In order to relieve the Senator from Missouri from that trouble I will call his attention to another section of this bill, which provides that only 90 per cent. of the par value of the bonds shall be issued to any bank as circulation.

Mr. SHERMAN. I think this clause in connection with the national banking act would not be held to change the provisions of the national banking act, which requires \$100 of bonds to be deposited for every \$90 of circulation; but the language of the section is so broad that it might create an ambiguity, and I think, therefore, it had better be confined to banks having less than \$9,000 of circulation. I think that would be a wise provision. I therefore move the amendment.

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

Mr. MORRILL. I think it would be better to strike out the House section 8 down to and including the word "provided," and beginning the section in line 9.

Mr. VEST. Beginning "that all national banks?"

Mr. MORRILL. I do not believe in these small banks anyhow.

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

Mr. SHERMAN. It is in line 3, after the words "\$150,000 or less," to insert "having a circulation of less than \$9,000." That should be adopted any way. Then the whole section may be stricken out if the Senate please.

Mr. ALLISON. I must call the attention of the Senate to the difference between the interpretation I give to the section and that of the Senator from Ohio. I understand this section was not intended for banks having no circulation, but *per contra* it was intended for the banks that have circulation; and I have another amendment which I propose to offer to this bill which brings this section within the provisions of the section limiting the amount of lawful money to be deposited, because of these banks having \$150,000 of capital or less, there are probably five or six hundred, and this provision will enable them to sell all their bonds down to \$10,000 and make the premium, if they have 4 percents, of 20 per cent. and credit it in their accounts, and thus largely contract the volume of circulation. Although this section was put in in the House, not by the Committee on Banking and Currency, but by a member on the floor as an amendment, I believe the effect of it will be to contract the volume of lawful money as it stands now.

Mr. VEST. Undoubtedly.

Mr. ALLISON. Because it will enable all the banks having \$150,000 of capital or less to reduce their bonds down to \$10,000, where now they are obliged to keep \$30,000, and banks of \$150,000 capital are obliged to keep \$50,000 on deposit; and of course where they keep the money on deposit they generally take out circulation covering the amount of bonds before deposited.

I am inclined to agree with the Senator from Vermont, that this provision, if we do anything with it at all, had better be stricken out.

Mr. VEST. Does the Senator from Vermont make that motion?

Mr. MORRILL. I shall make it.

Mr. ALLISON. That is rather my impression.

Mr. SHERMAN. I have no objection to such a motion being made, but I want the section perfected if it is to be left in. I do not want it to apply to all the national banks of that grade.

Mr. BECK. If there is no objection to it, as we cannot get through to-night, I will move either to proceed to the consideration of executive business or to adjourn, so that we can look over this section a little more closely.

Mr. ALLISON. Let me make another suggestion. Let us pass over section 8 for the time being.

Mr. BECK. Very well.

Mr. SHERMAN. I desire to make another amendment to the proviso.

Mr. ALLISON. Why not strike it out?

Mr. SHERMAN. Let it be passed over.

Mr. ALLISON. I ask that section 8 be passed over.

The PRESIDING OFFICER. If there be no objection, section 8 will be passed for the present. The Chair hears no objection. The next section will be read.

ADJOURNMENT OVER.

Mr. RANSOM. While the committee is arranging this matter, I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. ALLISON. I must object to that.

The PRESIDING OFFICER. The Senator from North Carolina.

moves that when the Senate adjourn to-day, it be to meet on Monday next.

Mr. ALLISON. If that motion is to be pressed by the Senator from North Carolina, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BAYARD. If the bill retains its place, that is all the Senator from Iowa wants.

Mr. BECK. There are no appropriation bills ready, and none will be for a week.

Mr. RANSOM. I am satisfied the Senator from Iowa has not comprehended my motion. It is only to adjourn over to Monday when we adjourn to-day. I am not proposing to adjourn now.

The question being taken by yeas and nays resulted—yeas 35, nays 21; as follows:

YEAS—35.

Anthony,	Davis of West Va.,	Hill of Colorado,	Pugh,
Bayard,	Farley,	Johnston,	Ransom,
Beck,	Garland,	Jonas,	Saulsbury,
Blair,	George,	Lapham,	Vance,
Brown,	Gorman,	Logan,	Vest,
Butler,	Grover,	Mahone,	Voorhees,
Call,	Hampton,	Morgan,	Walker,
Chilcott,	Harrison,	Pendleton,	Williams.
Coke,	Hawley,	Plumb,	

NAYS—21.

Aldrich,	Ferry,	Maxey,	Sawyer,
Allison,	Frye,	Miller of Cal.,	Sherman,
Cameron of Wis.,	Harris,	Mitchell,	Windom.
Conger,	Hoar,	Morrill,	
Davis of Illinois,	McDill,	Rollins,	
Dawes,	McMillan,	Saunders,	

ABSENT—20.

Camden,	Groome,	Jones of Florida,	Miller of N. Y.,
Cameron of Pa.,	Hale,	Jones of Nevada,	Platt,
Cockrell,	Hill of Georgia,	Kellogg,	Sewell,
Edmunds,	Ingalls,	Lamar,	Slater,
Fair,	Jackson,	McPherson,	Van Wyck.

So the motion was agreed to.

Mr. PLUMB. I desire to move now that the Senate take up for consideration Senate bill No. 1272, to create an additional land district in the Territory of Dakota.

Mr. ALLISON. But I think we can finish the banking bill before the Senate adjourns.

Mr. PLUMB. I ask unanimous consent.

Mr. ALLISON. We can go far toward finishing the banking bill to-night. I think, now that we have decided not to sit to-morrow, we had better go on with the bill, and I think we can finish it. I assure the Senator from North Carolina that the Senator from Ohio and myself can agree about the eighth section.

Mr. VOORHEES. Will the Senator from Iowa allow me to offer a resolution of inquiry?

Mr. PLUMB. I made the motion with the expectation that the bank bill was going over, but of course if it is to remain under consideration I withdraw my motion.

PAY OF NAVAL AND MARINE OFFICERS.

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

Resolved. That the Secretary of the Navy be, and he is hereby, directed to inform the Senate what amounts are required for the pay of officers of the Marine Corps in accordance with the decision of the Supreme Court in the case of United States vs. Tyler; also what amounts are required to pay unadjusted claims of naval officers for mileage, in accordance with the decision of said court in the case of United States vs. Temple.

NATIONAL BANKING ASSOCIATIONS.

The PRESIDENT *pro tempore*. The bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence is before the Senate as in Committee of the Whole, and the question is on the amendment of the Senator from Ohio [Mr. SHERMAN] to section 8.

The amendment was agreed to.

Mr. MORRILL. I now move to strike out all of section 8 down to line 9, including the word "provided."

Mr. SAUNDERS. I should like to have a little more light on this point. If I understand this section small banks having no circulation would not be required to put up more than \$10,000 of bonds. Is that what it means?

Mr. MORRILL. Anybody by reading the section will see that it not only applies to banks already organized but to those which may hereafter be organized, of \$150,000 capital or less, that they shall not be required to have more than \$10,000 of bonds on deposit. I am utterly opposed to these little picayune banks. I agree with the Senator from Kentucky.

Mr. SAUNDERS. The Senator will allow me to ask a question. He seems to understand this matter, and I do not. I am asking for light. I want to know whether this applies to all banks with \$150,000 of capital or less, or whether this is simply designed to apply to that class of banks when they have no circulation? I admit that the section ought to be amended. If that is what it means it ought to say so. Where banks have no circulation they are not to be required to put up more than \$10,000 of bonds. If that is what it means, I am willing to vote for it, because there would be good reason in that.

Mr. MORRILL. There are half a dozen patent ambiguities in this section, and it ought to be stricken out and leave the law as it now is.

Mr. DAVIS, of West Virginia. May I ask my friend from Vermont if it ought to be stricken out, as he is the chairman of the committee, why the committee did not strike it out? Why did they report the bill with that section in?

Mr. MORRILL. It was intended to be considered by the committee, but by inadvertence it passed without having the attention of the committee called to it at the last time when the bill was reported. It was intended to be considered further.

Mr. SHERMAN. The section was undoubtedly put in by the House for this purpose: the present law requires that every bank, whatever may be its capital, shall deposit bonds; the lowest bank authorized by law is \$50,000 capital. The law requires every bank, however small its capacity, to deposit, and without regard to its circulation, \$30,000 of United States bonds, and the bonds increase with the amount of capital. For \$150,000 capital the minimum of United States bonds is \$50,000. The law also requires that whenever the bank takes out circulation it shall deposit \$100 in bonds for every \$90 in circulation.

The object of that law when it was passed was to compel or to require the national banks to buy the bonds of the Government. Every bank was required to buy the bonds of the Government in aid of our financial operations in order to make a market for United States bonds at the time; but the reason for that has disappeared and the time has passed when it is the interest of the Government to compel a bank or anybody else to hold United States bonds. There are plenty of people who want them and the price has grown to be exorbitant.

It is thought, therefore, to be unreasonable to require a bank with a capital of \$100,000 to invest \$30,000 of its money, or now \$36,000 of its money, in United States bonds, when no good interest is to be accomplished by that, and this section was simply intended to relieve those banks from the operation of that law. I think myself it would be well enough to let the section stand, provided you relieve it from the only ambiguity I see in the section and confine it to those banks which have but little or no circulation.

Mr. SAUNDERS. That is what I say.

Mr. SHERMAN. That has been done.

Mr. COKE. I would ask the Senator from Ohio if this section may not result in a contraction of the currency? The Senator will remember that the taxation against the issuance of bank paper by any other corporation or individual than national banks remains in existence. Now, if we allow national banks to pursue the banking business without requiring them to issue bank paper, where will our paper money come from then?

Mr. SHERMAN. Under the law as it stands no national bank is bound to take out circulation at all; it is entirely optional with the bank, and there are banks in New York now with \$5,000,000 capital that have substantially no circulation. It is deemed very important to have all our banking institutions under the restrictions of the national-bank act. Therefore, there is no peremptory obligation on the part of any bank to have any circulation whatever. Whether this section is stricken out or left in is not a matter of very grave importance except that the law now compels small banks in remote localities, in towns of three or four thousand inhabitants, with \$50,000 capital, to invest the great body of their capital in United States bonds, when probably it would be better to allow them to invest their capital in the notes of their neighbors in commercial paper.

Mr. HARRISON. Will the Senator from Ohio allow me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. HARRISON. Attention has been drawn by the Senator from Kentucky and also by the Senator from Vermont to the fact that if this section stands as printed in the bill it will authorize or encourage the formation of small banks. Now, as I understand it, that is not so. The law will still be that no bank shall be organized with less than \$50,000 capital.

Mr. SHERMAN. That is true.

Mr. HARRISON. And this section would only relate to the amount of bonds deposited by the bank.

Mr. SHERMAN. This section does not limit the amount of capital; the minimum is still \$50,000, but the law now stands, for the reason I have stated, that every bank shall invest \$30,000 of its capital in United States bonds. What is the object of that? The only object of requiring bonds to be purchased by the banks is to secure their circulation. If they take out circulation they have to deposit more than \$30,000 in bonds; if they do not choose to take out circulation then they do not have to have more than \$10,000 of bonds under this section; that is the minimum fixed here. I do not see any objection to that. I do not have the same opinion about these banks that the Senator from Kentucky does. I think it is a convenience in every community in the United States, in every town of two or three thousand inhabitants, if there be an institution that can lend fifty or sixty thousand dollars for commercial purposes as an organized national bank rather than compel the people to resort to a broker or banker. The people never lose by a national bank. They certainly never lose anything in their notes, and scarcely ever anything on their deposits. The history of national banking is remarkable in that particular. The loss by depositors of national banks is absolutely infinitesimal, while by depositing with banks and bankers that are not organized under the

national banking act, which are not under any supervision, which make no returns, which do not publish their proceedings, the people are more likely to lose them by national banks organized under the national banking act, which have to make their returns and be examined constantly, and whose whole proceedings are under the inspection and eye of the officers of the United States.

Mr. DAVIS, of West Virginia. I wish to put an inquiry to the Senator from Ohio. If I understand this section correctly, any persons now or hereafter organizing a national bank can deposit but \$10,000 in bonds at the Treasury and can do business as if they had \$100,000? In other words, it only requires a deposit of \$10,000 of bonds to organize a national bank and commence business?

Mr. SHERMAN. Not at all. They must have \$50,000 capital stock paid in. This has nothing to do with the capital stock; this is only the question of the amount of bonds to be deposited.

Mr. DAVIS, of West Virginia. I understand that, but \$10,000 is only required to be deposited here?

Mr. SHERMAN. Yes.

Mr. DAVIS, of West Virginia. How do you know whether they have the \$50,000 paid in or not if it is not deposited here? Under the present law, if I understand it, all the bonds the bank owns must be deposited here if it has circulation.

Mr. SHERMAN. This does not make one particle of difference on the capital stock; the capital stock has to be paid in. That depends upon the sworn statement of the officers. How do you know that the capital stock of any bank is paid in?

Mr. DAVIS, of West Virginia. Because the bonds are deposited here in the Treasury.

Mr. SHERMAN. Not at all.

Mr. DAVIS, of West Virginia. Yes, if they have circulation.

Mr. SHERMAN. The bonds are deposited when they get circulation, and the bonds are deposited as security for circulation.

Mr. DAVIS, of West Virginia. Exactly. You cannot get circulation without the bonds.

Mr. SHERMAN. And you cannot under this bill.

Mr. DAVIS, of West Virginia. But you need not deposit over \$10,000 of bonds under this bill, and \$30,000 is the lowest amount now.

Mr. SHERMAN. The bonds must be deposited in every case to the extent of \$30,000—

Mr. DAVIS, of West Virginia. In other words, if I understand the section correctly, it reduces the minimum amount from \$30,000, which you must deposit now to get circulation, to \$10,000.

Mr. SHERMAN. Yes; but it does not diminish the capital at all.

Mr. DAVIS, of West Virginia. I am not talking of capital, but of bonds.

Mr. SHERMAN. Is it desirable to encourage the organization of national banks with a capital of say \$50,000 throughout the country? Of the two thousand and odd national banks organized now, a very large portion of them have a capital of from \$50,000 to \$100,000; a majority probably have \$100,000 or less. It is a very onerous provision on these small banks to require them to invest their money so largely in national bonds while no national object is accomplished by their doing it. They get no benefit by their putting their capital in bonds. They are no stronger, but rather weaker, because they have invested their capital in bonds instead of commercial paper.

Mr. DAVIS, of West Virginia. I differ from the Senator when he says they are rather weaker. I think they are stronger.

Mr. SHERMAN. I think they had better have the money loaned out in the community rather than invested in bonds.

Mr. SAUNDERS. I will offer an amendment. I see the difficulty, I think, in this matter, and that was the reason I asked for light. The section now provides that a bank shall be required to put up no more than \$10,000 in bonds where it has no circulation. That I am in favor of, because that is enough probably to require of the small banks; but in the shape the section is now in I am not prepared to vote for it, for it says "shall not be required to keep or deposit with the Treasurer of the United States bonds in excess of \$10,000 as security for their circulating notes." The amendment I wish to offer is this: after the word "dollars," in line 5, to insert "provided, the banks have no circulating notes."

Then it will read in this way:

That the national banks now organized or hereafter organized having a capital of \$150,000 or less—

Mr. HOAR. Will the Senator allow me to ask him to have read from the desk the section as it now stands as amended on the motion of the Senator from Ohio, and we can compare that with the original section?

Mr. SAUNDERS. I wish first to propose my amendment. I will begin again:

That national banks now organized or hereafter organized, having a capital of \$150,000 or less, shall not be required to keep or deposit with the Treasurer of the United States United States bonds in excess of \$10,000: *Provided*, The banks have no circulating notes.

And strike out the words "as security for their circulating notes."

Mr. SHERMAN. I have already got that in. It now reads in this way; I will read it instead of the Secretary:

That national banks now organized or hereafter organized, having a capital of \$150,000 or less, and having a circulation of \$9,000 or less, shall not be required to keep or deposit with the Treasurer of the United States, &c.

Mr. SAUNDERS. I would strike out the \$9,000, but I am not particular about that.

Mr. SHERMAN. Nine thousand dollars of circulation would require \$10,000 of bonds.

Mr. SAUNDERS. Then you would have only \$1,000 to secure the depositors.

Mr. SHERMAN. The bonds are always in that proportion. They are only filed as security for the circulation.

Mr. SAUNDERS. If the section is amended in that way, as proposed by the Senator from Ohio, I will vote for it, though I should prefer it in the other shape.

Mr. MORRILL. As I understand the Senator from Ohio, this section does not change the law in relation to any banks that may hereafter be organized. There is no authority in the section providing that banks may be organized with \$150,000 or less of capital and issue these notes; but it speaks of those which are now organized or may be hereafter organized, and yet there is no provision that they shall be hereafter organized. His proposition is, that this shall apply only to banks that have now no more than \$9,000 of circulation. That takes away one ambiguity that there is in this section; otherwise any bank of \$150,000 capital might retire down to \$9,000 in any portion of the country, if it was a \$50,000 bank with \$30,000 of circulation they could retire \$21,000 of it. I therefore felt that the section ought to be stricken out. I prefer to have it stricken out now.

Mr. SAULSBURY. It seems to me the argument has been that where there is a circulation of less than \$10,000 there is no necessity for requiring bonds in excess of \$10,000. I differ entirely with the Senator from Ohio in that respect. It may be true that many banks of \$150,000 capital may not want more than \$9,000 of circulation, because they may be able to do business upon their deposits; but they might be unfortunate.

They have obtained a valuable franchise which secures to them the confidence of the community in which they exist, and may thereby be enabled to become the depository of a large amount of deposits. Now, the \$30,000 or the \$60,000 or the \$90,000 of bonds is assets of the bank, and to that extent it becomes a security for depositors as well as for circulation. I am not in favor, therefore, of altering the existing law in that respect.

It is no hardship on the banks, because they obtain a valuable franchise from the Government on the condition that they shall comply with the law as it exists to-day, and I am not, therefore, in favor of reducing their liability to deposit the bonds that are now required in the Department, because, as I before remarked, they may reduce their circulation to less than \$10,000. The bonds which they have deposited are their assets and become to a certain extent a part of the security that their depositors would look to in case of their failure.

Mr. ALLISON. Let us have a vote now on this motion to strike out.

The PRESIDENT *pro tempore*. The pending motion is the motion of the Senator from Vermont [Mr. MORRILL] to strike out the eighth section down to the word "provided," in line 9. Or did the Senator from Nebraska propose first to perfect the section?

Mr. SAUNDERS. I proposed to perfect it, but I understand that the Senator from Ohio has offered an amendment of the same character, and I hope we shall not adopt the motion of the Senator from Vermont to strike out.

There seems to be an objection here to small banks. I am in favor of encouraging people in the smaller towns to start small banks, that is, fifty-thousand-dollar banks, and to make places of security where you can send money to be collected and remitted. Such banks ought not to be required to have a large amount of bonds deposited here, purchased at a great premium, when they do not want circulation. On that account I want the amendment of the Senator from Ohio to be guarded, and I want the motion of the Senator from Vermont to be voted down.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore*. Before the doors are closed the Chair will lay before the Senate some messages from the President of the United States.

The Acting Secretary read the following message from the President of the United States:

To the Senate:

I transmit herewith a report from the Secretary of State, and its accompanying papers, concerning the smoke abatement exhibition which was held at South Kensington, London, last winter.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, June 16, 1882.

Mr. PENDLETON. I ask that the message be printed and lie on the table. I have examined the papers, and I do not think a reference is necessary.

The message was ordered to lie on the table and be printed.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a letter from the Secretary of War, dated the 14th instant, covering plans and estimates for repairs, additions,

and alterations to public buildings at the depot of the mounted recruiting service, Jefferson Barracks, Missouri, and in which he recommends that the sum of \$24,938.44 be appropriated for the purpose, in accordance with the estimates, during the present session of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, June 16, 1882.

Mr. HAWLEY. As to the paper just referred to the Committee on Appropriations with an order to print, I wish to suggest that we may as well take off the order to print the drawings, because it will cost \$500, and they will be of no mortal use to anybody after they are printed. They are drawings of common barracks.

The PRESIDENT *pro tempore*. The message will be referred without printing to the Committee on Appropriations.

The following message from the President of the United States was referred to the Select Committee to make provision for taking the Tenth Census and ascertaining the results thereof, and ordered to be printed:

To the Senate and House of Representatives:

I submit herewith for the consideration of Congress a communication from the Secretary of the Interior, in which he recommends that the sum of \$245,000, the amount which the superintendent estimates will be required to complete the work of the tenth census, be appropriated for the purpose.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, June 16, 1882.

HOUSE BILL REFERRED.

The bill (H. R. No. 6519) to authorize the construction of bridges over the rivers Saint Mary's, Satella, Little Satella, and Crooked, in the States of Georgia and Florida, was read twice by its title, and referred to the Committee on Commerce.

BILLS INTRODUCED.

Mr. MORGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2043) for the relief of Milton Williams; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLAIR asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2044) for the endowment of the "S. R. and R. M. Lowery Industrial Academy," in the State of Alabama, and to accept a donation of buildings and lands in aid of the same, and for other purposes; which was read twice by its title, and referred to the Committee on Education and Labor.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2045) to permit freedmen to enter certain public lands in the Indian Territory; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. MILLER, of California, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2046) to authorize the Southern Pacific Railroad Company and other railroad companies to unite and consolidate so as to form a continuous line of railroad between the tidal waters of the Atlantic and Pacific Oceans; which was read twice by its title, and referred to the Committee on Railroads.

AMENDMENTS TO BILLS.

Mr. ROLLINS submitted an amendment intended to be proposed by him to 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; which was referred to the Committee on Appropriations, and ordered to be printed.

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

REPORT OF A COMMITTEE.

Mr. ANTHONY, from the Committee on Printing, to which was referred the memorial of the Soldiers and Sailors' League in favor of the enforcement of the law giving soldiers and sailors engaged in the late war preference in Government employment, with special reference to the office of Public Printer, asked to be discharged from its further consideration; which was agreed to.

EXECUTIVE SESSION.

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

HOUSE OF REPRESENTATIVES.

FRIDAY, June 16, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday was read and approved.

SERGEANT-AT-ARMS OF THE HOUSE OF REPRESENTATIVES.

Mr. RANDALL. I call for the regular order.

Mr. ROBINSON, of Massachusetts. I desire unanimous consent to introduce, for present consideration, a bill relating to the office of Sergeant-at-Arms of the House, and having reference to the compensation and mileage of members. I hope it may be read before objection is made.

Mr. RANDALL. If that bill relates to the conduct of the business of the House, it may be well to act upon it now.

The SPEAKER. The bill will be read.

The Clerk read as follows:

A bill (H. R. No. 6518) making the Sergeant-at-Arms of the House of Representatives a disbursing officer, and for other purposes.

Be it enacted, etc., That the moneys which may be appropriated for the compensation and mileage of Representatives and Delegates shall be paid at the Treasury on requisitions drawn by the Sergeant-at-Arms of the House of Representatives, and shall be kept, disbursed, and accounted for by him according to law; and the said Sergeant-at-Arms shall be deemed a disbursing officer, but he shall not be entitled to any compensation additional to the salary now fixed by law.

SEC. 2. The Sergeant-at-Arms of the House of Representatives shall, within thirty days after entering upon the duties of his office and before making any requisitions upon the Treasury to draw any portion of the moneys appropriated for the compensation and mileage of Representatives and Delegates, give a bond to the United States, with one or more sureties, to be approved by the First Comptroller of the Treasury, in the penal sum of \$50,000, with condition for the faithful application and disbursement of such funds as may be drawn by him from the Treasury as a disbursing officer of the United States. No member of Congress shall be approved as surety on such bond.

SEC. 3. The bond given pursuant to the preceding section shall be deposited in the office of the First Comptroller of the Treasury.

SEC. 4. Any person duly elected and qualified as Sergeant-at-Arms of the House of Representatives shall continue in his said office until his successor is chosen and qualified, subject, however, to removal by the House of Representatives.

SEC. 5. The Sergeant-at-Arms of the House of Representatives shall prepare and submit to the House of Representatives, at the commencement of each regular session of Congress, a statement in writing exhibiting the several sums drawn by him pursuant to the provisions of this act, the application and disbursement of the same, and the balance, if any, remaining in his hands.

SEC. 6. In lieu of the persons now employed by law in the office of Sergeant-at-Arms, there shall be employed the following persons: One deputy to the Sergeant-at-Arms, at a salary of \$2,000 a year; one cashier, at a salary of \$3,000 a year; one paying-teller, at a salary of \$2,000 a year; one book-keeper, at a salary of \$1,800 a year; one messenger, at a salary of \$1,200 a year; one page, at a salary of \$60 a month; one laborer, at a salary of \$50 a month.

SEC. 7. All laws and parts of laws inconsistent herewith are hereby repealed.

The SPEAKER. Is there objection?

Mr. HOLMAN. Before the House acts on this subject, and before the objection is waived, I hope the gentleman from Massachusetts will explain how this bill affects the salaries as they now stand.

Mr. KASSON. And what change, if any, is made in the law.

Mr. ROBINSON, of Massachusetts. In the first place, as to the necessity of such a law as this. Although it may not have been noticed by all members, there is at present no provision of law under which the Sergeant-at-Arms can draw the pay of members and pay it over or transmit it to them, either during the session or in vacation. He does this at the present time irregularly, as we all must see upon reflection, by taking in advance the personal receipts of members. Within the next few weeks he will, in anticipation of the long vacation, take our receipts until December next, holding them in blank; so that he is simply from month to month the agent of members in drawing their salaries; and he is under no obligation to the law of the United States. We have in our rules a clause providing that the Sergeant-at-Arms shall give a bond to the United States in the sum of \$50,000, to be approved by the Speaker, with the condition that he shall perform all his obligations to the United States; but he is under no obligation to the United States; he does not draw a cent of money upon any authority of law. When, for instance, I want my money I give him my receipt in advance and he goes to the Treasury and gets the money. So with the other two hundred and ninety-two members and the Delegates. The aggregate amount which the Sergeant-at-Arms thus handles is of course very large.

Now, by this bill I propose to put him on precisely the same plane as to the compensation and mileage of the House of Representatives as the Secretary of the Senate occupies with reference to Senators. It seems to me this is a correct way of doing business.

Mr. KASSON. I should like to inquire of the gentleman from Massachusetts whether any change is made by this bill in respect to giving bond?

Mr. ROBINSON, of Massachusetts. By the terms of this bill a bond to the United States is required; and as the Sergeant-at-Arms becomes for the purpose of disbursement an officer of the United States, his bond will be of full force and validity.

Mr. KASSON. In the same amount as at present?

Mr. ROBINSON, of Massachusetts. In the same amount. The bill is drawn for the purpose of having the same effect as the present law with reference to the Secretary of the Senate, making only the necessary changes.

There is one provision to which attention should be called. The Secretary of the Senate, on account of the peculiar formation of the Senate, is a continuing officer. The Sergeant-at-Arms, as will be seen, would not be such an officer except by force of law. Therefore this bill provides that he shall continue in office until the assembling of a new Congress, subject, however, to removal by the House of Representatives; that is, he continues to serve until his successor is appointed, reserving at the same time the right of the House to control the tenure of the office.

Mr. KASSON. Is there any limitation upon the amount of money he may draw at any one time?

Mr. ROBINSON, of Massachusetts. He can only draw from the Treasury monthly payments, as the law authorizes.

Mr. KASSON. That continues the same?

Mr. ROBINSON, of Massachusetts. That continues the same.

Mr. WHITTHORNE. Will the gentleman allow me to suggest

that this bill be printed in the RECORD, accompanied of course with the present explanations, and that it be allowed to go over to be called up to-morrow morning? I think then there will be no objection to it; but the House would like to understand it fully.

Mr. ROBINSON, of Massachusetts. I would like to extend my explanation a moment further. I wish to suggest that it is desirable we should pass this measure as soon as possible. I have had this matter under advisement for a considerable time. I submitted the bill as drawn by me to the Treasurer of the United States, and requested him to lay it before the First Comptroller.

I understand he did so, and I have the Treasurer's letter here (which I will print in the RECORD) in which he says it covers the entire amount and answers the purpose. It is entirely satisfactory.

Mr. WHITHORNE. The gentleman from Massachusetts will remember that during the last Congress this question was fully discussed and the necessity for this legislation was then admitted.

Mr. ROBINSON, of Massachusetts. And it is to meet the views of members at that time this bill has been introduced.

Now, in regard to the matter of expenditure which the gentleman from Indiana [Mr. HOLMAN] inquires about. The bill as now drawn actually reduces the number to be employed, because the House has been in the habit of employing by resolution a number of deputies. This bill disposes of that force of deputies, and does not longer require them. According to payments as now made they amount to \$14,436, which is the present rate of payment in the Sergeant-at-Arms's office. Under the bill as proposed the amount would be \$15,320. There has been a reduction of several persons from the force, and the only increase of salary has been that of the cashier, who handles all the money, and who, as we all know, has been for a long time in the service. On consideration by gentlemen on both sides of the House, it has been deemed to be a proper thing to do; not of course all gentlemen, but those with whom I conversed it has been deemed his salary should be increased. Other than that there has been no increase.

Mr. HOLMAN. But it seems that there is some increase.

Mr. ROBINSON, of Massachusetts. From \$14,436 to \$15,320; about \$800.

Mr. HOLMAN. I understand you have dispensed with some of the deputies.

Mr. ROBINSON, of Massachusetts. We have dispensed with those deputies I have referred to.

Mr. HOLMAN. That ought to cover the increase of the cashier's salary.

Mr. ROBINSON, of Massachusetts. We have done away with the necessity for adding deputies to the Sergeant-at-Arms by resolution to be paid out of the contingent fund. So that there is greater prospective economy than is shown.

Mr. HOLMAN. I understand you have reduced the number of deputies; now, ought not that to cover any increase to the cashier?

Mr. ROBINSON, of Massachusetts. It does indeed.

Mr. HOLMAN. But you go \$800 beyond.

Mr. CALKINS. The deputies are not included.

Mr. HOLMAN. So, in fact, there is an actual reduction on the whole?

Mr. ROBINSON, of Massachusetts. I understand so. Taking the amount usually paid by resolution there is.

Mr. HOLMAN. What is done as to the matter of percentage to this disbursing officer?

Mr. ROBINSON, of Massachusetts. I have drawn the law so the Sergeant-at-Arms will have no compensation beside the salary fixed by law.

Mr. HOLMAN. The salary of the Sergeant-at-Arms remains as it was.

Mr. ROBINSON, of Massachusetts. Precisely the same, \$4,000, the lowest it ever has been.

I wish to say, Mr. Speaker, bearing on that, during the recess the Secretary of the Senate died and the Senate found itself involved in difficulty. At the beginning of this Congress the Senate passed a bill which is upon the Speaker's table, and which I shall ask, if the House shall pass the pending bill, to take up and pass the other bill providing for the case of a vacancy, so one may supplement the other and finish the whole matter. It will be seen that it is quite right.

The SPEAKER. The Chair hears no objection to the present consideration of the bill.

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

Mr. ROBINSON, of Massachusetts, 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.

PAYMENT OF CONGRESSIONAL SALARIES.

Mr. ROBINSON, of Massachusetts. I now ask, by unanimous consent, to take from the Speaker's table the bill (S. No. 841) to provide for the payment of the salaries and compensation of members of the Houses of Congress and their officers and employes in certain contingencies.

The bill was read, as follows:

Be it enacted, &c., That whenever any appropriation made for the payment of the salaries of Senators, Members, and Delegates in Congress, or the officers and

employes of both or either of the Houses thereof, or for the expenses of the same, or any committees thereof, cannot be lawfully disbursed by or through the officers specially charged with such disbursements, such disbursements may be made, for the purposes named in said appropriations, by the Treasurer of the United States, who shall take proper vouchers therefor, and charge such disbursements against such appropriations; and the accounts therefor shall be audited and passed or rejected, as the law may require, in the same manner that similar accounts are or may be required by law to be audited and passed or rejected.

Mr. ROBINSON, of Massachusetts. I think there can be no objection to that bill.

There was no objection.

The bill was taken up, read a first and second time, ordered to a third reading, and, being read the third time, was passed.

Mr. ROBINSON, of Massachusetts, 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.

Mr. ROBINSON, of Massachusetts. I now ask to have printed in the RECORD the Treasurer's letter to which I referred, so it may appear his approval has been given to the bill.

There was no objection.

The letter is as follows:

TREASURY OF THE UNITED STATES,
Washington, May 15, 1882.

SIR: I have the honor to return herewith draft of a bill "making the Sergeant-at-Arms of the House of Representatives a disbursing officer," left with me by you on the 13th for examination. The provisions of the bill being similar to those now in force in the case of the disbursing officer of the Senate, will accomplish the desired end satisfactorily.

I find that the suggestion that provision should be made for vacancy in the office of Sergeant-at-Arms occurring during the recess of Congress is anticipated by an act (Senate, 841.) copy inclosed, which passed the Senate February 23, 1882.

I am in doubt whether a repeal provision should be added to the draft of your bill herewith returned.

Very respectfully,

JAS. GILFILLAN,
Treasurer of the United States.

Hon. GEORGE D. ROBINSON,
House of Representatives.

RAILROAD BRIDGES—GEORGIA AND FLORIDA.

Mr. REAGAN. I ask unanimous consent, Mr. Speaker, to offer for present consideration a bill which has received the approval of the Committee on Commerce. I am directed by the committee to report this bill to the House as a substitute for House bill No. 6342, to authorize the construction of bridges over the rivers mentioned therein.

The SPEAKER. The bill will be read, after which the Chair will ask for objections to its present consideration.

The bill was read. It is as follows:

Be it enacted, &c., SECTION 1. That the Fernandina and Jacksonville Railroad Company, and the East Georgia and Florida Railroad Company, be, and are hereby, authorized to construct a bridge over the river Saint Mary, in the county of Camden and State of Georgia, and in the county of Nassau and State of Florida, at the point where said railroads cross said river.

SEC. 2. That the East Georgia and Florida Railroad Company be, and is hereby, authorized to construct a bridge over the river Satella, in the county of Camden, in the State of Georgia, at the point where said railroad crosses said river.

SEC. 3. That said bridges shall be constructed either by draw, span, or otherwise, so that a free and unobstructed passage may be secured to all vessels and other water crafts navigating said rivers.

SEC. 4. That the said East Georgia and Florida Railroad Company be, and is hereby, authorized to construct fixed bridges over the Little Satella River, between the counties of Camden and Glynn, and over Crooked River, in the county of Camden, in said State of Georgia, at the points selected by said company where said railroad crosses said rivers, with one span, and to make said bridges of such height as they may see fit: *Provided*, That the height be sufficient to permit the passage of timber rafts and other vessels navigating said river under said bridges.

SEC. 5. That any bridge built under this act, and subject to its limitations, shall be a lawful structure and shall be recognized and known as a post-road, upon which also no higher charge shall be made for transportation over the same for the mail, the troops and munitions of war of the United States, or passengers or freight passing over said bridge than the rate per mile paid for the transportation over the railroads or public highways leading to the said bridge; and it shall enjoy the rights and privileges of other post-roads in the United States.

SEC. 6. That if any of the said bridges authorized to be constructed by this act shall be constructed as a draw-bridge, the draw shall be opened promptly, upon reasonable signal, for the passage of boats; and said company or corporation shall maintain, at its own expense, from sunset until sunrise, such lights or other signals on said bridge or bridges as the Light-House Board shall prescribe. No bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such obstructions shall be removed, and alterations made, at the expense of the owner or owners of said bridge: *Provided*, That nothing in this act shall be construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt the bridge erected under this act from the operation of the same.

SEC. 7. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge, and the several railroad companies, or any one of them, desiring such use, shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties.

SEC. 8. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulation for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object said company or corporation shall submit to the Secretary of War the design and drawings of said bridge to be erected for his examination and approval, and a map of its location, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and in all things shall be subject to such rules and regulations as may be prescribed by the Secretary of

War; and until said plan and location of said bridge or bridges are approved by the Secretary of War said bridge or bridges shall not be built; and should any change be made in the plan of any bridge authorized to be constructed by this act during the progress of the work of construction, said change shall be subject to the approval of the Secretary of War.

SEC. 9. That the right to alter, amend, or repeal this act is hereby expressly reserved. And the right to require any changes in said structure or its entire removal at the expense of the owner or owners thereof, whenever Congress shall decide that the public interest shall require it, is also expressly reserved.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. Reserving the right to object, I ask that the first clause of the eighth section of the bill be reported.

The Clerk read as follows:

That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe.

Mr. HOLMAN. Up to that point there is nothing in this bill that requires the designs and survey of the location to be submitted to the Chief of Engineers or the Secretary of War for his approval.

Mr. REAGAN. Oh, yes; the bill provides the plans are to be submitted to the Secretary of War and approved by him.

Mr. HOLMAN. This, I understand, is the only reference to this subject in the bill.

Mr. REAGAN. No, sir; there is a complete provision for that in the clause before the last.

Mr. HOLMAN. I ask that it be reported again.

The Clerk read as follows:

That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall provide; and to secure that object the said company or corporation shall submit to the Secretary of War a design and drawings of said bridge to be erected, for his examination and approval, and a map of the location, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject, and in all things shall be subject to such rules and regulations as may be prescribed by the Secretary of War.

Mr. HOLMAN. I see that that is fully provided for.

Mr. REAGAN. All the usual safeguards are in the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill (H. R. No. 6519) was received, read a first and second time, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. REAGAN 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.

BRIDGE OVER THE MISSOURI RIVER.

Mr. THOMPSON, of Iowa. I ask unanimous consent to take from the Speaker's table the bill (H. R. No. 2313) authorizing the Sioux City and Pacific Railroad Company to construct and maintain a railroad bridge over the Missouri River, with an amendment by the Senate.

The amendment of the Senate was read, as follows:

Add at the end of section 2 the following proviso:

"Provided, That if the said bridge shall be made with unbroken and continuous spans, it shall not be of less elevation in any case than fifty feet above extreme high-water mark, as understood at the point of location, to the bottom chord of the bridge, nor shall the spans of said bridge be less than two hundred and fifty feet in length, and the piers of said bridge shall be parallel with the current of said river, and the main span shall be over the main channel of the river and not less than three hundred feet in length: And provided also, That if any bridge built under this act shall be constructed as a draw-bridge, the same shall be constructed as a pivot draw-bridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans of not less than one hundred and sixty feet in length in the clear on each side of the central or pivot pier of the draw, and the next adjoining span or spans to the draw shall not be less than two hundred and fifty feet. That said draw shall be opened promptly upon reasonable signal for the passing of boats; and said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe. That all railway companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties, in case they shall not agree."

The amendment of the Senate was agreed to.

Mr. THOMPSON, of Iowa, moved to reconsider the vote by which the amendment of the Senate was agreed to, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES IN ARKANSAS.

Mr. DUNN. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 1608) authorizing the Texas and Saint Louis Railroad Company to build certain bridges in the State of Arkansas.

I desire to say in a word that this bill is substantially and entirely a copy of a bill reported from the Committee on Commerce of the House. This bill has passed the Senate and contains all the safeguards required by the Secretary of War.

Mr. HOLMAN rose.

The SPEAKER. Does the gentleman require the bill to be read at length?

Mr. HOLMAN. Do I understand the gentleman from Arkansas to say that the bill has been considered by a committee of the House?

The SPEAKER. The gentleman from Arkansas has stated that the same bill substantially has been considered by a committee of the House, and been favorably reported.

Mr. DUNN. That bill is now on the Calendar. It is the same as this bill which has passed the Senate.

Mr. HOLMAN. I ask that the bill be read, reserving the right to object.

The bill was read, as follows:

Be it enacted, &c., That the Texas and Saint Louis Railway Company, in Missouri and Arkansas, a corporation duly and legally organized and existing under and by virtue of the laws of the States of Missouri and Arkansas, its successors or assigns, be, and is hereby, authorized to construct and maintain a bridge, and approaches thereto, over the White River, in Monroe County, in the State of Arkansas, near the city of Clarendon, at the point where said company's line of railway as now projected crosses said river; and also a bridge, and approaches thereto, over the Arkansas River, in Jefferson County, in said State of Arkansas, near the city of Pine Bluff, at the point where said company's line of railway as now projected crosses said river; and also a bridge, and approaches thereto, over the Saline River, in the State of Arkansas, at the point where said company's line of railway as now projected crosses said river; and also a bridge, and approaches thereto, over the Ouachita River, in the county of Ouachita, in the State of Arkansas, at the point where said company's line of railway as now projected crosses said river; and also a bridge, and approaches thereto, over the Red River, in Lafayette County, in the State of Arkansas, at the point where said company's line of railway as now projected crosses said river. Said bridges shall be constructed to provide for the passage of railway trains, and, at the option of said company by which it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, for such reasonable rates of toll as may be prescribed by said company, subject to the revision and regulation of the Secretary of War.

SEC. 2. That if the said bridges, or either of them, over the said White and Arkansas Rivers shall be made with unbroken and continuous spans, there shall be at least one span of a height of not less than eighty feet above low water or fifty feet above highest water, measured to the lowest part of the superstructure of said bridge, and said span shall have a clear opening of at least three hundred feet between the piers, measured at right angles to the current at every stage, and shall be over that portion of the river or rivers used by boats during ordinary stages of water; and the bridge or bridges shall be at right angles to and the piers parallel with the current of the river. And if the said bridges, or either of them, over the said White and Arkansas Rivers shall be constructed as draw-bridges, the draw or pivot shall be over the main channel of the river at an accessible navigable point, and the opening on each side of the pivot-pier shall be not less than one hundred and sixty feet in the clear, and, as nearly as practicable, both of said openings shall be accessible at all stages of water, and the spans shall be not less than ten feet above extreme high water, as understood at the point of location, to the lowest part of the superstructure of the bridge, and the piers and draw-rests shall be parallel with, and the bridge itself at right angles to, the current of the river or rivers at that stage of the river which is most important for navigation; and no riprap or other outside protection for imperfect foundations shall be permitted to approach nearer than four feet to the surface of the water at its extreme low stage, or otherwise to encroach upon the channel-ways provided for in this act. And if the said bridges, or either of them, over the said Saline, Ouachita, and Red Rivers shall be made with unbroken and continuous spans, there shall be at least one span of a height of not less than eighty feet above low water or fifty feet above highest water, as understood at the point of location, measured to the lowest part of the superstructure of said bridge, and said span shall have a clear opening of at least two hundred feet between the piers, measured at right angles to the current, and shall be over the main channel of the river, and the bridge or bridges shall be at right angles to, and the piers parallel with, the current of the river. And if the bridges or either of them, over the said Saline, Ouachita, and Red Rivers shall be constructed as draw or pivot bridges, the draw or pivot-pier shall be over the main channel of the river at an accessible navigable point, and the openings on each side of the pivot-pier shall be not less than one hundred and thirty feet in the clear, unless otherwise expressly directed by the Secretary of War, and if so directed shall be according to such direction, and as nearly as practicable the said openings shall be accessible at all stages of water, and the spans shall be not less than ten feet above extreme high water, as understood at the point of location, to the lowest part of the superstructure of the bridge, and the piers and draw-rests shall be parallel with, and the bridge or bridges at right angles to, the current of the river or rivers; and no riprap or other outside protection for imperfect foundations shall be permitted to approach nearer than four feet to the surface of the water at its extreme low stage, or otherwise to encroach upon the channel-ways provided for in this act; and all and each of said draws shall be opened promptly upon reasonable signal for the passing of boats; and said company shall maintain at its own expense, from sunset to sunrise, such lights or other signals on said bridges as the Light-House Board may prescribe.

SEC. 3. That any bridge built under this act, and subject to its limitations, shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge; and it shall enjoy the rights and privileges of other post-roads in the United States.

SEC. 4. That no bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said rivers; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge or bridges to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed at the expense of the owner or owners of said bridge. And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in the district court of the United States of the State of Arkansas in which any portion of said obstruction or bridge may be located: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt said bridges from the operation of the same.

SEC. 5. That all railroad companies desiring the use of said bridge, or any of them, shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge or bridges and the several railroad companies, or any one of them desiring such use, shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge or bridges,

all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties.

SEC. 6. That all bridges or any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river or rivers as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of said bridges, and each of them, and a map of the location, giving for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge or bridges are approved by the Secretary of War the bridge or bridges shall not be built; and should any change be made in the plan of said bridges, or either of them, during the progress of construction, such change shall be subject to the approval of the Secretary of War. And the said structures shall be changed at the cost and expense of the owners thereof, from time to time, as Congress may direct, so as to preserve the free and convenient navigation of said rivers; and the authority to erect and continue any and all of said bridges shall be subject to revocation by law whenever the public good shall, in the judgment of Congress, so require.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MILLS. I do not object to its present consideration. But I desire to ask the gentleman from Arkansas if it is provided in this bill that parties having claims against that railroad shall go into the Federal court to sue for them?

Mr. DUNN. I do not remember that there is any provision as to that in the bill. It contains such provisions as have been required by the Secretary of War. This is a substitute prepared under the direction of the War Department; and I suppose the courts will have jurisdiction according to existing law.

Mr. MILLS. The courts in the States ought to have jurisdiction.

Mr. DUNN. The courts in the States do have jurisdiction.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MILLS. I offer the amendment which I send to the desk to come in as an additional section.

Mr. DUNN. I will hear the amendment read.

The Clerk read as follows:

That this charter is granted upon the express condition that said company shall never charge exceeding two and a half cents per mile for the transportation of passengers, or exceeding one cent per ton per mile for the transportation of freight; and no discrimination shall be made against either person or place in the carriage of freights by such road.

Mr. DUNN. I object to that amendment, if it is subject to objection. I make the point of order that is not germane to the bill.

Mr. HOLMAN. It is quite germane.

Mr. MILLS. The amendment is perfectly germane. We can give our consent on that condition.

Mr. DUNN. These bridges are being built and the road will be run under the operation of the law of its charters as existing. Those charters, I presume, have been granted by the State or States through which the road passes, and not by the Federal Government. If this amendment is adopted it can only apply to the bridge itself. If it applies to the bridge it cannot apply to the balance of the road.

The SPEAKER. The Chair would be willing to hear the gentleman from Texas on the question as to his amendment being germane to the bill.

Mr. MILLS. The Government of the United States is asked to bestow upon this corporation a privilege without which it is impossible for the corporation to do what it is now asking the Government to authorize it to do; and it is competent for the Government to confer that privilege upon conditions.

Now, the condition which I have placed in my amendment is one which is perfectly appropriate to the bill. It says to this corporation that the Government will bestow this privilege to build these bridges across these streams, without which grant from Congress the corporation has no authority to cross the streams at all, on the condition that when the bridges are completed and the road is in operation it shall not charge passengers exceeding two and a half cents per mile or freight in excess of one cent per ton per mile, and shall make no discrimination in the carrying of freight against any person or place. The condition is a very reasonable one and a proper one for Congress to impose.

Mr. HOLMAN. A word on the point of order. This bill is one almost entirely of limitations, restrictions, and conditions. In granting such a privilege as is asked for by this corporation Congress may prescribe any conditions it may think proper. Those conditions are not necessarily confined to the bridge itself, but may apply to anything else in connection with this company. The amendment is germane to this bill of course, because it is the condition upon which the Government makes this grant to this corporation. It would be very remarkable indeed if it should be held that Congress could not impose any condition it thought proper as a condition upon which a given right is to be conferred.

Mr. DUNN. This is not a bill to grant a charter to a railroad company in any sense whatever. It is a bill simply to regulate the conditions upon which this railroad company may bridge certain streams,

the object of which conditions is solely to prevent interference with navigation, and for no other purpose.

This road has been chartered by the Legislature of the State of Texas, the gentleman's own State, and it would have been better had his influence been exerted on the Legislature of his own State for the purpose of controlling commerce over this road than here upon this bill.

The condition which the gentleman proposes in his amendment is one which has not been proposed or pressed in regard to any other bridge bill that has been before this House. I confess my surprise at the new zeal which is pushed so far as to attack bridge bills. I believe in the power of the General Government to regulate commerce, and I believe the Government ought to exercise that power, and to do it at once. But this is certainly a very strained effort to hedge in existing charters of railroads, and to impose a condition specially applicable to one road and to no other road. I do not see why gentlemen wish to hamper this bill with such conditions, or with any extraordinary or unusual conditions like this.

Mr. MILLS. I want to say simply a word in reply to the gentleman from Arkansas, [Mr. DUNN.] The gentleman says that I ought to have gone to the Legislature of Texas and used my influence to have that body make this condition.

Mr. DUNN. I said it would have been better there than here.

Mr. MILLS. The difference between my friend's conception of my duty and my own is that the people of Texas did not send me to their Legislature to exercise any influence over its deliberations, but they sent me here to exercise what influence I could over the deliberations of this body. We have before us a proposition to build a road—

Mr. DUNN. Not at all.

Mr. MILLS. You cannot build that road over that stream to save your soul without the authority of Congress. You recognize that fact by coming here and asking Congress to give you that authority. Without the authority which you solicit here to-day you cannot make a span across these streams, and of course you cannot build your road across the streams.

The object sought in chartering this road was to obtain a competing line so as to cheapen freight from Texas to Saint Louis, and to prevent the success of the combination between the Gould line running through the Indian Territory and these other lines, so that our people could have their freight transported cheaply. That is the reason that we sought to obtain this road through Arkansas.

Now, I want to secure the object which was sought by the chartering of that road. I have no doubt that the narrow-gauge road will carry freight cheaper than the broad-gauge will. Suppose that this road should be bought up. It is said that there is one man in this country who controls 40,000 miles of railway, and to prevent his monopoly this road was authorized to be constructed. Suppose that he should purchase this road; he could then put his own terms on the carrying of freight and passengers at just such rates as he might please to impose.

Now, I want to secure to the people of Texas cheap transportation of freight, without unnecessary restrictions, to Saint Louis. The narrow-gauge roads are not charging more than I have proposed in this amendment; certainly not more than three cents per mile. This road asks Congress to give it a certain privilege, without which it cannot be built across these streams. I suppose that it is right for the Government to confer that privilege upon just such conditions with regard to freight and passenger rates as it may please; upon the condition that the roads shall not charge exceeding the rates I have named in my amendment and shall make no discrimination against persons or places.

Mr. REAGAN. Allow me to suggest one thing to my colleague, [Mr. MILLS.] I came into the Hall just after the amendment was offered and did not hear it. But I would suggest to my colleague that his amendment to be operative at all should be limited to the transportation of freight and passengers between the States. That is as far as he can go; he could not regulate the rate of travel and freight in Arkansas.

Mr. MILLS. We can grant a bounty to a corporation on such conditions as we please.

Mr. REAGAN. We cannot make that a condition.

Mr. MILLS. We can make a contract with the party.

Mr. REAGAN. Not such a contract as that which will bind them, for the State might disregard it if it should think proper.

Mr. HOLMAN. Is this not a contract between the company and the Government of the United States in regard to the building of these bridges?

Mr. REAGAN. You cannot control State traffic and travel.

The SPEAKER. The Chair is ready to dispose of the point of order.

Mr. HOLMAN. We can give this privilege on any condition we choose to impose.

Mr. RICE, of Massachusetts. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICE, of Massachusetts. Is it competent now to call for the regular order?

The SPEAKER. The regular order is this bill. The Chair is ready to dispose of the question of order. In doing so, the Chair is not called upon to pass on the power of Congress to regulate interstate

commerce. The question is whether this proposed amendment is germane to the bill. The bill is one to authorize the construction and maintenance of a bridge and the approaches thereto over the White River, in Monroe County, in the State of Arkansas. The construction of this bridge requires the consent of the United States, which this bill proposes to give. The bill is in no sense, as seems to be assumed in the proposed amendment, a bill to charter a line of railway. The charter seems to have been taken out in the name of a company entitled "The Texas and Saint Louis Railway Company" in Missouri and Arkansas. The Chair does not doubt the proposition submitted by the gentleman from Texas, that it is in the power of Congress to fix conditions for the use of the bridge itself; but the Chair is clear that this amendment undertakes to regulate commerce upon the line of the whole road, and is not a proper amendment to a bill for the construction and maintenance of the bridge. If the amendment were limited to the question of toll or something of that kind in reference to transit over the bridge it might present an entirely different question; but the Chair thinks that under the rules of the House and the universal parliamentary practice the amendment is not germane to the present bill.

Mr. DUNN. I call for the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading, read the third time, and passed.

Mr. DUNN 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.

ORDER OF BUSINESS.

Mr. MCCOID obtained the floor.

Mr. RICE, of Massachusetts, and Mr. HOLMAN called for the regular order.

Mr. MCCOID. I ask unanimous consent that House bill No. 4487—The SPEAKER. The regular order is called for on both sides, and cuts off the submission of requests for unanimous consent.

Mr. PAGE. What is the regular order?

The SPEAKER. The call of committees for reports of a private nature.

Mr. PAGE. I move that the morning hour for the presentation of reports be dispensed with to-day.

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

Mr. PAGE. I move that the House resolve itself into Committee of the Whole for the consideration of the river and harbor appropriation bill.

Mr. TAYLOR. I move that the House resolve itself into Committee of the Whole for the consideration of the Private Calendar. This Calendar ought not to be neglected any longer.

The SPEAKER. This being Friday, the motion of the gentleman from Ohio [Mr. TAYLOR] takes precedence.

Mr. PAGE. Then I give notice that if the motion of the gentleman from Ohio be voted down I will submit the motion I have just indicated.

The question being taken on the motion of Mr. TAYLOR, it was not agreed to; there being—ayes 49, noes 98.

Mr. PAGE. I now move that the House resolve itself into Committee of the Whole to resume the consideration of the river and harbor appropriation bill.

VIRGINIA MILITARY DISTRICT OF OHIO.

Mr. TAYLOR, by unanimous consent, from the Committee on the Judiciary, reported, as a substitute for House bill No. 5123, a bill (H. R. No. 6520) in relation to land patents in the Virginia military district of Ohio; which was read a first and second time, placed on the House Calendar, and, with the accompanying report, ordered to be printed.

THOMAS J. PROSISE.

Mr. HOUK, by unanimous consent, from the Committee on War Claims, reported back without amendment the bill (H. R. No. 5151) for the relief of Thomas J. Prosise; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JENNIE S. MITCHELL.

Mr. DAWES, by unanimous consent, from the Committee on Invalid Pensions, reported back without amendment the bill (S. No. 1409) for the relief of Mrs. Jennie S. Mitchell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM B. ISAACS & CO.

Mr. WISE, of Virginia, by unanimous consent, from the Committee on War Claims, reported a joint resolution (H. R. No. 238) for the relief of William B. Isaacs & Co.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DANIEL G. GEORGE.

Mr. RAY, (by Mr. McMILLIN,) by unanimous consent, from the

Committee on Invalid Pensions, reported back the bill (H. R. No. 1011) granting an increase of pension to Daniel G. George; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADELINE A. TURNER.

Mr. RAY also, (by Mr. McMILLIN,) by unanimous consent, from the same committee, reported, as a substitute for House bill No. 704, a bill (H. R. No. 6521) granting a pension to Mrs. Adeline A. Turner; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HARRIET N. ABBOTT.

Mr. RAY also, (by Mr. McMILLIN,) by unanimous consent, from the same committee, reported back the bill (H. R. No. 5906) granting a pension to Harriet N. Abbott; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JEROME B. ADAMS.

Mr. RAY also, (by Mr. McMILLIN,) from the same committee, reported a bill (H. R. No. 6522) granting an increase of pension to Jerome B. Adams; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

N. C. RIDENOUR.

Mr. SIMONTON, from the Committee on Invalid Pensions, reported, as a substitute for House bill No. 310, a bill (H. R. No. 6523) for the relief of N. C. Ridenour; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

GEORGE P. WEBSTER.

Mr. DAVIS, of Illinois, from the Committee on Military Affairs, reported back the bill (S. No. 605) for the relief of George P. Webster; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

ARIZONA SOUTHERN RAILROAD COMPANY.

Mr. SPAULDING, from the Committee on Military Affairs, reported back the bill (H. R. No. 6372) granting the right of way to the Arizona Southern Railroad Company through the Papago Indian reservation in Arizona; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SCHOOL-MASTERS IN THE ARMY.

Mr. SPAULDING also, from the same committee, reported back the bill (H. R. No. 3633) to provide for the enlistment of school-masters in the regular Army for post schools; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

THOMAS WILSON.

Mr. MATSON, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 4092) to increase the pension of Thomas Wilson; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

WILLIAM F. PRATT.

Mr. HARMER, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 3061) authorizing the President of the United States to appoint William F. Pratt, late a second assistant engineer in the United States Navy, upon the retired list of the Navy; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

J. H. HUCKLEBERRY.

Mr. PEELLE, from the Committee on the Post-Office and Post-Roads, reported back adversely the petition of J. H. Huckleberry for relief; which was laid on the table, and the accompanying report ordered to be printed.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. PAGE moved that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of further considering the river and harbor appropriation bill.

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

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes. The bill is being considered by paragraphs under the five-minute rule, and the Clerk will resume the reading where he left off when the committee was last in session.

The Clerk read as follows:

Improving harbor at Buffalo, New York: Continuing improvement, \$125,000.

Mr. ROBINSON, of New York. I move to insert the following:

Deepening and widening the channel in Gowanus Bay and the harbor of New York: Continuing improvement, \$40,000.

Now, Mr. Chairman, there was an appropriation made in the river and harbor bill passed at the last session of Congress of \$40,000 for deepening and widening the channel of Gowanus Bay, which lies in my district. It is an important part of Brooklyn, and contains some thirteen or twenty blocks of the city, which have been unimproved up to the present time, but are now becoming the center of improvements, including dry-docks and other accommodations for a large amount of shipping.

I was sorry to hear the chairman of the committee state they have made these appropriations and no amendment can be allowed. I trust, however perfect this bill may be, that it is not like the laws of the Medes and Persians, which cannot be altered. I make no objection to the various smaller appropriations in this bill; I make no objection to them; but here is one of great importance, on which the Chief of Engineers has recommended the expenditure during this year of \$60,000, the appropriation last year being \$40,000.

They have recently been working, dredging and doing other heavy work, in the direction of the improvement at that point under this appropriation of \$40,000. This work has been going on for a considerable length of time, and the greater part of the money appropriated last year has been expended. Therefore, unless the amendment I propose is incorporated in the bill this great improvement will be delayed, and to a certain extent much of the money already expended for dredging will be wasted.

I have not time, Mr. Chairman, in the two or three minutes which remain to me, nor do I desire to occupy your time with a long discussion of the importance of this work; but I will simply call your attention to the report of the Chief of Engineers, on page 101, in which the merits of this improvement are fully set forth, and from which it will be seen that the amount appropriated by act approved March 3, 1881, was \$40,000, while the amount estimated for the completion of the existing project is \$142,850. This report further says the amount that can profitably be expended in the fiscal year ending June 30, 1883, is \$60,000. Now I only ask in my amendment that you appropriate this year the sum of \$40,000, estimating that some portion of the amount heretofore appropriated is unexpended, so that the work may not be suspended.

But with reference to this work let me call your attention specially to the following language from the engineer's report:

7. *Gowanus Bay, New York.*—The original condition of the channel was inadequate for the navigation of vessels employed in the commerce of this district, the depth of water varying from 6.9 feet to 12.3 feet at mean low water.

The originally adopted plan was to dredge a channel from the 18-foot contour outside the bay to the draw-bridge at Hamilton avenue; the estimated cost was \$182,850; it has been recommended to the Department to dredge the existing channel from Hamilton avenue to the southwest corner of Erie Basin and thence to divide it into two branches, one to the north and one to the south; the cost of this revised project will be \$192,564.90.

There were no expenditures up to June 30, 1880; the condition remained unaltered at that time.

There were no expenditures for the year ending June 30, 1881. The amount available at that date will be devoted to dredging a channel from the 18-foot contour near the entrance to Erie Basin southerly to a point opposite Forty-sixth street.

The estimated sum required for the entire completion of the work of improvement in accordance with the approved and adopted project is \$143,000, and for the proposed revised project \$152,564.90.

Amount appropriated by act approved March 3, 1881.....	\$40,000
July 1, 1881, amount available.....	40,000
Amount (estimated) required for completion of existing project.....	142,850
Amount that can be profitably expended in fiscal year ending June 30, 1883.....	60,000

And further, sir, I desire to refer the committee to page 636 of this report of the Chief of Engineers, where a statement of the work which has been done on this bay is fully set forth. This report also shows that the amount of revenue collected at the port of New York during the past fiscal year is \$131,812,349.89; while the amount of commerce and navigation to be benefited by the proposed amendment is estimated by parties engaged in business in the locality to be about \$5,000,000. The amount of tonnage for the past fiscal year, as furnished by the same parties, is 398,905 tons. The report goes on to say that—

Extensive improvements are in progress in Gowanus Bay, especially on the northern shore, where a large basin is in progress of construction, and several ships are proposed which, when finished, will give great facilities for the loading and discharging of vessels.

I shall not take up the time of the House with reading these extracts, but will simply ask leave to print the tables on pages 636 and 637, together with the names of the parties mentioned who are interested in this matter, showing the importance of this improvement, as an appendix to my remarks.

I implore gentlemen on both sides of the Chamber, and I may be permitted to say that it is seldom I rise to make a motion of this kind, but I appeal to you all to grant the appropriation I have asked here. The vast importance of the commerce of the cities of New York and Brooklyn no one will pretend to deny. I am satisfied there has been an oversight on the part of the Committee on Commerce in omitting to make the appropriation for the improvement of this bay, and therefore I appeal with confidence to my old friends on that side of the House as well as to my friends on this side to accept this amendment and appropriate \$40,000, instead of \$60,000 recommended by the engineers, so that work may go on, and that it may not be allowed

to stop now at a point where a great deal of money already expended upon it will necessarily be lost to the Government and to the people. I ask this as a favor of both sides of the House. I ask that this amendment shall be accepted as an act of justice to the great interests involved, for certainly this is a work transcending in importance a great many of those which are recommended by this bill.

The extracts from the Engineer's report and tables referred to are as follows:

IMPROVEMENT OF GOWANUS BAY, NEW YORK.

The survey of Gowanus Bay was directed by the act approved June 14, 1880, and the results, with a project for improvement and estimates of cost, reported January 11, 1881. Estimated cost, \$183,000. The project was to dredge the channel of Gowanus Canal from the bridge on Hamilton avenue to the pier at the foot of Twenty-seventh street, Brooklyn, and thence in a general southwesterly direction to prolong the excavation to the eighteen-foot contour line of the harbor.

There was no choice as to the direction and position of the proposed line of deepening, on account of being circumscribed by the pier lines proposed by a commission in 1875.

A channel, partly natural and partly dredged, already existed from the Hamilton avenue bridge to the southwest corner of the Erie Basin, a portion of it lying within the pier line recommended in 1875.

The terms in which the appropriation is couched seem to point to the improvement of the existing channel which lay partly within the projected pier lines, and was removed from the lines of the project submitted to Congress in the report of January 11, 1881. Messrs. Beard & Robinson submitted a paper to the engineer in charge by which they proposed to relinquish for all time (so long as the channel should exist) all right to build out piers from the wall of the Erie Basin which should interfere with such channel along the wall of the basin.

A petition from the Maritime Association of New York was at the same time presented to dredge, starting from the southwest angle of the Erie Basin, in a northerly direction close to the western wall of the basin to the deep water of the harbor.

Under these circumstances it was recommended to the Engineer Department by letter of June 7, 1881, from this office, to dredge the existing channel from Hamilton avenue to the southwest corner of Erie Basin, under the stipulation aforesaid of Messrs. Beard & Robinson not to interfere with the same, and thence to divide it into two branches, one to the north in compliance with the petition of the Maritime Association, and the other to the south to accommodate the shipping at wharves of Bush & Denslow, and of the Phoenix Chemical Works.

ESTIMATED COST OF THE LAST PROJECT.

Dredging 583,530 cubic yards, at 30 cents	\$175,059 00
Engineering and other contingencies.....	17,505 90
Total	192,564 90

Messrs. Downing & Lawrence, November 29, 1880, mention the amount of tonnage of vessels using the channel as 370,176 tons, comprising ocean steamers, ships, barks, brigs, also 27,729 tons of schooners, during the period from January to December, 1880.

The business for one year ending December, 1880, along Gowanus Canal is stated by Mr. J. T. Robinson to have been \$5,274,500.

Reference is made to House Ex. Doc. No. 48, Forty-sixth Congress, third session, pages 3 and 4.

The work is in the collection district of New York. The nearest port of entry, New York City. The nearest light-house, Robbin's Reef. The amount of revenue collected at the port of New York during the fiscal year ending June 30, 1881, \$139,579,562.83. The amount of commerce and navigation to be benefited is about \$5,000,000.

ORIGINAL ESTIMATE.

Dredging 530,000 cubic yards, at 30 cents	\$159,000
Engineering and contingencies.....	23,850
Total	182,850

AMOUNT APPROPRIATED.

By act approved March 3, 1881.....	40,000
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Money statement.

Amount appropriated by act approved March 3, 1881.....	40,000
July 1, 1881, amount available.....	40,000
Amount (estimated) required for completion of existing project.....	142,850
Amount that can be profitably expended in fiscal year ending June 30, 1883.....	60,000

BROOKLYN, November 29, 1880.

DEAR SIR: In reply to yours of the 19th instant, we have to say that Gowanus Bay Channel should have from fifteen to eighteen feet water at ordinary low water.

During the year 1880, from January to November 29, the following-mentioned vessels have been up this channel, and very much annoyance has been occasioned by the shallowness of water:

	Tons.
Five ocean steamers, aggregate tonnage.....	4,194
Fifty ships, aggregate tonnage.....	53,861
Four hundred and ninety-eight barks, aggregate tonnage.....	287,127
Sixty-five brigs, aggregate tonnage.....	19,994

Total tonnage, deep-water vessels.....	370,176
In addition to above, one hundred and ninety-eight schooners.....	27,729

Making grand total of registered tonnage..... 398,905

besides an immense traffic in oil, lumber, bricks, iron ore, &c. The above figures can be verified by reference to custom-house records. When this channel is deepened, very many more large vessels will make use of it. We think that during the year 1879 there were quite as many vessels in this district as in 1880. If we can be of any further service to you in this or any other cause, please command us.

Yours, truly,

DOWNING & LAWRENCE.

General JOHN NEWTON, U. S. A.

Names of parties doing business on and adjacent to the Gowanus Canal, in the city of Brooklyn, New York, and statement of amounts in value, quantities, and style of business, for one year ending December 1, 1880.

Names.	Kind of merchandise.	Quantity.	Value.
Kenyon & Newton.	Lumber and timber.	5,000,000 feet.	\$150,000
Watson & Patinger.	Lumber and timber.	6,000,000 feet.	160,000
Kelseys & Loughlin.	Coal and wood.	50,000 tons.	250,000
H. W. Jones & Co.	Coal and wood.	About 8,000 tons.	40,000
Hobby & Leeds.	Lumber, bricks, &c.	73,000 tons.	180,000
J. Pieper's Sons.	Wood.		31,500
S. W. Browne & Co.	Hay and grain.	27,000 tons.	600,000
Nelson & Holden.	Coal and wood.		265,000
P. G. Hughes.	Masons' materials.		150,000
John Fink.	Coal and wood.	6,000 tons.	40,000
J. T. Story.	Coal.	30,000 tons.	150,000
G. Ross & Sons.	Lumber and timber.	4,000,000 feet.	125,000
Halstead Brothers.	Lumber and timber.	1,000,000 feet, 6 mos.	50,000
A. W. Adams.	Masons' materials.		75,000
J. S. Loomis.	Lumber, moldings, &c.	4,500,000 feet.	125,000
William Bradley.	Freestone.	3,000 tons.	48,000
Edward C. Pease.	Lumber and mill.	1,000,000 feet.	75,000
J. Morton & Sons.	Masons' materials.	400 vessels of 150 tons.	250,000
Brooklyn Improvement Company.	Lumber and material.	10,000,000 feet.	500,000
South Brooklyn Saw-Mill Company.	Timber.	6,250,000 feet.	250,000
J. T. E. Litchfield & Co.	Lumber and timber.	4,000,000 feet.	100,000
Weber & Quinn.	Coal and wood.	45,000 tons.	125,000
Cary & Evans.	Hay and grain.	45,000 tons.	90,000
P. H. Quinn.	Coal and wood.	10,000 tons.	50,000
J. T. Schmadecker.	Coal and wood.	40,000 tons.	160,000
Murtha & Boyle.	Coal and wood.	50,000 tons.	250,000
Knight & Lidford.	Coal and wood.	18,000 tons.	90,000
H. S. Christian.	Masons' materials.		175,000
Rankin & Ross.	Freestone.	2,500 tons.	45,000
George F. Gregory.	Petroleum oil.	100,000 barrels.	600,000
H. J. Baker & Bro.	Chemicals and fertilizers.		75,000
			5,274,500

Vessels recorded in custom-house, arriving in Gowanus Bay channel for eleven months, January 1 to December 1, 1880.

	Tons.
Five steamers, average 839 tons, aggregate.	4,194
Fifty ships, average 1,197 tons, aggregate.	59,861
Four hundred and ninety-eight barks, average 576 tons, aggregate.	287,127
Sixty-five brigs, average 307 tons, aggregate.	19,994
One hundred and ninety-eight schooners, average 140 tons, aggregate.	27,729
Total.	398,905

(Received from Mr. Jeremiah P. Robinson.)

Mr. PAGE. Mr. Chairman, I rise to oppose the amendment of the gentleman from New York. In doing so, I find on looking over the report of the engineers, on page 101, as referred to by the gentleman from New York, that the sum of \$40,000 has been appropriated and may be used for this purpose, which amount has not been used or expended; and the committee therefore were of the opinion that it was not necessary to appropriate any additional sum for this year at least. If the gentleman from New York will look at page 101 of this report he will see that \$40,000, appropriated under the act of June 30, 1881, was not expended; and on page 634 of the report the Chief of Engineers has decided that this improvement when made will not be permanent. The committee in considering the matter therefore declined to make any appropriation for this improvement during the present year.

Mr. ROBINSON, of New York. A single word in reply to the gentleman from California.

The CHAIRMAN. Debate is exhausted upon the pending amendment.

Mr. ROBINSON, of New York. I move to strike out the last word. I desire to say very briefly in reply to the remarks of the chairman of the Committee on Commerce that the appropriation he refers to as not having been used during the past year was not, it is true, expended at the time the engineer's report was made; but since that time a great deal of it has been used, and work has been going on steadily under that appropriation. The only question now is whether it shall be the judgment of this House to continue that improvement or to suspend it in an unfinished condition. I think my friend from California is mistaken as to the permanency of this improvement. My friend will find by reference to this report that it is recommended that \$60,000 be appropriated, which may be profitably spent this year. I therefore implore my good friend from California that he will not insist upon his objection to this amendment, but will give the little villages of Brooklyn and New York some chance in this great bill of appropriations while he is providing for "Duck" Creek and "Goose" Creek and other little streams in other parts of the country. I hope the amendment will be agreed to.

I withdraw the *pro forma* amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from New York.

The committee divided; and there were—ayes 11, noes 48.

So the amendment was not agreed to.

The Clerk read as follows:

Improving Apalachicola Bay, Florida: Continuing improvements, \$25,000.

Mr. DAVIDSON. I send to the desk an amendment to this paragraph.

The Clerk read as follows:

In line 139, strike out "\$25,000" and insert "\$75,000."

Mr. DAVIDSON. Mr. Chairman, I hope the committee will agree to these amendments. If they are adopted it will be for the benefit of Apalachicola, Pensacola, and Tampa, Florida. The commercial importance of these cities, in my judgment, demands more liberal appropriations than have been recommended by the Committee on Commerce. The Chief of Engineers in his report states that for the fiscal year ending June 30, 1883, \$80,000 can be profitably expended at Apalachicola, \$77,000 at Tampa, and \$75,000 at Pensacola. Pensacola, I will add, is a place of an extensive business. The export trade amounts to about three million dollars a year; and during the past year the number of vessels entering and clearing at that port was nearly 1,000.

I think, sir, the report of the engineers is correct, and that the committee has not been sufficiently liberal in regard to these ports. Therefore, in justice to them and to my constituents, I have offered these amendments, hoping they may be adopted.

Mr. PAGE. There was \$10,000 appropriated in the last river and harbor bill for the improvement of Apalachicola Bay in Florida. The committee gave this year \$25,000, being a liberal appropriation as compared with those for the improvement of other works of a similar character. The gentleman from Florida proposes to amend this by making the amount \$75,000. If that should be pursued through this bill, instead of a bill of \$17,000,000 there would be a bill of \$37,000,000. I hope the committee will not increase this appropriation.

Mr. DAVIDSON. The amount in the amendment offered by me is the amount recommended by the engineers.

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

The Clerk read the following paragraph:

Improving harbor at Pensacola, Florida: Continuing improvement, \$25,000.

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

In line 141 strike out "\$25,000" and insert "\$75,000."

Mr. DAVIDSON. I have nothing more to say in support of this amendment, except that this is the amount recommended by the engineers, and I think the importance of the place demands it.

Mr. PAGE. I hope that amendment will not be agreed to. This harbor received \$25,000 last year. We have given it as liberal an amount as is given to other harbors of a similar character.

The amendment was disagreed to.

The Clerk read the following paragraph:

Improving Tampa Bay, Florida: Continuing improvement, \$20,000.

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

In line 143 strike out "\$20,000" and insert "\$75,000."

The amendment was disagreed to.

The Clerk read the following paragraph:

Improving harbor at Calumet, Illinois: Continuing improvement, \$20,000.

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

In line 190 strike out "\$20,000" and insert the following: "One hundred thousand dollars; \$75,000 of which shall be expended in improving the Calumet River between its mouth and the village of Hammond in the State of Indiana."

Mr. ALDRICH. I was very glad to hear the gentleman from Michigan [Mr. HOKK] say that the amount of these appropriations was governed by the tonnage or amount of business done at the harbors where the improvements were made. I want to say, Mr. Chairman, that at this point there is more business done than at other harbors that have received four times the amount of appropriation. If this House would take the trouble to read the report of the engineers in regard to this improvement, or would post themselves thoroughly in regard to its importance, I am sure I would not have to plead with them to make this improvement.

The amount of \$20,000 is offered for the improvement of this harbor, while Michigan City, that has had repeated appropriations for an inside harbor to make it a harbor of refuge, again gets a large appropriation. When we compare the business at those two places we find that Michigan City is just nowhere. I think the statistics will show that it has not one-quarter of the amount of the business at Calumet or South Chicago.

As the report shows, the business of this harbor is growing rapidly all the time. The report also shows that it is an utter impossibility for the vessels carrying ore and other materials for the manufactories that are already located upon the river to get to their destination. A survey has been made most of the way. I ask for this appropriation to be applied from South Chicago, or the mouth of the river, to the village of Hammond, in the State of Indiana, or as far as the appropriation will go. And I wish to state that this river is navigable, as reported by those who have examined it, nearly fifty miles. Yet there is no proper attention paid to it, because the committee do not know what is going on there. Manufactories are starting all the way between Hammond and South Chicago. And the vessels

can hardly get there with the necessary materials to erect them; they have great difficulty in this navigation on account of obstructions that this small appropriation will remove.

I have not the time to discuss this matter as I should like to do, or to read extracts from the report. But I will say if the committee had done justice to that harbor and that river they would have given more than I have asked for by this amendment. The amount of business at that point has increased fourfold in about one year. The harbor is overcrowded. The business is growing very rapidly, at the rate of 50 per cent. every year, and with a prospect of a larger growth in the future. There are no proper facilities for utilizing the river.

I have a map here which, if there was time, I would like the House to examine. Vessels coming in in a gale strike a bend in the river that doubles there almost right in the harbor, and yet not a thing is done for it, although this is a harbor of refuge. When we look at the number of vessels driven to this port in storms we find that twice as many seek refuge as at Michigan City, which is richly provided for. A very little investigation will convince the committee that they ought to grant this appropriation.

Mr. HERR. The Committee on Commerce gave this matter very careful consideration and desired in every manner possible to do justice to this work. The fact to-day is that we gave within a few thousand dollars of the entire amount recommended by the engineers. There has never yet been a survey up to the Indiana line. The bill provides for one, if I remember correctly. The engineers have never yet made any report upon the Calumet River proper.

Mr. ALDRICH. I beg your pardon.

Mr. HERR. The committee took into account the whole matter, the fact that there were several bridges across it so that navigation was interfered with.

Mr. ALDRICH. I say it is no such thing. The gentleman knows nothing about the matter.

Mr. PAGE. There was a report by the engineers upon the river, and according to that report there were bridges and other obstructions in the river, and the land along the banks of the river and along the harbor and the lake was owned by private parties. The Committee on Commerce therefore felt that they could not safely make any appropriation for this river without a re-examination and a report from the Engineer Department showing how these obstructions can be removed. Of an estimate of \$35,000 the committee gave \$20,000, which is more than one-half.

Mr. ALDRICH. That is for the harbor, not for the river.

Mr. PAGE. That was for the harbor. The committee listened to two hours' discussion of this matter, and decided upon making the recommendation contained in the bill. If any gentleman will read the report of the engineers he will see that it would have been money thrown away to have made an appropriation for this river without a supplementary report from the engineers as to how these obstructions might be removed.

That was the reason the committee did not make any appropriation for the river. They have included in this bill a recommendation for a resurvey and a re-examination of this river, and when the report is made showing how these obstructions can be removed, how these troubles can be done away with which now prevent the navigation of the river, a subsequent committee of this House will undoubtedly make an appropriation.

Mr. CLARDY. Is there an estimate for the improvement of the river?

Mr. PAGE. I think there is an estimate.

Mr. ALDRICH. There is an estimate, and a recommendation for the improvement, as shown by the report. I understand very well that the duties of the Committee on Commerce have been very laborious, and they have not had time to examine this matter; that is the trouble. They have not even read the report of Major Lydecker, or the chairman of that committee would not have made to-day the statement which he has made.

The CHAIRMAN. Debate upon the pending amendment has been exhausted.

The question was taken upon the amendment of Mr. ALDRICH; and upon a division there were—ayes 16, noes 45.

So (no further count being called for) the amendment was not agreed to.

The Clerk read the following:

Improving Quincy Bay, Illinois: Continuing improvement, \$15,000.

Mr. HAWK. I offer the following, to be inserted after the lines last read:

Improving Galena River and Harbor: Continuing improvement, \$12,000.

Mr. Chairman, I desire to make a statement to the committee of the condition of this improvement, and I have no doubt the justice and propriety of my amendment will be conceded.

This work has been prosecuted during the last four or five years under appropriations made as follows:

By act approved June 18, 1878.....	\$30,000
By act approved March 3, 1879.....	12,000
By act approved June 14, 1880.....	12,000
By act approved March 3, 1881.....	12,000
	66,000

It will be seen that there has already been appropriated for this work the sum of \$66,000; and the work has been of the most satisfactory nature, as I am informed and believe. The greatest care has been observed in the prosecution of this work, and every advantage has been taken of stages of water for the purpose of conducting the work in the most economic manner.

There is still some 3,000 feet of cut in order to make a continuous channel from the harbor of Galena, which has been dredged out during high water at the city to the mouth of the river. This cut, when completed as contemplated for the present, will make this channel from thirty to one hundred feet wide and from three to four and one-half feet deep. This work is now in such a condition that to fail to appropriate for its continuance, the amount already expended, to wit, \$66,000, will be practically lost to the Government. The adoption of this amendment is an act of business sagacity.

The engineers have estimated the amount necessary to a proper completion of this work at \$400,000, but it is believed by those who are familiar with the condition of the improvement that a much less sum will suffice.

I present herewith also a money statement showing the condition of the finances at the time of the latest statement which I have been able to procure, and which I find in the engineer's report:

July 1, 1880, amount available	\$15,642 95
Amount appropriated by act approved March 3, 1881.....	12,000 00
	27,642 95
July 1, 1881, amount expended during fiscal year, exclusive of out- standing liabilities July 1, 1880	11,230 85
July 1, 1881, amount available	16,412 10
Amount (estimated) required for completion of existing project.....	334,000 00
Amount that can be profitably expended in fiscal year ending June 30, 1883	50,000 00

It will be seen that the engineers recommend as the amount that can be profitably expended in the fiscal year ending June 30, 1883, \$50,000.

And this recommendation is made after a careful examination and survey of the work.

I desire to call the attention of the committee to the commercial importance of this work.

Galena, situated some eight miles from the Mississippi River, on the river of the same name, is a city of considerable commercial importance, and was, up to about 1845, the principal city of the Northwest. The city is located in the center of the lead-mining district and has a population of some 5,000.

I present the following statement from the best obtainable sources showing the commerce of the city:

Volume of mercantile transactions	\$1,500,000
Manufactures, value.....	1,338,379

A considerable portion of Southwestern Wisconsin is tributary to the city as well as portions of Illinois. Besides the lead-mining interests there is considerable pork-packing done at this point, as also considerable lumber trade. Grain, especially corn and oats, is shipped in considerable quantities. The Government has also a custom-house and marine hospital located there. In view of the facts as stated with reference to commercial importance, and also of the progress of the work which has already been prosecuted at an expenditure to the Government of \$66,000, I submit to the committee the wisdom of the adoption of the amendment proposed, that the work already done may not be entirely lost. I certainly, under all the circumstances, believe the adoption of the amendment for the further prosecution of the work is warranted by the reports of the engineers and the facts which I have presented for the consideration of the committee.

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

The Clerk read the following:

Improving Cheesecake's Creek, New Jersey: Continuing improvement, \$15,000.

Mr. SPARKS. I move to strike out the paragraph just read by the Clerk. It is an appropriation of \$15,000 for the improvement of a little creek in New Jersey. The gentleman from Maryland [Mr. McLANE] yesterday made some statement with respect to the character of the streams in this bill, and said that they were all navigable streams. They may be navigable for canoes, very small ones, or for light shingles. In relation to this stream I will read from the report of the Engineer.

Cheesecake's Creek, New Jersey.—The original condition of the channel over the bar or shoal at the mouth gives a depth of 1 foot at mean low water; the channel in the creek has a depth of 4 feet at mean low water for about $\frac{1}{2}$ of the length to be improved, and for the remaining portion a depth from 4 feet to 1 $\frac{1}{2}$ feet at low water. The course of the creek is very crooked, and requires to be straightened. The originally adopted project for the improvement was the change of the outlet into a direction at right angles to the beach; to sustain this direction by parallel jetties of stone, and to straighten the course of the creek and increase the depth in the upper portions thereof.

Nothing was expended to the close of the fiscal year ending June 30, 1880. The amount expended during the year ending June 30, 1881, was \$129,82, and no alteration was made in the original condition of the outlet and creek.

The amount available can be profitably expended in changing the direction of the outlet, in closing the present outlet, and in a partial construction of the jetties at the mouth.

The estimated amount required for the entire and permanent completion of the work of improvement, in accordance with the approved and adopted project, is \$50,279.

Now, here is a proposition to appropriate money to make a navigable stream where nature has nominally done nothing for it. Of course, by the expenditure of money enough, canals can be dug from one navigable water to another, from the lakes to the coast. Here is a proposition to appropriate money to make a navigable stream where nature has done nothing. Now, is that competent? Let me ask the gentleman from Maryland if that is constitutional? Is that the character of improvement that the fathers contemplated when they spoke of national works of improvement? Is Cheesequake's Creek, in New Jersey, with one foot of water in its natural channel, a national work?

Mr. PAGE. I find, on looking over the report of the Engineer in regard to the amount of commerce upon this "creek," as it is termed, this tidal stream, that the number of sloops is 152; schooners, 30; barges, 146, and steam-vessels, 232.

I was not able to hear all the remarks of the gentleman from Illinois [Mr. SPARKS] on account of the confusion in the Hall, but if he apprehends that this is not an improvement which should be made, I think if he will look over the report of the Engineer he will find that it is a stream of considerable commercial importance.

Mr. McLANE. The gentleman from Illinois [Mr. SPARKS] has referred to this item of the bill as indicating a stream that was not navigable, and he has made some reference to a criticism upon this bill which I made yesterday, in effect that all the items embraced in it for river improvements were for navigable streams.

Now, I beg to say to the gentleman from Illinois that this question of navigability has no reference to the precise depth of water. There are many streams in the country, especially in this very section of the country about New Jersey, the mouths of which are at times entirely closed, that not only do not have one foot of water, but do not have any water at low tide. Yet the stream itself is a deep stream and flows through a rich, populous, and commercial region. If the gentleman will read the appendix to this report he will find a very large commerce coming out of this identical stream. He would find that the stream itself is a river of considerable size. He would find there a rich country, which, when the bar is removed, whether the expenditure be \$20,000 or \$30,000, will be made accessible. This particular stream, though not an important river, is well worthy of improvement to the extent proposed. It is a navigable stream, though liable to this obstruction, and when the obstruction is removed, if the improvement be as it might be, of permanent character, will become very valuable.

I wish to say further on this question of navigability that the great rivers Mississippi and Missouri, which the honorable gentleman from Illinois, in common with almost every other man in this House, is willing to improve, are liable to repeated obstructions when there is at low water perhaps but one foot of water at the point obstructed.

A MEMBER. Oh, no!

Mr. McLANE. Yes, on the Missouri and the Upper Mississippi there is constantly at certain points eighteen inches only at low water; and on the Ohio River there are points where, at low water, there is not a depth of more than one foot or eighteen inches. I do not want to go into that question further than to maintain the principle that the navigability of a stream is a question of fact to be submitted to legislative or judicial discretion, as the case may be.

[Here the hammer fell.]

Mr. SPARKS. I did want to direct the attention of the House to the effrontery—and I have respect for the gentleman from Maryland—of comparing this little creek to the Mississippi.

The CHAIRMAN. Debate is exhausted. The question is on agreeing to the amendment.

Mr. McLANE. I beg to take exception to the term "effrontery."

The Chairman put the question on agreeing to the amendment; and it was not agreed to.

Mr. SPARKS. If the gentleman from Maryland takes exception to the term I used, I withdraw it. Let him suggest a better one for me.

The CHAIRMAN. The Clerk will continue the reading of the bill.

Mr. McLANE. A classical gentleman like the gentleman from Illinois ought not to be embarrassed in finding a courteous and appropriate term.

Mr. SPARKS. Let the gentleman suggest a better one.

The CHAIRMAN. The committee will be in order. The Clerk will continue the reading of the bill.

The Clerk read as follows:

Improving Great Pedee River, South Carolina: Continuing improvement, \$6,000.

Mr. RICHARDSON, of South Carolina. I move to amend by inserting after the clause just read the following:

Improving Santee River, South Carolina: Continuing improvement, \$30,000.

The Santee River is the largest in South Carolina. With its tributaries it waters one-half the State. And not a single dollar of appropriation has been inserted by the committee for continuing the improvement on this great river. I am satisfied the committee would have recommended the appropriation we ask for, \$30,000, but for a misunderstanding which I desire to explain. In the report of the engineers I find this passage:

It is proposed to commence this work as soon as an additional examination can be made of the creek.

This refers to an examination of Mosquito Creek. This additional examination was rendered necessary because some of the rice planters on that creek thought that opening and widening the creek as an outlet to the Santee River would be injurious to the rice-planting interest. Hence they came here and induced the Senators from South Carolina to ask the Engineer's Department to have an additional examination made, so as to ascertain whether widening and deepening Mosquito Creek could possibly injure the rice-planting interest. The report I have read was submitted before that examination had been made. Since the preparation of the report the additional examination has been made, and the Engineer's Department has reported that the improvement of Mosquito Creek and the Santee River cannot possibly injure the rice-planting interest. Ascertaining the reason which had prevented the Committee on Commerce from proposing an appropriation for the Santee River, I obtained from the Engineer Department a letter, which I will read:

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., May 1, 1882.

Sir: Referring to the subject of your interview of this morning, I have the honor to state that the amount estimated by this office for the Santee River, South Carolina, for the fiscal year ending June 30, 1883, was \$55,000, (see report of Chief of Engineers, 1881, page 167.) and that the paragraph on page 1033 in Captain Mercur's report was in way of explanation why the project for the expenditure of the appropriation of March 3, 1881, had not been submitted as called for by this office. That project has been submitted and approved.

Very respectfully, your obedient servant,

H. G. WRIGHT,

Chief of Engineers, Brigadier and Brevet Major-General.

Hon. J. S. RICHARDSON,
723 Fourteenth Street, N. W., Washington, D. C.

So that the committee acted under a misapprehension. I do hope, inasmuch as several of the other improvements of rivers in South Carolina depend for their success upon the improvement of the Santee River, into which they empty, that the amendment I now offer will be adopted. There is no improvement in the rivers of South Carolina more needed than this one, and none promises larger returns to the material interests of the State.

Mr. PAGE. I find in the report of the Engineer's Department the following language:

A project for the expenditure of this amount has been called for by the Chief of Engineers, but before submitting it a more exact survey of the creek will be made than was possible at the time of the general examination of the river.

We also found there was serious objection by certain persons living on Mosquito Creek, who protested against this improvement. From the fact this creek was not in, the committee came to the conclusion it was an appropriation which could wait until the next time, when the report on Mosquito Creek would be sent in.

Mr. RICHARDSON, of South Carolina. I hold the report of the Engineer Department in my hand, showing that an additional examination has been made, and I hope this appropriation for the Santee River will be adopted. I shall ask for a division of the committee on my amendment.

The committee divided; and there were—ayes 38, noes 58.

So the amendment was rejected.

The Clerk read as follows:

Improving Chattahoochee River, Georgia: Continuing improvement, \$25,000.

Mr. BUCHANAN. I move to add the following:

For improvement of the navigation of the Chattahoochee River, to be expended between West Point and Iceville, Georgia, \$20,000.

Mr. Chairman, there are one hundred and eight miles of the Chattahoochee River between West Point, Georgia, and Iceville which can be made navigable for steamboats drawing four feet of water, at an expense of \$172,000. A survey has been made, and the engineer's report states that navigation of one hundred and eight miles can be made for that sum of money.

At West Point there is a railroad connecting New York with New Orleans. At Iceville there is another railroad, known as the Kenasaw route, one of the most important railroads, and which also is one of the links connecting New York with New Orleans.

That section of the country is fertile and thickly settled, but is remote from railroads, with the exception of the two I have mentioned, and they are a distance of one hundred and eight miles from each other. Some of the citizens are distant from railroad facilities over fifty miles.

The engineers say this is perfectly practicable and easily to be done. I can imagine no place where greater benefit will accrue for so small an expenditure of money. I only ask for the beginning the small sum of \$20,000, in order to make preparation for this important work, and after it has been begun I have no doubt but that everybody who has anything to do with the appropriations for improving river navigation will be perfectly willing to vote the necessary appropriation for its completion. I hope this small sum will be granted and that it will be inserted in this appropriation bill for the beginning of this important work.

Mr. PAGE. We gave for this Chattahoochee River the amount we have given for rivers of a similar character. The estimate was \$60,000, and the committee recommend \$25,000. I think that is as much as it is entitled to. I hope that the amendment will be disagreed to.

The committee divided; and there were—ayes 20, noes 41.
So the amendment was disagreed to.
The Clerk read as follows:

Improving Peas Creek, Florida: Continuing improvement, \$4,000.

Mr. DAVIDSON. I move to insert the following:

Improving Withlacoochee River, Florida, \$5,000.

It seems the Committee on Commerce overlooked this river in preparing the river and harbor appropriation bill, although I presented the claim of that stream as earnestly and forcibly as I could when I had the privilege of appearing before that committee.

At the last Congress an appropriation of \$7,500 was made to commence the work on that river, and but little good will be effected unless an appropriation be made by the present Congress to continue the work. The Engineer Department recommend \$15,000 to complete the work. I only ask for \$5,000 to continue it. The interest to be affected by this appropriation is the great orange-growing portion of the State of Florida. Millions of oranges are thrown on that stream for transportation to market, and I hope the amendment will be agreed to.

Mr. TOWNSEND, of Ohio. There was no danger of the Committee on Commerce overlooking anything in reference to Florida, because the gentleman who has just spoken [Mr. DAVIDSON] appeared before that committee oftener than any other member of the House, and we endeavored to arrange the appropriations to suit him. We considered this carefully and made what we thought a fair and liberal appropriation for it.

The amendment was disagreed to.

The Clerk read as follows:

Improving Warrior and Tombigbee Rivers, Alabama and Mississippi: Continuing improvement, \$30,000, of which sum \$10,000 to be applied to the Warrior below Tuscaloosa, \$7,500 to the Tombigbee between Columbus and Vienna, \$7,500 to the Tombigbee between Vienna and Demopolis, and \$5,000 below Demopolis.

Mr. HEWITT, of Alabama. I offer the following amendment, to come in at the end of line 528:

Improving the Warrior River above Tuscaloosa, Alabama, \$50,000.

I ask the Clerk to read the letter of the captain of engineers.

The Clerk read as follows:

OFFICE OF UNITED STATES ENGINEER,
Mobile, Alabama, August 15, 1880.

GENERAL: I have the honor of submitting herewith a report of a survey of the Black Warrior River from Tuscaloosa to Sipsey Fork, made by Assistant Eugene A. Smith. The survey was made in compliance with the provisions of the act of Congress approved March 3, 1879.

The report shows that the river can be improved by the use of locks and dams at an estimated cost of \$400,533, \$760,000, or \$1,200,000, according to the character of the work, so as to accommodate the business for which the improvement is especially intended, the transportation of coal in barges from the coal fields. The enormous quantity of coal in the country through which this portion of the river flows, and its superior quality and accessibility, as shown by this report, proves conclusively the importance of the improvement which would render it available for the use of the Government, the people of the Gulf States, and the steamers of all nations employed in the commerce of the Gulf.

The complete improvement, with masonry, dam, and locks of cut stone, at an estimated cost of \$1,200,000, which would be of a permanent character when completed, is therefore recommended as required and warranted, and an appropriation of \$200,000 is recommended to begin this work.

The river is at present navigable at high water only, and even then sufficiently dangerous to put a stop to all commerce on the river, although barges have frequently been floated down to Mobile loaded with coal.

The amount of commerce that would spring up with a river improved as suggested is only conjectural, but would evidently be sufficient to warrant the outlay, when it is considered this section of the country and the commerce of the Gulf is now supplied principally from Pittsburgh by a route often closed in the winter months by ice, a contingency to which this would not be liable.

The work is in the collection district of Mobile, and Mobile is the port of entry. Tracings of index map and profile of the river are forwarded herewith by mail this day, to which and the report of Mr. Smith I would refer for full and detailed information.

Very respectfully, your obedient servant,

A. N. DAMRELL,
Captain of Engineers.

Brigadier General H. G. WRIGHT,
Chief of Engineers, United States Army.

Mr. HEWITT, of Alabama. I now ask the Clerk to read from page 1220 of the report of the Chief of Engineers.

The Clerk read as follows:

Should an appropriation be made to commence this work, it should be with a view to open the river at least as high as Daniel's Creek, fifteen miles above Tuscaloosa. This would require the building of five locks and dams, costing \$115,000.

NATIONAL IMPORTANCE OF THE WORK OF IMPROVEMENT.

The advantage to Alabama of a navigable river which shall traverse the most important coal field in the State, and which shall afford cheap transportation to the Gulf, not only for the coal but also of the other products of the country, cannot be overestimated. A moment's reflection will show that however great may be the benefit to the State of this work of improvement, the advantages to the national Government will not be less.

An unailing supply of good and cheap coal at the Gulf is of the first importance to the Navy. The supply of coal has hitherto come by the Ohio River. During the winter months, as is well known, traffic upon that river is often interrupted by ice, and we have lately seen that even during the summer months a coal famine may be experienced in the Lower Mississippi and Gulf regions because of low water in the Ohio.

During the time that the Ohio River is closed by ice, the Warrior would be in its best condition for transporting coal, and there is no likelihood that transportation on this river will ever be interrupted by reason of low water, for during the unprecedented drought of the past summer (1879) there was always a sufficiency of water in the Warrior, had it been provided with locks and dams, to have furnished uninterrupted transportation for the coal barges.

Mr. HEWITT, of Alabama. Mr. Chairman, this improvement is one of national importance. I assert without fear of successful contradiction that there is not an improvement appropriated for in this bill of more importance, in a national view, than the improvement of the Warrior River above Tuscaloosa. When this House shall understand that two miles above Tuscaloosa the great coal fields of the Warrior begin, and that this river runs for ninety miles through the coal fields to the Gulf, and when it is shown that coal, the very best in this country for steam purposes, can be laid down in the Gulf of Mexico for \$2.25 per ton, the country will be able to see that this improvement assumes the grade of one of vast national importance. The Government of the United States itself would be repaid in two years from the time this work is completed for every cent of the million and a quarter that it would be necessary to appropriate to complete the work in the saving of the purchase of coal for its own vessels in the Gulf.

[Here the hammer fell.]

Mr. PAGE. We appropriated for this river last year \$21,000. This year the appropriation is for \$30,000—nearly one-half of the amount estimated for. This river has received its due proportion of the amounts appropriated by the committee for these various improvements, and the committee have considered carefully every one of these items, and have come to the conclusion that no more than the amount provided by the bill could safely be given to them. They have all been considered with reference to their actual importance, and the appropriations made carefully, and I hope, therefore, the amendment will not be agreed to.

Mr. HEWITT, of Alabama. I move to strike out the last word. Mr. Chairman, in response to the remarks of the gentleman from California, I desire to say that there has not been one cent appropriated for the improvement I asked for in this amendment. The gentleman from California is entirely mistaken. This is a new work, and the committee refused to appropriate because it was new work, and yet there are sixty or perhaps seventy-five new works appropriated for in this bill. And while I cannot present the question fully in five minutes, all I ask you to do is to look at the fact that this opens up one of the greatest coal fields of the United States. The Warrior coal fields contain five thousand square miles of the best bituminous coal for steam purposes in this country. The Warrior River cuts right through the center of this great field for a distance of ninety miles, and the appropriation here asked for will make it available for moving that coal to the Gulf. And if the improvement is made this coal can be laid down, as I have already said, in the Gulf of Mexico at \$2.25 a ton, which now costs from \$4.50 to \$6 a ton to put it down there. New Orleans, Galveston, all the seaboard cities of the Southwest and South can be supplied with cheap coal, as well as the Navy of the United States. I hope, in view of the importance of this subject, that the amendment will be favorably considered.

Mr. TOWNSEND, of Ohio. This, Mr. Chairman, was a new work, and there has been no appropriation made for it, as the gentleman states. It contemplates the expenditure of between four and five hundred thousand dollars. The Committee on Commerce considered, in view of the amount to be expended, the condition and importance of the river, as well as the large expenditures of money necessarily made for other improvements in that portion of the State of Alabama, that it was not wise to commence a work of that character this year, which would involve such an immense expenditure, but to complete other works first that were drawing largely upon the Treasury, and which were in process of construction. I trust, therefore, the amendment will not be agreed to.

Mr. HEWITT, of Alabama. I withdraw the *pro forma* amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Alabama, which has been read.

The committee divided; and there were—ayes 25, noes 44.

So the amendment was not agreed to.

The Clerk read as follows:

Improving Arkansas River, Arkansas and Kansas: Continuing improvement between Fort Smith and Wichita, \$20,000.

Mr. RYAN. I offer the amendment which I send to the desk as an item to follow the one last read.

The Clerk read as follows:

To complete the survey of the Arkansas River from Fort Gibson to Wichita, Kansas, \$16,000.

Mr. RYAN. I want to state, Mr. Chairman, that the length of river to be improved, for which the appropriation of \$20,000 is made in this bill, is about three hundred miles. Appropriations have been made for this purpose for three or four years past—four years I think—and every one, so far, has been totally inadequate to accomplish any practical result. The engineers are proceeding to take the snags from the stream and not to make any permanent improvement, but are merely removing temporary obstructions for temporary purposes. I would make a motion, sir, to raise that sum of \$20,000 to what is estimated for by the Department, but I quite realize that the temper of the committee is against raising this appropriation at all.

Hence I have offered this amendment for the purpose simply of surveying this stream. We are undertaking to survey three hundred and fifty miles of river which have never yet been surveyed, and every time

the report is sent here from the Department the Engineer sets forth the necessity for the survey. The survey of this stream was made in 1869 from Little Rock up to Fort Gibson; and before there can be any intelligent improvement of the stream there must be a survey from Fort Gibson up to Wichita, where this improvement is now going on.

The sum asked for that purpose is \$16,000. I am persuaded, in view of the importance and necessity of a survey, the committee must have overlooked that item. I think if this stream is going to be improved at all it ought to be first surveyed; and I do not think there can be any reasonable objection on the part of the committee to it. If my time is not all exhausted I will ask the Clerk to read—

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

Mr. RYAN. Yes, sir.

Mr. PAGE. If the amendment of the gentleman from Kansas had been offered later on in the bill when we come to the surveys it would have been perfectly proper. This bill appropriates \$100,000 for surveys. Our attention, I think, was not called to this item; and I will cheerfully yield for an amendment to have it inserted among the surveys. There is plenty of money appropriated by the bill to accomplish the purpose sought by the gentleman from Kansas; and the committee, I have no doubt, will yield to allow him to offer this when we come to the surveys.

Mr. RYAN. Then I will withdraw the amendment for the present. The Clerk read the following paragraph:

Improving Big Hatchee River, Tennessee: Continuing improvement, \$3,000.

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

The Clerk read as follows:

In line 607, strike out "\$3,000" and insert "\$6,000."

Mr. SIMONTON. I was so unfortunate as to be absent by leave of the House when this part of the bill was considered by the Committee on Commerce, and I had no opportunity afterward to appear before that committee. It appears there is a determination now on the part of the Committee of the Whole not to amend the bill in any particular. However this may be, I do not want the Big Hatchee to be neglected and passed in silence. I see over on the other side of the House my friend, General HENDERSON, of Illinois, who was born by the meandering Hatchee and has often bathed in its pellucid waters, and I hope he will come to my rescue.

The first time I ever made a political speech there was a motto over the platform composed of these words: Tilden and Hendricks, retrenchment and reform; Simonton and the Big Hatchee River navigation. [Laughter.] I do not intend to forsake the Big Hatchee now.

The reason of the interest taken in that river at that time was that certain railroad corporations had placed their bridges over the river so that boats could not go up, and competition was cut off and the people were subjected to high freights. They had gone into the Legislature of Tennessee and had had the river declared unnavigable, although it was navigable for three hundred miles. It is a larger and better river than the Seine in France.

In 1878 the river was declared by the Legislature of the State of Tennessee navigable, and these railroads have put draw-bridges over it. In 1879 we obtained an appropriation of \$10,000 for the improvement of the river; after that time there was an appropriation of \$4,000, and now the boats have gone into that river, revived their trade, and are competing in freights with the railroads.

I will state this fact: that at one point, when the boats went into the river trade again, the freight on cotton, on which railroads charged \$2 a bale to Memphis, was reduced to \$1.50 on account of the competition of boats. There were shipped from that point in one season 25,000 bales of cotton, so that the actual saving of freight at that one point was \$12,500 in one season.

The improvement which has been made in the river has consisted mainly in taking out obstructions of timber which had fallen in. Timber overleaning the river was cut and fell into the stream; and your appropriation of \$3,000, I am informed, will not be sufficient to remove all this timber, but it will remain, impeding the navigation of the river; and in fact makes it more dangerous and difficult of navigation than if nothing had been done; but if you increase the amount to \$6,000, that will enable the engineer to clean the river out and make it navigable for three hundred miles, and thereby benefit the whole country there.

I think the committee has not given to this river the proportion which it has distributed, as a general rule, among the other rivers. The estimate, I believe, is for \$10,000 this year. I hope the committee will allow at least \$5,000. I think they should allow \$6,000.

Mr. PAGE. When the report was made there was an amount of \$6,000 available for this river. The committee gave an amount equal in proportion to what it had given to other rivers of similar importance. I hope the amendment will be voted down.

The question being taken on Mr. SIMONTON'S amendment, it was disagreed to.

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

The Clerk read as follows:

After line 607 insert, "For improving the Obeds River: Continuing improvement, \$5,000."

Mr. McMILLIN. Mr. Chairman, I cannot in the five minutes allowed for debate on amendments give all the facts which make necessary the appropriation for which my amendment just offered provides. I am well acquainted with the needs of this river. Upon its banks my grandfather lived, died, and is buried. I myself lived for years at Colina, where it flows into the Cumberland. When I first came to Congress, three years ago, I was instrumental in getting the first appropriation ever made for the improvement of Obeds River. From year to year the appropriations have been kept up until now. The engineer reports that between five thousand and six thousand dollars will be sufficient to complete the work on the present plan.

The valley of this river is one of the richest in the South. The productions are principally corn, wheat, oats, tobacco, and other heavy and bulky commodities as are incident to that climate. The inhabitants are entirely dependent upon the river and upon wagons for transportation. They are from fifty to one hundred miles from a railroad.

Sir, not only is this country rich in agricultural products, but there are millions of feet of the finest timber and lumber dependent upon the Obeds for reaching a market.

Again, there has recently been discovered on Obeds River lithograph stone, said to be as fine as any in America. The coal-fields adjacent to it are of the finest. An industrious and honorable people till the soil.

Mr. Chairman, by an oversight, I presume, this stream was left out in the appropriations of this year, and I am slow to believe that when this House understands the facts concerning this river it will fail to make the appropriation I ask. A fact that has probably never been called to the attention of this House exists in connection with Obeds River: it is the river immortalized by Mark Twain, the inimitable author, and by Colonel Sellers in the Gilded Age. As I stated, for two years past Congress has made the appropriation which the people on the banks of that classic stream had so long sought in vain.

The work of improvement has been begun, and 200-ton steamers can now navigate the river, and the long-looked for, hoped for prosperity, the prosperity that Colonel Sellers told Mrs. Hawkins was to come in due time, has gladdened the hearts and brightened the faces of the people. But alas, for the futurity of all human hopes, and the transitoriness of all human expectations, in an evil hour, in a rush of business rather than with any malicious disposition, the Committee on Commerce has failed to make in the bill before us the annual appropriation for this river. [Laughter.] Ifear, unless the appropriation I ask for is granted, those celebrated corner lots in that city referred to by Colonel Sellers will continue to be unimproved.

But now, in all seriousness, let me say that the work which has been done upon this river has improved its navigation and been of vast benefit to the people. The land at the head of that river abounds in the most magnificent coal-fields to be found almost anywhere in the South. It was in the county of Pentress, at the head of Obeds River, that Mark Twain, whose true name, as you all know, is Clements, was reared. His father was the clerk, efficient and respected, of one of the counties which I have the honor to represent. He owned a vast quantity of that mountain land. Although fine coal banks were beneath it, it was not very valuable, because there was no means of transportation.

The elder Clements had the same pertinacity in refusing to part with it that the younger Clements (Mark Twain) attributes to Si Hawkins in the Gilded Age. He was endeavoring to show the characteristics and hopes of this people. When the elder Clements died it is said that his last words pertained to the land at the head of the Obeds River. That land is in the possession of the family yet.

Now I hope that that and the other valuable commodities in which that country abounds will not be lost sight of by this Congress, and that the small appropriation necessary to complete the work will be given. If Congress makes this appropriation it will not be like that of Colonel Sellers and Senator Dilworthy, namely, it will not "take it all to get it through Congress." The appropriations made heretofore have been judiciously applied, and I am informed the navigation has been greatly improved. The report of the engineers shows that it will take but a small amount to complete this work, and I hope the House will give the amount which I have asked.

Mr. VALENTINE. You are still with Sellers, "for the old flag and an appropriation." [Laughter.]

Mr. McMILLIN. I am for the appropriation if I can get it. I am for the old flag, appropriation or no appropriation. [Applause.]

The question was taken upon the amendment of Mr. McMILLIN; and upon a division there were—ayes 39, noes 47.

So (no further count being called for) the amendment was not agreed to.

The Clerk read the following:

Improving Cumberland River below Nashville, Tennessee: Continuing improvement, \$15,000.

Mr. HOUSE. I move to amend the paragraph just read by increasing the appropriation from \$15,000 to \$25,000. I offer that amendment in the hope that the committee will agree to adopt it. I ask only \$10,000 more than the Committee on Commerce has allowed; that is, to increase the appropriation in the bill from \$15,000 to \$25,000.

The sum I ask will complete the improvement of the Cumberland

River below Nashville, so that hereafter no further appropriation will be asked for that purpose. The amount appropriated by the bill is entirely too small. Work will hardly be commenced on the river before it will have to be stopped. By adding \$10,000 to that amount the entire improvement will be completed, so that hereafter we will not trouble the committee with asking for any further appropriation. I hope the amendment will be adopted.

Mr. TOWNSEND, of Ohio. There are about one hundred and fifty objects in this bill that are in the same condition with this. It is no doubt true that if we appropriate twice as much money as we propose by this bill, then twice as much work will be done and some of these improvements would be entirely completed. But the committee had to stop on a certain line. We raised the appropriation for this purpose once. We think that \$15,000 is the full amount that this work is entitled to, considering the recommendations of the engineers. No doubt that next year enough will be given to complete the work.

Mr. HOUSE. I would like to ask the gentleman this: When it requires only the sum of \$25,000 to complete this improvement below Nashville, what economy is there in taking two bites at a cherry; in setting the hands at work and then compelling them to quit, and in that way incurring great loss? The addition of \$10,000, making this appropriation \$25,000, will entirely complete this important work below the city of Nashville to the mouth of the Cumberland River. I think the House ought to grant it. I think it is in the interest of economy to grant it, so that hereafter no other appropriation will be asked or required to finish the work.

Mr. PAGE. Let me say to the gentleman from Tennessee that there are one hundred and fifty objects in this bill which are similarly situated to the one he is interested in. If we had appropriated money sufficient to complete all those works, then this bill would have appropriated from twenty-five to thirty millions of dollars. There must be some point at which the committee should stop. The gentleman went before the committee and made a good presentation of his case, and the committee agreed to raise the appropriation from \$8,000 to \$15,000.

Mr. HOUSE. If the gentleman has in his bill any other instance of this sort, any other work of this magnitude, where by the addition of \$10,000 to the appropriation the work can be completed, then the committee ought to have given the money in every instance in the interest of economy.

Mr. BRIGGS. I wish to ask the chairman of the Committee on Commerce [Mr. PAGE] a question. Is it conceded that the appropriation of \$10,000 more than is given by this bill will complete this entire work?

Mr. PAGE. No.

Mr. BRIGGS. Is that the fact?

Mr. PAGE. The Engineer says that \$25,000 could be profitably expended in connection with this work.

The CHAIRMAN. The time for debate on the pending amendment has been exhausted.

The question was taken upon the amendment of Mr. HOUSE; and upon a division there were—ayes 25, noes 42.

So (no further count being called for) the amendment was not adopted.

The Clerk read as follows:

Improving Tradewater River, Kentucky: Continuing improvement, \$3,500.

Mr. HOLMAN. I move to amend by striking out the paragraph just read. In regard to a large number of appropriations in this bill it is impossible to reason. They are matters that seem to exist entirely in the realm of fancy. No mode of argument seems to approach them. Nothing but the inimitable wit and humor and sarcasm, of which my friend from New York [Mr. COX] is master, can reach this kind of legislation. Let me read a paragraph descriptive of this stream on which it is proposed ultimately to appropriate \$118,000.

I found the river to be very crooked (as the map will show) and containing many snags and drifts; there are also three fish traps or weirs of stone built across it; one just above the ford at Montezuma and two below the Fish-Trap Ford. There is no fish-trap now at the ford of that name.

Here is a little stream such as will be found in every section of the country, where the neighbors for convenience have built fish-traps across, little traps generally from one to two feet in height, to catch fish as they drift along. On such a stream as this it is proposed to appropriate ultimately \$118,000, beginning now with a small sum. This proposition is not only objectionable because the work is confined to the State of Kentucky alone, and is not general in any possible sense, but manifestly this is a proposition to expend the public money at a given locality without any possible beneficial result.

It is said in the report that rafts can go down this Tradewater Creek. But rafts may go down very small streams. It is stated, also, that this navigation by rafts is possible only during very high water. The report states:

At low water, or even a mean stage, it is of course unnavigable on account of snags, drift, detached rocks or bowlders, fish-dams, and shallow water over the ripples.

I do not know on what principle this bill is framed. I cannot conceive what justification there can be for such an expenditure as this. I feel confident that if the wise suggestion of my colleague [Mr.

BROWNE] should be adopted, and if the money to be appropriated under this bill should be placed under the control of the Secretary of War, with authority to determine upon the report of the Chief of Engineers how the money should be applied, not a dollar would be squandered upon a project like this; not a dollar would be appropriated upon small streams of a purely local character. That a bill of the magnitude of this should be made in so large a degree of items of this kind seems almost incredible.

Mr. PAGE. Mr. Chairman, I was unable to hear the gentleman from Indiana, but I am informed he stated there is no commerce on this stream, and therefore he moves to strike out the appropriation.

Mr. HOLMAN. I did not say anything about there being no commerce. The supposition of any commerce there is an absurdity. There cannot be any.

Mr. PAGE. I hold in my hand the report of the engineers giving the amount of commerce 3,000 hogsheds of tobacco, 160,000 bushels of wheat, 140,000 bushels of corn, 100,000 bushels of Irish potatoes, &c. This river is located in the district of the gentleman from Kentucky, [Mr. MCKENZIE,] who came before our committee and urged the importance of this appropriation. In view of that gentleman's representations, taken in connection with the report of the engineers, the committee believed the appropriation should be made. We are therefore opposed to striking it out. This work has been appropriated for year after year.

Mr. COX, of New York. Mr. Chairman, I move to amend the amendment by striking out the last word. I do not mean to say—

Mr. MCKENZIE. I hope the gentleman from New York will not oppose this appropriation. It is a matter in which the people who live in the Tradewater Valley are specially interested.

Mr. COX, of New York. The gentleman from Kentucky is just as much entitled to this appropriation as any other gentleman in the House. It is about as good an appropriation as any other I can find. I will say that for it.

Mr. MCKENZIE. It is quite as meritorious as others in this bill.

Mr. COX, of New York. I will say further that I have no personal or political hostility to the gentleman from Kentucky or his appropriation. I give him notice that all the efforts made by my friend from Indiana [Mr. HOLMAN] and myself in a humble way to amend and correct this bill are an utter failure. [Laughter.] I assure my friend that his appropriation is safe. Although the commerce on this stream may not be very great, although there may be only some little commerce in the way of grain, tobacco, &c., it is enough that the committee favor the appropriation; it will go through with the rest of them. We have made some appropriations heretofore. I hold in my hand a statement which I think ought to go into the RECORD. It is an argument in favor of House bill No. 6346, to amend the appropriation act of March 3, 1881. If this document be a correct statement of facts, (and it seems to be well founded,) the residents of Mosquito Creek and Santee River have filed a petition for the repeal of some of these appropriations because the work is ruinous to the rice plantations of that country. I do not want to hurt agriculture by making these appropriations. Some two or three years ago we expended money for the improvement of a little stream in the western part of Pennsylvania. [Mr. EVINS rose.] I am not in antagonism to the appropriations to South Carolina. The gentlemen from that State have as much right to them as any gentlemen who are interested in appropriations in this bill.

Mr. EVINS. My colleague explained that matter fully this morning.

Mr. COX, of New York. I did not know that; I was absent; I was attending the wedding of one of my constituents and could not be here. [Laughter.]

Mr. EVINS. It has been ascertained by a thorough examination that it does not injure the rice-planting interest at all.

Mr. COX, of New York. The gentleman from South Carolina would be the last man whose little interest in this bill I would antagonize. I wish to see our side of the House get some of this money. It is going all round and every one seems to be getting his little grab. [Laughter.] I do not see why he should not have a fair chance. Here is a large sum of seventeen millions of dollars. I have Hell Gate without asking for it. Hell Gate is all the time apparent to certain people in this House. [Laughter.] It is like what Napoleon said of the French Republic: It is so prominent, it shines so conspicuously, that all the world can see it. Therefore I do not ask any appropriation for New York; and therefore I am more independent than some other gentlemen on this floor to fight these special appropriations.

I should like to have this paper published in the RECORD. It would show the necessity of having better surveys made hereafter, as recommended by the committee. It will show the necessity of taking more heed of appropriations, having better methods of considering them in committee and in the House, and therefore I ask that this memorial be printed with my remarks in order to illustrate the general tenor and effect of this kind of spurious legislation.

Mr. REAGAN. I desire to make a remark to accompany that memorial, that the Chief Engineer has examined the subject and reports that there is no danger of injuring the rice interests.

Mr. COX, of New York. That is stated in the memorial. The engineers say so, but the people say the rice plantations are being ruined. I hear no objection to the memorial being printed.

The CHAIRMAN. The Chair hears none.

Mr. COX, of New York. The memorial is as follows:

Argument in favor of House bill No. 6346, to amend the appropriation act of March 3, 1881.

To the Committee on Commerce:

By an act approved on the 3d March, 1881, (S. L., 21, 481,) \$22,000 were appropriated to improve Santee River, South Carolina, by deepening and straightening its outlet to Winyah Bay through Mosquito Creek.

Certain residents on Mosquito Creek and Santee River have filed their petition asking a partial repeal of this appropriation, and the above bill, No. 6346, has been introduced to carry into effect the prayer of the petition. The bill provides that the words "by deepening and straightening its outlet to Winyah Bay through Mosquito Creek" be stricken out. The effect of this will be to leave the appropriation still applicable to Santee River.

The grounds on which this is asked are:

First. That the deepening and straightening of Mosquito Creek may destroy the value of the adjacent rice lands.

Second. That the appropriation is an unnecessary expenditure of public money.

Third. That the Secretary of War is using the money in digging a canal, and not in widening and straightening Mosquito Creek.

First. Mosquito Creek is a small stream delineated on the map as running from a point on North Santee River, not far from the ocean, to Winyah Bay. As a matter of fact, which can be proved beyond question, no continuous stream now exists between the two points, inasmuch as a large part of Mosquito Creek midway between the two points has been filled up by natural causes and become a morass traversable on foot and not navigable by the smallest skiff or canoe. It is not a stream over which Congress has jurisdiction by virtue of its power to regulate commerce.

Bordering on the north branch of this creek and extending to a considerable distance above it, along the Santee River, are valuable rice lands. A large amount of capital has been expended upon them in the digging of canals and ditches, the making of banks, and the building of flood-gates and trunks. These lands have never been used for any other purpose, and if rendered useless for rice-planting the owners of them would suffer heavy loss, if not ruin.

The cultivation of rice on the rivers of South Carolina depends entirely upon obtaining a supply of fresh water for irrigation. Anything that interferes with the supply inflicts certain damage upon the rice crop. The petitioners are dependent for the irrigation of their rice lands upon Mosquito Creek, and it is their belief that the widening and straightening of that creek will render its waters salt, which makes them so earnest in their application for the repeal of the appropriation for that purpose.

The waters of Winyah Bay are salt, and the level is believed to be higher at a certain stage of the tide than those of Santee. The consequence will be, as the petitioners believe, that by opening Mosquito Creek, or digging a canal between Winyah Bay and Santee River through Mosquito Creek, a large body of salt water will be thrown into Mosquito Creek and that stream be rendered entirely unavailable for irrigation.

The petitioners are ready to produce the affidavits of a large number of persons residing on Mosquito Creek and familiar with its tides and rice-planting, who hold the views of the petitioners.

It is true that an engineer of the United States Army has expressed a different opinion; but his experiments are not conclusive and are contradicted by experience. It is submitted that they certainly are not sufficiently convincing to justify Congress in running the risk of ruining a large number of citizens who are dependent for their support upon these lands.

Second. It cannot be urged in favor of the proposed work that it is one of urgent necessity.

The act of March 3, 1881, seems to be predicated upon the fact that Mosquito Creek is the outlet of Santee River. At present it is not its outlet for commerce at all, for, as above said, Mosquito Creek is not navigable by a boat of the smallest size. There are at present in actual use four outlets for vessels navigating Santee River. There are about seven feet of water at the mouth of Santee River, and this outlet is only five miles from the mouth of Winyah Bay. Besides these, there are other outlets, some of which are deeper.

The Santee River is shallow, and it is confidently believed that if Congress should cause proper inquiry to be made the outlets of Santee River will be found to be ample for any vessel which can now navigate it to any considerable distance.

It will have been seen from the above statement that the commerce of Santee River can reach Winyah Bay with an ocean journey of only five miles.

The commerce of the Santee River is chiefly with Charleston. It can be shown that its commerce with Winyah Bay is very inconsiderable, the trade being principally in lumber. It is submitted that, in view of the small amount of this commerce, Congress is not justified in expending so large a sum of money as will be required to give that commerce not an outlet, but a new outlet to Winyah Bay. The lowest estimate of the engineer for a cut is \$67,000, but a cut or canal to be built for that sum will scarcely be adequate to navigation, and Congress will certainly be called on for larger appropriations.

The question, therefore, is whether this large sum of money should be expended for a work of doubtful utility, with a prospect of inflicting by it ruin upon a large number of citizens.

Third. The Secretary of War has not carried out the act of Congress in its letter by deepening and straightening Mosquito Creek, but proposes to effect the supposed object of Congress by digging a canal from one point of the creek to another. It is proper to call the attention of the committee to this fact, as it may be the policy of Congress to improve a navigable stream when it would not authorize the digging of a canal.

I have thought it proper to submit these facts on behalf of myself and the other petitioners, in the belief that Congress, when more fully advised on the facts connected with this project, will decide at least to suspend further action until a fuller investigation may have been had.

R. TON LOWNDES,

For himself and other petitioners.

JUNE 13, 1882.

Mr. MCKENZIE. Mr. Chairman, I am surprised that the gentleman from Indiana and the gentleman from New York should have singled out the Tradewater as an object of attack. It is quite as meritorious as a large number of streams contained in this bill. The assertion there is no commerce on that river is entirely without warrant of fact, as will be seen by the report of the Chief Engineer on page 1993:

I submit herewith a statement of products shipped per annum from Tradewater district or region drained by said river, from about Providence and Dalton, to the mouth of the river:

Tobacco, hogsheads.....	3,000
Wheat, bushels.....	160,000
Corn, bushels.....	140,000
Irish potatoes, bushels.....	100,000
Beef-cattle, head.....	10,000
Hogs, head.....	20,000
In all about 20,000 tons.	

There are also shipped from Lower Tradewater some 200,000 bushels—7,692 tons of coal, making an aggregate of about 28,000 tons per annum. All of this material (except the coal) is now hauled in wagons over bad roads, from five to twenty miles, to find an outlet via Madisonville and Henderson, and Caseyville and Weston. The above estimate is made from information furnished by farmers, merchants, miners, and others familiar with the resources of the Tradewater region.

This Tradewater River drains one of the finest valleys in the State of Kentucky, which is entirely without communication save by wagon-roads; and the opening of this stream to commerce, be it of ever so little value to the general commerce of the country, will be of very great importance to the farmers of that region. The expenditure of a few thousand dollars will give to the people along the banks of this river an outlet to market for their farm products, coal, timber, &c., which they now have to haul in wagons from five to twenty-five miles. I am quite frank to admit that this improvement is not one of national importance, but it is one of great moment to the people of the section through which it runs. The Engineer's report shows that its banks are lined with the best varieties of timber, and its coal measures are of great extent and of the finest quality. I sincerely hope this item will be adopted.

Mr. RICHARDSON, of South Carolina. The signers of the memorial presented on the part of these rice planters number only six. They were under the impression that the widening and deepening of Mosquito Creek would injure their rice plantations on the borders of that creek, and they petitioned their Senators, as I understand, a year ago to have an additional examination made by the Engineer Department. That examination has been made, and the Chief of Engineers reports that any such fear is entirely futile and worthless, as no possible injury can be done.

This memorial, then, comes from only six people who fear their interests will be hurt by the deepening and widening of that creek, and I venture to say they cannot get in all South Carolina another person to sign it. No one else favors the repeal of the law or is in opposition to the grant of an appropriation for the improvement of that river.

Mr. HOLMAN. I was not aware this affected the district of my friend from Kentucky, although of course that could make no difference; for it was only to illustrate the general character of this bill that this item, the modesty of which arrested attention, was made the subject of my remarks. I am sure that no gentleman here would do the gentleman from Kentucky or any interest of his district the least intentional injustice. This modest item is as meritorious as the great body of this great bill. I assure my friend from Kentucky that it was only referred to to illustrate the general character of the measure and in no spirit of opposition to the item itself. The Committee on Commerce thinks this stream of sufficient importance to justify an appropriation. The gentleman from California, chairman of the committee, speaks of its importance in connection with local commerce. I find the local commerce specified in the Engineer's report; and it is further stated by the Engineer that all this material, except coal, is now hauled in wagons over bad roads some five to twenty miles to find an outlet. This commerce which this appropriation is made to contribute to is hauled in wagons according to the statement of the Engineer. There are 200,000 bushels of coal quarried near the Ohio River which is transported by this stream during high water.

But my friend from Kentucky need not be alarmed. It has been admitted this bill will pass and that preparations are made to secure its passage. But, speaking of the general character of this bill, I protest against squandering public money on objects manifestly of no public interest and which do not promote any general commerce, but are intended and designed at the best to secure the expenditure of public money in given neighborhoods at the expense of the other sections of the country.

Mr. WHITE. I rise to oppose the amendment. I am not surprised, Mr. Chairman, at the remarks which have been made by the gentleman from Indiana. No remarks in regard to the amounts of money to be expended by this bill on the small streams of the country by the gentleman from Indiana would surprise the House. It is in the line of economy and retrenchment that I know, and he knows, and the country knows he is proud of, and that he has been pursuing here for six or eight years.

Now, sir, it is not the point of economy that I rise to debate, but to question the accuracy of the statements made by the gentleman in regard to this matter. He says that there is no commerce on the Tradewater River in the State of Kentucky. The gentleman only exhibits his own ignorance of the statements and estimates made by the War Department. Evidently he has not read the reports of the engineers; and when he says there is no water in that river, and that all of the commerce on the river is hauled in wagons, he attempts in this manner to ridicule the idea of appropriation to the smaller navigable rivers and in that manner to make a point before the country. If the people on that river are benefited—if the small appropriation to continue the work already begun will enable them to maintain their commercial relations with the rest of the world, it is, as the gentleman from Michigan said the other day, of as great importance to them as the larger rivers are to more extended populations; and it is just as important that their commercial facilities shall be improved as it is for the large cities that their rivers and harbors shall be improved.

Mr. HOLMAN. What becomes of the fish-traps?

Mr. WHITE. The gentleman need not attempt to ridicule. Fish-traps can be put in the Ohio River.

Mr. HOLMAN. But what about the fish-traps across the stream?

Mr. WHITE. The gentleman can speak in his own time—

Mr. HOLMAN. But does not the gentleman know what is to become of them? Will they not be very much incommoded by this improvement?

Mr. WHITE. And does not the gentleman from Indiana know that that is simply the subterfuge of the demagogue? Does he not know that this river is just as important to the people living on its banks as is the river on which the largest steamers can be floated to the people who live upon its borders? Because, forsooth, a mountain stream does not contain enough water at all seasons of the year to float the largest steamboat, does the gentleman imagine that that is the reason why it is of no importance to the people of that portion of the country?

Mr. HOLMAN. The gentleman's past experience should admonish him to be a little careful how he uses his tongue.

Mr. WHITE. I think I used the words correctly, sir; I say that the gentleman's queries are the very quintessence of demagoguery. I used the words understandingly and propose to stand by them. I think the gentleman's record before the country will substantiate everything that I have said.

Mr. HOLMAN. The gentleman has been already so severely censured for the use of such language that I do not propose to answer any of his insinuations. I am perfectly willing to stand by my record.

Mr. WHITE. I do not yield the floor.

Mr. HOLMAN. I do not desire to take the floor from the gentleman.

Mr. WHITE. If the gentleman from Indiana will sit down and let me proceed with my remarks, he can have the floor after I get through.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. WHITE. I hope my time will not be consumed by the gentleman from Indiana.

Mr. MILLER. I ask unanimous consent that he have leave to print.

The CHAIRMAN. The question is on striking out lines 644 and 645.

Mr. HOLMAN. I withdraw the amendment.

The Clerk read as follows:

Improving the Ohio River: Continuing improvement, \$350,000, of which sum so much as is necessary may be used for the improvement of Davis Island dam, and for the improvement of Indiana chute at high water.

Mr. BUTTERWORTH. There are three amendments that I desire to offer to the clause just read. The first I think the committee will not object to, as it is simply to strike out the words "Indiana chute," in line 649, and insert in place thereof "the Falls of the Ohio." That I may say is suggested by the engineer in charge of the work, and includes both, the Indiana chute being a part of the falls. I hold in my hand a letter from the engineer in charge, who says that in the interest of good engineering this ought to be done. I hope it will not be objected to by the committee.

Mr. BAYNE. What is the pending amendment?

The CHAIRMAN. The amendment will be again reported.

The amendment was read.

Mr. PAGE. I presume there will be no objection to that.

Mr. BUTTERWORTH. There can be none, since the Indiana chute is merely a part of the Falls of the Ohio.

Mr. TURNER, of Kentucky. I rise to a question of order. I rose to offer an amendment to the line preceding that, and do not wish to be ruled out on the ground that it was too late because the gentleman from Ohio was recognized.

The CHAIRMAN. The Chair will recognize the gentleman afterward.

Mr. BUTTERWORTH. The amendment which I propose is to perfect the text of this section first.

Mr. PAGE. The gentleman from Ohio [Mr. TOWNSEND] is more familiar with this portion of the bill; but I presume there will be no objection to that amendment.

Mr. DAWES. I would like to inquire if there is any more than one chute there?

Mr. BUTTERWORTH. This amendment covers the entire subject of the improvement at that point.

Mr. PAGE. There is no objection to it.

The amendment was agreed to.

Mr. BUTTERWORTH. I desire now to offer an amendment to the line preceding.

The Clerk read as follows:

At the top of page 28, line 648, between the words "necessary" and "may," insert the words "not to exceed \$50,000;" so that it will read: "of which sum so much as is necessary, not to exceed \$50,000, may be used for the improvement of Davis Island dam, and for the improvement of the Falls of the Ohio at high water."

Mr. WILLIS. On the question of order, I desire to say I have an amendment that applies to the preceding line.

The CHAIRMAN. The Chair will recognize the gentleman from Kentucky hereafter.

Mr. BUTTERWORTH. We have heretofore at this session made an appropriation of \$100,000 for the prosecution of this work. I understand the engineers do not require for the present season an

additional sum in excess of \$50,000 to continue the work on the Davis Island dam. However that may be, the appropriation for the Ohio River in its whole length is only \$350,000, exclusive of the \$100,000 mentioned; that is, for the general improvement.

This clause as it now reads authorizes the engineers to spend every cent of that appropriation on two localities. Now, there are a number of other points along that river as important to its commerce, or more important to its commerce, than Davis Island dam. I trust that dam will be a success; but I am not sure it will be worth a further appropriation when this has been expended. It is an experiment altogether.

What I propose is that the House shall limit the application of this appropriation so as to allow the use of \$50,000 for the Davis Island dam, and no greater sum. There ought to have been a specific appropriation instead of its being left as it now is.

Mr. KENNA. I desire to call the attention of the gentleman from Ohio and the committee to the fact that the length of the Ohio River between the two points named in the bill on which the entire amount of \$350,000 may be expended is nearly six hundred miles. I commend that proposition to the consideration of the committee.

Mr. BUTTERWORTH. I desire to add that the distance from Davis Island dam to Cairo is about one thousand miles. There are points as important as Davis Island dam; but I desire, however, to give what is necessary to that work.

Mr. BAYNE. I unhesitatingly say there is no work on the Ohio River so important to the navigation of that river as Davis Island dam.

Mr. BUTTERWORTH. I am not at all opposing that work.

Mr. BAYNE. It is the headquarters of almost all the commerce of that river, including all the coal that is taken down to the Southern States and along the Mississippi River from where the Ohio intersects the Mississippi. The amount of money necessary to complete that dam is not definitely known; but \$50,000 will not do it. It was recommended by the engineer having the matter in charge that the amount of money should be left open to his discretion in order that he might apply just so much as may be necessary to the completion of that work; and the Committee on Commerce after having fully heard a delegation from Pittsburgh and delegations from other sections came to the conclusion that it was wise to leave this expenditure in the discretion of the engineer.

I desire to say further, if this amount is limited to \$50,000, it will delay the work for another year. It will obstruct the navigation of that river. It will interfere with the transportation of coal and other things that are taken out there when there is high water. This committee cannot make a greater mistake in connection with this bill than it will make if it adopts the amendment of the gentleman from Ohio, [Mr. BUTTERWORTH.] It cannot make a more serious blunder, because as that work progresses there necessarily is a very serious obstruction to navigation, and unless you let the engineer use so much money as may be necessary the work must stop.

The gentleman from Ohio has said this Davis Island dam is a mere experiment. I will say to the gentleman, they have hundreds and hundreds of these dams in Europe. The Chanoine system of improving navigation has been tested in France and in Germany and in other European countries, and it is a demonstrated fact that it is a safe, a sound, and a good system.

Mr. KENNA. How much will be required to finish the dam?

Mr. BAYNE. I do not know. I think about \$100,000 will finish the dam, but I am not prepared to say positively. The engineer will expend what is necessary under the provision of the bill as reported by the committee, and I hope the Committee of the Whole will stand by the bill as reported. Under the present provision of the bill the Engineer can apply just so much money as may be necessary to the respective works. I tell the gentleman from Ohio, [Mr. BUTTERWORTH,] if you limit it to \$50,000 the danger is it will require another year to complete the work, and during that year the navigation of the river for these great coal fleets that come down the Ohio and Mississippi Rivers will be seriously obstructed.

Mr. KENNA. I move to strike out the last word.

I desire to say a few words to make myself properly understood both by the friends of this improvement and by the committee, for I do not antagonize either. I am in favor of the prosecution of the Davis Island improvement to its completion. I always supported it in the Commerce Committee and in the House. I am in favor of even a more liberal appropriation to the Ohio River than the committee has given.

The purpose of my suggestion, however, as auxiliary to the gentleman from Ohio, was to direct the expenditure of the money in such a way as to produce the greatest benefit to the general commerce of that river; and the special point to which I desire to direct the attention of the committee is the fact that there are six hundred miles at least of navigable water between the Davis Island dam, near Pittsburgh, and the Indiana chute, which may not, under the terms of this bill, be reached.

That I think is wrong. I think this bill ought to direct the expenditure of such sum as may be necessary for these two works, and any other that may be proper, and leave the rest of the amount for the improvement of the general navigation of the river, so that the whole amount may not be expended on these two localities and deprive the rest of the river of any benefit from the appropriation. If it shall

be necessary that this entire appropriation be absorbed for these two particular improvements, then the Committee on Commerce should consent to increase the appropriation so as to continue the other improvements on the river.

It will not be denied on this floor that the tonnage of the Ohio River is greater to-day and for years has been greater than the entire foreign commerce of the whole nation. No question of amount, therefore, should stand in the way of carrying out the suggestions I have offered. We should give to these two points all that is reasonable and proper, and if there is not a sufficient sum left to prosecute the other improvements on the river, then an additional appropriation should be put in the bill.

Mr. PAGE. I desire to say—

Mr. WILLIS. I wish to appeal to the gentleman from Ohio [Mr. BUTTERWORTH] to withdraw his amendment, so that I may offer one which I think will meet the difficulty.

Mr. PAGE. I have but a few words to say. Some three months ago the Committee on Commerce reported a bill which has become a law appropriating the sum of \$100,000 to continue the improvement on Davis Island dam. They have already that money, and I suppose are using it now on that improvement.

The committee first limited the amount in this bill to be used on that improvement to \$50,000; but on consultation with the Chief of Engineers the committee concluded to strike out that limitation and allow the Engineer Department to use so much as might be necessary for the Davis Island dam and for the Indiana chute.

I think that this Committee of the Whole can safely leave this matter with the engineers. If you cannot trust your engineers, then you ought not to make any appropriations for any improvements at all. I do not believe that the engineer in charge would use one-half of this amount, or the whole of it as has been suggested, for either one of these works.

The whole amount which this bill proposes to appropriate for this purpose is \$350,000, to be used where in the judgment of the engineer in charge it may be most necessary to use it. It seems to me that we can trust the engineers; they will apply perhaps \$50,000 or more to the Davis Island dam, and they will apply what is necessary to the Falls of the Ohio, and the other portions of the Ohio River.

Mr. BUTTERWORTH. I wish to call the attention of the gentleman from California [Mr. PAGE] to the peculiar phraseology of this appropriation, to show that it limits the expenditure of this entire sum to but two purposes.

Mr. PAGE. Oh, no.

Mr. BUTTERWORTH. Let me read it:

Improving Ohio River: Continuing improvement, \$350,000, of which sum so much as is necessary may be used for the improvement of Davis Island dam, and for the improvement of Indiana chute at high water.

This designates those two particular works for which this sum shall be used. And if they take the whole sum, then nothing can be done elsewhere on the Ohio River. I cannot be mistaken about that, if I understand the English language.

Mr. TURNER, of Kentucky. The estimates of the engineers would take it all.

Mr. DAWES. It has been just said by the gentleman from the Pittsburgh district [Mr. BAYNE] that that is the most important improvement on the river. I desire to say that there is something besides the coal interest on the Ohio River that is of importance.

Mr. PAGE. These engineers are Army officers and are supposed to have no more prejudice in favor of Davis Island dam or the Falls of the Ohio River than they have for any other part of the river. If we cannot trust these Army officers, these engineers who have made these surveys and estimates, I would like to know upon whose judgment we can rely for the expenditure of these appropriations.

The CHAIRMAN. Debate upon the pending amendment has been exhausted.

Mr. TURNER, of Kentucky. I desire to move a substitute for the amendment.

Mr. KENNA. I withdraw my *pro forma* amendment.

Mr. DAWES. I renew it. I represent one hundred and fifty miles on the Ohio River, and I would be very glad to be heard.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio, [Mr. DAWES,] who renews the amendment to strike out the last word.

Mr. DAWES. Under this provision the engineer in charge will finish the Davis Island dam improvement, will he not?

Mr. PAGE. No.

Mr. DAWES. That is what I want to know.

Mr. BUTTERWORTH. Then he will not obey the injunctions of this bill.

Mr. DAWES. The gentleman from Pennsylvania [Mr. BAYNE] says this work must be finished this year. I have the impression that the proposition is to finish this work out of this money.

Mr. TOWNSEND, of Ohio. Allow me to say that the engineer in charge of the Davis Island dam work gets his instructions as to his work and the amount of money he must expend from the Chief Engineer in Washington. He cannot expend any more money than is assigned to that work, and he will not take his instructions from the gentleman from Pennsylvania, [Mr. BAYNE,] or from any one else except those who are authorized to give them to him.

Mr. DAWES. I would like to ask the gentlemen representing the

committee to state whether in their judgment \$50,000 in addition to the \$100,000 heretofore appropriated this session is not sufficient to continue the work this year at the Davis Island dam?

Mr. PAGE. The Committee on Commerce, in considering this matter, determined first on allowing \$50,000 of this sum, and so framed the bill; but we changed it at the suggestion of the Chief of Engineers. The phraseology of this paragraph is immaterial to the committee; but they want to do what the engineers, who are responsible for the expenditure of the money, think ought to be done. We have wisely, as we think, consulted the Chief of Engineers in reference to this matter. I have no idea that the local engineer, if he has any prejudice in favor of Davis Island dam, will be allowed to expend too large a proportion of the money for that improvement, but only a reasonable amount. He cannot do all this work this year. There are other years to come, and other appropriations to be made.

Mr. DAWES. People for a distance of one hundred and fifty miles in my district have an interest in the expenditure of this money. For my part, I am perfectly willing that the Davis Island dam should have its fair and just proportion, considered with reference to the commercial interests of the Ohio River. But there are other commercial interests than the coal traffic. There is the local traffic all along the valley. There is a line of interstate commerce of 1,000 miles floating a tonnage greater than that of any other thousand miles of water-way in this nation. And now this line is cut down to an appropriation of \$350,000, less \$50,000 which is to be given to the Davis Island dam, and less the item which is to be given to the Falls of the Ohio.

At one point in front of my district the entire navigation of the Ohio River was obstructed last year. Five hundred dollars or \$1,000 would have opened the way for boats. We can float nearly a thousand tons on one large steamer on three feet of water. Now, we want money expended along this line of traffic, so that these boats which carry some other tonnage than coal, which carry the agricultural and manufacturing products of that locality to market, may be able to transact their business.

Mr. BAYNE. Does the gentleman understand that this provision precludes an expenditure to remove the obstructions to navigation of which he speaks?

Mr. DAWES. Not at all; but I want every dollar possible of this \$350,000 expended for that purpose. At the same time I am willing that Davis Island dam should have \$50,000, though I think it is more than an equitable proportion.

Mr. BAYNE. There may not be more than that sum applied to that improvement. The language of this clause is, "of which sum so much as is necessary may be used for the improvement of Davis Island dam and for the improvement of Indiana chute." The language is not in the imperative but the subjunctive mood.

Mr. DAWES. But in a matter so important to the local traffic of my district, I want the language which will insure the improvement to be in the imperative mood. I do not want any uncertainty or misunderstanding about it.

[Here the hammer fell.]

Mr. WILLIS. I rise to oppose the amendment to the amendment. I wish to appeal to the gentleman from Ohio [Mr. BUTTERWORTH] to withdraw his amendment. It seems to me the difficulty in this case arises from the fact that the claims of the Ohio River have not been properly recognized by the committee; and we are endeavoring on this floor by debate to allot the insufficient amount which has been allowed. I ask the gentleman therefore to withdraw his amendment and allow me to offer one increasing the appropriation from \$350,000 to \$500,000. If this amendment be acted upon favorably, as I believe it will be upon a statement which I shall make upon the authority of the engineer in charge, it will go very far toward releasing us from the trouble in which we now are as to the distribution of this money.

Mr. BUTTERWORTH. I do not wish to withdraw my amendment; but after it shall have been voted on, I shall be willing to support the gentleman's amendment. It was not my purpose to increase the amount of the appropriation for the Ohio River, but to limit the expenditure for this particular work to \$50,000.

Mr. TURNER, of Kentucky. I offer the following as a substitute for the amendment of the gentleman from Ohio, [Mr. BUTTERWORTH:]

In line 648 and 649 strike out "may be used for the improvement of Davis Island dam."

Mr. Chairman, I do not rise for the purpose of advocating the improvement of any small local stream. I am opposed to expending the public money extravagantly or for useless purposes. I am in favor of judiciously improving the great navigable rivers of the country that will be a benefit to commerce, especially the Mississippi and Ohio. But I rise to invite the attention of the whole committee to the question involved in this appropriation. The Ohio is a river of national character. It bears upon its bosom the commerce of many States and is over 1,000 miles in extent. Only \$350,000 are appropriated for its improvement in this bill.

But owing to the peculiar language which is used the whole of the \$350,000 will be absorbed by two objects and at two points. The language is that so much of the \$350,000 as is necessary to finish the Davis Island dam shall be used for that purpose. Why, according to the estimates of the engineers, it will take \$200,000 to finish the

improvement at Davis Island dam. But it goes further than that. It authorizes the engineer to take the whole amount of the appropriation of \$350,000 if it be necessary to finish the dam, which is near Pittsburgh.

I was astonished at the language of my friend from Pennsylvania [Mr. BAYNE] that that was the most important improvement on the Ohio River. Let me invite the attention of every member who represents a district or who is from a State lying on the Ohio River, to the Grand Chain. It is a ledge of rocks just fifteen miles above the mouth of the Ohio River and just below the mouths of the Tennessee and Cumberland Rivers. It locks up the river commerce of not only the Ohio but the Cumberland and Tennessee Rivers; it locks up the river commerce of Cincinnati, of Louisville, of Evansville, of every town and every State on the Ohio River. Boats coming down the Ohio River frequently have to reshuffle their cargoes on small boats to get it to the Mississippi. That is a fact well known and about which there is no dispute. There is the commerce of Indiana, Illinois, Ohio, and Kentucky, and part of Pennsylvania, and in addition, the river commerce of Alabama and Tennessee that comes down the Tennessee and Cumberland Rivers, both having a navigation of hundreds of miles, all impeded or locked up by this barrier, the Grand Chain. Yet the gentleman talks about this Davis Island dam, near Pittsburgh, being more important than the removal of the obstructions near the mouth of the Ohio; I mean the Grand Chain, which locks up the commerce of all this vast country through which these large navigable rivers run, and deprives them of cheap water conveyance and forces their produce and freight on railroads at costly rates. But let me come to the point in reference to this \$350,000. My friend from California [Mr. PAGE] expresses great confidence in the Chief of Engineers, and thinks it ought to be left to him. If so, why put it in the bill that the improvements shall be finished at Davis Island dam and at Indiana chute? Why not leave the whole appropriation of \$350,000, small as it is, under the Chief Engineer to be expended at the most important points on the Ohio River where it is needed? Why select these two points which, according to my information, will swallow up the whole appropriation? That is what I object to.

At the last session of Congress the river and harbor appropriation bill had an appropriation in it of \$100,000 to be expended at Davis Island dam. It was stricken out in the Senate, and \$50,000 inserted, and a small amount appropriated to be expended at Grand Chain. The friends of the experiment at Davis Island dam have already got \$100,000. It has been appropriated during this session and they have the money. I am opposed to the amendment to give them even the \$50,000 proposed by the amendment of the gentleman from Ohio. I think the \$100,000 which they have gotten during this session is enough. I am told it is now an obstruction to navigation, and the amount is more than they can expend on this doubtful experiment of the Davis Island dam.

Mr. BAYNE. It is because the work is progressing that it is an obstruction.

Mr. TURNER, of Kentucky. I think the \$100,000 is enough and they ought to be satisfied. I hope the gentlemen who represent the States on the Ohio River will aid in making a sufficient appropriation to remove the obstruction of the Grand Chain, which obstructs the entire commerce of the Ohio River. Let us begin at the mouth of the Ohio and remove this barrier to the whole commerce of the Ohio, Cumberland, and Tennessee Rivers.

[Here the hammer fell.]

Mr. REAGAN. I agree with the gentleman from Kentucky in the opinion that the amount for the Davis Island dam should be limited. We have appropriated \$100,000 for that work. It is an important work, and it is desirable that it should go on, but I think \$100,000 is enough. I would have no objection to the balance of the appropriation going to the improvement of the Ohio River without further instructions to the engineers. Special importance has been attached by those having the navigation of the river in charge, including its commercial interests, to the improvement of the chute at the Great Falls. I suggest it be agreed that the gentleman from Ohio shall modify his amendment to limit it to \$50,000 for that and leave the balance for the improvement of the Ohio River. That would leave \$250,000 to be applied to the improvement of the navigation of the Ohio River, which would be reasonable and, I think, satisfy all demands.

The CHAIRMAN. Debate is exhausted.

Mr. BUTTERWORTH. I withdraw the *pro forma* amendment.

Mr. HOLMAN. I renew it.

I trust the Committee on Commerce will to a fair extent consider the interests as well as the wishes of the districts bordering on the Ohio River in determining what shall be the course of this appropriation. I trust my friend from Kentucky will not press his proposition, and that my other friend from Kentucky will not insist on increasing the amount. I think an appropriation of \$450,000 is a fair and reasonable amount for the Ohio River, \$350,000 appropriated by this bill and \$100,000 already appropriated for Davis Island dam, making altogether \$450,000.

I think this is a very low appropriation considering the vast importance of the stream as compared with other appropriations made by this bill, for an appropriation of a million of dollars would scarcely bring the Ohio River, in consideration of its importance, up to a fair average with the other appropriations which have been

made for other streams. But I think the amount of the appropriation ought not to be increased, and so I hope the amendment suggested by the gentleman from Ohio will be adopted, and that the amount to be appropriated for the Davis Island dam will be limited to \$50,000, thus giving that work \$150,000 for the current year. Now, to my friend from Pennsylvania permit me to say that I think he misapprehends this matter to some extent. The coal interest of the river, however important, is but a mere bagatelle in comparison with the commerce and traffic of all kinds of that stream. The gentleman knows that from Pittsburgh to Cairo the river is an important line for general local traffic, and improvements are required all along the river. In my district, for instance, it is of the highest importance that certain improvements should be made and pressed upon the consideration of the engineers; but however important the Davis Island dam may be, and I have regarded it to some extent as an experiment, it should not override all of the other vast interests which are to be subserved on the river.

Mr. BAYNE. My friend from Indiana misapprehends me entirely if he thinks that I depend alone upon the coal interest. There are very large shipments of iron and manufactures of all kinds down the river to Saint Louis, New Orleans, Memphis, and other points along the river—

Mr. HOLMAN. I understand the importance of the great city of Pittsburgh and her commerce, but the gentleman knows that six or seven hundred miles below Pittsburgh we have iron industries which are springing up all along the river, and which find markets at Saint Louis, Memphis, and New Orleans. Now, these are all common interests and not exclusive interests, and I trust my friend will not insist upon putting the judgment of Pittsburgh against the judgment of the best interests of the whole river all along its length.

Mr. BAYNE. Will the gentleman permit another suggestion?

Mr. HOLMAN. Certainly.

Mr. BAYNE. I mentioned the one interest because in connection with this matter the shipment of coal is very much embarrassed by coffer-dams already in existence at the point where these improvements are being made. The coal fleets are very much obstructed, because of these coffer-dams which now obstruct the navigation, not of regular vessels but of these fleets which cannot pass without great difficulty and danger in consequence of them. Therefore it is important that they should be removed as speedily as possible.

Mr. HOLMAN. Of course we understand the importance of that; but does not my friend understand that we have lower down the river other interests not connected with the coal interests while we have also the interest in the coal business that Pittsburgh has, for we are as much interested in getting coal as you are in shipping it. It is a common interest to us both; and what benefits the shippers of coal and cheapens its transportation is also a benefit to those who consume it lower down on the river. But these other interests are equally involved with the coal interest.

For these reasons I think the amendment of my friend from Ohio is a most reasonable one, and I trust that my friend from Pennsylvania will yield his views to some extent upon this subject, and not insist on a measure which will militate against the general interests for the benefit of any locality. This amendment can do no possible injury, while it benefits all.

Mr. BAYNE. It may cause the loss of a much greater sum than the entire amount appropriated in this bill, if that course is pursued.

Mr. HOLMAN. I do not think that any interests would be likely to suffer, for this would be for the advantage of all.

Mr. BUTTERWORTH. I desire to make a suggestion which I hope will be satisfactory to both sides of the question, that is, to insert a clause after the amendment which I have suggested providing that \$50,000 of this appropriation shall be used for the Davis Island dam, that \$39,000 of it is appropriated for the Falls of the Ohio.

I am advised by a member of the Committee on Commerce that the engineers made an estimate of what would be required to make such an improvement at the Falls of the Ohio as he desired to make, and the estimate thus made and sent in was for \$39,000. Now, to give Davis Island dam \$50,000 and to the Falls of the Ohio \$39,000, leaving the rest to be distributed along the Ohio River generally, wherever it ought to be expended, would seem to be entirely satisfactory. For one, I should be quite satisfied with it.

Mr. TOWNSHEND, of Illinois. Will the gentleman allow me to ask him a question in this connection?

Mr. BUTTERWORTH. In a moment. One word as to this Davis Island dam. It stands precisely as the other works of improvement on the river. Now, my friend from Tennessee suggests that \$10,000 additional would finish certain works there, but as he says there are many works of improvement which should be finished, and it would be impracticable to finish them all, therefore the best that can be done is to continue the work as rapidly as possible on the most important of them.

Mr. TOWNSHEND, of Illinois. Would not the gentleman from Ohio be willing to agree that \$50,000 of this may be used at the Grand Chain, which is of great importance?

Mr. BUTTERWORTH. That is, of course, a very important improvement, but I think it would be better to leave the expenditure at that point to the judgment of the Engineer. I hope the committee, however, will be willing to agree that \$50,000 may be used at the Davis Island dam, and then if that is accepted I will offer the other

amendment, providing that \$39,000 may be used at the falls of the river.

[Here the hammer fell.]

Mr. WILLIS. I move to strike out the last word.

The CHAIRMAN. There is a *pro forma* amendment pending.

Mr. HOLMAN. I withdraw the *pro forma* amendment.

Mr. WILLIS. I renew it. I am satisfied that no member of this House with the facts before him will vote for the amendment offered by the gentleman from Ohio. I will state here to the committee as a Representative on this floor that since last fall the Ohio River, one of your great navigable streams, cannot be navigated at all during high water; and the amendment which I proposed, demanding the increase of this appropriation, was intended to make improvements there that would enable the river to be made navigable. I do appeal to gentlemen, to members from Pennsylvania, from Ohio, from West Virginia, and all this Ohio Valley, to listen to a brief statement as to the necessity for this improvement.

I hold in my hand the official statement, but I do not wish to trespass longer than is necessary on the time of the House.

Mr. BAYNE. Let us have order. The gentleman from Kentucky [Mr. WILLIS] is making a very important statement.

The CHAIRMAN. The committee will come to order.

Mr. WILLIS. I hold in my hand the report of General Godfrey Weitzel, who is the only representative of the Government in charge of that work at the Falls of the Ohio. He has been in charge of it for over fifteen years, and I say to this committee upon his authority that unless you expend between \$200,000 and \$300,000 at that point, the Ohio River cannot be navigated during high water.

Gentlemen will ask, "Is this a new thing?" It is. Up to last fall, when the river was high, we could go to the Indiana chute. Since last September the Government has directed a cross-dam, a fixed dam, the effect of which has been to make the Indiana chute so swift that no boat can go up or go down the Ohio River. The canal cannot be used and the river cannot be used in high water.

Now, I state to this committee the further fact that within the last four months three of the largest and finest steamboats on the Ohio River have been completely wrecked. The James D. Parker, last March, in the effort to go down the chute was broken in two, and except for the heroic exertions of the men of the life-saving station, which the wisdom of this House has located at that point, a hundred lives would have been lost. The boat broke in two and was utterly wrecked. Three other boats have met the same fate.

Upon these facts and upon the report of General Weitzel, made in response to a resolution of this House, and made since the general Engineer's report was made, I appeal to you, while you are appropriating sums of \$50,000 and sums of \$100,000 to streams all over this country, that you shall not neglect this great artery of commerce extending through the great Ohio Valley and comprehending larger area of territory and of trade than any half dozen of the rivers, exclusive of three, that are named in this bill.

I hold in my hand the official statement, and I challenge the contradiction of what I have stated. It is the report not of General Wright but of General Weitzel, who is the engineer in charge, and I appeal to this House not for the sum of \$50,000, because that would be worse than thrown away, but for \$250,000, that your boats, your coal-boats, your iron-boats, &c., may navigate that river.

I will say to the House the chambers of commerce of Pittsburgh, of Louisville and Cincinnati have sent urgent resolutions to the Committee on Commerce this spring declaring this work is necessary, and that until it was done the navigation of the Ohio at high water was impossible.

Now, if you wish to ignore these facts, do so; but I will appeal to the justice and fairness of this House, not representing any local interest, not representing any matter that is connected immediately with my own district, but for the benefit of the Ohio Valley, and upon the authoritative statement of the engineer in charge, that they shall make this required appropriation and enable our steamboat interests and our coal-boat interests to be protected there as they have been heretofore.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and the Speaker resumed the chair. A message in writing from the President of the United States was communicated to the House, by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

An act (H. R. No. 1765) to amend section 2552 of the Revised Statutes, and to change the boundaries of the fourth collection district of Georgia;

An act (H. R. No. 5127) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia;" and

An act (H. R. No. 2938) for the relief of Thomas Evans and Albert T. Whiting.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. TOWNSEND, of Ohio. I do not believe there is any great danger of the Ohio River being obstructed unless these propositions be agreed to. The Davis Island dam has been in process of construction for three or four years, and I think in one year from this

the appropriation will complete it. We have managed for a good many years to get along without this, and I think we can get along one year more.

As regards the Indiana chute, the Government has just completed a very expensive work there, and made it free, providing for the falls in seasons of low water. That work has been partly completed, until it was discovered the navigation of the Ohio will be ruined unless other works are provided for extremely high water. The river runs through the canal or dam, and in time of extraordinary floods it is dangerous to pass those falls. The Government comprehends that, and is going forward to establish works there to make it safe. It cannot do it in one year or in two; but the works will be inaugurated and amounts of money will be appropriated to complete the works in two or three years.

Now I want to say one or two things for the information of the committee. The Ohio River has a commission known as the Ohio River commission, composed of gentlemen from one end of the river to the other—I believe there are five of them.

Two or three years ago they suggested that the Davis Island dam did not get enough money out of the appropriation, and asked to have \$150,000 so applied; but it was stated in the appropriation they could not get that much.

This year they wanted \$100,000 in advance of the ordinary appropriation in order to buy material to be used this summer. The Committee on Appropriations yielded that proposition with the understanding at the time, at least so far as I was concerned, and I think other members of the committee, that we should give in this bill \$50,000 for the improvement at the Davis Island dam.

The committee first put that limitation in the bill, but it was not satisfactory to some members from and near Pittsburgh, who wanted the limitation removed entirely or else have the amount increased. We did not choose to increase it, but we removed the limitation, as it was suggested that the Engineer Department would not give this work any more than its share of the appropriation anyhow.

Just before the Committee on Commerce closed its labors on this bill a supplemental report was received from General Weitzel in relation to the Indiana chute, a work which we had not before specially considered. The committee were unwilling to appropriate money directly for that work at this time, but finally concluded to increase the general appropriations for the Ohio River to \$450,000, thinking that the other \$50,000 would cover any extraordinary contingency or any new work that should be inaugurated this year. Congress having already appropriated \$100,000 for the Davis Island dam, \$350,000 was put into this bill, making the aggregate for the Ohio River \$450,000, or \$100,000 more than was given last year; which we thought was a fair ratio of increase as compared with the general increase of the bill.

The CHAIRMAN. The time for debate upon the pending amendment has been exhausted.

Mr. BUTTERWORTH. I withdraw the *pro forma* amendment.

Mr. WASHBURN. I renew the amendment, in order that I may have an opportunity to say one or two words.

It seems to me that it is entirely safe for this Committee of the Whole to follow the judgment of the War Department, so far as the distribution of this appropriation is concerned. The construction put upon the language of this item by the gentleman from Ohio [Mr. BUTTERWORTH] I do not think is correct; I do not think the language can be strained so as to justify any such construction, but under this item the entire appropriation can be used at the discretion of the Chief of Engineers.

As long as there is any difference of opinion and any difference of interest between different sections along the Ohio River, one section claiming a certain proportion of the appropriation and another section claiming another proportion, it seems to me that it is better, wiser, and more just to leave the distribution of the appropriation to the disinterested judgment of the Chief of Engineers or of the War Department.

I trust that this Committee of the Whole will follow the judgment of the Committee of Commerce, who have reported the language as it now stands in the bill. So far as the amount appropriated by this item is concerned, this amount, with the \$100,000 appropriated and made available early in the session, makes an aggregate appropriation of \$450,000, which is a larger appropriation than has been given for works of this character in almost any case. I trust, therefore, that this committee will leave the paragraph standing precisely as it is.

Mr. PAGE. If there is to be any more debate, I must move that the committee rise in order to obtain an order from the House to limit debate.

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania [Mr. CURTIN] to speak in opposition to the pending amendment to the amendment.

Mr. PAGE. And after that I will move that the committee rise to close debate.

Mr. CURTIN. I would remind my friend from Indiana [Mr. HOLMAN] that there is quite as much navigation above Pittsburgh as below it, if you take into consideration the Monongahela and the Allegheny and their various branches. It would be a very selfish construction of this appropriation to hold that it was entirely for the benefit of the city of Pittsburgh.

As I understand it, the Davis Island dam improvement is being constructed as an experiment. If that experiment shall be successful, it is intended to make the Ohio navigable all the year round by means of the construction of such works to the mouth of the river.

It has been intimated that that experiment may fail. But the Government has already invested so much money in the experiment that it seems to me it would be very bad policy to stop now. If the Davis Island dam improvement succeeds, then by means of similar improvements of that great artery of commerce you can secure the navigation of the Ohio River from the city of Pittsburgh to the mouth for the entire year.

The experiment is now being tried. Gentlemen say here that these annual appropriations of money to construct works of improvement on the great water highways of the nation have failed of any practical result to benefit the commercial interests of the community. But is it not wise and proper that we should yield something to the opinion of engineers who are skilled and trained and have been appointed for the purpose of constructing this improvement at Davis Island? As I have already said, if it is successful future appropriations will be made so as to secure constant navigation all the year round for the use and convenience of the people along the entire Ohio River.

If the sum of \$50,000 would finish the work at Davis Island dam, it would certainly be proper to put such a limitation on the appropriation made by this bill; but if that amount will not finish the work, then it seems to me a greater amount should be appropriated, if, according to the opinion of the Engineer Department, a larger amount is necessary. I trust it will be the sense of this Committee of the Whole to sustain the report of the Committee on Commerce in this respect.

The CHAIRMAN. Debate upon the pending amendment to the amendment has been exhausted.

Mr. WASHBURN. I withdraw my *pro forma* amendment.

Mr. PAGE. I hope we will now have a vote.

The question was taken upon the amendment of Mr. TURNER, of Kentucky, to strike out the words "may be used for the improvement of Davis Island dam, and;" and the amendment was not agreed to.

The question then recurred upon the amendment of Mr. BUTTERWORTH, to insert after the word "necessary," and before the word "improvement," the words "not to exceed \$50,000."

Mr. HOLMAN. Let the clause be read as it will be if so amended.

The Clerk read as follows:

Improving Ohio River: Continuing improvement, \$350,000, of which sum so much as is necessary, not to exceed \$50,000, may be used for the improvement of Davis Island dam, and for the improvement of the Falls of the Ohio River.

The question was taken upon agreeing to the amendment of Mr. BUTTERWORTH; and upon a division there were—ayes 22, noes 40.

So (no further count being called for) the amendment was not agreed to.

Mr. WILLIS. I move to amend the paragraph by striking out "\$350,000" and inserting in lieu thereof "\$500,000." As the committee will see, my amendment proposes simply to increase the appropriation for the Ohio River from \$350,000 to \$500,000.

The gentlemen from Ohio, [Mr. TOWNSEND,] a member of the committee, in commenting upon the remarks which I submitted with reference to the Falls of the Ohio, alluded with facetiousness, but with very little foundation in fact, to the continued existence of the Ohio River and the falls for the last one hundred years. I do not suppose that the gentleman intended to keep back from this committee the fact that since last fall and since the last report of the Chief of Engineers was made a change in the condition of the Ohio River and the Falls of the Ohio has taken place. If I were to make the same argument with reference to the harbor at Cleveland; if I should call the appropriation of \$175,000 for the harbor at Cleveland a local appropriation, and say that the harbor is still there and will continue there for a hundred years, would that be an answer to the argument which the gentleman has doubtless made to the Committee on Commerce, and which has had its effect in securing the appropriation of \$175,000?

The difference between the two cases is, that since the last report of the Chief of Engineers a change has taken place in the Falls of the Ohio. I certainly failed to make myself understood by the committee if they did not understand that the Government itself last September, in the effort to erect a fixed dam, ran out across that river a dam which has increased the force of the current to such an extent that no boat at high water can either ascend or descend. You are not called upon to continue an improvement that has been going on there for years, or to consider a condition of things that has existed for years; your attention is asked to an extraordinary emergency, one that concerns life as well as property. Upon the statement of your own Government officers such an emergency has occurred at that point as demands an increased appropriation to meet the emergency. That is the point I make to this committee.

Here is General Weitzel, the engineer in charge, the only one to whom we look for advice upon the subject, who tells you that less than \$238,000 will not remedy the wrong which the Government itself has imposed upon the commerce of the Ohio River by the construction of this fixed dam. The object of this appropriation, as he tells you, is to make it a movable dam, so that the current will not be so swift

and that the navigation of the river may be carried on as it was prior to this work by the Government.

Mr. PAGE. I hope the amendment offered by the gentleman from Kentucky will not be adopted. The gentleman bases his argument exclusively upon the improvement of the falls, or what is known as the Indiana chute. Now, it is well known to the Committee of the Whole that the Portland and Louisville Canal permits commerce to pass the falls, but the canal cannot be used, as I understand, when the water is extremely high.

Mr. WILLIS. That is the point.

Mr. PAGE. But it is very seldom that the water in the Ohio River is so high that the Portland and Louisville Canal cannot be used.

I hope the Committee of the Whole will not consent to put on the bill this additional appropriation of \$150,000. It has been said, and truthfully said, that this bill makes a large appropriation. It carries an aggregate appropriation of \$17,000,000. It is a large bill, an extraordinarily large bill; and it is large from the fact that great and important rivers of this country which have been hitherto unappropriated for are appropriated for in this bill. Under an act of Congress organizing the Mississippi River commission, and to carry out the project and estimates of that commission, this large appropriation is necessary. I do hope that no amendment increasing the amount will be put on the bill. As regards the phraseology of the bill in directing where the money shall be used upon the Ohio River, I believe I reflect the sentiment of all the members of the committee when I say we had no object in view but to insure the expenditure of the money in such a way as to do the most good. The committee acted on this question with the best lights they had. They sent for the engineers, General Wright and General Park, and submitted this matter to them. There is no intention on the part of the War Department, or the Engineer Department, to use any extravagant portions of this money for the improvement of the Davis Island dam. We believe that the Engineer Department will use the money, as it ought, on the parts of the Ohio River where it may be most necessary to the interests of commerce.

Mr. BUTTERWORTH. Mr. Chairman, I move, *pro forma*, to amend the amendment by striking out the last word. I call in question the wisdom of the committee in the matter of their decision of just how and where the money appropriated by this bill shall be expended along the Ohio River. I insist that those engaged in the commerce on that river, whose boats navigate its waters, know more about its needs than the engineer who sits here in Washington. I say to the committee: you utterly disregard the requests of all the gentlemen interested or engaged in the commerce on that river; you disregard the request of every member of Congress whose district borders on that stream; you allow an engineer who knows little about its commerce and the needs of that commerce to decide just where the money appropriated shall be used, knowing at the same time that these engineers are developing a scheme which they possibly hope may, in the event of its success, render them immortal. The Davis Island dam is an experiment. It is at the same time a pet and a hobby. I hope most sincerely the experiment may be successful, and I favor liberal appropriations to make it so. But other points must not be neglected, and I submit that the men who run steamboats on that river and who are engaged in commerce on that stream know where the rocks and bars are. They have said to you, our boards of trade have said to you, our chambers of commerce have said to you, the members of Congress on this floor have said to you, they did not want this appropriation left discretionary with the engineers to say whether they would use \$100,000, \$200,000, or \$300,000 for the improvement of the Davis Island dam when that discretion is coupled with what is tantamount instructions to prosecute the work on the dam in preference to other needed improvements, as is the case here. All along that river they have protested against it, and you have walked over their protests and demands as if they had been a corduroy road.

Reflecting the sentiment of our people indeed! The men who are interested in this commerce, who desire to have the river improved so their boats may ride in safety bearing its commerce, have appealed to you to do a certain thing, but the Engineer has in the ripeness and fullness of his wisdom suggested that he would rather have it left to his discretion. That we oppose and we had the right to be heard, but we have not been heard.

I favor this amendment, Mr. Chairman, in the hope that the rocks and the shoals where our boats are foundered and sunk may have more attention and be removed.

You submit this clause as it stands does not imperatively demand the engineer should expend this money at Davis Island dam. It suggests the completion of that dam and says so much as is necessary for that purpose may be used.

I suggest to any lawyer it is in the nature of an instruction to prosecute that work and would be so construed by any court in the world.

I do not object to the Davis Island dam; I favor it as an experiment, but I submit we have some rights in other localities which this committee should respect, but they have not been respected or regarded.

One-half of your committee was in favor of the amendment I offered; that was the original draft in committee, and yet, at the suggestion

of an officer who knew less about the wants of the Ohio River than any man who lives along its banks, you have disregarded our request. In order we may get a crumb of comfort out of the appropriation, we ask that it may be increased as proposed by the amendment of the gentleman from Kentucky. I have full confidence in the engineers; they are capable men. But I insist that our merchants, our shippers, our steamboatmen, who know the river from its source to its mouth, shall be heard as to where along the Ohio River that engineering skill shall be brought to bear in the interest of our commerce.

[Here the hammer fell.]

Mr. BAYNE. If my friend from Ohio will glance over the pages of this bill he will find that the appropriations made by it are left wholly and absolutely to the discretion of the War Department through its engineers. I fail to discover a single page, I fail to discover a single item, where the Committee on Commerce has deviated from the wholesome rule that the expenditure of this money should be left to the wisdom of the War Department through its cultured and experienced engineers. It has followed that course throughout. It is a sound line of policy to pursue. It has been pursued by the Committee on Commerce, and I hope that no departure will be made from that wise old rule at the instance of any member from Ohio or from any other State.

Mr. McKENZIE. I ask how under the language of the bill one dollar can be expended at any other point than those named?

Mr. BAYNE. There is no doubt about that.

Mr. McKENZIE. Why do you object, then?

Mr. BAYNE. Whenever a special work like a dam such as the one being constructed in the Kanawha River or this one at Pittsburgh is under way it is named specially in the bill.

Mr. McKENZIE. Is it not as important to Pittsburgh that its coal should be distributed below Louisville as above it?

Mr. BAYNE. Whenever a special improvement is made it has been the rule of the Committee on Commerce to name it. It is a rule of the Engineer Department as well not to expend any money on it unless such work is specially named. When the language of a certain bill was general for an improvement the Engineer Department put a construction upon it and refused to apply a single dollar without having the Davis Island dam specifically indicated. This work suffered at that time on that account for want of an appropriation.

Mr. KENNA. I ask whether there ever has been an appropriation for Davis Island dam by any river and harbor bill which did not limit the amount?

Mr. BAYNE. That may be.

Mr. KENNA. It has always been so up to this bill.

Mr. BAYNE. It is because we are completing the work, because a limited amount may complete the work; and because the engineer in the exercise of a wise discretion may see fit to complete the work is the reason why there should be left to his discretion to expend so much as may be necessary.

The CHAIRMAN. The question is on the *pro forma* amendment.

Mr. TOWNSHEND, of Illinois. I move to strike out the last word.

The CHAIRMAN. That is not in order now. The question is on the motion of the gentleman from Ohio to strike out the last word.

Mr. BUTTERWORTH. I withdraw the *pro forma* amendment.

Mr. TOWNSHEND, of Illinois. I renew it. Mr. Chairman, the Ohio River bears upon its bosom more of the commerce of this country than any of the Western rivers, except the Mississippi. That river has in fact no immediate representative upon the Committee on Commerce, and therefore it is very probable the interest of the Ohio has not had proper consideration from the committee.

Mr. REAGAN. There was a Representative from Kentucky upon the committee.

Mr. TOWNSHEND, of Illinois. There was one gentleman who lives in the mountains of Kentucky, but his district does not touch the Ohio. It is not probable that he can be as familiar with the needs of the river as those members who live or whose districts border upon it. The engineers seem to have a pet project for the improvement of this river in the Davis Island dam scheme; and it also seems that they have captured or converted the committee in favor of their experimental project. They certainly have yielded to the views of the engineers without apparent deference to the views of the river men. This dam improvement is an experiment at best. I think it is but fair and reasonable to ask that the views of Representatives living along that great river ought to be considered as well as the recommendations of the engineers. Before I take my seat I desire to call attention, Mr. Chairman, to the necessity of another improvement of that river, which is of greater importance than any which has yet been suggested. There is an obstruction lying near the mouth of the Ohio, commencing some nine or ten miles above Cairo, known as the Grand Chain, which needs a larger expenditure of money, in my judgment, than any other point on the river. It is an obstruction that ought to be removed in order to permit the free navigation of this stream. It lies at the very throat of the commerce of the river. All the river commerce of Pennsylvania going west and south is dependent upon removing that obstruction, as well as the commerce of Ohio, of Kentucky, of Indiana, and of Southern Illinois, which needs the use of this river. If you leave

the appropriation as it stands in the bill there is great danger that the engineers will expend the whole appropriation for the river on the Davis Island dam, and neglect this much more important obstruction.

The Davis Island dam is confessed, as I have said, to be experimental, with uncertain results. But, Mr. Chairman, there is no need for experiment in the improvement of the river at Grand Chain, and one or two others. It can be done by well and simple plans, which have been spoken of in this debate. I think the appropriation for the river ought to be increased, as proposed by the gentleman from Kentucky, [Mr. WILLIS,] in order to secure the free and unobstructed navigation of the river to such a degree as the interests of that large western section of the country demands. I hope my friend from Kentucky will offer an amendment that a portion of the money shall be expended in the improvement of the Grand Chain, and when that is removed one of the most serious obstacles to the navigation of the river will have been disposed of.

Mr. DAWES. I wish first to notice a statement made by the gentleman from Pennsylvania with reference to an expenditure of money under the direction of the engineers. Every dollar put into this bill will have to be so expended. It does not matter as to the expenditure of money in that respect, if we choose to increase the appropriation; all will be expended in that way. So much for that.

The engineers have estimated \$863,000 as the amount necessary for the Ohio River for this year. In addition to that, this emergency has arisen at the Falls of the Ohio, and a supplemental report says it will require an additional amount of money, which would bring this appropriation up, if it was all given, to nearly \$1,200,000 for the Ohio River. Now what do you give us? Four hundred and fifty thousand dollars, to be expended at the discretion of the engineers, every dollar of which will be expended in two places.

For the Ohio River, Mr. Chairman, we want a better consideration, in that we want to know that our thousand miles of navigation has something for itself. Something imperative is required for the interest of the navigation along the line, and not at particular points on the line. I think justice to the river requires that the representatives of the districts lying along this line should support this amendment, and I shall do so.

Mr. TOWNSHEND, of Ohio. I move to strike out the last word.

The CHAIRMAN. There is a *pro forma* amendment pending.

Mr. TOWNSHEND, of Illinois. I withdraw the *pro forma* amendment.

Mr. TOWNSHEND, of Ohio. I renew it. I hope the pending amendment will not be agreed to; and I will say in this connection that if the amendment is voted down I shall move to strike out of this clause all after the word "dollars," in line 647; so that it will read:

Improving the Ohio River: Continuing improvement, \$350,000.

That will leave the expenditure under the discretion of the Engineer Department to expend where, in their judgment, it will do the most good, and, as I have already stated, there is an Ohio River commission, composed of men living at Pittsburgh, Cincinnati, and other points along the river, men of experience, who meet two or three times a year and consult with the engineers as to the improvements that should be made. In that way they get the best for their money. We must remember that there were other appropriations made for this river besides the present one. We have been working at it for years and it is likely to continue, and this is a fair amount, \$450,000, as compared with other improvements. I trust the amendment will not be adopted, for if we begin to amend this bill by adding to it in this way it may reach forty or fifty millions of dollars. There is no knowing where it would end, and then it would be voted down by the House, as it ought to be under such circumstances. I trust, therefore, that the amendment proposed will be voted down. For if we go on making appropriations that will swell this bill to thirty or forty millions it would simply break down by its own weight.

Mr. McKENZIE. I rise to oppose the amendment.

I do not believe, Mr. Chairman, this committee will do the people of the Lower Ohio River the injustice to adopt this clause as reported by the committee. For in that case, in my judgment, not one single dollar of the \$350,000 appropriated by this paragraph will be expended at any other point than Davis Island dam and the Indiana chute.

Mr. TOWNSHEND, of Ohio. Will the gentleman permit me to interrupt him? Does he take into account the amendment I propose to offer leaving out the proviso and making the paragraph simply an appropriation for the improvement of the Ohio River? That, I think, meets the case and leaves it where I think it ought to be left.

Mr. McKENZIE. What harm can it do to provide that a part of this appropriation shall be expended on the Lower Ohio? If in order I wish to offer an amendment that \$15,000 of this amount, which I do not desire to increase, shall be applied to deepen the channel at Puppy Creek Bar, between Rockport, Indiana, and Owensborough, Kentucky.

The CHAIRMAN. The Chair would suggest that an amendment offered by the gentleman from Ohio [Mr. TOWNSHEND] is now pending.

Mr. TOWNSHEND, of Ohio. I withdraw the *pro forma* amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. TOWNSEND] will repeat the amendment which he proposed to offer.

Mr. TOWNSEND, of Ohio. I send it to the Clerk's desk.

The Clerk read as follows:

Strike out all after the word "dollars," in line 647, to the end of the paragraph, so that it will read:

"Improving Ohio River: Continuing improvement, \$350,000."

Mr. TOWNSEND, of Ohio. That will prevent the engineers from using all this money for the Davis Island dam.

The CHAIRMAN proceeded to put the question on agreeing to the amendment.

Mr. HOLMAN. I ask that the amendment be again reported. I do not think it is fully understood.

Mr. PAGE. I understand this amendment is satisfactory to the gentleman from Ohio, [Mr. BUTTERWORTH.]

The CHAIRMAN. The gentleman from Ohio has not so indicated to the Chair.

Mr. McMILLIN. I rise to make a parliamentary inquiry. I desire to know what is before the committee.

The CHAIRMAN. The amendment which has just been read.

Mr. McMILLIN. Is not the committee divided on that amendment?

Mr. TOWNSEND, of Ohio. Let the amendment be again reported.

The amendment was again read.

Mr. PAGE. I desire to say now, on consultation with members of the committee, that they are satisfied with that amendment.

The question being taken, there were—ayes 72, noes 14.

So (further count not being called for) the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BRIGGS took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed a bill (S. No. 1681) to authorize the Oregon Pacific Railroad Company to construct one or more bridges across the Willamette River, in the State of Oregon, and to establish them as post-roads; in which the concurrence of the House was requested.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole resumed its session.

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

The Clerk read as follows:

Add to the pending paragraph as amended the following: "And \$15,000 thereof may be expended at Puppy Creek Bar."

The amendment was disagreed to.

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

The Clerk read as follows:

At the end of line 653 add:

"Provided, however, That a sum not exceeding \$30,000 of said amount shall be expended as follows:

"It shall be the duty of the Secretary of War, during the first low-water season in the Ohio River, to cause a channel to be opened in the said Ohio River, across some designated shoal therein, between the cities of Cincinnati, Ohio, and Evansville, Indiana, where the natural depth shall be two feet; that the said channel shall be made by contract, and that the contract shall provide that the depth shall be increased to four feet or six feet, as the said Secretary of War may determine; that the work shall be done and the improvement made under the direction and superintendence of Colonel William E. Merrill, major of engineers; and that it shall be stipulated in the contract that such improvement shall not produce shoaling in the said river above the improvement, nor an engorgement of the channel below by the lodgment of sand or gravel to any degree that will prove detrimental to the public good. Such contract shall be made with the lowest responsible bidder therefor, accompanied by such securities as the Secretary of War may prescribe, and after sufficient public advertisement for proposals in such manner and form as the said Secretary may order and direct."

Mr. PAGE. I make the point of order that that is substantially a bill now pending before this House.

Mr. STOCKSLAGER. I beg the gentleman's pardon. The bill to which he refers was withdrawn and is not now pending before the House.

Mr. PAGE. I make the further point of order that it is new legislation.

Mr. STOCKSLAGER. I think the point of order made by the gentleman from California is not well taken. This amendment simply directs the manner in which the money appropriated by the bill may be expended—which is what we have been seeking to do all the afternoon in other propositions on which the gentleman from California has not made the point of order. I think the point of order does not lie against this proposition.

The great problem to be solved in the navigation of the Ohio is not as to the provision for navigation in high water, but as to the provision for navigation in seasons of low water. Undoubtedly if we can accomplish the purpose I am aiming at in this amendment and can open the channel during the low-water season so as to make the river navigable for boats of ordinary draught, we will have accomplished much more than has been accomplished by all the money expended heretofore in the improvement of the Ohio River.

Take the point my friend the gentleman from Kentucky [Mr. MCKENZIE] referred to a moment ago, Puppy Creek Bar. Last summer for months the smallest steamers could not pass that shoal, but had

to transfer their freight and passengers. They could not cross that bar for months.

The amendment provides that this work shall be accomplished under contract, and the contractor shall be required to give bond or security that the channel shall be deepened without causing shoaling above or engorgement below, and that the depth shall be increased to four feet or six feet, under the direction of an officer of the War Department.

Now, I admit this is an experiment; but it is no more an experiment than were the Eads jetties at the mouth of the Mississippi River; no more an experiment than the proposed improvements of the Mississippi River. It is admitted that the Davis Island dam improvement is an experiment; they are all experiments.

We ask only \$30,000 for this experiment, to open a channel that will enable boats of ordinary draught to go over these shoal places. There is no question but there is abundance of water in the Ohio River to make navigation for boats of ordinary draught at all seasons of the year if the shoal places can be deepened.

I call attention to a letter from Professor John Collett, State geologist for the State of Indiana, a gentleman who stands at the very head of his profession in this country. The letter is addressed to my colleague, [Mr. PEIRCE;] and in it he heartily indorses the plan proposed in this amendment. The letter is as follows:

STATE OF INDIANA, DEPARTMENT OF GEOLOGY AND NATURAL HISTORY,
OFFICE OF JOHN COLLETT, STATE GEOLOGIST,
Indianapolis, Indiana, June 7, 1882.

MY DEAR FRIEND: I wish earnestly to invite your attention to and co-operation in the work of the Stockslager bill for improvement of the Ohio River navigation. The bill tries a new plan. This plan was very successful in removing the bars below Berryville, Indiana, and in the Sacramento River. An experiment will show the good sense and economy of the plan—the sensible plan.

Please ask the thoughtful attention of BROWNE, STEELE, DE MOTTE, and ORTH; CALKINS will gladly advise. When successful on one "shallow" of the Ohio, it will do well on the Wabash, &c.

JOHN COLLETT.

P. S.—The bill by STOCKSLAGER should, I think, be attached to the river and harbor bill.

Mr. PAGE. I withdraw my point of order, and ask for a vote on the amendment.

The amendment was not agreed to.

Mr. TURNER, of Kentucky. I move to amend the pending paragraph by inserting after the word "dollars" these words:

And so much as is necessary of said sum for the improvement of the Grand Chain in the Ohio River.

I desire to say to the committee, and especially to my friend from California [Mr. PAGE] who reported this bill, that I ask no increase of the appropriation at all, for I have understood from him that he does not desire any amendment of that sort offered at this time to embarrass the bill. But I am like my friend from Cincinnati, [Mr. BUTTERWORTH.] I am opposed to leaving the engineers an opportunity to show their favoritism by spending this whole amount of \$350,000 on the Davis Island dam experiment and on the Indiana chute. It seems from what we have been told that the attempted improvement recently made at the Indiana chute is an injury to the navigation of the river, and you must remove the work which has already been done there.

I want to put into this bill a direction as to where a part of this money shall be expended. I do not suppose there is any question in the mind of the honorable chairman of the Committee on Commerce [Mr. PAGE] about the propriety of improving the Grand Chain of the Ohio River. Every man in the House who is a Western man and who knows anything about the history of the navigation of the Ohio River, knows that the Grand Chain blocks all the commerce of Indiana, Ohio, and Kentucky, and not only that, but the commerce which comes down the Tennessee and Cumberland Rivers, for both of those rivers empty just above Grand Chain.

In the summer time the water on the Grand Chain goes down to thirty inches, and the freights brought down the Ohio River have to be reshipped and carried over the Grand Chain in small boats and barges.

I would say to my friend from Pennsylvania, [Mr. BAYNE,] who is interested in coal, that if he would go down to the Grand Chain in time of low water he would see that this improvement is of much more importance than the one at Davis Island dam. He would see there the wrecks of hundreds of coal boats and barges that have been sunk on this grand chain of rocks. Many of the most magnificent steamers built in Cincinnati and Louisville, Kentucky, have been sunk on that Grand Chain of the Ohio River. All that I ask is that a sufficient sum of this \$350,000 shall be expended upon the improvement of the Grand Chain; that is all. Is it not a reasonable request? What objection is there to it? I understood from my friend from California [Mr. PAGE] that he would not object to the amendment. I have asked for no increase of appropriation, because the Committee on Commerce does not desire it.

But I ask that the Engineer may be directed to go on with that work, which has been going on for years, and to complete it. I want to remove this barrier to the commerce of the large States of the West. If the question was one in connection with the improvement of a northern harbor on the great lakes or on the Atlantic seaboard, even if it required a million of dollars it would be given, and the obstruction would be removed in six months.

This is not an experiment at all. The bottom of the river at that place is of rock and the banks are of clay. It is no Eads project; it is no experiment at all. All that is wanted is to blast out rock enough to give a channel of five or six feet of water.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TURNER, of Kentucky. I ask permission to print in connection with my remarks of to-day those that I made last session and session before, which show the views I entertained and advocated in regard to the improvement of the Mississippi and Ohio Rivers, as I had more time and they are more comprehensive, and I hope they may be read by the members before we take a final vote on this bill, which appropriates \$17,342,875, which in round numbers is six millions more than the bill passed at last session, against which I voted on account of the large amount appropriated to small local streams that were not navigable, and in my judgment never will be, and similar to many appropriations in this bill, which I will append to my remarks.

There was no objection.

Mr. OSCAR TURNER. Mr. Chairman, the "Grand Chain" is a ledge of rocks lying some fifteen or twenty miles above the mouth of the Ohio, in the river. It obstructs the navigation of the river which carries all the river commerce from the States of Ohio, Indiana, Illinois, Kentucky, and from the State of Pennsylvania, and also the river commerce of the Tennessee and Cumberland Rivers, and prevents its connection with the Mississippi River. It cuts off navigation between Paducah, a flourishing and growing city in my district, and the Mississippi River at Cairo, except for small boats, for several months in the year. The water is reduced to thirty inches on this barrier, and can only be passed over by boats of very light draught. We have had so far not one dollar appropriated in this bill to remove that barrier, or the bars between Paducah and the mouth of the Ohio, or between Carrsville and Paducah.

I desire to invite the attention of the committee to some of the facts. The point was made here that these appropriations ought to bear some similitude with the amount of internal revenue which is paid by the States in which the improvements are made. I contend for no such proposition; but I think it ought to have great weight. Look for a moment at the facts I will briefly allude to.

In 1878 the State of Kentucky paid over \$6,000,000 of internal revenue alone into the Treasury. The district part of which I have the honor to represent, paid over \$1,000,000 into the Treasury that year. I will state now the amount paid into the Federal Treasury by the States along the Ohio River since 1863. Illinois has paid \$223,000,000. Kentucky has paid \$101,000,000. Indiana has paid \$72,000,000, and the great State of Ohio has paid \$246,000,000 of internal revenue since 1863.

And yet, sir, that barrier is permitted to remain there, destroying and locking up the river commerce of those great States. Mr. Chairman, it would not have been permitted to remain twelve months in front of a northern harbor. If it had been in front of an ocean harbor, or of a harbor upon one of the northern lakes, an appropriation would have been made to blow it out, even if it had cost a million of dollars. And yet, with these States paying this immense amount of revenue into the Treasury, we cannot get a dollar from the Committee on Commerce to improve the navigation and remove this barrier, which locks up all the commerce of the States lying on the Ohio, the Tennessee, and the Cumberland Rivers, all of them great national highways.

And yet, sir, millions of dollars are given by this bill, as has been shown during this debate, to small, insignificant rivers and local creeks, which will be of no benefit unless it be the spending of the amounts appropriated in those localities, while the great national rivers have not received any adequate appropriation—only \$350,000 to the Ohio River and one hundred and fifty thousand of that to be expended on a dam near Pittsburgh, leaving the small balance to be scattered along over eight hundred miles of bars and obstructions without any system.

It has been said I was opposed to all appropriations in river and harbor bills. I am not. I am in favor of improving the navigation of all the great rivers which are national in their character and which are really navigable, and by which commerce may be benefited; but I am opposed to voting away the public money to many of those streams which have been described by the gentleman from Iowa, [Mr. UPDEGRAFF.]

I will support the amendment of the gentleman from Illinois, [Mr. THOMAS.] I will be willing to vote for double that amount. And at the proper time I will offer an amendment, that this matter be put under the direction of the engineers and that they be permitted to adopt such a plan as will remove this barrier, so that we can have permanent navigation for large boats from the mouth of the Tennessee to the Mississippi. And to that amendment I invite the support of every member who is interested in the commerce of the Ohio, the Tennessee, and the Cumberland.

Mr. Chairman, I discussed this question at the last session of Congress, and my remarks are to be found in the CONGRESSIONAL RECORD, Forty-sixth Congress, second session, pages 478 and 479, in which I pointed out the proper plan, in my judgment, for the improvement of the Mississippi River and its navigable tributaries in a systematic and economical plan, that would result in some benefit to the commerce of the West; and as I have not the time in the few minutes allowed under the rules of this debate, I refer the committee to those remarks, which, under the privilege granted, I will append to these remarks. They were as follows:

Mr. Chairman, I did not desire to trespass on the time of the committee upon this question; but inasmuch as a part of the time that was allotted to the Committee on Levees and Improvement of the Mississippi River was taken up by gentlemen on the other side, I have concluded to offer a few remarks explanatory of the motives of our committee in offering the amendment proposed by Mr. ROBINSON. And I will take occasion right here to say that there was no intention on the part of any member of the Committee on Levee Improvements to cast any reflections upon the Committee on Commerce, much less upon my distinguished friend the chairman of that Committee, General REAGAN, of Texas. We all entertain for him the highest regard as a legislator—I know that I do personally—and would not reflect upon him in any way. But, sir, the question that we wanted to present to the Committee of the Whole was this: that the improvement of the navigation of the Mississippi River and of its tributaries was a question so momentous and involving so much labor that the Committee on Commerce had not the necessary time to devote to that specific subject. We thought that the House ought to act in accordance and in analogy with the precedent that has been set heretofore in regard to the Committee on Pacific Railroads. It is well known that we have the Committee on Railways and Canals, which has a general jurisdiction coextensive with the Union; but notwithstanding that, when these railroads to the Pacific were projected a new Committee on the Pacific Railroad was formed in this House on account of the magnitude of the work and the labor which would be required in investigations of a proper character.

Mr. Chairman, appropriations have been made for many years without any general plan, by which the navigation of the Mississippi and its navigable tributaries were permanently improved; appropriations have been made for this point and that, as the popularity of a member might secure them, under a log-rolling system, in harbor and river improvement bills, passed under a suspension of the rules

without debate, in many instances appropriating public money to unimportant streams which I have not the time to refer to in my limited time. I refer to the defects in this system of improvements on the tributaries of the Mississippi as it has been carried on for many years, because it comes within my own knowledge and I had experience to know something about the matter, and because the people whom I have the honor to represent on this floor have felt the want of a proper and judicious plan of improvement of the Ohio River.

The amount of money which has been appropriated to the improvement of this river, which is the natural outlet of the larger portion of the agricultural products of Illinois, Indiana, Ohio, and Kentucky, might as well have been thrown into it, with but few exceptions. Small amounts have been appropriated to improve such particular points as could be secured by the influence of Representatives, with no view to any general or judicious system, but more to drop a few thousand dollars at a particular locality than to accomplish any general good.

Mr. Chairman, I will give you an illustration of what I mean. In the district which I represent is the city of Paducah, at the mouth of the Tennessee River, the emporium of Southern Kentucky and a part of West Tennessee, one of the best manufacturing points west of the Alleghany Mountains, with an inexhaustible amount of iron, coal, and timber just above on the Ohio, Cumberland, and Tennessee Rivers, all of which could be utilized and made to add to the general wealth and prosperity of the country; and besides this Paducah is surrounded by the finest tobacco-growing country in the United States, and is the second largest tobacco market west of the mountains, and yet we have been forced, poor as we are, to build railroads at our own expense, with no subsidies from the Federal Government, and at an immense and ruinous cost to our people, to remove the products of honest labor and to give us intercourse with other points on the rivers.

And why is this? Nature has given us the Ohio as a great highway, the Tennessee and Cumberland empty into the Ohio at our very doors, and we are only fifty miles from the mighty Mississippi; and yet, Mr. Chairman, we are debarred of these great natural commercial advantages because there is a ledge of rocks in the river called the Grand Chain, and one bar just above the mouth of the river, locking in not only our commerce, but the whole commerce of the States lying on the Ohio, Cumberland, and Tennessee by reducing the water at these points to thirty inches in the summer months, and forcing us to resort to railroads, with their high and extravagant rates of carriage, which swallow up the profits of the farmers and the artisans of our country. These barriers would not block a single harbor in the Northern States twelve months. The money would have been appropriated to remove them as soon as it was suggested, as the appropriation annually of millions to northern harbors shows.

Mr. Chairman, allow me to say something here in reply to an observation which was made by my distinguished friend from Texas, [Mr. REAGAN,] who said that there had been a spirit of liberality exhibited toward the Mississippi River and its tributaries by the Committee on Commerce. I desire to invite the attention of this House for a few moments to that matter. Since these improvements commenced we have had appropriated for that purpose only \$7,000,000, while over two hundred million dollars have been appropriated for the improvement of northern harbors and unimportant rivers. Now let us look at the equity and justice of this thing.

In 1878 the State of Kentucky paid over six millions dollars into the Treasury, as shown by the report of the Commissioner of Internal Revenue, which I have here. The district part of which I have the honor to represent paid about one million dollars into the Treasury in that year.

I will refer to the amount paid into the Federal Treasury by States along the Ohio River since 1863. Illinois has paid \$233,673,726.50, Kentucky has paid \$101,012,299.47, Indiana \$72,664,558.61, and the great State of Ohio \$246,397,075.46 of internal revenue since 1863. As I have said, Kentucky in the last twelve months reported by the Commissioner has paid \$6,880,614.15 into the Federal Treasury, which is more than double the amount paid by all the New England States in the same length of time.

Now, what have we had in return? It is true that we have not been urgent in our claims before Congress; but when gentlemen talk about the equity and justice that have been meted out to us I must say that I cannot see it. I do not contend that we ought to have improvements in proportion to the revenue which we pay; but it does seem to me that these facts ought to enter into the consideration of the question when we ask for an appropriation.

I shall vote to give entire jurisdiction over the subject of the improvement of the Mississippi River and its navigable tributaries to the Committee on Levees and Improvements of the Mississippi River, but have no objection to the supervision of the report by the Committee on Appropriations, to regulate the amount annually; for I am opposed to any extravagant or useless appropriations for this or any other purpose, and only advocate giving the jurisdiction to this committee because I believe it will utilize such appropriations as are annually made, and will be in the interest of retrenchment and reform.

A bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the Secretary of War, for the construction, completion, repair, and preservation of the public works hereinafter named:

Improving harbor at Portland, Maine: Continuing improvement, \$35,000.
 Improving harbor at Richmond, Maine: Continuing improvement, \$10,000.
 Improving harbor at Rockland, Maine: Constructing breakwaters, \$40,000.
 Improving harbor at Portsmouth, New Hampshire: Continuing improvement, \$17,000.
 Improving harbor at Burlington, Vermont: Continuing improvement, \$12,000.
 Improving harbor at Swanton, Vermont: Continuing improvement, \$4,500.
 Improving harbor at Boston, Massachusetts: Completing improvement, \$96,500.
 Improving harbor at Nantucket, Massachusetts: Continuing improvement, \$25,000.
 Improving harbor at Newburyport, Massachusetts: Continuing improvement, \$40,000.
 Improving harbor at Plymouth, Massachusetts: Continuing improvement, \$5,000.
 Improving harbor at Provincetown, Massachusetts: Continuing improvement, \$5,000.
 Improving harbor at Scituate, Massachusetts: Continuing improvement, \$10,000.
 Improving harbor at Wareham, Massachusetts: Continuing improvement, \$5,000.
 Improving Little Narragansett Bay, Rhode Island: Continuing improvement, \$6,000.
 Improving harbor at Newport, Rhode Island: Continuing improvement, \$20,000.
 Improving harbor at Bridgeport, Connecticut: Continuing improvement, \$10,000.
 Breakwater at New Haven, Connecticut: Continuing operations, \$60,000.
 Improving harbor at Milford, Connecticut: Continuing improvement, \$5,000.
 Improving harbor at New Haven, Connecticut: Continuing improvement, \$30,000.
 Improving harbor at New London, Connecticut: Continuing improvement, \$9,000.
 Improving harbor at Norwalk, Connecticut: Continuing improvement, \$5,000.
 Improving harbor at Southport, Connecticut: Continuing improvement, \$3,000.
 Improving harbor at Stonington, Connecticut: Continuing improvement, \$25,000.
 Improving Buttermilk Channel, New York Harbor: Continuing improvement, \$60,000.

Improving harbor at Buffalo, New York: Continuing improvement, \$125,000.
 Improving Canarsie Bay, New York: Continuing improvement, \$3,000.
 Improving harbor at Charlotte, New York: Continuing improvement, \$35,000.
 Improving Flushing Bay, New York: Continuing improvement, \$5,000.
 Improving harbor at Great Sodus Bay, New York: Continuing improvement, \$20,000.
 Improving harbor at Little Sodus Bay, New York: Continuing improvement, \$20,000.
 Improving harbor at New Rochelle, New York: Continuing improvement, 10,000.
 Improving Echo Harbor, New Rochelle, New York: Continuing improvement, \$3,000.
 Improving harbor at Ogdensburgh, New York, \$10,000.
 Improving harbor at Oswego, New York: Continuing improvement and enlargement of harbor, \$50,000.
 Improving harbor at Port Chester, New York: Continuing improvement by removal of sunken rock, \$15,000.
 Improving harbor at Port Jefferson, New York: Continuing improvement, \$3,000.
 Improving harbor at Pultneyville, New York: Continuing improvement, \$4,000.
 Improving harbor at Rondout, New York: Repair of existing works, \$2,000.
 Improving Sheepshead Bay, New York: Continuing improvement, \$3,000.
 Improving harbor at Wilson, New York: Continuing improvement, \$10,000.
 Improving harbor at Erie, Pennsylvania: Continuing improvement, \$20,000.
 Ice-harbor at Marcus Hook, Pennsylvania: Continuing operations, \$15,000: *Provided*, That this sum shall be expended under the plans of the engineers as approved by the Secretary of War.
 Improving harbor at Delaware Breakwater, Delaware: Beginning the work of closing the "gap," or opening, between the two works, which admits the north-east gales to the anchorage, \$125,000: *Provided*, That the Secretary of War is hereby authorized to use any unexpended balance remaining of the appropriation made under the act of Congress approved January 23, 1880, for the purpose of removing certain wrecks from the harbor at the Delaware Breakwater and the entrance thereto, and in the main ship-channel of the Delaware Bay and River for the purpose of removing any wrecks now or hereafter existing in the said Delaware Bay or Delaware River.
 Ice-harbor at the head of Delaware Bay, and for removal of sunken piers in channel back of Reedy Island, Delaware: For commencement of work, \$25,000.
 Improving harbor at Wilmington, Delaware: Deepening the channel and improving Christiana River from the Delaware River to Wilmington, \$40,000.
 Improving harbor at Baltimore, Maryland: Continuing operations for shortening and deepening the channel to twenty-seven feet at mean low water, \$450,000.
 Improving harbor at Breton Bay, Leonardtown, Maryland: Continuing improvement, \$5,000.
 Improving harbor at entrance of Saint Jerome's Creek, Maryland: Continuing operations, \$5,000.
 Improving harbor at Norfolk, Virginia: Continuing improvement of the harbor and its approaches, \$75,000.
 Improving harbor at Charleston, (including Sullivan's Island,) South Carolina: Continuing improvement, \$300,000.
 Improving harbor at Brunswick, Georgia: Continuing improvement, \$15,000.
 Improving Cumberland Sound, Georgia and Florida: Continuing improvement, \$50,000.
 Improving harbor at Savannah, Georgia: Continuing improvement of the harbor and river, \$200,000.
 Improving Apalachicola Bay, Florida: Continuing improvement, \$25,000.
 Improving harbor at Pensacola, Florida: Continuing improvement, \$25,000.
 Improving Tampa Bay, Florida: Continuing improvement, \$20,000.
 Improving harbor and river of Mobile, Alabama: Continuing improvement, \$125,000.
 Improving Aransas Pass and Bay, Texas: Continuing improvement up to Rockport and Corpus Christi, \$100,000.
 Improving harbor at Brazos Santiago, Texas: Continuing improvement of the bar and harbor, \$60,000.
 Improving harbor at Galveston, Texas: Continuing operations at outer bar, \$300,000.
 Improving Passo Cavallo, Texas: Improving Passo Cavallo Inlet into Matagorda Bay, \$60,000.
 Improving Sabine Pass, Texas: Continuing improvement at Sabine Pass and Blue Buck Bar, \$150,000.
 Improving harbor at Ashtabula, Ohio: Continuing operations to secure a sixteen-foot channel, \$20,000.
 Improving harbor at Black River, Ohio: Continuing improvement, \$7,000.
 Improving harbor at Cleveland, Ohio: Continuing improvement, \$175,000.
 Harbor of refuge near Cincinnati, Ohio: Continuing operations, \$16,000.
 Improving harbor at Fairport, Ohio: Continuing operations, \$10,000.
 Improving harbor at Huron, Ohio: Continuing operations, \$2,500.
 Ice-harbor at mouth of Muskingum River, Ohio: Continuing operations, \$40,000.
 Improving harbor at Port Clinton, Ohio: Continuing improvement, \$6,000.
 Improving harbor at Sandusky City, Ohio: Continuing improvement, \$10,000.
 Improving harbor at Toledo, Ohio: Continuing improvement, \$50,000.
 Improving harbor at Vermillion, Ohio: Continuing improvement, \$3,000.
 Improving harbor at Michigan City, Indiana: Continuing operations at inner harbor, \$20,000; Continuing operations at outside harbor, \$60,000.
 Improving harbor at Calumet, Illinois: Continuing improvement, \$20,000.
 Improving harbor at Chicago, Illinois: Continuing operations at outside harbor, dredging in outer harbor, and constructing exterior breakwater, \$200,000.
 Improving harbor at Waukegan, Illinois: Continuing improvement, \$20,000.
 Improving Quincy Bay, Illinois: Continuing improvement, \$15,000.
 Improving harbor at Au Sable, Michigan: Continuing improvement, \$5,000.
 Improving ice-harbor of refuge at Bell River, Michigan: Continuing operations for removing bars, \$5,000.
 Improving harbor at Black Lake, Michigan: Continuing operations, \$4,000.
 Improving harbor at Charlevoix and entrance to Pine Lake, Michigan: Continuing improvement, \$10,000.
 Improving harbor at Cheboygan, Michigan: Continuing improvement, \$10,000.
 Improving harbor at Frankfort, Michigan: Continuing improvement, \$10,000.
 Improving harbor at Grand Haven, Michigan: Continuing improvement, \$40,000.
 Harbor of refuge at Grand Marais, Michigan: Continuing operations, \$40,000.
 Harbor of refuge at Lake Huron, Michigan: Continuing operations, \$50,000.
 Improving harbor at Ludington, Michigan: Continuing improvement, \$12,000.
 Improving harbor at Manistee, Michigan: Continuing improvement, \$10,000.
 Improving harbor at Monroe, Michigan: Continuing improvement, \$1,000.
 Improving harbor at Muskegon, Michigan: Continuing improvement, \$25,000.
 Improving harbor at Marquette, Michigan: Repair of existing works, \$16,000.
 Improving harbor at Ontonagon, Michigan: Continuing improvement, \$20,000.
 Improving harbor at Pent Water, Michigan: Continuing improvement, \$10,000.
 Harbor of refuge at Portage Lake, Michigan: Continuing improvement, \$20,000.
 Improving harbor at Saint Joseph, Michigan: Continuing improvement of river and harbor at Saint Joseph, and of channel leading up to and including Benton Harbor, \$12,000.
 Improving harbor at Saugatuck, Michigan: Continuing improvement, \$5,000.
 Improving harbor at South Haven, Michigan: Continuing improvement, \$7,000.

Improving harbor at Thunder Bay, Michigan: Continuing improvement by dredging channel one hundred and fifty feet wide to depth of fourteen feet, \$15,000.
 Improving harbor at White River, Michigan: Continuing improvement, \$12,000.
 Improving harbor at Ahnapee, Wisconsin: Continuing improvement, \$12,000.
 Improving harbor at Green Bay, Wisconsin: Continuing improvement, \$20,000.
 Improving harbor at Kenosha, Wisconsin: Continuing improvement, \$6,000.
 Improving harbor at Kewaunee, Wisconsin: Continuing improvement, \$12,000.
 Improving harbor at Manitowoc, Wisconsin: Continuing improvement, \$10,000.
 Improving harbor at Menomonee, Wisconsin: Continuing improvement, \$15,000.
 Improving harbor at Milwaukee, Wisconsin: Continuing improvement, \$10,000.
 Harbor of refuge at Milwaukee Bay, Wisconsin: Continuing improvement, \$100,000.
 Improving harbor at Oconto, Wisconsin: Continuing improvement, \$15,000.
 Improving harbor at Port Washington, Wisconsin: Continuing improvement, \$17,000.
 Improving harbor at Racine, Wisconsin: Continuing improvement, \$7,000.
 Dredging Superior Bay, Wisconsin: Continuing operations, \$35,000.
 Improving harbor at Sheboygan, Wisconsin: Continuing improvement, \$30,000.
 Improving harbor of refuge at entrance of Sturgeon Bay Canal, Wisconsin: Continuing improvement, \$20,000.
 Improving harbor at Two Rivers, Wisconsin: Continuing improvement, \$15,000.
 Improving harbor at Muscatine, Iowa: Continuing improvement, \$2,500.
 Improving harbor at Duluth, Minnesota: Continuing improvement, \$40,000.
 Improving harbor at Grand Marais, Minnesota: Continuing improvement, \$20,000.
 Improving Humboldt Harbor and Bay, California: Continuing improvement, \$40,000.
 Improving harbor at Oakland, California: Continuing improvement, \$200,000.
 Improving harbor at Wilmington, California: Continuing improvement, \$75,000.
 Improving entrance to Coos Bay and Harbor, Oregon: Continuing improvement, \$30,000.
 Improving Yaquina Bay, Oregon: Continuing improvement, \$60,000.
 Improving Cathance River, Maine: Continuing improvement, \$5,000.
 Improving Lubec Channel, Maine: Continuing improvement, \$20,000.
 Improving Moosabee Bar at Jonesport, Maine: Continuing improvement, \$10,000.
 Improving Lamprey River, New Hampshire: Continuing improvement, \$10,000.
 Improving Otter Creek, Vermont: Continuing improvement, \$2,000.
 Improving Merrimac River, Massachusetts: Continuing improvement, \$9,000.
 Improving Taunton River, Massachusetts: Continuing improvement, \$25,000.
 Improving Providence River and Narragansett Bay, Rhode Island: Continuing improvement, \$125,000.
 Improving Connecticut River, Connecticut: Continuing improvement below Hartford, \$45,000, \$5,000 of which for the improvement of Saybrook Bar.
 Improving Housatonic River, Connecticut: Continuing improvement, \$2,000.
 Improving Thames River, Connecticut: Continuing improvement, \$35,000.
 Improving channel between Staten Island and New Jersey at Elizabethport: Continuing improvement, \$40,000.
 Removing obstructions in East River and Hell Gate, New York: Continuing operations, \$200,000.
 Improving Hudson River, New York: Continuing improvement, \$10,000.
 Improving Niagara River, New York: Continuing improvement, \$1,500.
 Improving Newtown Creek, New York: Continuing improvement, \$15,000.
 Improving Ticonderoga River, New York: Continuing improvement, \$5,000.
 Improving Cheesecake's Creek, New Jersey: Continuing improvement, \$15,000.
 Improving Elizabeth River, New Jersey: Continuing improvement, \$8,000.
 Improving Mattawan Creek, New Jersey: Continuing improvement, \$6,000.
 Improving Manasquan River, New Jersey: Continuing improvement, \$7,000.
 Improving Passaic River, New Jersey: Improvement above Newark, \$7,000; from Pennsylvania Railroad Bridge to mouth of river, \$43,000.
 Improving Rahway River, New Jersey: Continuing improvement, \$7,000.
 Improving Rancocas River, New Jersey: Continuing improvement, \$10,000.
 Improving Raritan River, New Jersey: Continuing improvement, \$25,000, of which sum \$10,000 shall be expended on the south channel between Crab Island and Karney's Dock.
 Improving Raritan Bay, New Jersey, from Perth Amboy and South Amboy to the main ship-channel off Great Kill, \$50,000.
 Improving Cohansey Creek, New Jersey, \$5,000.
 Improving Salem River, New Jersey: Continuing improvement, \$1,500.
 Improving Shrewsbury River, New Jersey: Continuing improvement, \$30,000, of which sum \$15,000 for the South Shrewsbury River and \$15,000 for the north and main branch of the Shrewsbury River.
 Improving South River, New Jersey: Continuing improvement, \$10,000.
 Improving Woodbridge Creek, New Jersey: Continuing improvement, \$5,000.
 Improving Allegheny River, Pennsylvania: Continuing improvement, \$15,000.
 Improving Chester Creek, Pennsylvania: Continuing improvement, \$3,000.
 Improving Schuylkill River, Pennsylvania: Continuing improvement, \$25,000.
 Improving Delaware River between Trenton, New Jersey, and Bridesburgh, Pennsylvania: Continuing improvement, \$10,000.
 Improving Delaware River below Bridesburgh, Pennsylvania: Continuing improvement, \$136,000, of which sum \$11,000 for improvement of Smith's Island Bar.
 Improving Delaware River at Schooner Ledge, Pennsylvania and Delaware: Continuing improvement, \$40,000.
 Improving Delaware River near Cherry Island Flats, Pennsylvania and Delaware: Continuing improvement, \$100,000.
 Improving Broad Creek, Delaware: Continuing improvement from its mouth to Laurel, \$5,000.
 Improving Broadkill River, Delaware: Continuing improvement, \$5,000.
 Improving Duck Creek, Delaware: Continuing improvement at its mouth, \$2,000.
 Improving Mispillion Creek, Delaware: Continuing improvement, \$3,000.
 Constructing pier in Delaware Bay near Lewes, Delaware: Continuing construction, \$13,000.
 Improving Chester River, Maryland: Continuing improvement from Spry's Landing to Crumpton, \$6,500.
 Improving Choptank River, Maryland: Continuing improvement between Denton and Greensborough, \$5,000.
 Improving upper water-passage or thoroughfare between Deal's Island and Little Deal's Island, Maryland, \$5,000; and the unexpended balance of lower thoroughfare is appropriated to the upper passage or thoroughfare.
 Improving Archer's Hope River, Virginia: Continuing improvement, \$5,000.
 Improving Black Water River, Virginia: For completion of improvement, \$1,500.
 Improving Chickahominy River, Virginia: Continuing improvement, \$5,000.
 Improving James River, Virginia: Continuing improvement, \$75,000.
 Improving New River, Virginia and West Virginia: Continuing improvement from lead mines in Wythe County to mouth of Greenbrier River, and from mouth of Greenbrier up, and for continuation of work from the lead mines down, \$12,000, of which sum \$5,000 shall be expended between the lead mines in Wythe County and the mouth of Wilson, in Grayson County.
 Improving Nomini Creek, Virginia: Continuing improvement, \$2,000.
 Improving Pamunkey River, Virginia: Continuing improvement, \$2,500.
 Improving Rappahannock River, Virginia: Continuing improvement, \$17,000.

- Improving Staunton River, Virginia: Continuing improvements, \$7,000, of which \$5,000 to be expended between Roanoke Station and Brook Neal, and \$2,000 to be expended between Brook Neal, in Campbell County, and the mouth of Pig River, in Franklin County, Virginia.
- Improving Totusky River, Virginia: Continuing improvement, \$5,000.
- Improving Urbana Creek, Virginia: Continuing improvement, \$4,000.
- Improving York River, Virginia: Continuing improvement, \$25,000.
- Improving Dan River, Virginia and North Carolina: Continuing improvement, \$7,500.
- Improving North Landing River, Virginia and North Carolina: Continuing improvement, \$8,000.
- Improving Elk River, West Virginia: Continuing improvement, \$2,000.
- Improving Great Kanawha River, West Virginia: Continuing improvement and operation of works, \$200,000.
- Improving Guyandotte River, West Virginia: Continuing improvement, \$2,000.
- Improving Cape Fear River from the ocean to Wilmington, North Carolina: Continuing improvement, \$140,000.
- Improving Contentnea Creek, North Carolina: Continuing improvement, \$5,000.
- Improving Currituck Sound and North River Bar, North Carolina: Continuing improvement, including Coanok Bay, \$20,000.
- Improving French Broad River, North Carolina: Continuing improvement, \$5,000.
- Improving Lillington River, North Carolina: Continuing improvement, \$3,000.
- Improving Neuse River, North Carolina: Continuing improvement, \$5,000.
- Improving Pamlico and Tar Rivers, North Carolina: Continuing improvement, \$5,000.
- Improving Trent River, North Carolina: Continuing improvement, \$5,000.
- Improving Waccamaw River, North Carolina and South Carolina: Continuing improvement, \$4,400.
- Improving Great Pedee River, South Carolina: Continuing improvement, \$6,000.
- Improving Wappoo Cut, South Carolina: Continuing improvement, \$10,000.
- Improving Wateree River, South Carolina: Continuing improvement, \$15,000.
- Improving Altamaha River, Georgia: Continuing improvement, \$15,000.
- Improving Chatahoochee River, Georgia: Continuing improvement, \$25,000.
- Improving Coosa River, Georgia and Alabama: Continuing improvement, \$75,000; and the sum of \$8,700 heretofore appropriated for the Etowa River is hereby transferred to the Coosa River below Rome, Georgia.
- Improving Flint River, Georgia: Continuing improvement, \$25,000, of which sum \$15,000 shall be expended below Albany and \$10,000 from Albany to Montezuma.
- Improving Ockmulgee River, Georgia: Continuing improvement, \$5,000.
- Improving Oconee River, Georgia: Continuing improvement, \$5,000, of which sum \$3,000 shall be expended on Car Shoals.
- Improving Oostenaula and Coosawattee Rivers, Georgia: Continuing improvement, \$1,000.
- Improving Savannah River, Georgia: Continuing improvement between cities of Augusta and Savannah, \$25,000.
- Improving Apalachicola River, Florida: Continuing improvement, \$2,000.
- Improving Peas Creek, Florida: Continuing improvement, \$4,000.
- Improving Saint John's River, Florida: Continuing improvement, \$150,000.
- Improving Suwanee River, Florida: Continuing improvement, \$5,000.
- Improving Volusia Bar, Florida: Continuing improvement, \$5,000.
- Improving Choctawhatchee River, Florida and Alabama: Continuing improvement up to Newton, Alabama, \$12,000.
- Improving Escambia and Conecuh Rivers, Florida and Alabama: Continuing improvement, \$12,000.
- Improving Alabama River, Alabama: Continuing improvement, \$20,000.
- Improving Warrior and Tombigbee Rivers, Alabama and Mississippi: Continuing improvement, \$50,000, of which sum \$10,000 to be applied to the Warrior below Tuscaloosa, \$7,500 to the Tombigbee between Columbus and Vienna, \$7,500 to the Tombigbee between Vienna and Demopolis, and \$5,000 below Demopolis.
- Improving Big Sandow River, Mississippi: Continuing improvement, \$5,000.
- Improving Noxubee River, Mississippi: Continuing improvement, \$10,000.
- Improving Pascagoula River, Mississippi: Continuing improvement, \$8,000.
- Improving Pearl River, Mississippi: Continuing improvement from Jackson to Carthage, \$2,500.
- Improving Pearl River below Jackson, Mississippi: Continuing improvement, \$15,000.
- Improving Tallahatchee River above mouth of the Coldwater, Mississippi: Continuing improvement, \$3,000.
- Improving Tchula Lake, Mississippi: Continuing improvement, \$2,500.
- Improving Tombigbee River, Mississippi: Continuing improvement above Columbus, \$1,000.
- Improving Yalabusha River, Mississippi: Continuing improvement, \$3,500.
- Improving Yazoo River, Mississippi: Continuing improvement, \$8,000.
- Improving Bayou Bartholomew, Louisiana and Arkansas: Continuing improvement, \$5,000.
- Improving Bayou Black up to Houma, Louisiana: Continuing improvement, \$10,000.
- Improving Beauf River, Louisiana: Continuing improvement, \$5,000.
- Improving Bayou Terre Bonne up to Houma, Louisiana: Continuing improvement, \$7,000.
- Improving Calcasieu Pass, Louisiana: Continuing improvement, \$3,000.
- Improving Calcasieu River, Louisiana: Continuing improvement, \$7,000.
- Improving Red River, Louisiana: Continuing improvement from the Atchafalaya to Fulton, Arkansas, including Bayou Pierre, Tone's Bayou, and to relieve the town of Alexandria from the encroachments of the river, \$75,000.
- Improving Techefuncte River and Bogue Falia, Louisiana: Continuing improvement, \$1,500.
- Improving Tickfaw River, Louisiana: Continuing improvement, \$2,000.
- Improving mouth of Brazos River, Texas: Continuing improvement, \$50,000.
- Improving Buffalo Bayou, Texas: Continuing improvement, \$50,000.
- Protection of river bank at Fort Brown, Texas, \$1,000.
- Improving ship-channel in Galveston Bay, Texas: Continuing improvement, \$50,000.
- Improving Neches River, Texas: Continuing improvement, \$5,000.
- Improving Sabine River, Texas: Continuing improvement of narrows above Orange and deepening channel at mouth of river, \$4,000.
- Improving Trinity River, Texas: Continuing improvement, \$8,000.
- Improving Arkansas River, Arkansas: Continuing improvement at Pine Bluff, \$20,000.
- Improving Arkansas River, Arkansas and Kansas: Continuing improvement between Fort Smith and Wacahita, \$20,000.
- Improving Black River, Arkansas and Missouri: Continuing improvement, \$10,000.
- Improving Fourche Le Fevre River, Arkansas: Continuing improvement, \$4,000.
- Improving Ouachita River, Arkansas and Louisiana: Continuing improvement, \$12,000.
- Improving Saline River, Arkansas: Continuing improvement, \$4,000.
- Improving White River between Jacksonport and Buffalo Shoals, Arkansas: Continuing improvement, \$6,000.
- Improving White and Saint Francis Rivers, Arkansas: Continuing improvement, \$12,000.
- Improving Big Hatchee River, Tennessee: Continuing improvement, \$3,000.
- Improving Caney Fork River, Tennessee: Continuing improvement, \$4,000.
- Improving Clinch River, Tennessee: Continuing improvement, \$3,000.
- Improving Cumberland River, above Nashville, Tennessee: Continuing improvement above Nashville, Tennessee, \$30,000.
- Improving Cumberland River below Nashville, Tennessee: Continuing improvement, \$15,000.
- Improving Cumberland River above mouth of the Jellico, Kentucky: Continuing improvement, \$5,000.
- Improving South Fork of the Cumberland River, Kentucky, \$3,000.
- Improving Duck River, Tennessee: Continuing improvement, \$3,000.
- Improving French Broad River, Tennessee: Continuing improvement, \$5,000.
- Improving Hiwassee River, Tennessee: Continuing improvement, \$1,500.
- Improving Tennessee River above Chattanooga, Tennessee: Continuing improvement, \$7,000.
- Improving Tennessee River below Chattanooga, Tennessee and Alabama: Continuing improvements below Chattanooga, including Muscle Shoals and shoal at Reynoldsburgh, \$250,000.
- Improving Big Sandy River, Kentucky, \$25,000, of which sum \$5,000 for the improvement of Louisa Fork and \$5,000 for the improvement of Tug Fork.
- Improving Kentucky River, Kentucky: Continuing improvement from mouth of river to Three Forks, \$225,000, of which sum \$75,000 shall be used for the erection of a lock and movable dam at Beatysville, at junction of Three Forks.
- Improving Treadwater River, Kentucky: Continuing improvement, \$3,500.
- Improving Ohio River: Continuing improvement, \$350,000, of which sum so much as is necessary may be used for the improvement of Davis Island dam, and for the improvement of Indiana chute at high water.
- Improving Sandusky River, Ohio: Continuing improvement, \$4,000.
- Improving Clinton River, Michigan: Continuing improvement, \$6,000.
- Improving Detroit River, Michigan: Continuing improvement, \$50,000.
- Improving Grand River, Michigan: Continuing improvement from mouth of river to the city of Grand Rapids, \$15,000.
- Improving Saginaw River, Michigan: Continuing improvement, \$125,000, of which sum \$60,000 to be used opposite Bay City and for deepening the channel from the river into the bay, and \$65,000 for improving the river above Bay City.
- Improving Chippewa River, Wisconsin: Continuing improvement, \$95,000: *Provided*, That nothing shall be done nor shall any improvement be made on the said Chippewa River under or in pursuance of this act, or the appropriation hereby made, which shall directly or indirectly prevent, interfere with, or obstruct the free navigation of the said river, as heretofore, by steamboats or other water-craft, or the free use thereof, as heretofore, for the floating, guiding, or sheering of loose logs or rafts of lumber or logs upon or down the same, or which shall directly or indirectly prevent, obstruct, or interfere with the use of any slough, arm, or branch of the said river, as heretofore, for the holding, assorting, or rafting of logs therein.
- Improving Fox and Wisconsin Rivers, Wisconsin: Continuing improvement, \$200,000: *Provided*, That the Secretary of War shall, without delay, cause the channel of the Lower Fox River between Lake Winnebago and the upper Government dam at Appleton to be restored to its natural width and capacity, and shall cause such changes and alterations to be made in the dams at Menasha and Appleton, not inconsistent with security to navigation, as may be necessary to reduce to and maintain the waters of Lake Winnebago and Little Buttes des Morts, respectively, at their natural height; and a sufficient amount of said sum appropriated is made immediately available.
- Improving Saint Croix River below Taylor's Falls, Wisconsin: Continuing improvement, \$25,000.
- Improving Wabash River, Indiana and Illinois: Continuing improvement below Vincennes, \$40,000; continuing improvement between Vincennes and Lafayette, \$30,000.
- Improving White River, Indiana: Continuing improvement from Wabash River to Portersville, and to falls on West Fork, \$20,000.
- Improving Illinois River, Illinois: Continuing improvement, \$175,000.
- Reservoirs at headwaters of Mississippi River: Continuing operations, \$300,000; and this sum shall be expended at such places on said headwaters of the Mississippi River and its tributaries as the Secretary of War shall determine: *Provided*, That compensation for any private property taken or appropriated for any of said improvements, and all damages to private property caused by the construction of any of the said dams, by flowage or otherwise, shall be ascertained and determined in accordance with and under the laws of the State in which such private property is situated; and where there shall be no State law providing for the taking of the overflowing lands for such purpose, the proceedings for condemnation, or for ascertainment, determination, and award of damages, shall be had and conducted under the direction of or by the proper district courts, or the judge thereof, in the same manner and course of procedure, as near as practicable, as are prescribed by the laws of such State for the exercise of eminent domain and for real property taken for the use of railroad corporations. And the Secretary of the Interior is hereby authorized and directed to ascertain what, if any, injury is occasioned to the rights of any friendly Indians occupying, any Indian reservation by the construction of any of the said dams, or the cutting or removing of trees or other materials from any such reservation for the construction or erection of any of said dams, and to determine the amount of damages payable to such Indians therefor; and all such damages to private property and to friendly Indians, when ascertained and determined in the manner herein directed and provided, shall be paid by the United States: *Provided, however*, That such damages shall not exceed 10 per cent. of the sums hereby appropriated for the construction of said reservoirs.
- Improving Upper Mississippi River: Operating snag-boat, \$25,000.
- Improving Mississippi River above Falls of Saint Anthony, Minnesota: Continuing improvement, \$10,000.
- Improving Mississippi River from Saint Paul to Des Moines Rapids, Minnesota, Iowa, Missouri, Illinois, and Wisconsin: Continuing improvement, \$250,000, of which sum \$15,000 shall be expended in improving the channel and banks of the river on the west side thereof at Saint Paul.
- Improving Des Moines Rapids, Mississippi River, Iowa and Illinois: Continuing improvement, \$30,000.
- Examinations and surveys at South Pass, Mississippi River: To ascertain the depth of water and width of channel secured and maintained from time to time by James B. Eads at South Pass of the Mississippi River, and to enable the Secretary of War to report during the maintenance of the work, \$10,000.
- Gauging waters of Lower Mississippi and its tributaries, and the Columbia River, Oregon: Annual expense of gauging the waters of the Mississippi River and its tributaries, continuing observations of the rise and fall of the river and its chief tributaries, as required by joint resolution of February 21, 1871, \$5,500, of which sum \$500 for annual expense of gauging the waters of the Columbia River from Astoria to the bar.
- Improving Mississippi, Missouri, and Arkansas Rivers: Continuing removal of snags, wrecks, and other obstructions from the Mississippi River, \$85,000; from the Missouri River, \$65,000; from the Arkansas River, \$35,000.
- Improving Cuivre River, Missouri: Continuing improvement from mouth to Chain of Rocks, and removing snags and other obstructions, \$5,000.
- Improving Gasconade River, Missouri: Continuing improvement, \$16,000.
- Improving Missouri River from its mouth to Sioux City, Iowa, \$800,000.
- Improving Missouri River from Sioux City to Fort Benton, \$100,000.
- Survey of Missouri River from its mouth to Fort Benton, Montana: Continuing the survey, \$25,000.

Improving Yellowstone River, Montana and Dakota: Continuing improvement, \$20,000.

Improving Red River of the North, Minnesota and Dakota: Continuing improvement, \$10,000.

Constructing dam at Goose Rapids, Red River of the North, Minnesota and Dakota: Continuing construction of lock and dam, \$30,000.

Improving Saint Anthony's Falls, Minnesota: Continuing improvement, \$25,000.

Improving Petaluma Creek, California: Continuing improvement, \$8,000.

Improving Sacramento River, California: For the improvement and protection of the navigable channels of the Sacramento and Feather Rivers, to be expended under the direction of the Secretary of War, \$250,000.

Improving San Joaquin River, California: Continuing improvement, \$40,000.

Constructing canal around Cascades of Columbia River, Oregon: Continuing construction, \$265,000.

Improving Upper Columbia River, Oregon: Continuing improvement of Upper Columbia River, including Snake River, \$6,000.

Improving Lower Willamette and Columbia Rivers, Oregon: Continuing improvement from Portland Oregon, to the sea, including bar at the mouth of Columbia River, \$75,000.

Improving Upper Willamette River, Oregon: Continuing improvement of Upper Willamette, including Yamhill River, \$5,000.

Improving Lower Clearwater River, Idaho: Continuing improvement, \$5,000.

Improving Cowlitz River, Washington Territory: Continuing improvement, \$1,000.

Improving Skagit, Stillaquamish, Nooksack, Snohomish, and Snoqualmie Rivers, Washington Territory: To build, equip, and operate snag-boat for one year, \$20,000.

Improving mouth of Coquille River, Oregon: Extension of jetty already commenced, \$10,000, of which sum \$2,000 for removing snags in upper river, at discretion of Secretary of War.

Examinations, surveys, and contingencies of rivers and harbors: Examinations and surveys and for contingencies, and for incidental repairs of harbors for which there is no special appropriation, \$100,000, of which sum \$50,000 for surveys and \$50,000 for contingencies, including incidental repairs of harbors.

For expenses of a board of engineers to examine in detail the mouth of the Columbia River, Oregon, and report such plan, with estimates, for its permanent improvement, as they approve, the said board being required to report before the next session of the present Congress, \$7,500.

Improving Susquehanna River above and below Havre de Grace, Maryland, \$25,000, of which sum \$5,000 shall be expended above the bridge, and \$5,000 for the completion of the channel to the Fishing Battery light-house and for strengthening and extending the piers and breakwater for the protection of said channel.

Improving Malden River, Massachusetts, \$10,000.

Constructing harbors of refuge on Lake Pepin, \$20,000, of which sum \$10,000 at Stockholm, Wisconsin, and \$10,000 at Lake City, Minnesota.

Improving harbor at New Buffalo, Michigan, \$5,000.

Improving Appomattox River, Virginia, \$20,000.

Construction of ice-harbor at Dubuque, Iowa, \$20,000.

Improving Chippewa River at Yellow Banks, \$30,000.

Improving Cochecho River, New Hampshire, \$10,000.

Improving Frankfort Creek, Pennsylvania, \$10,000.

Improving Pensaunkee Harbor, Wisconsin, \$10,000.

Improving Royal River, Maine, \$10,000.

Improving Manaroneck Harbor, New York, \$15,000.

Improving Sackett's Harbor, New York, \$7,000.

Improving Corsica Creek, Maryland, \$5,000.

Improvement of Romley Marsh near Doboy and mouth of Jekyl Creek, Georgia, or such route as may be selected by the engineers, \$10,000.

Improving Grass River at Massena, New York, \$3,000.

Improving Edisto River, South Carolina, \$8,000.

Improving Georgetown Harbor, South Carolina, \$7,000.

Improving Cahaba River, Alabama, \$20,000.

Improving Salkahatchie River, South Carolina, \$5,000.

Improving Talapoosa River, Alabama, \$15,000.

Improving Key West Harbor, Florida, including the northwest channel, \$25,000.

Improving Manatee River, Florida, \$12,000.

Improving Caloosahatchee River, Florida, \$5,000.

Improving Lynn Harbor, Massachusetts, \$60,000.

Improving Little Tennessee River, Tennessee, \$5,000.

Improving White River above Buffalo Shoals, Arkansas, \$4,000.

Improving Chehalis River, Washington Territory, \$3,000.

Improving Greenport Harbor, New York, \$10,000.

Improving the Hay Lake Channel of the Sault Sainte Marie River, via the Middle Neebish, \$200,000.

Improving Keyport Harbor, New Jersey, from the Keyport Steamboat Company's wharf to Karitan Bay Channel, \$30,475.

Improving Maurice River, New Jersey, \$4,000.

Improving Mautna Creek, New Jersey, \$5,000.

Improving Woodbury Creek, New Jersey, \$5,000.

Improving Raccoon River, New Jersey, \$3,000.

Improving North Branch of Susquehanna River, Pennsylvania, \$15,000.

Improving Clinton Harbor, Massachusetts, \$3,000.

Improving South Forked Deer River, Tennessee, \$3,000.

Improving Old Town Creek, Mississippi, \$3,000.

For continuing the practical test of the flume invented by M. J. Adams, the said test to be made under the supervision and direction of said Adams, \$8,000.

Total, \$12,419,875.

Improving Mississippi River: That the sum of \$4,123,000 be, and is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the improvement of the Mississippi River from the Head of the Passes to Cairo, including the harbors of New Orleans, Natchez, Vicksburg, Memphis, and the rectification of the Red and the Atchafalaya Rivers at the mouth of Red River; \$600,000 from Cairo to the Illinois River; and \$200,000 from the Illinois River to the Des Moines Rapids, including a stone and brush revetment at or near Quincy; which said sums shall be expended by the Secretary of War in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River commission, created by the act approved June 28, 1879, or according to such plans, specifications, and estimates of the Engineer Department of the Army which, having been approved by the Secretary of War, may be adopted by the said Mississippi River commission for such parts of the said river as the said commission may not have completed the survey of: *Provided*, That no portion of this appropriation shall be expended to repair or build levees for the sole and exclusive purpose of reclaiming lands or preventing injury to lands by overflows: *Provided, however*, That the commission is authorized to repair and build levees if in their judgment it should be done as a part of their plan to afford ease and safety to the navigation and commerce of the river and to deepen the channel: *Provided further*, That the Secretary of War shall prescribe such rules and regulations as may be necessary to secure a judicious and economical expenditure of said sums, and shall cause to be made and submitted to Congress annual reports, on or before January 1, giving detailed statements of the work done, the expenditures made, and the effect of such work, together with such recommendations as he may deem it proper to lay before Congress.

Total, \$4,923,000.

Grand total, \$17,342,875.

That whatever balance there may be on hand for the improvement of the mouth of Red River shall be expended by the Secretary of War according to the plans and recommendations of the Mississippi River commission.

That the power and authority granted to the Secretary of War under and by virtue of section 4 of the act of Congress approved June 14, 1880, relating to wrecks and sunken vessels, be, and the same are hereby, enlarged so that the Secretary of War may, in his discretion, sell and dispose of any such sunken craft, vessel, or cargo, and property therein, before the raising or removal thereof, according to the same regulations that are in the said act prescribed for the sale of the same after the removal thereof; and all laws and parts of laws inconsistent herewith are hereby repealed.

That no tolls or operating charges whatsoever shall be levied or collected upon any vessel or vessels passing through any canal or other work for the improvement of navigation belonging to the United States.

That authority is hereby given to the Secretary of War to expend the money appropriated by the act approved March 3, 1879, in the construction of a harbor of refuge at Port Orford, on the Pacific coast, if in his opinion it be deemed judicious to do so.

That the Secretary of War is hereby authorized and directed to settle the claims of Charles McCafferty and D. and C. P. Dull, contractors for locks numbered 4 and 5 on the Great Kanawha River, under contracts made in 1874 and 1875, and subsequently for work done by reason of changes in the contracts and for losses caused by such changes, and by extra work and other losses incurred from such and other causes beyond their control, and report what amount, if any, he finds to be due to said contractors at the next session of Congress.

That the unexpended sums heretofore appropriated for an ice-harbor at Saint Louis, Missouri, be, and the same are hereby, transferred and appropriated, to be expended under the direction of the Secretary of War, for the improvement of the channel of the Mississippi River opposite the city of Saint Louis, Missouri, by repairing and raising the present low dam across the channel east of Arsenal Island, known as Cahokia chute, and by the construction of such other works in or near said Cahokia chute as may be deemed advisable to accomplish the same purpose.

That the Secretary of War is hereby directed, at his discretion, to cause examinations or surveys, or both, and estimates of cost of improvements proper to be made, at the following points, namely:

Red River from its mouth to Fulton.
Little River and Saline, Arkansas.
Alameda Creek, Alameda County, California.
Norwalk Harbor, Connecticut.
Harbor at Cedar Keys, Florida.
Connecticut River from Bellows Falls, Vermont, to Pittsburgh, New Hampshire.
Newton Creek, Camden County, New Jersey.
Milford Haven, (an estuary,) Virginia.
Quantico Creek, Virginia.

Sangamon River, Illinois, from its mouth to Petersburg.

Shoal between Dauphin Island and Cedar Point, Alabama.

Gowanus Creek at Brooklyn, New York.

Yallahusha River above Grenada, Mississippi.

Loosacoma River, a tributary of the Yallahusha, Mississippi.

The channel known as the old river bed, leading from Cuyahoga River to the harbor of refuge now under construction at Cleveland, Ohio.

Atchafalaya River between Berwick's Bay and the Gulf of Mexico; and, if made, to be accompanied with a report showing the cost of deepening the channel of said river.

Passaic River between Passaic and Paterson, New Jersey.

Minnesota River near the village of Belle Plain, with a view to prevent the washing away of the banks of said river opposite said village.

Androscoggin River below Brunswick, Maine.

Penobscot River and Bangor Harbor, Maine.

Ohio River at Rochester and Freedom, Pennsylvania, for ice-breakers.

Delaware River above Philadelphia.

Delaware River in front of Philadelphia, by removal of Windmill or Smith's Island, or the bar above the same.

Harbor at Caseville, Michigan.

Santa Monica Bay, California.

Salmon River Cove, Connecticut.

Boston Harbor, Massachusetts, and especially Fore Point Channel and the channel leading to the wharves of the New York and New England Railroad.

Black Rock Harbor, Connecticut.

Redwood Slough, San Mateo County, California.

White River, Arkansas, at the Memphis and Little Rock Railroad Bridge, near Duvall's Bluff, with a view of removing obstructions from the channel.

North Branch of the Susquehanna River from Pittston to Athens.

The sound between Beaufort and New River, and White Oak River to Smith's Mill's, North Carolina.

The headland in the town of Hull, at the entrance to Boston Harbor, Massachusetts, being the northerly side of Telegraph Hill, south of Quarter Ledge, with a view to its protection by sea-wall or otherwise.

Ice-harbor at Middleport, Meigs County, Ohio.

Clear Lake, Lake County, California.

Sulphur River, Texas, from its mouth to Sulphur Station.

Pearl River, Mississippi, between Carthage and Edinburg.

Stamford Harbor and Westport Harbor, Connecticut.

Edenton Bay, North Carolina.

Ipswich River and Sandy Bay, at the end of Cape Ann, Massachusetts.

Water-route to connect the Calcasieu River with Sabine Pass.

Shoal Harbor and Compton's Creek, New Jersey.

Stoneybrook Harbor, Suffolk County, New York.

Pocomoke River, Maryland, with a view to a cut-off in the bend just below Snow Hill.

D'Arbonne River, Bayou Roundaway, and Bayou Vidal, Louisiana.

Peekskill Harbor, on the Hudson River, New York.

Cumberland River and its principal tributaries above Pineville, Kentucky.

Extending the survey of the Louisa Fork of the Big Sandy River to Grundy Court-House, Virginia.

Miniscongo Creek at its outlet into the Hudson River, New York.

Branford Harbor, Connecticut.

North River in front of Jersey City and Hoboken, to determine what is necessary to permanently deepen the channel on the New Jersey side.

To open a passage between the north end of Indian River and Mosquito Lagoon, Florida.

Champlain River, Clinton County, New York, from the lake up to Champlain Town.

For breakwater at Rouse's Point, on Lake Champlain, New York.

Onachita River from Camden to Arkadelphia, Arkansas.

Big Bayou Metre, Arkansas, from its mouth up.

The Lewis and Dawamish Rivers, Washington Territory.

Harbor at Ludington, Michigan, with a view to examination by a board of engineers and report of a plan, and expense of same, for making a harbor of refuge.

Wisconsin River from Portage to Merrill.

Southold Harbor, Suffolk County, New York.

Channel-way of Peconic River entering Peconic Bay, and channel-way from Riverhead to Great Peconic Bay, Suffolk County, New York.

Channel from Pearsall's Dock to Flat Creek, in Hempstead Bay, Queens County, New York.

The source of the Minnesota River, near the foot of Big Stone Lake, with a view to its being added to the reservoir system of the Mississippi River and its tributaries.

Natalbany River, Louisiana.

Delaware River between Trenton, New Jersey, and Port Jervis, New York.

Waccamaw River between Conwayborough, South Carolina, and Waccamaw Lake, North Carolina.

Tionesta Creek, Pennsylvania.

Harbors of Port Henry and Port Marshall, on Lake Champlain, New York.

Boquet River, New York.

Harbor of Cedar Keys, Florida, especially the northwest channel.

Saint Mark's River, Florida.

Isle of Wight and Upper Synepuxent Bay, Maryland, and Indian River, Delaware, with the intervening land, with a view to connect their waters.

Manokin River from its mouth to Princess Anne.

Wicomico River from its mouth to Salisbury.

From Deal to Seabright, on the New Jersey coast, with a view to build a break-water to protect the shore and harbor at Long Branch.

The shoal between Dauphin Island and Cedar Point, Alabama, with a view of ascertaining the most practicable point for making a channel through the same of sufficient depth and width to afford a good and safe passage for steamboats and other vessels in the trade between the waters of Mobile Bay and other places on the Gulf of Mexico.

Newtown Creek from its mouth to Metropolitan avenue in Brooklyn, New York.

Ouachita River from its mouth to Camden, Arkansas.

The harbors of Monroe and Trenton, Louisiana, on the Ouachita River, with a view to prevent the caving of banks.

Mouth of Lake Palmyra where it enters the Mississippi River.

Bayou La Fourche, Louisiana.

Sound between Morehead City, in Content County, and New River, in Charles County, North Carolina.

Pungoteague Creek, from Bogg's wharf to the warehouse, Accomack County, Virginia.

Hull's Creek, Northumberland County, Virginia, from the Great Wicomico to Cone River.

Hunting Creek, Accomack County, Virginia.

Great Wicomico from Cedar Point to Indian Point, Northumberland County, Virginia.

Pescataway Creek, Essex County, Virginia.

Cherrystone Creek, Virginia.

Calumet River, Illinois and Indiana.

Piscataway Creek, Prince George's County Maryland.

Chicamuxen Creek, Charles County, Maryland.

Port Tobacco Creek, Charles County, Maryland.

That in every case where surveys are made the report thereon shall embrace such information concerning the commercial importance, present and prospective, of the improvement contemplated thereby, and such general commercial statistics as the Secretary of War may be able to procure: *Provided*, That no survey shall be made of any of the above harbors or rivers until the Chief of Engineers shall have directed a preliminary examination of the same by the local engineer in charge of the district, and then only when such local engineer shall have made such examination and shall have reported to said Chief of Engineers that in his judgment said harbor or river is worthy of improvement, and that the work is a public necessity. For making such preliminary examinations a sum not exceeding \$10,000 may be used out of the amount appropriated for surveys.

That all moneys hereby appropriated shall be immediately available.

Mr. TOWNSHEND, of Illinois. Before the vote is taken on this amendment I desire to say that I hope my friend from California [Mr. PAGE] will withdraw his opposition to it. It is admitted that there is an obstruction at this place to the navigation of the Ohio River, and if it is not removed it will be useless to make any improvement on the Ohio except such as may benefit localities.

Mr. PAGE. The committee have just stricken out the condition imposed in the bill, and I think properly so. If we cannot trust the engineers to expend this money where it is most needed, then we should refrain from making any appropriation at all for rivers and harbors.

Mr. TOWNSHEND, of Illinois. If it had not been for the fact that the engineers had shown favoritism in regard to the improvement of the Davis Island dam, and for the fear of those living on the Ohio River that they would use this entire appropriation for the work at Davis Island dam—

Mr. PAGE. It is not the local engineer who directs the expenditure of this money, but the Department here at Washington.

Mr. TURNER, of Kentucky. If it was not necessary to designate the point where this money should be expended, why did the committee put the Davis Island dam in the original bill?

Mr. PAGE. That has been stricken out.

Mr. TOWNSHEND, of Ohio. One word. There is a commission on the Ohio River of men who live on that river, who are appointed to report the most important points to the engineer in charge, and the United States Engineer here at Washington directs the manner of expenditure.

Mr. TOWNSHEND, of Illinois. I have no time to listen to the gentleman from Ohio, [Mr. TOWNSHEND,] though I would be very glad to hear what he has to say.

Mr. Chairman, it is a self-evident fact that unless you improve the Ohio River at its mouth it is a waste of money to improve it above. In order to make these expenditures of advantage to localities along the river, you should begin at the mouth, clear it out, and then go on with your work above. I insist, Mr. Chairman, it is common sense that we should compel these engineers to use at least a portion of this money toward completing the works already begun at the Grande Chain, which is near the mouth of the Ohio River.

Mr. TOWNSHEND, of Ohio. I have no doubt they will do so.

The question being taken on the amendment of Mr. TURNER, of Kentucky, it was not agreed to, there being—ayes 16, noes 49.

The question then recurring on the amendment of Mr. WILLIS, to

strike out, in line 646, "\$350,000" and insert "\$500,000," it was not agreed to, there being—ayes 35, noes 59.

Mr. TOWNSHEND, of Illinois. I move to amend by striking out "\$350,000" and inserting "\$400,000." Upon this proposition I wish to say a word. It looks to me as if there is a sort of understanding all around this House that this bill shall go through just as it came from the committee; that there shall be no alteration or improvement of it by amendments. I notice among those passing between the tellers in opposition to these amendments gentlemen who are well provided for in their districts, where exist such streams as Otter Creek, in Vermont, and Mattawan Creek, in New Jersey.

Mr. Chairman, it is for the reason that you neglect the great navigable water-ways of this country and expend large sums on so many little duck ponds and trout streams that this bill is distasteful to nearly every one who is not influenced by local considerations and who feels the weight of his constitutional obligations when voting upon a bill of this character.

I am in favor of liberal appropriations for all the great water-ways of commerce, such as the Mississippi, the Ohio, the Missouri, and all others that are susceptible of navigation to such an extent as will be valuable to the commerce of the country. But when you refuse proper appropriations for these, and give liberally for the improvements of little creeks and runs so as to secure mere saw-log or flat-boat navigation, I cannot support the bill. It is for this reason that I have voted against every river and harbor bill which the committee has reported since I have been in Congress. I am in favor of the appropriations given in this bill to the Mississippi, the Ohio, and other of the navigable rivers, but my desire to improve such water-ways, important as they are, will not justify me in voting for appropriations which I conceive to be unconstitutional and unjust to the tax-payers of the country. I regret the committee did not report a separate bill for the Mississippi and its tributaries, in order that I might give my support for such sums as their merit, importance, and necessities demand.

I do not expect this amendment will be adopted although it ought to be. I have offered it for the purpose of enabling me to put on record my protest against this sort of legislation.

Mr. REAGAN. Mr. Chairman, I have heard an anecdote about an old gentleman in Mississippi who borrowed some money from a neighbor. After the debt had become overdue and the creditor had waited a considerable time, he demanded payment, when the debtor said to him, "I always intended to pay that debt if you did not make me mad; but I felt sure you would make me mad." [Laughter.] Now my friend from Illinois [Mr. TOWNSHEND] intended to vote for this bill if we did not make him mad—

Mr. TOWNSHEND, of Illinois. No, sir. I never intended to vote for the bill in the shape it is.

Mr. REAGAN. The gentleman has said that we appropriate in the bill for "saw-log streams." Now, will he do the committee the favor to point out one such stream in this bill? We have tried to get up a measure just and liberal to all interests and sections of the country. We have made appropriations which seem to us sufficient for the Ohio; we have made an increased appropriation for the Wabash, at the solicitation of our friends in that region. We have made the appropriations as fair and just as we could. I do not think the gentleman ought to fall out with the committee or the bill because we are not willing to become extravagant—to lose our grip upon this bill, to turn ourselves loose upon a sea of increase, and make this bill such by reason of its increased appropriations that no one would vote for it when the question comes upon its passage. We wish the bill to pass. We do not want to see the bill, which is a liberal one already, loaded down with amendments until none of us could support it, so that the country would fail to get the benefit of the continuance of the improvements already in progress.

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

The Clerk read as follows:

Improving White River, Indiana: Continuing improvement from Wabash River to Portersville and to the falls on the West Fork, \$20,000.

Mr. CALKINS. I offer an amendment, to come in after line 700.

The Clerk read as follows:

Improving the Kankakee River in Indiana and Illinois, \$100,000, \$50,000 to be expended in each of said States, in widening, deepening, and straightening the channel of said river.

Mr. CALKINS. Mr. Chairman, ever since I have been in Congress I have sought to secure an appropriation of money for the purpose of improving this river. It is a river that I think ought to be improved. It is one of sufficient importance to ask that the Government should improve it. I have no expectation, however, that the committee in its present temper will stop to do anything right now. In fact, they have their eyes set in a certain direction, and I expect them to continue that way. But in fairness to the citizens of my State I offer this amendment for the improvement of this river. The Kankakee River, in connection with the Illinois River, will make a first rate water-way from the northern part of Indiana and Illinois to the Mississippi River; and it is an improvement, as I have said, that should unquestionably be made. I desire to sub-

mit in this connection a letter from the governor of my State and the State geologist. The letter is as follows:

EXECUTIVE DEPARTMENT,
Indianapolis, Indiana, March 14, 1882.

DEAR SIR: We have often talked together about the practicability of getting an appropriation from Congress under which the Kankakee region may be drained, the Kankakee River being an "interstate navigable stream." The draining of the land would be of more than State importance; it would be as beneficial indeed to Illinois as to Indiana, and the development of that country would add much to the population and wealth of Chicago, its natural market. That the draining is not a State question is evident from the fact thus mentioned, and that the reduction of the bed of the river in Illinois about Moline cannot be accomplished otherwise than by national legislation, giving the power of condemnation of the dams at and near Moline for the draining of the soil in Indiana. Certainly an appropriation could at least be made to blow out with dynamite the reefs at and near Moline, and, if this were done, the drainage of the whole region could then be made with moderate expenditure under the provision of an act of our Legislature. Without doubt \$300,000 would be a sufficient appropriation by Congress. Our opinion is that \$200,000 would be quite sufficient.

You will achieve much good for the State and much credit for yourself if you will take hold of this enterprise, and, with the earnest co-operation of our delegation, carry it through.

We are, with much respect and regard, yours, truly,

A. G. PORTER,
JOHN COLLETT.

Hon. W. H. CALKINS, M. C., Washington, D. C.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana.

The amendment was not agreed to.

The Clerk read as follows:

Improving Illinois River, Illinois: Continuing improvement, \$175,000.

Mr. SINGLETON, of Illinois. I move to amend, in line 702, by striking out \$175,000 and inserting \$350,000. I am well aware, Mr. Chairman, from the indications which the committee have already given, that there is no disposition to amend this bill. I could not, however, do less than propose an amendment which I regard as of very great importance to a portion of my constituents.

The amount recommended for the improvement of the Illinois River is, I believe, \$380,000, as set down by the report of the engineers. The committee seem not to have considered the importance of the special recommendations of the engineers in that case, but upon general principles have appropriated 50 per cent. only of the amount. This is not a case standing upon the ordinary principles of the several appropriations made by the bill. It is a special recommendation of the engineers, that this amount, \$380,000 ought to be appropriated in order to make this work available at the earliest period. You appropriate \$175,000 as this bill proposes, and you deny to the people along the line of that river the benefits of the advantages which the improvement of its navigation would secure to them, and thus damage them in the aggregate to an amount far greater than the whole amount involved in the appropriation.

If an appropriation is absolutely necessary we should make it available as soon as possible. The State of Illinois has already improved ninety miles of that river, and we are now asking the General Government to continue that improvement one hundred miles further, so as to make it available to that rich, fertile, and productive country that is furnishing supplies to the whole world, as soon as possible.

Mr. Chairman, I regret to be under the necessity of offering this amendment, because I am very sure this committee have deliberated laboriously and have considered with great care every proposition looking to the public utility and the importance of the appropriations in connection with the works for which the same are intended. I have no doubt of that. But the Committee on Commerce is no more perfect than other committees, or than the committee that I am now addressing. We are all liable to err, and I think the committee, in this particular case, have committed an error. I believe also that upon the presentation by the engineers in charge of the work of the importance of its speedy completion the committee ought to appropriate a sum necessary for this important improvement so as to make it available at once.

The CHAIRMAN. The gentleman's time has expired.

Mr. SPRINGER. I move to strike out the last word of the amendment, and yield my time to my colleague.

The CHAIRMAN. Without objection the gentleman from Illinois will proceed.

There was no objection.

Mr. SINGLETON, of Illinois. I am very much obliged to my colleague for yielding me the time, for though really I did not intend to say anything upon this subject, I have been so well satisfied with the work of the committee, and was so ready to accept it, that I have been unwilling to occasion delay by offering any amendments or by submitting any remarks which would hinder or obstruct the passage of the bill, although I know it is imperfect in some respects.

Everything coming from human hands must be imperfect. But as a whole I am willing to accept the bill of the committee. I think they have done well and wisely in most instances. I think in this they have disregarded the recommendation which is special and not general; not one of the general recommendations which are laid before them, but a special request showing the importance of this improvement, the importance of a speedy completion of it, and the necessity of appropriating the whole sum necessary to complete it.

I shall not occupy the attention of the committee any longer, for I have said all I care to say.

Mr. SPRINGER. Let the amendment be read.

The Clerk read as follows:

In line 702, strike out "\$175,000" and insert "\$350,000;" so that it will read: "Improving Illinois River, Illinois: Continuing improvement, \$350,000."

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

The Clerk read the following paragraph:

Reservoirs at headwaters of Mississippi River: Continuing operations, \$300,000; and this sum shall be expended at such places on said headwaters of the Mississippi River and its tributaries as the Secretary of War shall determine: *Provided*, That compensation for any private property taken or appropriated for any of said improvements, and all damages to private property caused by the construction of any of the said dams, by flowage or otherwise, shall be ascertained and determined in accordance with and under the laws of the State in which such private property is situated; and where there shall be no State law providing for the taking of the overflowing lands for such purpose, the proceedings for condemnation, or for ascertainment, determination, and award of damages, shall be had and conducted under the direction of or by the proper district courts, or the judge thereof, in the same manner and course of procedure, as near as practicable, as are prescribed by the laws of such State for the exercise of eminent domain and for real property taken for the use of railroad corporations. And the Secretary of the Interior is hereby authorized and directed to ascertain what, if any, injury is occasioned to the rights of any friendly Indians occupying any Indian reservation by the construction of any of the said dams, or the cutting or removing of trees or other materials from any such reservation for the construction or erection of any of said dams, and to determine the amount of damages payable to such Indians therefor; and all such damages to private property and to friendly Indians, when ascertained and determined in the manner herein directed and provided, shall be paid by the United States: *Provided, however*, That such damages shall not exceed 10 per cent. of the sums hereby appropriated for the construction of said reservoirs.

Mr. SINGLETON, of Illinois, rose.

Mr. HOLMAN. I rise to a question of order. My point of order is that this paragraph contains certain new legislation—

The CHAIRMAN. What rule does the gentleman from Indiana refer to?

Mr. HOLMAN. The third clause of Rule XXI. I regard a portion of the paragraph as being obnoxious to that rule, the portion contained between line 713, after the word "situated," down to the word "corporations," in line 722. I make the point that this is new legislation and is not proper on an appropriation bill.

Mr. SINGLETON, of Illinois. That is what I propose to strike out.

Mr. HOLMAN. But I submit to the Chair that it is subject to the point of order.

The CHAIRMAN. The gentleman from Indiana makes the point of order against a portion of the paragraph which has just been read, and asks for the reading of the third clause of Rule XXI. The Clerk will read that clause.

The Clerk read as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. 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: *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, when amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Mr. HOLMAN. Now, I ask that the portion of the paragraph on which I make the point of order shall be read.

Mr. HERR. I wish to ask the gentleman from Indiana a question. Does he know that this is precisely the same as the provision in the bill of last year?

Mr. HOLMAN. Oh, no. I would like to have made the point of order on the whole paragraph, but find it does not apply to the whole of it, and I simply make it on all I can. I ask that the words to which I seek to apply the rule be reported.

Mr. POUND addressed the Chair.

The CHAIRMAN. The gentleman from Indiana has the floor on a question of order.

Mr. HOLMAN. The portion of the paragraph from the word "situated," in line 713, to the word "corporations," in line 722, is entirely new legislation. I regret exceedingly that the point of order cannot be made upon the whole paragraph; but it cannot be, as I have discovered. I do not make the point of order as to whether this is germane or not; but I make the point that it is independent legislation, and that it does not retrench expenditure, but, on the contrary, increases it.

The CHAIRMAN. Under what rule is it liable to the point of order?

Mr. HOLMAN. The third clause of Rule XXI.

The CHAIRMAN. Does the gentleman from Indiana think this is a general appropriation bill?

Mr. HOLMAN. That does not change the principle involved. The rule is as applicable to one appropriation bill as another.

The CHAIRMAN. The Chair does not think the point of order is well taken.

Mr. HOLMAN. On what ground? On the ground that this is not an appropriation bill?

The CHAIRMAN. On the ground that it is not a general appropriation bill coming within the rule. The Chair will state this is not a new question. It has been passed upon repeatedly. The Chair overrules the point of order.

Mr. HOLMAN. Since the Committee on Commerce have been authorized to report these appropriation bills if there has been such a ruling I am not aware of it. If this bill is not subject to the general rules of the House it is a new fact which now for the first time, so far as I am aware, comes to the attention of members. This is one of the great appropriation bills of Congress, and has the same rights and privileges as any other appropriation bill.

Mr. MCLANE. Will the gentleman from Indiana allow me—
The CHAIRMAN. The Chair will state to the gentleman from Indiana that on an examination of the rules he will discover there is a distinction made between general appropriation bills and the river and harbor bill. Clause 6 of Rule XXI provides that—

Upon all general appropriation and revenue bills, and bills for the improvement of rivers and harbors the yeas and nays shall be taken, &c.

Showing there is a distinction made in that rule between a general appropriation bill and a bill for the improvement of rivers and harbors.

Mr. HOLMAN. Would not that tend to mislead? The fact that the river and harbor bill is specially mentioned does not exclude it, as the Chair will see from the provisions of the first paragraph of Rule XXI. That paragraph and the two subsequent ones apply to all general appropriation bills. The reason of the rule is the same here as in regard to any other appropriation bill—being to prevent general legislation on appropriation bills and to confine them to the matter of appropriations alone.

The CHAIRMAN. The Chair will state further that in clause 4 of Rule XXIII it is provided that—

In Committees of the Whole House, business on their calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, &c.

Now if river and harbor bills were general appropriation bills, they would not have been mentioned distinctly and separately in that way.

Mr. HOLMAN. But this bill is put on the same footing as to the right to report at any time.

The CHAIRMAN. The Chair overrules the point of order.

Mr. HOLMAN. It is an unfortunate ruling—

The CHAIRMAN. If the gentleman thinks so, he has his remedy and can take an appeal.

Mr. HOLMAN. Because it admits the evil of the old system of ingrafting general legislation on appropriation bills.

The CHAIRMAN. Does the gentleman from Indiana desire to appeal from the decision of the Chair?

Mr. HOLMAN. I do not.

The CHAIRMAN. The gentleman from Illinois [Mr. SINGLETON] will be heard on his amendment.

Mr. SINGLETON, of Illinois. I move to strike out of the pending paragraph the following words:

And where there shall be no State law providing for the taking of the overflowing lands for such purpose, the proceedings for condemnation, or for ascertainment, determination, and award of damages, shall be had and conducted under the direction of or by the proper district courts, or the judge thereof, in the same manner and course of procedure, as near as practicable, as are prescribed by the laws of such State for the exercise of eminent domain and for real property taken for the use of railroad corporations.

During a long life I have been educated to understand that a man was to be deprived of his property only by the judgment of his peers and the laws of the land. Here is a proposition in this bill to confer, in the absence of any authority by the State in which the property is situated, upon the Federal judge the power, not to determine what the law is but to make the law, and to apply the facts to the law or the law to the facts as he pleases.

By that provision the judge of the district court of the United States is to be authorized to deprive a man of his freehold, to deprive him of his property, and to determine the amount of damages by his own arbitrary rule without reference to the practice of all civilized nations, and especially without reference to the rules of law which have obtained in this country since it has had a Government.

There is in this provision a principle more dangerous—and it is introduced here most insidiously—a principle more dangerous to our form of government than any that has heretofore crept into any appropriation bill that has ever come before this House. It is a provision which authorizes the Federal Government to enter into the States of this Union and exercise a power which is expressly denied and prohibited by the Constitution. The power of eminent domain is conceded by this provision of the bill to the Federal Government to be exercised by the district judge alone, and not in conjunction with a jury of citizens.

Mr. DUNN. Will the gentleman yield to me for a question?

Mr. SINGLETON, of Illinois. Certainly, with a great deal of pleasure.

Mr. DUNN. Does not the gentleman know that the Government of the United States has long ago exercised the power of eminent domain directly, and that that exercise of power has been sustained by the decision of the Supreme Court of the United States, in the case of Kohl & Co., from Cincinnati?

Mr. SINGLETON, of Illinois. I will remind the gentleman from Arkansas [Mr. DUNN] that that was for one of the purposes enumerated in the Constitution; it was for the purpose of a public building.

Mr. DUNN. And this is to regulate commerce.

Mr. SINGLETON, of Illinois. It is no regulation of commerce to enter into a State and take possession of the property of its citizens. That is a sovereign right which belongs to the State and cannot be taken away.

The CHAIRMAN. The time of the gentleman has expired.
Mr. POUND. I desire to say that this provision was suggested by the Engineer Department in view of the fact that in the State of Wisconsin there is no general statute providing for the condemnation of private property for public use, except a statute relating to railroads. There is no opposition to this clause by any party in interest; none at all.

Mr. HUMPHREY. We are passing bills of this character every day. You cannot provide for a public building unless you take private property. There is no new principle involved in this at all.

Mr. POUND. It is simply employing the machinery of the State to do this work.

Mr. DUNN. I move to strike out the last word for the purpose of explaining what I said a few moments ago. It was originally thought that the power of eminent domain could only be exercised by the States; and the practice was, where the Government needed land for public purposes of its own, for the State to condemn the property for the use of the Government. That was the practice until in Michigan it was decided that a State could not condemn private property except for its own uses and purposes.

Then in the case of Kohl & Co., a case that arose in Cincinnati, where property was taken for a post-office site, the Supreme Court of the United States held positively that the Government of the United States could directly condemn any land and any property in the exercise of any granted powers to the Government under the Constitution.

Now, under that decision the Government may unquestionably exercise the power of eminent domain in the regulation of commerce. It does so in the river and harbor improvements; it did so when it granted charters to the Pacific Railroad; it does so in all the necessary acts in the exercise of the granted power to regulate commerce.

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

Mr. DUNN. Certainly.

Mr. CONVERSE. I would ask the gentleman whether the State of Ohio had not ceded to the General Government the right to erect the building and the jurisdiction over the property before any attempt to condemn it?

Mr. DUNN. There was the difficulty.

Mr. CONVERSE. And I will ask the gentleman if he can name a single instance where the General Government has ever entered a State and attempted to condemn private property without the consent of the State?

Mr. DUNN. Did not the Supreme Court of the United States announce the doctrine flatly in the case of Kohl & Co. that the Government of the United States could do that?

Mr. CONVERSE. Where the State had ceded jurisdiction.

Mr. DUNN. Did not the Supreme Court also hold—

Mr. CONVERSE. I do not care what it held; the fact was that in that case the State of Ohio had ceded jurisdiction to the United States.

Mr. DUNN. The cession of the State of Ohio was of legislative jurisdiction, not of the power to condemn.

Mr. HUMPHREY. In all cases of public buildings it is the law that the State must cede to the United States the jurisdiction over the land. But that does not obtain in a case of this kind at all.

Mr. CONVERSE. It is proposed here that a State may be entered for the purpose of securing water privileges without the consent of the State. The gentleman is not here to give consent of his State to the General Government for this purpose.

Mr. HUMPHREY. The States of Minnesota and Wisconsin have already given that consent.

The CHAIRMAN. The *pro forma* amendment is withdrawn.

Mr. SINGLETON, of Illinois. I renew the amendment. I desire to reply in a very few words to my friend from Arkansas, [Mr. DUNN.] Under the Constitution the Federal Government is authorized to acquire property for specific purposes; and upon that power, as I understand, the decision rested in the case of the Cincinnati post-office. But here is a proposition to appropriate money, not for any of the purposes specified in the Constitution, but, as the gentleman contends, in a very latitudinarian sort of a way, under the power of Congress to regulate commerce. If Congress, under the power to regulate commerce, can enter the States and condemn land, can it not take every farm, every piece of land in every State of the Union; and does not centralization, consolidation follow *eo instanti*?

But the gentleman from Wisconsin says there is no statute of Wisconsin which authorizes this—

Mr. POUND. Except relating to railroads.

Mr. SINGLETON, of Illinois. If there is no statute of Wisconsin on the subject that is no reason why we should recognize the power of Congress to make a statute which belongs peculiarly to State legislation; and a statute, too, not framed in accordance with the ordinary rules of the common law, but conferring upon the judge power to determine everything in his own arbitrary way—to deprive a citizen of his property, to assess damages—

Mr. POUND. Oh, no!

Mr. HUMPHREY. I wish to say that under the ordinance of 1757 and the laws of Congress the Government has never lost its control over one of these streams or their headwaters.

Mr. SINGLETON, of Illinois. When you talk about streams I agree that the Government of the United States has absolute jurisdiction and control over all the navigable streams of this country; and I go further and say that where nature has provided the water and where this Government can furnish the means to facilitate navigation—

Mr. POUND. The gentleman states that it is left to the judge to assess these damages.

Mr. SINGLETON, of Illinois. Yes, sir; under the terms of this bill.

Mr. POUND. That is not the case. The laws of the State provide that the judge may appoint commissioners.

Mr. SINGLETON, of Illinois. The judge by this provision is lifted out of the reach of the laws of the State, because it assumes that there is no law of the State, and that in the absence of a State law the judge shall exercise this power. In the execution of the provision down to the word "situated" he is governed by the laws of the State, but after that, if there is no law of the State, his own will is the only rule by which he is to be governed in the determination of any question that may arise.

[Here the hammer fell.]

Mr. HUMPHREY. I wish to answer the gentleman from Illinois. I move to strike out the last word.

The CHAIRMAN. That is the pending amendment.

Mr. SINGLETON, of Illinois. I withdraw it.

Mr. HUMPHREY. I renew it. I wish to say in reply to the gentleman from Illinois that in the clause providing for the condemnation of this property in the States in which it lies, the power is not given to the judge to decide absolutely upon the question of condemnation. In all cases commissioners have to be appointed; and even if under the laws of the State no right of appeal is given, the common-law writ of *certiorari* would lie; and the matter could be tried by jury if the question were raised.

Mr. SINGLETON, of Illinois. But where there is no State law—

Mr. HUMPHREY. We have a State law. I withdraw the *pro forma* amendment.

Mr. SPRINGER. I move to strike out the pending paragraph from line 703 to 734. This appropriation is "for reservoirs at the headwaters of the Mississippi River: continuing operations, \$300,000." I do not understand the exact necessity for constructing reservoirs at the headwaters of the Mississippi River. I can understand the utility of reservoirs in insuring a supply of water for the use of a city. But the idea of having a reservoir at the headwaters of a river for improving the navigation of the stream seems to me a very extraordinary proposition and one that ought not to be sanctioned without the most mature reflection.

Here is a proposition to create an immense system of reservoirs at the headwaters of the Mississippi River to furnish in times of drought sufficient water to meet the needs of navigation below and in times of freshet to catch the rebellious floods and hold them until the people below telegraph that they are ready for more water.

I have never seen or heard of a proposition to utilize the elements so completely and effectually as is contemplated here. Not a drop of water which flows from the icy glades of Minnesota or the British possessions is to be lost, but all is to be gathered into this great pond, this great corral as it were, and is to be held in security to be distributed as it may be needed for the purposes of navigation.

It is possible, however, Mr. Chairman, there may be some timber lands along this stream on the Upper Mississippi where saw-logs are cut in dry times, and without a water supply above they might be compelled to lie there until another winter's snow had come and other floods had come for the purpose of moving the crops of logs. There may be water-power also needed for mills along the line of this classic and historic stream, which need and require an unusual supply of water at different seasons of the year, which they cannot get unless they have a reservoir up there, erected at great expense, for the purpose of holding water when they have too much and bringing it down when they have too little.

[Here the hammer fell.]

Mr. WASHBURN. Mr. Chairman, I desire the attention of the committee for only a few minutes in regard to this amendment. I think I can make it entirely clear there is not a more proper and legitimate item of appropriation in this bill than the one which the gentleman proposes to strike out.

The gentleman says he does not understand what this reservoir question has to do with the navigation of the Mississippi River. If he had read the reports of the Secretary of War and of the Chief Engineers for the last six or seven years he would not have been so ignorant of the results expected to be obtained by the building of this reservoir.

The War Department took up this question of reservoirs some ten years ago. General Warren, when he was in charge of that section of country, noticed the immense flood of water running to waste in spring, and the low water which succeeded, and it occurred to him there might be some way by which that waste water might be utilized for the purposes of navigation during low-water seasons. He made the recommendation, and from that time surveys have gone on

for five or six years, and the ablest and most proficient engineers in the Army have been placed in charge of the work. General Warren, Colonel Farquhar, and a more able engineer there is not in the Army, and Major Allen have had charge, and the result of their observations is that by these natural reservoirs in the northern part of Minnesota on the upper waters of the Mississippi, where there is a watershed larger than the entire State of Connecticut, and, taking in the headwaters of the rivers of Wisconsin, a watershed greater than Massachusetts, that by these natural reservoirs this entire water can be held for six months in the year. It can be held during high water and saved from rushing down and causing great destruction to property, and distributed during the seasons of low water when more is required for navigation.

The Upper Mississippi has been well taken care of by Congress. The necessary appropriations have been made for building dams and improving the channel. The difficulty now is that during the months of August, September, and October there is not sufficient water, and the freight which leaves Saint Louis for Saint Paul has to change three or four times in transit.

Mr. SPRINGER. How many miles is it from Saint Paul to where this reservoir is to be located?

Mr. WASHBURN. About three hundred miles.

Mr. SPRINGER. Saint Paul is the head of navigation?

Mr. SINGLETON, of Illinois. No; it is not.

Mr. SPRINGER. You will have your reservoirs three hundred miles, then, above the head of navigation; am I correct?

Mr. WASHBURN. On the Mississippi; that is so.

Mr. POUND. But it is not so elsewhere.

Mr. SPRINGER. The reservoirs are to be located three hundred miles above the farthest point of navigation on that stream.

Mr. WASHBURN. The result of the observations of the engineers for six years has been that they can hold sufficient water back in these reservoirs which can be distributed during the one hundred days of low water, giving a depth for navigation from Saint Paul of from four to five feet. Now we have not more than eighteen inches or two feet, practically stopping navigation between Saint Louis and Saint Paul.

As I have said the result of the observations of these engineers of holding this water and distributing it during seasons of low water is we will have from four to five feet during the entire season of navigation, which will enable any boat to go from Saint Louis to Saint Paul.

It seems to me if there is an item in this whole bill which is legitimate and worthy to come into a river and harbor bill it is this. It is a fitting compliment to the navigation of the Mississippi River, and I trust the amendment will not be agreed to.

[Here the hammer fell.]

Mr. HOOKER. I move to strike out the last word.

Mr. Chairman, I desire to say a single word on the phraseology of this bill, and to call the attention of the members and the Chair to the manner in which it is expressed and the powers it proposes to concede to the Federal courts.

It will be observed, sir, that the language of this paragraph is in itself contradictory. It proposes to concede to the Federal courts certainly an extraordinary power never heretofore exercised by them under any circumstances. The position assumed by my friend from Illinois is certainly correct as a legal proposition in reference to this bill, and the argument of my friend from Wisconsin, that there is no State law in his State by which condemnation of private property can be made for public uses—

Mr. POUND. Except for railroad purposes.

Mr. HOOKER. Does not at all meet the express objection suggested to this clause of the bill by my friend from Illinois. It will be observed that the language of the bill is as follows:

And where there shall be no State law providing for the taking of the overflowing lands for such purpose, the proceedings for condemnation, or for ascertainment, determination, and award of damages, shall be had and conducted under the direction of or by the proper district courts, or of the judge thereof.

It will be observed that the disjunctive is used here, and the language expressly clothes the Federal judges as well as the courts with the power; in other words it clothes the judges with powers which they may exercise at chambers. But the clause to which I refer of this bill goes on as follows:

By the proper district courts, or the judge thereof, in the same manner and course of procedure, as near as practicable, as are prescribed by the laws of such State for the exercise of eminent domain and for real property taken for the use of railroad corporations.

Mr. SINGLETON, of Illinois. Will the gentleman let me make a suggestion—

Mr. HOOKER. Now certainly this is a power conferred upon the judge, independently of his functions in court, to determine upon the question, and cannot conform to the ordinary measures used in the State courts to proceed by condemnation for such purpose.

Now, with reference to the erection of public buildings and the exercise of the right of eminent domain on the part of the General Government for such purpose, I venture to make an assertion which will not be disputed, that not a single public edifice has been erected upon the soil of a State in this Union unless there has been a preliminary act of the State Legislature, and the cession of jurisdiction over the property to the Federal Government, and only where the Federal

Government has become the owner of the soil or property after due compensation to the owner thereof. No case can be found where it has acquired this right under any other circumstances.

I suggest, therefore, that the phraseology of this section of the bill ought to be changed and this feature stricken out, because it is obnoxious to the constitutional powers which have been so forcibly urged by my friend from Illinois.

I withdraw the amendment.

Mr. HAMMOND, of Georgia. I renew the amendment. I know naught of the merits of this matter touching the reservoirs. I rise simply to reply to the distinguished gentlemen from Illinois and Mississippi as to the law in this case. It has been properly done by the gentleman from Arkansas, who referred to a decision of the Supreme Court, a word or two of which I shall read. This is the case of *Kohl et al.* against the United States, quoted in the ninety-first United States Reports, and decided in 1875. There was in this case a dissentient opinion by Judge Field, but not upon that point. The court, through Judge Strong, held this opinion:

It has not been seriously contended during the argument that the United States Government is without power to appropriate lands or other property within the States for its own uses, and to enable it to perform its proper functions. Such an authority is essential to its independent existence and perpetuity. These cannot be preserved if the obstinacy of a private person or if any other authority can prevent the acquisition of the means or instruments by which alone governmental functions can be performed. The powers vested by the Constitution in the General Government demand for their exercise the acquisition of lands in all the States. These are needed for forts, armories, and arsenals, for navy-yards and light-houses, for custom-houses, post-offices, and court-houses, and for other public uses. If the right to acquire property for such uses may be made a barren right by the unwillingness of property-holders to sell, or by the action of a State prohibiting a sale to the Federal Government, the constitutional grants of power may be rendered nugatory, and the Government is dependent for its practical existence upon the will of a State, or even upon that of a private citizen. This cannot be.

Mr. SINGLETON, of Illinois. May I ask the gentleman from Georgia a single question?

Mr. HAMMOND, of Georgia. Certainly.

Mr. SINGLETON, of Illinois. I wish to ask the gentleman what "barren right" it is to which the court refers? Does the gentleman from Georgia understand it to be a right conferred by the Constitution to which the court has reference in that opinion and which is alluded to as a barren right?

Mr. HAMMOND, of Georgia. The Constitution of the United States declares in express terms:

Nor shall private property be taken for public use without just compensation.

But the Supreme Court hold that every particle of private property within the jurisdiction of the Government is subject to the right of eminent domain by the Government, within the limits fixed by the Constitution, to the same extent that it is liable to the power of eminent domain within a State for State purposes.

Mr. SINGLETON, of Illinois. I ask the gentleman from Georgia, then, whether that is the provision of the Constitution upon which he relies to authorize the Federal Government to enter a State and condemn the lands of a citizen?

Mr. DUNN. Certainly; the court so hold.

Mr. HAMMOND, of Georgia. Undoubtedly, for any public purpose whatever within its constitutional power, this Government may exercise the right of eminent domain within a State, provided it exercises it for constitutional purposes.

Mr. SINGLETON, of Illinois. Now, I ask the gentleman from Georgia whether the Federal Government can exercise it constitutionally, or whether the Constitution does not declare that the Federal Government may acquire property for the purposes specified in that instrument by the consent of the States?

Mr. HAMMOND, of Georgia. Certainly it may.

Mr. DUNN. I move to strike out the last word.

The CHAIRMAN. That is the amendment now pending.

Mr. PAGE. I move that the committee rise.

Mr. DUNN. Before the question is put on the motion that the committee rise I wish to say just one word.

The CHAIRMAN. The question is on the motion that the committee rise.

The question being taken, the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. BURROWS, of Michigan, reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

Mr. PAGE. I move that when the House next resolves itself into Committee of the Whole House on the state of the Union and resumes the consideration of the river and harbor appropriation bill all debate on the pending paragraph and amendments thereto shall be limited to thirty minutes.

Mr. SPRINGER. I move to amend that motion by striking out "thirty minutes" and inserting "two hours."

Mr. PAGE. Oh, no!

The question being taken on Mr. SPRINGER's amendment, it was not agreed to.

Mr. HOLMAN. I move to amend by striking out "thirty minutes" and inserting "one hour."

The question being taken on Mr. HOLMAN's amendment; there were—ayes 35, noes 77.

Mr. SPRINGER. A quorum has not voted. I ask for tellers.

Mr. MILLS. I move that the House do now adjourn. The pending question can be determined when the House again meets.

Mr. DUNN. I make the point that the House is now dividing and that a motion to adjourn is not now in order.

Mr. PAGE. If gentlemen desire an hour for debating these amendments, I do not feel that we ought to dispute with them about a difference of thirty minutes.

The CHAIRMAN. The Chair will again put the question on the amendment of the gentleman from Indiana.

The question being again taken on Mr. HOLMAN's amendment, it was agreed to, and the motion of Mr. PAGE as amended was also agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. BLACKBURN. Under instructions of the Committee on Appropriations I desire to make a privileged report, which I send to the desk. I ask the Clerk to read it.

The Clerk read as follows:

The Committee on Appropriations, to whom was referred House bill No. 4222, making appropriations for the support of the Military Academy for the year ending June 30, 1883, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows:

They recommend concurrence in the amendments of the Senate numbered 1, 2, and 5, and non-concurrence in the amendments numbered 3, 4, and 6.

The SPEAKER. The question is on agreeing to the report of the committee.

Mr. HOLMAN. I ask the gentleman from Kentucky [Mr. BLACKBURN] to explain the effect of this report.

Mr. BLACKBURN. The differences between the two Houses on this bill are very inconsiderable in amount. The first amendment offered by the Senate increases the salary of a clerk to the treasurer of the Military Academy from \$1,000 to \$1,200 per annum; thereby putting him on even terms with two other clerks having similar duties. In that amendment of the Senate the Committee on Appropriations of the House recommends concurrence.

The second amendment the Senate offers in which the House Committee on Appropriations also recommends concurrence is for the construction of a ponton train, for which the sum of \$3,500 is appropriated. There is probably no provision of the bill making appropriations for the Military Academy that has been more earnestly urged than this sum of \$3,500 for the construction of a ponton bridge, by the officer in command of that military department, and on through, including the General-in-Chief of the Army and the Secretary of War. The committee recommend concurrence in that amendment.

The third amendment offered by the Senate is for contingencies for the Superintendent of the academy, \$1,000. The committee recommend non-concurrence in that. I will take occasion to say here to the House that for many years a contingent fund of \$1,000 has been appropriated and allowed to the Superintendent of the Military Academy until General Schofield, the immediate predecessor of the present Superintendent, became the commanding officer, upon whose recommendation this contingent fund of \$1,000 annually was discontinued. The House committee did not see fit in framing the bill to incorporate that one-thousand-dollar item into it. The Senate has seen proper to amend it in that regard, and in that amendment the House Committee on Appropriations recommends non-concurrence.

The fourth amendment of the Senate is for the construction of a swimming-bath for the use and instruction of cadets, \$5,000. In that the House Committee on Appropriations recommends non-concurrence, for the reason that we are satisfied that for \$2,000 this improvement can be made. For that conclusion I have the authority of the officers, not the Superintendent of the academy, but officers of the academy upon whose judgment I confidently rely.

In regard to the fifth amendment of the Senate I desire to say that the House made an appropriation of \$3,000 for a new twelve-inch water-main from the water-house to the sally-port of the cadet barracks. The Senate amended that by inserting the words "and for laying the same." The Committee on Appropriations of the House recommend concurrence in that amendment.

The sixth amendment of the Senate is to increase the appropriation for that item from \$3,000 to \$4,000, and the Committee on Appropriations of the House recommend non-concurrence in that amendment.

The question was taken upon the report of the Committee on Appropriations, and it was adopted.

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

The latter motion was agreed to.

ARCTIC EXPLORATIONS, ETC.

Mr. HISCOCK. I am directed by the Committee on Appropriations to ask consent to report for consideration at this time a joint resolution making an appropriation to continue the work of observation and exploration in the arctic seas.

The SPEAKER. The joint resolution will be read.

The joint resolution provides that for conducting the work of scien-

tific observation and research on or near the shores of Lady Franklin Bay, and for the transportation of men and supplies to said location and return, and for continuing the work of scientific observation at Port Barrow, Alaska, during the fiscal year ending June 30, 1883, there is appropriated the sum of \$33,000, to be immediately available.

Mr. HOLMAN. I would suggest that that joint resolution had better be printed, so that we can understand it.

Mr. HISCOCK. I think I can explain it to the gentleman so that he will be satisfied. In 1880 this signal-service station was established, and an appropriation was made by Congress for its support, it having been established not by an appropriation bill, but by a specific and independent law. The proper appropriation was made for the current fiscal year.

We are now advised by the War Department that it is necessary soon to send supplies there, for at a later season the vessel will be likely to be impeded in her progress by ice, and the result will be the starvation of the people who are engaged in those operations there. The urgency is so great and has been pressed so strongly upon the attention of the Committee on Appropriations that the committee have unanimously directed me to report this joint resolution.

There being no objection, the joint resolution (H. R. No. 239) was received, read three several times, and passed.

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

The latter motion was agreed to.

PERSONAL EXPLANATION.

Mr. ALDRICH. Before the House shall take a recess I desire to say that during the discussion on the river and harbor bill this afternoon, feeling that I had been somewhat unfairly treated by the Committee on Commerce, I made some hasty remarks to my friend from Michigan [Mr. HERR] and said to him that I did not think he knew what he was talking about. I wish to withdraw that remark; I think he did know.

Mr. HAZELTON. I renew it, Mr. Speaker, whatever it is. [Laughter.]

ORDER OF BUSINESS.

Mr. TOWNSHEND, of Illinois. I ask unanimous consent that the order for an evening session to-day be dispensed with, and that instead a session be held on Monday evening next.

Mr. DAWES. I object.

Mr. TOWNSHEND, of Illinois. I hope the gentleman will not object.

SARAH C. GOLDBERMAN.

Mr. RICE, of Ohio, (by Mr. DAWES,) by unanimous consent, reported from the Committee on Invalid Pensions the bill (S. No. 603) granting a pension to Sarah C. Golderman; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

LEAVE OF ABSENCE.

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

To Mr. LE FEVRE, for one week, on account of important business.

To Mr. ROBINSON, of Massachusetts, for three days.

To Mr. URNER, indefinitely, on account of sickness in his family.

To Mr. MILLER, for four days, on account of important business.

LEAVE TO PRINT.

Mr. VAN VOORHIS asked and obtained leave to have printed in the RECORD some remarks he had prepared upon the bill (H. R. No. 5669) to regulate immigration. [See Appendix.]

WITHDRAWAL OF PAPERS.

Mr. JOYCE asked and obtained leave to withdraw from the files of the Forty-fifth and Forty-sixth Congresses the papers in the case of Merritt Barber; no adverse report.

Mr. CAMP asked and obtained consent to withdraw from the Committee on Claims the bill (H. R. No. 3009) in addition to an act for the relief of Obadiah B. Latham and Oliver S. Latham, approved March 3, 1863.

ORDER OF BUSINESS.

Mr. TOWNSHEND, of Illinois. I understand that the gentleman from Ohio [Mr. DAWES] withdraws his objection to my proposition that the session for this evening be dispensed with.

The SPEAKER. The time for the recess has arrived.

Mr. TOWNSHEND, of Illinois. A motion to adjourn would be in order.

The SPEAKER. That motion would not now be in order. The hour of five o'clock having arrived, under a previous standing order of the House the Chair declares the House now in recess until eight o'clock p. m. At the session of this evening the gentleman from Maine [Mr. REED] will occupy the chair as Speaker *pro tempore*.

EVENING SESSION.

The recess having expired, the House reassembled at eight o'clock p. m., Mr. REED in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

Mr. PRESCOTT. I move that the House resolve itself into Com-

mittee of the Whole for the purpose of considering pension bills on the Private Calendar.

The motion was agreed to.

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

Mr. PRESCOTT. In order to save time I move that bills of the following titles, the first six of which have been informally passed over on one or two previous evenings, be informally passed over tonight: a bill (H. R. No. 2142) granting arrearages of pension to Andrew J. Morrison; a bill (H. R. No. 1218) for the relief of the widows of John R. Gale, Spencer D. Gray, Lemuel Griggs, Malachi J. Brumsey, I. Munden, Lewis White, and George W. Wilson, of North Carolina; a bill (H. R. No. 1976) granting a pension to the minor children of Aaron Sheridan, deceased; a bill (H. R. No. 1736) granting a pension to Horace S. Speer; a bill (H. R. No. 2328) granting a pension to Joseph R. Benjamin; a bill (H. R. No. 1027) granting a pension to Agnes Fairley; a bill (H. R. No. 134) to remove the charge of desertion from the military record of Albert F. Paden; a bill (H. R. No. 2812) granting a pension to James King; a bill (H. R. No. 291) granting a pension to William Boone; and a bill (H. R. No. 5505) granting an increase of pension to John O. O'Neill. I do not include in this motion the case of Eliza J. Yarnall because gentlemen who are present this evening desire to have that case considered.

The CHAIRMAN. If there be no objection the bills indicated by the gentleman from New York will be informally passed over.

There was no objection.

SIMEON CRAIN.

The first pension bill on the Private Calendar was the bill (S. No. 832) granting a pension to Simeon Crain.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Simeon Crain, of Bath County, Kentucky, as a first lieutenant in the Twenty-fourth Regiment Kentucky Infantry, subject to the limitations and provisions of the pension laws.

Mr. HEWITT, of Alabama. Let me hear the report.

The report was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. No. 832) granting a pension to Simeon Crain, of Bath County, Kentucky, respectfully report:

That Simeon Crain was chosen first lieutenant of a company of State Guards in Bath County, Kentucky, and with his company was mustered into the service of the State preparatory to being mustered into the service of the United States. Said company was supplied with arms from the State arsenal at Frankfort, Kentucky. Learning that a body of men were on their way to join the confederate forces near Prestonburgh, the company marched from Owingsville, where it was organized, to intercept them; falling in this it reported to and was placed under command of General Nelson, commanding United States forces at Olympian Springs. There it was supplied with clothing and other equipments by the United States, and, with other companies similarly situated, was organized into the Twenty-fourth Kentucky Volunteers, and there being no mustering officer there, served several weeks before being mustered into the service of the United States.

Early in October, 1861, General Nelson ordered a forward movement, in which claimant's company participated. On the evening before such movement, General Nelson in person ordered the guns of the company to be discharged and cleaned. This order was given when the company was drilling and was obeyed. Claimant had in his possession the musket of a private who had been excused from drill on account of sickness, which claimant discharged in obedience of General Nelson's order; it burst in his hands, inflicting a severe wound in claimant's left hand and wrist, from which he has substantially lost the use of his left hand and arm. His wound was dressed by the regimental surgeon, and when his company marched the next morning claimant was left behind. The company was engaged in several skirmishes with the enemy, after which it returned to Olympian Springs, and from thence was ordered to Louisville, where, on the 12th day of November, 1861, it was mustered into the service of the United States. Claimant went with his company to Louisville, but was unfit for muster; there he was placed in general hospital, where he remained for some time.

Subsequently he went with his company to Mumfordsville, where he applied to be mustered in, but was refused on account of his wound. At Mumfordsville he was advised and prevailed upon to return home, which he did reluctantly. He immediately recruited Company M, Seventh Kentucky Cavalry, serving as its captain through the war with credit, and was honorably discharged July 10, 1865. During a portion of his service he was attached to General Granger's staff. Claimant made application to the Bureau of Pensions, which was refused upon the ground that he was not technically in the service of the United States at the time of receiving his wound.

In view of the fact that it was through no fault of the claimant that he had not been mustered into United States service, and that he was under command of United States officers, and in the act of obeying General Nelson's personal command when he received his wound, the committee are of opinion that he is entitled to a pension, and recommend that the bill do pass.

Mr. WILLIS. Is this the first bill on the Calendar? I understand that the first bill is that granting an increase of pension to Eliza J. Yarnall.

Mr. MANNING. That bill was excepted from the request of the gentleman from New York, [Mr. PRESCOTT.]

Mr. PRESCOTT. That is the fact. We can take up the Yarnall case after the pending bill is disposed of.

There being no objection, the bill was laid aside to be favorably reported to the House.

ELIZA J. YARNALL.

The next bill on the Calendar was the bill (H. R. No. 4535) granting an increase of pension to Eliza J. Yarnall.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Eliza J. Yarnall, widow of the late Captain Mordecai Yarnall, upon the pension-roll, and pay her a pension at the rate of \$50 per month instead of the pension now paid to her under the law, the said increased pension to commence from the date of the passage of this act.

Mr. DAWES. I call for the reading of the report.

The report was read, as follows:

The Committee on Invalid Pensions, to which was referred the bill (H. R. No. 4535) granting an increase of pension to Eliza J. Yarnall, has had the same under consideration, and begs leave to submit the following report:

The petitioner is the widow of Mordecai Yarnall, who was appointed professor of mathematics in the Navy in 1839, and served in that capacity until his retirement, April 16, 1878. He died at Georgetown, District of Columbia, February 27, 1879. During the last sixteen years of his service he was stationed at the Naval Observatory in Washington. He was a man of very fine scientific attainment. It is said of him:

"Professor Yarnall was a hard-working, patient, faithful laborer in that Observatory for about thirty-five years, working with little vacation, with great constancy, (continuing to labor even after his age had retired him,) spending large portions of his nights in making observations and of his days in computing, arranging, &c., with that laborious patience and endurance which nothing but a deep love for his work and profession could inspire. The fruit of his stargazing appears in his catalogue of stars, two editions of which have been published by Government. The second edition, revised, enlarged, and prepared for publication after he was placed on the retired list, was the last work of his life, and the first printed copy reached him a few hours after his death. * * * No more faithful labor than his was ever done in that Observatory, or elsewhere."

Professor Yarnall's widow receives the full pension provided by law, \$20 per month. She is said to be in "narrow circumstances" and in very bad health.

This case is perhaps as deserving a one of its class as could be found. But, nevertheless, this committee does not see in the case anything not liable to result to the family of any officer in like service. Nothing arises in the case to show that extraordinary hardships or sufferings from war service in any way caused or hastened Professor Yarnall's death. For many years this officer had before him the law as to the rate of pension, (since 1862.) His compensation for service was \$3,500 per annum. The Government cannot be held to be in fault for the present narrow circumstances of the widow, and to establish a precedent in that direction would, in the judgment of this committee, be wrong.

Your committee therefore reports adversely on the bill, and asks to be discharged from its further consideration.

Mr. WILLIS. Mr. Chairman, I sincerely hope that this committee, after hearing the brief statement of facts which I shall make, will conclude to report this case favorably to the House. It will be remembered by those that were here last Friday evening that this bill was then defeated in Committee of the Whole by a vote of one majority; but when the report of the committee came to the House the action of the Committee of the Whole was reversed, and the case went back to the Calendar under the rule. We are now to consider the bill again, and I hope finally.

There are one or two facts connected with this case which distinguish it from other cases. The committee have very properly said that upon the evidence this is as deserving a case of its class as can be found. The facts are these: Commodore Yarnall was for nearly forty years in the service of his country. During the last fourteen years of that time he filled one of the professorships in the Naval Observatory. The evidence in the case shows that his health was impaired by reason of his long and faithful service in the Observatory. The work to which he was particularly assigned was the catalogue of stars, which required that he should give his time late at night and early in the morning; sometimes till two and three o'clock in the morning.

During these labors, pursued at these unseasonable hours, at the Observatory, located as at present upon low grounds, he contracted malaria. The disease took hold of his system, as is testified by the physicians in this case; and as the result, in their opinion, he was suddenly stricken down without warning, at the conclusion of his life-work. I say, "at the conclusion of his life-work," because on the very day that the last proof-sheet of this work known as the "catalogue of stars" was brought to him he fell dead.

I will therefore assume it to be true, upon the evidence in this case (and I regret that on account of the misplacing of the papers we cannot read the exact language used by the physicians who have testified)—upon the evidence in the case I assume that the death of Commodore Yarnall was due to the service rendered by him in the Navy and the Observatory. It was the result of the exposure and the malaria contracted while serving his country in an official capacity.

Now, this report shows that his widow is left in very narrow circumstances. She has others dependent upon her. Without fault on her part, without fault on his, unless it be a fault to be generous and charitable whenever a demand is made upon one, otherwise without fault, it so happens at the conclusion of a long life of forty years in behalf of his country he dies suddenly and leaves his family in destitute circumstances. These are facts undisputed.

It appears from the report of the committee after he was retired he gave over a year of his services to the Government and over a year of his services to the work of a "catalogue of stars," which is now cited as authority in the observatories of the world. And as a distinguished professor, himself an officer in the United States Army, remarked to me, commenting on what to him seemed the surprising result of the failure of this bill to pass on last Friday, "Sir, if Professor Yarnall had done in England or France or any European country the work he has done for this country he would have been knighted and his family pensioned outside of any law of falling in the line of duty."

The character of work he had bequeathed to the Government would of itself, outside of all other facts presented in this case, and which of themselves are claimed to be sufficient to put it in the line of other precedents—I say outside of the character of the work he has bequeathed as a legacy to the country he would, in the judgment of this distinguished officer, have been in any other country in the world not only entitled to a pension but to knighthood.

But what further appeared? I call the attention of the committee especially to this fact, that this is the only case brought before Congress where the pension to be paid comes, not out of the taxes collected for pension purposes, but comes from a special fund set apart, consecrated by law for the payment of Navy pensions. Who pays that fund? It is paid by contributions of the officers and seamen of the Navy.

Now, then, I hold as an equitable construction of this case that this fund, out of which this pension is to be paid, being created by the officers and seamen of the Navy, and the payment of this not being a demand on the tax-payers of the country, that the judgment, the opinion, the feeling if you please, of those officers and seamen who provided this fund should be entitled to some consideration by the members of this committee, and they are here by affidavit, they are here by their appeal, asking this Congress and this committee to grant a pension to Commodore Yarnall that his widow asks by this bill.

In view, then, of these facts; in view of the long service of this man in behalf of the country; in view of his sad death, occasioned, as the evidence shows, by exposure in this death-pit known as the Observatory; in view this is to be paid out of a special fund contributed by the officers and seamen of the Navy, who all appeal to you to grant the pension; in view of the old age of the widow and the amount asked is only an increase of \$30 per month; and further, in view of the fact that within a few years this will not continue; in view of all these facts, and I do not desire to take up the time of the committee, I appeal, not as an act of charity, but as an act of justice, in view of the precedents made heretofore and that will be read to you to-night by the gentleman from Mississippi, [Mr. MANNING,] to you to give to this widow the pittance she asks to enable her in her old age to support herself and those dependent upon her.

Mr. DAWES. Mr. Chairman, this case has been fully discussed, and I will occupy the attention of the committee but for a short time. I drew the report which has been read, and which was sustained by the unanimous vote of the Committee on Invalid Pensions, and which I think is right.

The reason the committee reported adversely was, as stated in the report, that it would introduce a class of pensioners, so far as the committee is concerned, which it was believed should not be a burden upon the pension-roll. Professor Yarnall was a professor of mathematics in the Navy; he was a distinguished scientist; he did service for science which was of great value to science and the Government without doubt, but the Government paid him \$3,500 a year. I suppose the compensation to this scientist was a great deal higher than the compensation throughout this country to men who devote their lives to science. He was well and liberally paid; he was not a soldier but a scientist, a gallant and meritorious "star-gazer."

Mr. WILLIS. The gentleman does not mean to say he was not a commodore in the Navy and served for forty years?

Mr. DAWES. He was a professor of mathematics.

Mr. WILLIS. Served for ten years in the West and East Indies, and in the Mexican war.

Mr. DAWES. As a professor of mathematics.

Mr. WILLIS. As a commodore in the United States Navy.

Mr. DAWES. But he was simply a professor of mathematics in the Navy.

Mr. WILLIS. He was, of course; but he performed other services, also. He was a commodore in the Navy, and performed active service for many years.

Mr. DAWES. Those facts were never presented before the committee in support of the application. The application was made, and the statement before the committee was that he was a professor of mathematics in the Navy; and those were the facts upon which we passed. Now the widow receives the pension of \$20 a month allowed by the law to a widow of a professor of mathematics, and he at least rendered service as that. He held the position here for sixteen years, and it was the malaria of your flats, which he stood for that period, which finally killed him, although he lived to be an old man. Now, that is the case which was presented to the Committee on Invalid Pensions, and on those facts they did not believe it to be just to the pensioners, the soldiers and sailors who had to pay this money, who raised this special fund, that an exception should be made in favor of the service of a scientist who had been abundantly paid for the sixteen years of service which he had rendered at \$3,500 a year. That is the ground on which the action of the committee was based. It was the unanimous action of the committee, and I believe it was right. I ask the honorable gentleman from Kentucky whether a professor of mathematics in the Navy contributes to that fund at all? His statement, as I understood it, was that he had been a contributor. I ask that for information.

Mr. WILLIS. The gentleman from Ohio certainly understands that as a professor of mathematics he was assigned to that duty; but he was still an officer in the Navy. He was a member of the Navy at the time he was assigned to duty as a professor of mathematics; and he did contribute to that fund, and had contributed to it for forty years.

Mr. DAWES. What was his rank?

Mr. WILLIS. He was a commodore in the Navy, and in that position contributed for forty years to this service.

Mr. MANNING. Mr. Chairman, I shall not speak more than a moment or two in support of this bill. The gentleman from Ohio when

he speaks of Professor Yarnall having been a professor of mathematics and engaged wholly in the civil service of the Navy forgets that for eleven years he was upon different steamers in active service. I hold a memorandum in my hand which is entirely correct, as I am assured, which shows that his total service was eleven years in the Navy, in the South Atlantic and Pacific stations, in the Asiatic, and also in the Mediterranean stations, and he was at the Observatory for twenty-six years. Of course, Mr. Chairman, we all know that the Government paid him annually his full salary, and there is no proposition before the committee now to ask that his widow shall be paid something that he ought to have received in his lifetime.

This is a proposition merely to increase the pension of \$20 a month to \$50 a month. The question of her being entitled to a pension has been adjudicated. Nobody controverts the fact that she is a proper subject for the bounty of the Government. By law, however, she is only able to get \$20, that being the sum fixed as her compensation under the circumstances. We say that law ought to be corrected in this respect: that is to say that a special bill should be passed giving her \$50 a month instead of \$20. And we say it now in the light of many instances that I might give showing that similar facts have been placed before previous Congresses, and almost invariably relief has been granted in such cases. I assert, then, confidently, in the light of past facts, that the case of Mrs. Yarnall is more meritorious than any of the half dozen cases which I have now before me. The coexistence of two facts in almost every case that has been presented to Congress, as far back as I have gone in my investigation, has invariably been regarded as a proper warrant for granting a pension. These coincident circumstances are, first, the necessitous circumstances of the widow, and second, the distinguished services of the deceased husband.

Now, the gentleman who makes the report in this case tells us that it is a very deserving case; that no more deserving case could be found than the one we are now discussing; no more faithful laborer was ever known in the public service. Yes, Mr. Chairman, after he was retired; after he was entitled to sit down and fold his arms, he went on in the service of the Government, wrote a most valuable book after his retirement, the proof-sheets of which only reached him some two hours before his decease. This good lady, his widow, is in exceedingly necessitous circumstances. I know that to be a fact personally. Twenty dollars a month is her support, and it is the support of two invalid sisters who make their home with her.

I do not deem it necessary to add to the statement or argument submitted by the gentleman from Kentucky, [Mr. WILLIS,] but will submit the case to the judgment of the committee. The last expression of the House was a clever majority in favor of her application, in the concluding hours of the last pension night, just one week ago. I hope the pension will be granted.

Mr. WILSON. I desire to say a word upon this subject, and in vindication of the Committee on Invalid Pensions. When I commenced my career in Congress, eight years ago, I was placed upon that committee and have very deep sympathy with them. Understanding to some extent the rules by which they are governed, I will say if I had been a member of that Committee on Invalid Pensions I would have made the report in this case substantially as it has been made by the committee now. I would have done so for the reasons I propose to assign.

The committee itself is controlled by the law on the subject. They report the facts which were before the committee. There was no legal claim on the part of Commodore Yarnall's widow upon this fund. The House, however, is controlled by a wholly different rule. The House can, if it desire to do so, award a pension to the party where there is an equitable claim. And it does strike my mind very forcibly that there is a clear, equitable claim on the part of the widow of Commodore Yarnall to this fund.

It is not a fund, as my friend from Ohio [Mr. DAWES] seemed to suppose, created for the use of the Federal soldier. It is a fund created for the use of the seamen—the naval force. It is created by contributions from the sailors, from the officers, and from the seamen themselves; and as I remember very distinctly it is created in part by prize-money. The prize-money fund amounts to about \$14,000,000. That prize fund has been accumulating for the last fifty years. It was contributed to at a time when Commodore Yarnall was a member of the Navy; and awarding to this widow this pension, to which I think she has a clear, equitable title, is simply awarding to her a part of the fund to which Commodore Yarnall contributed when he was in the Navy and on the high seas.

The committee is controlled to some extent by the rigid rule that controls the Commissioner of Pensions. But it is in the power of this House, and it would be a commendable act on the part of this House where there is an equitable claim to award to this party the small pittance asked for.

I understand there are a large number of affidavits from the gentlemen who contributed to this fund making a statement, and making it under oath, that this lady is clearly entitled to this pension. Far from there being any expression of dissent on the part of the sailors and seamen, they are all in accord with the idea of granting the lady this pension.

There is no one to contest it on their part. The Committee on Invalid Pensions have been controlled by the rigid rules which have

governed them, and I commend them for their vigilance. But now we have the case in a different forum where an equitable view can be taken, and where we can award to this widow a pension she is clearly entitled to. She is far advanced in life and can in all human probability live but a few years longer. Therefore, when the equity is shown and when it appears that all those who are interested in the fund are content that this pension shall be awarded, I hope the House, without hesitation, will agree to accord it to this lady.

Mr. MILLS. I desire, in support of the view of the gentleman from West Virginia, [Mr. WILSON,] that this House ought to deal with this matter from an equitable point of view, to state that a few sessions ago we had a case of this sort brought before us, the increase of the pension of General Shields, who was drawing a pension such as he was entitled to under the law. The House, upon the representation that in his old age he was very poor and almost destitute, increased his pension. The committee, I believe, brought in a bill to give him \$50 a month, and I remember that on my motion we struck out \$50 and inserted \$100 a month. We granted that pension to him, and that old man drew the bounty thus voted to him till the end of his life.

Mr. DAWES. General Shields was shot through the body by a grape-shot.

Mr. MILLS. Yes; he was shot through the body and he had his arm shot off, and he was shot all about generally. And this House, because he had rendered distinguished service to his country, gave him not only the legal pension, but gave him an additional equitable pension.

Now, here is a case appealing to the House on the ground of the equity of the case, by a long line of distinguished services rendered by Commodore Yarnall to his country.

Mr. DAWES. Now will the gentleman tell me where Professor Yarnall was shot?

Mr. MILLS. Where Professor Yarnall was shot? I do not know the facts in the case, but I know that he rendered distinguished services to his country.

Mr. DAWES. That is the distinction we make; in this case there is no war service.

Mr. MILLS. I am not criticising the action of the committee; but I hold, with the gentleman from West Virginia, [Mr. WILSON,] that this is a case where equitable considerations strongly appeal to the American people through their representatives in Congress; and I, for one, am in favor of granting this increased pension.

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

Mr. BROWNE. I must ask a division. I do not want to talk any more about the case.

The committee divided; and there were—ayes 22, noes 10.

So (further count not being called for) the bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

GEORGE GANS.

The next pension business on the Private Calendar was the bill (S. No. 1301) granting an increase of pension to George Gans.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of George Gans, late a sergeant in Company D, Thirty-sixth Wisconsin Volunteers, so as to pay him \$24 per month instead of \$18, as at present, to commence from and after the passage of this act.

The report of the Senate Committee on Pensions is as follows:

The Committee on Pensions, to whom was referred the bill (S. No. 1301) granting an increase of pension to George Gans, late a sergeant in Company D, Thirty-sixth Wisconsin Volunteers, have examined the same and respectfully report:

The disability of claimant arises from loss of right hand, in consequence of wound received at battle of Petersburg, Virginia, in 1864, and from a gunshot wound in his left leg, received at Slaughter Mountain, Virginia, August 9, 1862. He is at present in receipt of a pension at the rate of \$18 per month for loss of right hand, which cannot be increased under the provisions of the pension law. It will be observed that no account can be taken of the wound in his leg under the law as it now stands in rating his pension.

His application for an increase to \$24 was rejected by the Commissioner, who gives reasons therefor as follows:

"He is now in receipt of a pension under certificate 51631 of \$18 per month, for loss of right hand. The next higher rate is \$24 per month, and the law provides that in order to entitle him to that rate he must be so disabled by reason of his combined disability as to be incapacitated for the performance of any manual labor. As it did not appear that he was so disabled from loss of right hand and gunshot wound of left leg, the claim for increase was properly rejected on the ground that he was in receipt of all the pension to which entitled under existing law."

At his last examination, November 13, 1880, his disability is thus described by the examining surgeon:

"Hand amputated at radio-carpal joint, has a good stump, gunshot wound left leg. Ball entered the leg in the lower third, passing from the external to the internal surface over the anterior part of the bone, splintering the bone, leaving his ankle joint partially stiff, foot swelled and veins varicose, leg frequently ulcerated, patient unable to walk without pain."

Testimony of two neighbors, March 3, 1881, is that at times during the summer of 1880 the claimant was able to drive a team during harvest, but at times was confined to his bed and not able to be around at all on account of his leg. The disability appears to be permanent.

In the opinion of the committee, the claimant is equitably entitled to the increase asked, and the passage of the bill is recommended with an amendment, by adding to the bill the words "to commence from and after the passage of this act."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FREDERICK A. GARLICK.

The next business on the Private Calendar was the bill (S. No. 1218) to restore to the pension-roll the name of Frederick A. Garlick. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the interior be, and he is hereby, authorized and directed to restore to the pension-roll, from the date of April 2, 1877, subject to the provisions and limitations of the pension laws, the name of Frederick A. Garlick, late a sergeant of Company K, Seventy-sixth New York Volunteers, who was admitted to such roll by virtue of a special act of Congress approved April 9, 1872, and payment of which pension was suspended, under section 4720 of the Revised Statutes, on the said 2d day of April, A. D. 1877.

Mr. HEWITT, of Alabama, and Mr. HOLMAN called for the reading of the report.

The CHAIRMAN. The Chair would suggest that this is a very long report. It might save time if an explanation should be given by the gentleman who reported the bill.

Mr. HEWITT, of Alabama. I think the House ought to know the facts.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. No. 1218) to restore to the pension-roll the name of Frederick A. Garlick, have fully examined the evidence presented by the Pension Office in the case, in connection with the report of the Senate Committee on Pensions, and, fully agreeing with the conclusions reached by said committee, beg leave to adopt its report, which is as follows:

"We find from the papers submitted to Congress by the Commissioner of Pensions, and by those on file in the original claim of the petitioner, that Frederick A. Garlick, whose pension certificate is numbered 117431, was formerly a sergeant Company K, Seventy-sixth Regiment New York Volunteers; that his pension was allowed May 25, 1872, by virtue of a special act of Congress approved April 9, 1872, granting him a pension at the rate of \$15 per month from the date of the passage of the act, on account of the amputation of his right thigh, and which was subsequently increased to \$24 per month.

"On the receipt of satisfactory evidence that fraud was perpetrated in obtaining such special act, payment was suspended April 2, 1877, until the propriety of repealing the same can be considered by Congress, as directed by section 4720, Revised Statutes."

"In transmitting the papers the Commissioner says: 'It appears to be clearly established by the testimony taken by the special agents that the injury which resulted in the amputation of the thigh existed prior to enlistment.'

"The case was first brought to the attention of the Commissioner of Pensions by a report made by a special agent of the office, accompanied by an affidavit of a citizen to the effect that the pensioner had sustained the injury which necessitated the amputation of the leg prior to his enlistment.

"In accordance with the provisions of the section of the Revised Statutes before quoted, the payment was suspended, and two investigations by as many special agents have been made.

"The pensioner alleges that shortly after his enlistment he was acting as orderly sergeant of the company, and on getting out of the cars at Albany, New York, he received an injury of the knee joint which resulted in synovitis, and, nearly ten years after, amputation was rendered necessary.

"The pensioner enlisted October 16, 1861, and was discharged the service October 16, 1862. The accident by which the disability is alleged to have originated occurred December 18, 1861.

"The investigations by the special agents seem to have been exhaustive and to have been fairly conducted, but the results are far from satisfactory.

"The pensioner, prior to the amputation of his leg, in 1865 filed an application for a pension upon the ground of chronic rheumatism of right hip and knee, alleged to have been contracted at Albany in December, 1861; not mentioning the disability for which, after the amputation in 1872, he claimed his pension should be granted.

"The pensioner was called upon and thoroughly cross-examined by both agents, at periods of six months apart.

"He states that while he was at school in 1856 he did receive an injury, from which he entirely recovered, and he produces a large number of witnesses who testify as to their knowledge of his entire recovery, and of his ability to perform manual labor.

"He also says that when he made his first application for a pension he supposed that the agent who prepared his application inserted, as one of the grounds for a pension, the disability resulting from the injury which is alleged to have rendered amputation necessary.

"Witnesses in large number swear that they knew the petitioner to have been lame for years before his enlistment, dating that disability from a wrestling match while the pensioner was at school in 1856, and that he was unable to do a day's work during the year preceding his enlistment. It is impossible for the committee to say which of these two classes of witnesses are mostly entitled to credence.

"Of like character to the evidence recited above are a variety of memorials presented to the Commissioner of Pensions. One, signed by sixty citizens, recites their belief that the man is not entitled to pension, while another, signed by as many more citizens, says that the memorialists who are adverse were actuated by motives of spite, envy, and jealousy. Much of this testimony and remonstrance appeared in the case when the question of pension was originally before Congress, but the special act was passed, and on the investigation by the Pension Office the same adverse and favorable neighborly feeling appears; and, if possible, is more positive and direct upon the one side and the other than when the case was before the Commissioner and Congress.

"The fact would seem to be that most of the people in the section of the country where the petitioner resides have taken sides for or against him, and a great amount of feeling is evinced.

"The only facts which the committee deem well established are that the pensioner did receive an injury to one of his limbs in 1856; that he applied to enlist in the Army of the United States as a member of a New York regiment in 1861; that he was examined by the authorized medical officers of the regiment; was accepted and mustered into service; that while in line of duty with his company he received an injury to his right knee joint; that this injury incapacitated him from duty; that he was finally discharged for the disability thus occasioned.

"His discharge was in 1862, the amputation in 1871. Whether the condition of his knee which rendered amputation necessary was due to the injury received in 1861 while in the service or to the earlier injury in 1856 is not shown by any clear preponderance of testimony; but the committee think the presumption is in favor of the pensioner, from the fact of his examination at the time of enlistment and his acceptance by the Government.

"In reference to his examination, however, it is but fair to state that the same contradiction of testimony appears which exists as to the other features of the case.

"Dr. Nelson states in one of his many affidavits:

"That he was appointed surgeon of the Seventy-sixth Regiment New York Volunteers on the 11th day of October, 1861; that he, in company with Dr. George V. Bradford, examined Frederick A. Garlick about the latter part of the month of

October, 1861, and that said Garlick was sound to the satisfaction of us both at the time; that on or about the 18th or 20th of December, 1861, after the regiment had arrived at Albany, and while the horses and baggage of the regiment were being unloaded, said Garlick received an injury to the knee joint, which became very painful and much swollen, causing a high state of febrile excitement; and after being treated at the post hospital until he could be moved, he was, on my recommendation, sent home.

"Dependent knew nothing more of the history of the case until the war was over; said Garlick came to him with his leg amputated above the knee, and stated to him that the leg was lost in consequence of the injury above stated."

"Dr. Bradford states in one of his affidavits:

"That he examined said Garlick at the date of his enlistment in October, 1861; that he did not examine him as thoroughly as he would for a pension, but depended largely on the representations of the men whom he examined; that he was not naked when he was examined, and he did not see his leg; that he was appointed by the governor of the State of New York to examine the men of said regiment, until Dr. J. C. Nelson joined the regiment, which he did about the middle of November. How he knows that Dr. Nelson joined the regiment about the middle of November is that affiant received pay for his service up to the 1st of November; that Dr. Nelson arrived at the regiment November 1, 1861, and wishing to be absent two weeks, affiant remained and did duty during that time, but Dr. Nelson's commission dating from November 1, he received pay from November 1, and affiant never received pay for his two weeks, and he thought Dr. Nelson ought to pay him; and that Dr. Nelson never examined any of the men enlisted at Cortland until after the middle of November.

"The evidence in the case is utterly perplexing and confusing, and if the committee were asked to pass upon the propriety of granting the pension originally they would hesitate to recommend it. The question to be decided now is whether the pensioner fraudulently obtained the passage of the special act granting him a pension, and whether Congress should repeal that act. Very little that is new has been brought to light by the investigation of special agents. Most of the evidence was before Congress at the time of passage of the special act, and was as contradictory then as now.

"To justify the repeal of the act, we think the evidence should clearly show the alleged fraud, and that new facts should appear, considering the presumption to be in favor of the soundness of the pensioner at enlistment, and that the burden of showing fraud in obtaining the act rests upon the Government, and that it is not satisfactorily shown. The committee cannot recommend the repeal of the act, and therefore report back Senate bill No. 1218 favorably with the recommendation that it pass."

The Clerk began the reading of the report, but before concluding, Mr. BROWNE said: That report is very long; I can state in a very few words what there is in it, if my colleague [Mr. HOLMAN] will allow me to do so.

This pension was originally granted by act of Congress. Subsequently, under the authority of law, the Commissioner of Pensions suspended the payment of the pension upon the allegation that it had been fraudulently obtained. Upon a reinvestigation of the case, the testimony would seem to show to some extent the questionable propriety of the original act.

But it is perfectly clear that the Congress by which the first bill was passed had all the facts before it, all the facts that we have now. We think it lies on the Government to show affirmatively that fraud was perpetrated in order to authorize us to report a bill repealing the act or to authorize the Commissioner of Pensions to suspend the pension.

Mr. HOLMAN. My colleague will excuse me a moment. In the early part of this report there is some statement about this pension having been increased from \$15 a month to \$24 a month. Was that by a special act?

Mr. BROWNE. The pension was originally granted by a special act.

Mr. HOLMAN. Which act is it that was alleged to have been fraudulently obtained?

Mr. BROWNE. The only pension which this person received was a pension by a special act of Congress. Congress passed the act by which this person was placed on the pension-roll, and then the Pension Office determined the rate of disability and fixed the rate of pension.

Mr. HOLMAN. How about the increase of the pension?

Mr. BROWNE. That was done by the Commissioner of Pensions.

Mr. HOLMAN. Not by a special act of Congress.

Mr. BROWNE. No. The special act of Congress directed the name to be put on the pension-roll, and then the Commissioner of Pensions ascertained the extent of the disability and fixed the amount of the pension.

Mr. HOLMAN. I inferred from the first part of this report that the increase of pension was also by special act of Congress.

Mr. BROWNE. I may have misled my colleague; but I state it correctly now.

Mr. HEWITT, of Alabama. It seems that this pensioner filed an application in the Pension Office for a pension upon the ground of rheumatism. I suppose that application was rejected, and that he never was pensioned by the Pension Bureau. His application as originally filed alleged disability from rheumatism contracted in the service. The special act directed his name to be placed on the pension-roll on account of an injury to the knee received in getting off the cars in New York.

Mr. BROWNE. I think the injury was incurred in camp, perhaps at some time when he was engaged with the mule wagon-train there.

Mr. HEWITT, of Alabama. No; your report says—

Mr. BROWNE. It is a long report. The whole point is—

Mr. HEWITT, of Alabama. I know it is a long report, and it is very much mixed.

Mr. BROWNE. No; not much mixed.

Mr. HEWITT, of Alabama. Yes it is; I have read it.

Mr. BROWNE. Allow me a moment. The testimony upon which

the original pension was granted is mixed; it was mixed at the time Congress considered the case in the first instance. But Congress considered the case and passed the act, and it became a law.

The question now is, what shall this Congress do about it? I say that this Congress can repeal the act only provided it appears that it was originally obtained by fraud. Now, it is not pretended that anything of that kind occurred. There is now simply the same conflict of testimony about the case that there was then. We think the act which Congress passed ought to continue, unless we have new light on the subject.

Mr. HOLMAN. My colleague, I understand, takes this view of the matter: that it is quite unimportant whether the testimony originally was clear or not, and the only question is whether or not Congress had the same facts before it then as we now have.

Mr. BROWNE. That is my idea about it, and I think the propriety of that will appear to my colleague. Otherwise we may proceed to reconsider every special act that has been passed by any Congress, and may proceed to take testimony to determine whether the Congress that passed the act had the right to do so on a particular state of the facts.

Mr. HEWITT, of Alabama. In support of what I have said, I desire to read from this report. I will detain the committee but a moment:

The pensioner alleges that shortly after his enlistment he was acting as orderly sergeant of the company, and on getting out of the cars at Albany, New York, he received an injury of the knee joint which resulted in synovitis, and, nearly ten years after, amputation was rendered necessary.

Further along in the report it is stated:

The pensioner, prior to the amputation of his leg, in 1865, filed an application for a pension, upon the ground of chronic rheumatism of right hip and knee, alleged to have been contracted at Albany in December, 1861, not mentioning the disability for which, after the amputation in 1872, he claimed his pension should be granted.

I have nothing further to say on the subject.

The CHAIRMAN. If there be no objection, the bill will be laid aside to be reported favorably to the House.

There was no objection, and the bill was accordingly laid aside to be reported favorably to the House.

WELLINGTON V. HEUSTED.

The next bill on the Private Calendar was the bill (H. R. No. 361) granting a pension to Wellington V. Heusted.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Captain Wellington V. Heusted, late of Company B, Twenty-ninth United States Colored Troops.

The amendment reported by the committee was read, as follows:

At the end of the bill, strike out all after the words "name of" and insert "Wellington V. Heusted, late a sergeant of Company I, Third Michigan Cavalry, and captain of Company B, Twenty-ninth United States Colored Troops."

The amendment was agreed to.

Mr. HOLMAN. Let the report be read.

Mr. DAWES. The report is very long. Perhaps I can state the facts to the satisfaction of the gentleman and the report can be published in the RECORD.

This is the case of a soldier who was absent on furlough—not sick or veteran furlough; and while returning to his regiment, upon a steambot on the Arkansas River, he was shot by the bushwhackers. He had been ordered by an officer to take charge of some convalescents and was performing that duty at the time he was shot. The order to perform this service was received by him at Devall's Bluff on the river, not a great distance from the camp. The application in this case was rejected at the Pension Office because the man had been absent on furlough—not sick or veteran furlough. He was shot in the arm, and also, according to the medical evidence, suffered frost-bite in his hand, the result of the two injuries being very severe.

Mr. HEWITT, of Alabama. On what ground was the application in this case rejected by the Pension Bureau?

Mr. DAWES. Because the man was absent on furlough, not sick or veteran furlough.

Mr. BROWNE. The law forbids the granting of a pension for an injury received while the soldier was absent upon furlough, if it be not a sick or a veteran furlough. This soldier had not yet reached his command; he was going to it, and while on his way was under the orders of a superior officer put in charge of certain convalescents. He was performing military duty under the orders of a superior officer.

Mr. HEWITT, of Alabama. He was in the line of duty.

Mr. BROWNE. There is no question about that. His application was ruled out on the purest technicality in the world.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 361) granting a pension to Wellington V. Heusted, submit the following report:

An examination of the papers filed in the Pension Office, and now before this committee, in the case of Wellington V. Heusted, shows that he enlisted in Company I, Third Michigan Infantry, on the 21st day of September, 1861; re-enlisted as a veteran January 19, 1864, and was mustered in as captain of Company B, Twenty-ninth Regiment United States Colored Troops, December 15, 1864, and served in such capacity until mustered out November 6, 1865. In his application for pension he alleges that while serving in the first-named organization he received a gunshot wound in right arm while on board the steambot Kenton, on White River, Arkansas, fired from a rifle in the hands of bushwhackers, who made an attack on said boat.

He also alleges that while serving in the last-named command, while on picket duty in front of Richmond, about January 21, 1865, he had his right hand frozen, it being rendered more susceptible of the action of cold by the previous gunshot wound. This claim has been rejected by the Pension Office upon the ground that the frost-bite would not have been incurred but for the decreased power of resistance produced by the gunshot wound which, in the opinion of the Pension Office, was not incurred in the line of duty. It appears from the affidavits of the claimant that on the 13th day of May, 1864, he received a furlough for the purpose of attending the free military school at Philadelphia, for the purpose of securing promotion, and was ordered to Washington, D. C., from there for examination by Major-General Casey's board about June 10, 1864. He was examined, and passed as captain June 29, 1864, and was ordered to rejoin his regiment, (Third Michigan Cavalry,) which he had left at Saint Louis, Missouri.

On his arrival in Saint Louis he learned that his regiment had embarked for Devall's Bluff, Arkansas, and at once reported to the commanding officer at Saint Louis, who ordered him to go by steamer, with the Third Arkansas Cavalry, to Devall's Bluff. On his arrival there, failing to find his command, he reported to the commanding officer of that post, who ordered him on board of the steambot Kenton, in charge of a detachment of recruits and convalescents, en route to join their command, the sergeant having had charge of the same being taken sick and unable to proceed any further. While on said steambot, and in charge of said detachment by order of the commanding officer of Devall's Bluff, near Clarenton, Arkansas, on the White River, the boat was fired into by the enemy, and he was wounded in the right arm. He was treated for his wound upon his arrival at his command by the assistant surgeon of the regiment, whose present whereabouts is unknown to him, and, therefore, cannot furnish the evidence of treatment required by the Pension Office. He shows, however, by the affidavit of physicians that he did receive treatment for a wound shortly afterward while at home on sick furlough, and that at the expiration of his sick furlough he procured extension by reason of the continuous disability from the wound.

The records of the War Department, covering the period of his alleged absence on leave to attend the military school, as well as his return to his command, and the date of the receipt of his wound, would show him present with his command until June 13, 1864, and on sick furlough since August 10, 1864. The Adjutant-General, however, reports that the charge of absence without leave was subsequently removed, and that he was furloughed May 12, 1864, for thirty days to enable him to appear before the board at Washington for promotion; returned to command July 30, 1864, and was again furloughed August 19, 1864.

The position taken by the Pension Office that the soldier was not in line of duty at the time of receiving the wound (the receipt thereof being admitted) is because of the fact that the soldier was absent on furlough, not sick or veteran furlough. It is true that he was not performing military duty while on said furlough until he reached Devall's Bluff on his way to his command, but having at that point been assigned to duty—that of taking charge of a number of recruits and convalescents—by the orders of an officer of the Army duly authorized to make such order, it should be held that from the time of taking command of this detachment he was performing military duty in obedience to the orders of his superiors, and that the wound received while in performance of his duties was received in the line of duty, so as to bring him within the provisions of the pension laws. That the claimant's right hand was frost-bitten at the time and place alleged is clearly shown by the affidavits of officers and surgeons of his regiment. The medical referee of the Pension Office says:

"It may very well have been that the frost-bite would not have been incurred but for the decrease of power of resistance produced by the prior gunshot wound, but I cannot see that the claim for it can be admitted, for the reason that it would be in fact admitting the wound (though indirectly) which was not incurred in the line of duty. In rejecting the wound all its effects must be included. If the wound was not incurred in the line of duty it cannot be that any condition resulting from it is admissible."

The claimant's allegations heretofore referred to as to the causes for his absence from his command being fully corroborated by the record of the War Department, the only question in the case, that of line of duty at the time of being wounded, in the judgment of this committee should be decided in favor of the claimant, and the relief asked for be granted.

The committee therefore report favorably, with an amendment to strike out all after the word "of," in line 5 of said bill, and insert therein, instead, "Wellington V. Heusted, late sergeant of Company I, Third Michigan Cavalry, and captain of Company B, Twenty-ninth Regiment United States Colored Troops;" and thus amended, do ask that it pass.

The bill was laid aside to be reported favorably to the House.

AMANDA STOKES.

The next bill on the Private Calendar was the bill (H. R. No. 3743) granting a pension to Miss Amanda Stokes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of \$20 per month, subject to the provisions and limitations of the pension laws, the name of Miss Amanda Stokes, of Lebanon, Warren County, Ohio, to take effect on and after the 1st day of July, A. D. 1865.

The amendment reported by the committee, to strike out, at the end of the bill, all after the word "Ohio;" also, to strike out the word "twenty," before "dollars," and insert "fifteen," was agreed to.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported favorably to the House.

Mr. HEWITT, of Alabama. I object.

Mr. HOLMAN. Let the report be read.

The report was read, as follows:

The Committee on Invalid Pensions, to which was referred the bill (H. R. No. 3743) granting a pension to Miss Amanda Stokes, has had the same under consideration, and begs leave to submit the following report:

It appears from the evidence before the committee that the petitioner, at the breaking out of the late war, was a school-teacher at Lebanon, Ohio. Desirous to aid, as much as in her power, the cause of the Union Army, she offered her services as hospital nurse to the Surgeon-General through Hon. Thomas Corwin. Her services were accepted, and, regularly commissioned, she entered on her duties at Cincinnati, Ohio, in the fall of 1861. From that time until the summer of 1865 she served in various hospitals, general and field, principally in the State of Tennessee, under the commission originally issued by the Surgeon-General, and subsequently reissued, under the orders of the War Department, by Miss Dix. That her services were faithfully rendered is clearly shown by the testimonials of the surgeons under whose directions she administered to the sick and wounded.

While part of the time she received the small monthly compensation of \$12 per month allowed to nurses, some of the time she was deprived of even that amount, because of the ignorance or carelessness of the surgeons in making the necessary reports of their employes. But most of the money thus received, as well as the limited means of which she was possessed when she entered the service, was ex-

pended by her in the purchase of delicacies not furnished by the Government, but yet so much needed by those under whose wants she administered.

In March, 1865, while going from Knoxville to Lookout Mountain in a hospital ambulance, she met with a serious accident by the carelessness of the driver in attempting to cross a creek which had become impassable by heavy rains. The bridge was under water. The driver, expecting to drive on it, missed it, and the team and all soon began to sink in the water and mud. Through her efforts and those of the other occupant of the ambulance, also a hospital nurse, an opening in the top of the vehicle was effected through which they escaped, but as the wagon was sinking more and more, the danger from drowning became apparent. They finally reached land upon a log shoved into the stream by some soldiers close by, but not until the claimant had sunk to the bottom in her endeavor to reach the log. From this exposure Miss Stokes contracted rheumatism, neuralgia of head and neck, and deafness of one ear. For these ailments she has been under medical treatment ever since, and, as is shown by medical evidence, is wholly incapacitated for any labor.

From the statements of the county officers and other prominent men of the community in which she resides, it is evident that Miss Stokes is a lady of the highest moral and Christian standing, and, being now without means, deserving the aid of the Government for her fidelity to the Union, her sacrifices for its brave defenders, and the disability contracted while in their service.

The committee is clearly of the opinion that the case is very meritorious, and therefore reports favorably on the bill, and recommends that it do pass, amended, however, by striking out all after the word "Ohio," in line 7, and further amended by striking out the word "twenty," in line 5, and inserting instead the word "fifteen."

Mr. BROWNE. There were very great differences of opinion in the committee in regard to the propriety of passing this bill. The gentleman from Ohio, [Mr. RICE,] who very earnestly favors the bill and who presented the report in the case, is now absent. I therefore ask unanimous consent that the bill be passed over until his return.

Mr. MOREY. I hope that will not be done. I had the honor to introduce this bill.

Mr. BROWNE. I withdraw the suggestion.

Mr. McMILLIN. I understood the suggestion of the chairman of the committee [Mr. BROWNE] to be made with a view to favor the case, rather than otherwise, as the gentleman who reported it is absent. A number of members in the committee did not think the bill ought to pass. It was passed over informally at the last meeting.

A MEMBER. No.

Mr. McMILLIN. I stand by the record. I remember what was done in the case. If you will turn to the record, you will see not only that it was passed over informally, but the amendments reported to-night were then incorporated. That is my recollection; I may be in error, but I think I am not.

Mr. MOREY. The amendments are included in the report.

Mr. McMILLIN. I know they are.

Mr. BROWNE. If the gentleman from Ohio [Mr. MOREY] desires to have the question determined, I withdraw my suggestion, which was made in the interest of the measure.

Mr. MOREY. I so understood. I presume the gentleman from Indiana did not know I was interested in the bill.

Mr. HEWITT, of Alabama. I do not think we ought to enter upon the creation of a civil list except in a full House.

Mr. SPRINGER. I wish to ask the chairman of the committee [Mr. BROWNE] whether there has heretofore been granted a pension to any person under similar circumstances, either by special act or under general law?

Mr. BROWNE. I can only say, so far as any measure of this kind is concerned, that since I have been chairman of the committee a pension in one case has been granted to a lady eighty-two years old who had acted as nurse, who was deaf and her husband blind.

Mr. McMILLIN. I will suggest to the chairman of the committee, too, this additional fact, which was in that case and not in this one, that her services while acting as hospital nurse were gratuitous. This lady received \$12 a month.

Mr. MOREY. If the gentleman will permit me—

Mr. ALDRICH. Besides, she spent her own money.

Mr. MOREY. The report shows, Mr. Chairman, in this case that this lady not only expended the little pittance she got from the Government for her services as a nurse, but every dollar she had in the world, amounting to about \$1,000, besides, for the sake of the sick and wounded soldiers in the hospitals. More than that, however. I was going on to say, in response to the gentleman from Tennessee that there is a precedent on file, which was presented to the committee by me and considered by the committee, which answers the question of the gentleman from Illinois as to whether there has been any precedent for granting pensions on the civil list.

My response to the question is that this does not fall within that category at all. The report says, and it is a fact, that she was commissioned as a nurse and was in the service of the United States in that capacity under a commission. This commission she held, and was procured originally by Hon. Thomas Corwin, of Ohio, and was afterward renewed by Miss Dix, who was authorized by the Government to organize a corps of hospital nurses.

Mr. SPRINGER. Will the gentleman permit me to correct him? I did not ask whether there were precedents for granting pensions upon the civil list.

Mr. MOREY. Then I misunderstood the gentleman, and stand corrected.

Mr. SPRINGER. I think this is a very worthy case and my question had a different bearing.

Mr. MOREY. I did not entirely understand the gentleman, then, and responded that this is not a question of pensioning a person on the civil list, for she held a commission.

Mr. WILSON. What is her age?

Mr. MOREY. I do not know exactly, but she was a maiden lady at the time of entering the service; I presume that she must be in the neighborhood of fifty-five or sixty years of age at this time.

Mr. SPRINGER. Mr. Chairman, the question I asked was not for the purpose of antagonizing this case, but for information. I gather from the reading of the report that this is a very worthy case, and perhaps an exceptional one; but the danger of opening up another class of cases that we might be called upon to assume in future by establishing such a precedent, and which would necessitate large expenditures hereafter, was the cause of my inquiry as to whether this class of persons had been receiving pensions heretofore. My object was not to antagonize this case at all.

Mr. MOREY. If the committee will bear with me for a moment, in answer to the question of the gentleman from Illinois I wish to state that we all know this class cannot be very numerous because the number of female nurses was not large compared to the vast number of the Army, and besides, as I said before, this nurse was regularly commissioned. She was in the service of the United States, and as I stated, this case is a special one and outside of the category of the civil list. Again, Mr. Chairman, I hope I may be permitted to say that there is in my judgment no case that was ever presented to this House more meritorious in all of its features than this. If there is one thing that we ought to take pride in, and of which we may justly feel proud, it is the services rendered by the women of our country during that war.

Mr. WILSON. There is a precedent for this, too, as I understand.

Mr. MOREY. Yes, sir; several.

Mr. WILSON. I remember some years ago the House granted a pension to a teamster who was not in the military service at all. I believe there were several cases of that kind; one case where a man lost his leg in the performance of some duty which he was directed to do, although not in the military service, by an officer, and he was allowed a pension. I hope there will be no objection in this case.

Mr. SPRINGER. I desire to repeat, Mr. Chairman, that my question, a few moments since, was not propounded in any captious spirit, or for the purpose of antagonizing this bill. I think if there is any class of persons in the United States more deserving than all others of the bounty of the Government, and the reverence and respect of all true men, it is that class of the noble women of our country who went into the very jaws of danger to aid our suffering soldiers during the war; whose gentle ministrations brought comfort and hope to the wounded and the dying in the hospitals, and who even braved the terrors of the battle-field for the sake of suffering humanity; and if the general law does not embrace this class of persons in its measures of relief, it ought to do it.

I understand from the honorable gentleman from Ohio that this lady was commissioned as a nurse to go into the Army for the purpose of administering to the wants of the sick and wounded soldiers. Now, if there is any more worthy or meritorious business than that, or any more commendable occupation, or one that should win more gratitude and applause from the people of this land, I would like to know what it is.

Mr. Chairman, if any class of persons is entitled to receive bounty from this Government for distinguished or meritorious services in time of war, certainly none will deny the claims of that class who, accustomed only to the quiet and retirement of the home circle, left all of its quiet and comfort, and nobly braving danger, discomfort, and suffering, went gladly forth for the sake of humanity to the battle-field and the hospital to administer to the wants of the sick and to bring the words of hope and comfort to the wounded or the dying soldier.

I hope my friends will withdraw all opposition to the bill and let it pass unanimously, as it should; and if any other case of a similar character shall come before us, where one of the noble women of America has received injury or contracted disease in the very line of duty, and almost upon the battle-field, I hope we will not only make that also an exceptional case, but pass a general law to grant immediate relief to every one who can present such a distinguished claim to our gratitude and our humanity. [Applause.]

Mr. HEWITT, of Alabama. The general law does not cover this case. If this bill passes it is making this an exception to the general rule. It is granting a favor. Now, I have been always opposed to legislating by special laws. If the general law is right then this bill ought not to be passed. If the general law is wrong, then the general law ought to be amended so as to cover all cases of like character, so that we treat all the citizens of the United States in the same way, and grant no favoritism.

I am astonished that the distinguished gentleman from Illinois, [Mr. SPRINGER,] believing as he does that the general law ought to cover these cases, has not brought in a bill for that purpose. This lady was in no sense a soldier. She was not in the military service of the country. She was not in the line of her duty as a soldier. She was performing a very meritorious and very praiseworthy act, and I honor her for it, and sympathize with her in her misfortunes. But, however meritorious the case, and however much it appeals to our sympathy, we must remember that we are not here to legislate by sympathy. Sympathy has been the prolific source of a large amount of vicious legislation.

Mr. HASELTINE. This is justice.

Mr. HEWITT, of Alabama. My understanding of justice is law. If it is just, then you need not pass this act.

Mr. HASELTINE. We will make it a law.

Mr. HEWITT, of Alabama. You cannot make a law by passing special acts. They do not rise to the dignity of law. They are special favoritisms which you pass. And if you gentlemen are in favor of going to the civil list with your pensions, why do you not bring in a general law for that purpose?

Mr. DAWES. Why did the honorable gentleman from Alabama not let his voice be heard when we gave \$50 a month to another lady to-night without any general law?

Mr. HEWITT, of Alabama. I have never voted for a pension in a case of this kind.

Mr. DAWES. But the honorable gentleman did not make this eloquent speech when that lady was getting her pension at the rate of \$50 a month.

This poor hospital nurse who went to the battle-front—where was she? In a hospital ambulance with a wounded soldier. Let me read from the report:

In March, 1865, while going from Knoxville to Lookout Mountain in a hospital ambulance, she met with a serious accident by the carelessness of the driver in attempting to cross a creek which had become impassable by heavy rains.

This noble woman, caring under those circumstances for a wounded soldier, was thrown into the water and nearly drowned. She barely escaped with her life. As a consequence she lost her health. That is the lady who is making a raid on the Treasury! In the hospital she rendered the services that were rendered by the soldier whom we used to call a hospital mate. If one of those soldiers came here he would have a pension under the general law. The soldier detailed for that duty would be entitled to a pension under the general law. But the honorable gentleman from Alabama would not give this woman the pension she is well entitled to.

Mr. HEWITT, of Alabama. Have I said I would not vote for a general law?

Mr. DAWES. You said you would vote against this case because there was no general law for it.

Mr. RYAN. If there was a general law this case would not be here.

Mr. DAWES. You make no precedent by this that is dangerous to the nation. The war is all over, and these poor women to a large extent are dead. If we have another such case I for one will be very happy to have the opportunity to vote for it.

Mr. HEWITT, of Alabama. For four years I served on the Committee on Invalid Pensions, and I think if you go back and read some of the reports that I have made in favor of the soldiers who served in your Army you will find that I have been no enemy to soldiers in the Federal Army. You will find that when your own men on that side of the House had been making speeches on the floor, contending that an invalid pension was a favor granted by the Government to the wounded soldier, the Committee on Invalid Pensions brought in a report, which I had the honor to write, and which placed it on the high ground that it was no favor, that it was not charity, but that it was a right, an absolute right, that your soldiers ought to demand of you the pensions that you had promised them if they should be wounded or should be disabled in the service of their country. You may find report after report that I made in favor of your soldiers whose cases had been rejected by men you had put to preside over the Pension Bureau, placing them upon the pension list, and no man can say that I have ever been opposed to doing full and ample justice to the Federal soldiers of this country.

Mr. HASELTINE. This is a woman.

Mr. HEWITT, of Alabama. We have a pension law that is the most liberal of any country. I am in favor of enforcing it and paying these men according to the law. But I have watched the proceedings in this House since I have been here, and I have seen favoritism after favoritism bestowed upon the widows of Army officers in the way of increasing their pensions, when the poor soldier who has no great friend to stand at his back, to come here and urge his claim, has to stand upon the general law.

I read, too, the other day, in a soldier paper published in Chicago, of a poor sergeant who had been wounded and who had been placed upon the pension-roll and who died, leaving a widow and four or five children who had been dependent upon him for support. But he did not die of the wounds that he had contracted in the service. The soldier paper remarked that Congress had placed upon the pension-roll Mrs. Polk, Mrs. Tyler, and Mrs. Garfield, at \$5,000 per annum, and asked the question, who has proposed to place this widow and her five children upon the pension-roll?

The reading of that story brought tears to my eyes. I have seen it here; you have all seen it. It is against this kind of legislation that I enter my protest, and I have been doing it ever since I have been a member of this House. It is the poor privates who died upon your battle-fields, bravely fighting for your country who are forgotten, while the officers who reaped all the honor and all the glory are remembered here in Congress.

I sympathize with this poor lady. I have as much sympathy for her as does any man upon this floor. But I am not willing to pass a special act for her benefit. If she ought to be put on the pension-roll, then do it by a general law which will cover all such cases. Then you will have done your duty to your country, and your duty to the soldiers, if such general law ought to be passed.

Mr. WILSON. I desire, Mr. Chairman, to say one word in reply to the position taken by my friend from Alabama [Mr. HEWITT] to show the error into which he has fallen upon the subject of general pension laws. Like himself, I have served upon the Committee on Invalid Pensions, but I do not understand the general law as he does. It is a law which Congress has passed for the direction and control of the Commissioner of Pensions; but it has no control over this House. This House has the power, has the constitutional right to grant a pension to any meritorious person it pleases. Congress sometimes goes beyond that and grants a pension even to meritorious ladies such as those who have been referred to by the gentleman.

The general law controls the action of the Commissioner of Pensions. I have no doubt he would have gladly granted a pension to this lady, but for the technical rule which we have laid down and which prevents him from so doing. Therefore this case is presented to this House for our action.

I desire to remind my friend also that he is in error when he says that he has never favored a case of this kind. I remember distinctly the case of John Hall, a poor teamster, who while traveling down a mountain range during the war, carrying dead soldiers from the field, was lost during the night, was exposed to a severe storm, contracted typhoid fever, and became utterly and hopelessly blind. I was proud that my friend from Alabama [Mr. HEWITT] favored granting a pension in that case. And there have been a number of other cases of like character.

I agree with my friend from Illinois that our brave and gallant soldiers who fought for our country, her liberty, and her laws, are yet no more equitably entitled to a pension than the patriotic woman whose services have been stated here to-night. Congress possesses the power to grant a pension to any one of the servants of the Government, civil or military. There are cases where employes of this Congress have been granted a pension for injuries received and disabilities incurred. Not long ago one of the faithful employes of the Senate, who fell down the steps of the Senate Chamber and sustained severe injuries, was pensioned on account of the services he had rendered the Government.

I agree with the gentleman from Ohio [Mr. DAWES] that the case of Mrs. Yarnall which has been favorably acted upon here to-night (and I was glad to vote her \$50 a month) was not more meritorious than the case of this lady. I say here that if the Committee on Invalid Pensions had recommended granting this lady a pension of twice \$15 a month I would gladly have voted for it. No services could have been more patriotic or could have created a more equitable demand upon the Government than the services of this lady.

My friend from Alabama is entirely misinformed upon the subject of the general pension law. That is a rule laid down for the direction and control of the Commissioner of Pensions, and does not have and cannot have any binding influence in controlling the action of this House.

Mr. MOREY. Mr. Chairman, I desire to say a word or two on this case. I hope it will not suffer because of any feeling that has arisen in the course of this discussion. This case which has been brought to the attention of this House I consider to be one of the most meritorious that has ever been presented to the consideration of Congress.

I desire, however, more particularly to reply to the suggestion of the gentleman from Alabama, [Mr. HEWITT,] that the Congress of the United States has been unjust to the private soldiers of our Army, and has bestowed its favors upon the officers who led those armies. Sir, I say that the history of our country shows, our pension laws show, that there is no country upon the face of the earth that does less for its officers and more for its soldiers.

The gentleman has referred to the fact that this Congress has granted to Mrs. Garfield, Mrs. Lincoln, Mrs. Tyler, and Mrs. Polk pensions of \$5,000 a year each. I am proud that this Congress has had the patriotism to perform that meritorious act. It was due to the memory and the high services of the distinguished husbands of those women.

I come here now on behalf of a humble woman who gave four of the best years of her life to the dangerous service of attending our sick and wounded in the front, upon the field of battle and in the hospitals. She was there by authority of the Government. She bore a commission from this Government. She rendered faithful service.

For a few months, I think, she received the mere pittance of \$12 per month; and it is in evidence, and so stated in the report of this committee as an established fact, that this lady not only devoted that pittance of \$12 a month which she received from the Government to supplying delicacies and necessities for the sick and the wounded but she expended the little fortune of about \$1,000, which had come to her from her parents, for the same noble and patriotic purpose.

It has been said by the gentleman from Alabama that we cannot make any law granting this pension; that a special act for this purpose does not rise to the dignity of law. I say, sir, that we can put no act upon our statute-books that would dignify them more than an act giving this little reward to a humble woman who, from patriotism and motives of Christianity, gave the best years of her life to the service of her country in the endeavor to ameliorate the sufferings and administer to the wants of our sick and wounded defenders. [Applause.]

The bill was laid aside to be reported favorably to the House.

ROBERT P. WALKER.

The next bill on the Private Calendar was the bill (H. R. No. 4372) for the relief of Robert P. Walker.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of Robert P. Walker, late of Company H, Ninety-fourth Regiment Ohio Volunteers, at the rate of \$50 per month from March 4, 1874, and \$72 per month from June 15, 1880, to continue during his life.

The amendment reported by the committee, to strike out, at the end of the bill, all after the words "Ohio Volunteers," was read.

Mr. McMILLIN. This amendment leaves the pension to be rated by the Commissioner of Pensions under the law.

The amendment was agreed to.

Mr. HOLMAN. I ask for the reading of the report:

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 4372) for the relief of Robert P. Walker, having had the same under consideration, beg leave to submit the following report:

Robert P. Walker was a private in Company H, Ninety-fourth Ohio Volunteer Infantry, and was discharged from the service of the United States on surgeon's certificate of disability on the 12th day of November, 1862, being on that date an inmate of a United States Army hospital at Louisville, Kentucky. The soldier had been, immediately previous to his admission to hospital, on a long march, and had suffered much from fatigue and exposure, and during which, while in the line of duty, he had contracted hernia and rheumatic fever. By long confinement to his bed by the latter disease a spontaneous cure of the hernia was favored, and actually took place. From the day this soldier was sent to hospital he has never been able to leave his bed without assistance.

He was pensioned on account of chronic rheumatism, but his name was dropped from the rolls March 4, 1874, for the alleged reason that the disability on account of which pension had been allowed (rheumatism) existed prior to enlistment, and that the attack of rheumatism from which the soldier suffered when discharged was but a recurrence of the old disease.

An appeal from the decision dropping him from the rolls was taken and decided against the soldier by Mr. Schurz, Secretary of the Interior. This decision, as well as that of the Commissioner of Pensions, was based upon a report by a special agent sent by the Pension Office to make an examination into the facts at the soldier's place of residence.

The following extracts are given from the report of the special agent: "This man's condition is truly pitiable. For six or eight years immediately after his discharge he was confined to his bed by inflammatory rheumatism, and when the disease finally relaxed its grasp it left ample proof of its severity in his distorted and stiffened limbs, which destroy his usefulness, and place him as a burden upon the kindness of his friends.

"Rheumatism in this case is a family disease, and was transmitted to the pensioner by his parents. * * * The boy suffered from an attack of rheumatism five years before he enlisted."

It is in evidence that about five years previous to his enlistment Walker suffered from an attack which may have been of the nature of rheumatism. It did not confine him to the house more than a week, although he suffered from aching of the limbs and stiffness of the joints for some time afterward. The family physician designated the disease at that time "growing pains."

There is no doubt but that he entirely recovered, and remained well and worked on his father's farm until he enlisted. He was strong and healthy at this time, performed his duty as a soldier faithfully and efficiently, and immediately previous to the attack on account of which he was sent to hospital he marched a hundred miles with his command.

The opinion of the chief medical officer in the Pension Office was in opposition to the assumption that the rheumatism, on account of which the soldier was pensioned, had been contracted prior to his enlistment. He employs the following language:

"In my judgment such admission was wrong, for, as a rule, an attack of rheumatism does not depend upon any antecedent attack, but upon causes incurred at the moment. The rule is that the subject of an attack recovers perfectly, and has a second and other recurrent attacks only upon exposure; and so, unless the attack incurred previous to his service in the Army had caused structural changes, leaving a permanent disability, I would not admit its influence. * * * A recurrent attack is no more dependent upon an antecedent one than the 'cold' of this month is caused by the cold of last month or last year. * * * There is also very grave doubt as to the soldier's having had rheumatism for some years prior to his enlistment. The legal branch holds that it is proved he had rheumatism prior to enlistment. * * * If the question is as to predisposition, restoration is the correct action. * * * It was not that attack (some years previous to enlistment) which disabled him, but the attack which originated in the service. * * * The appellant should be restored to the roll."

It seems to your committee that whatever doubts existed as to the influence of the attacks which the soldier had in his early boyhood several years previous to his enlistment (and it was of a mild character and of short duration) in producing the attack which confessedly was the cause of the disability on account of which pension was allowed, ought to have been resolved in favor of the claimant.

The committee therefore report the bill back with the recommendation that it do pass, so amended as to strike out all after the word "volunteers," in line 6.

Mr. DAWES (before the reading of the report was concluded) said: This is a tolerably long report. The only point is whether the disability was contracted previous to the soldier entering the service. It is purely a medical question; and there is a strong preponderance of evidence in favor of the disease having been contracted as a result of arduous military service.

Mr. HOLMAN. I ask that the reading of the report be concluded. The Clerk resumed and concluded the reading of the report. The bill was laid aside to be reported favorably to the House.

HIRAM M. HOWARD.

The next bill on the Private Calendar was the bill (H. R. No. 5715) for the relief of Hiram M. Howard.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Hiram M. Howard, late a private in Company I, Second Regiment Kansas Volunteer Militia, subject to the provisions and limitations of the pension laws.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 5715) for the relief of Hiram M. Howard; having had the same under consideration, beg leave to make the following report:

Hiram M. Howard, as appears from the certificate of the adjutant-general of the State of Kansas, was a member of Company I, of the Second Kansas State Militia, called into active service by Major-General Curtis, commanding the Department of the Missouri, to repel the invasion of General Price of Missouri and Kansas in the fall of 1864. It further appears from said certificate that said Howard was called into active service October 10, 1864, at Fort Leavenworth, and remained in said service until the 30th day of said month, when he was relieved from duty by the authority of the proper United States officer. It further appears by certificate of the adjutant-general of the State of Kansas that while in said service Howard was wounded in action on the Little Blue, in the State of Missouri, on the 22d day of October, 1864, while in action.

He filed an application for pension on the 25th day of March, 1875, in which he alleges gunshot wound of left arm and lung, and injuries to three ribs from being trampled upon while insensible from wound at the battle of West Port, (Little Blue,) October 22, 1864. The fact that the claimant was wounded and otherwise injured in that engagement is also shown by numerous affidavits of comrades and others, and that he has been a constant sufferer and is now greatly disabled by reason of said injuries is fully established by medical evidence in the case. The claim before the Pension Office, however, was rejected under the provisions of paragraph 3, section 4693, which provides that unless a claim for pension of a member of the militia of any State, for injuries received while in an engagement with rebels or Indians, shall have been prosecuted to a successful issue prior to the 4th day of July, 1874, its further prosecution is barred.

The action of the Pension Office, in view of the law just referred to, was proper, but in view of the fact that the claimant was so severely injured while actually employed in the service of the United States, repelling the enemy, in the judgment of this committee it is proper to grant the relief asked for by special legislation, and they therefore report favorably on the bill and ask that it do pass.

The bill was laid aside to be reported favorably to the House.

HONORA KELLEY.

The next bill on the Private Calendar was the bill (H. R. No. 6002) granting a pension to Honora Kelley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Honora Kelley, widow of Patrick Kelley, late a sergeant of Company K, Fifth United States Cavalry, to date from the death of the soldier.

The amendment reported by the committee, to strike out the words "death of the soldier" and insert "passage of this act," was agreed to.

Mr. MATSON. I desire that a formal amendment be made in the bill. The name "Patrick Kelly" should be "James Kelly." I ask that the correction be made.

The amendment was agreed to.

The report was read, as follows:

The Committee on Invalid Pensions, to which was referred the bill (H. R. No. 6002) granting a pension to Honora Kelley, has had the same under consideration, and begs leave to submit the following report:

As shown by the papers from the Pension Office, Honora Kelley is the widow of James Kelley, who enlisted in the United States Army January, 1854, and served continuously until December 6, 1878, when discharged from Company K, Fifth United States Cavalry. He received a severe wound of abdomen in a fight with Indians May 17, 1858. The only treatment shown during his entire service, except for this wound, was in 1869 for epistaxis. Major Malon certifies that the soldier was under his command for ten years, and during that period had repeated violent nose-bleedings threatening his life, and it was the current belief that these bleedings were the result of the wound received in an engagement with Indians.

The soldier died February 23, 1879, of pneumonia, at the Shoshone and Bannock Indian agency. The attending physician, Assistant Surgeon Grimes, certifies that on the 23d of February, 1879, he was called upon to attend Kelley, and found him in the last stage of pneumonia. He died on the same day, and it is his belief that the disease would not have terminated fatally had not Kelley been broken down and worn out by the vicissitudes of long service in the Army.

Lieutenant Thomas states that the soldier was discharged December 6, 1878. Authority was obtained for his re-enlistment from the Adjutant-General of the Army, but objections were raised by the commanding officer of the post to the residence of Kelley's family upon the reserve or about the post. His re-enlistment was postponed till he could make suitable arrangements for his family. While so doing he contracted the disease of which he died, and which terminated fatally from exposure incident to long frontier service.

Captain Woodson also certifies that during last year's service the soldier appeared much shaken and broken down, evidently the result of long frontier service.

This committee, in view of the length of service of this soldier, and the further fact that he was, at the time of his death, to all intents and purposes, a soldier of the United States Army, recommends the passage of the bill, with the amendment striking out the words "death of the soldier" and inserting instead thereof the words "passage of this act."

Mr. HEWITT, of Alabama. I ask some member of the committee whether there has been any application in this case filed in the Pension Bureau, and if so why it was rejected?

Mr. MATSON. I think no application in this case was filed at the Pension Bureau, for the reason that this soldier was not technically in the service at the time of his death. The reading of the whole report (a part of which I think was by some inadvertence of the Clerk omitted) would have disclosed the fact to which I now desire to call the attention of the gentleman from Alabama, that this soldier was not technically in the service. He had served out five different enlistments, had been twenty-five years in the regular Army, and had been severely wounded, so that he could not be re-enlisted without a sort of dispensation from the Adjutant-General of the Army, on account of the disability resulting from his wounds.

Permission that the man be re-enlisted was received by the commander of the post; but before re-enlistment the soldier was required to remove his family away from the post under some order of the commander in relation to families of soldiers living at the post. While he was removing his family with a view to re-enlistment he was stricken down with the disease mentioned in the report. He

had been twenty-five years in the Army; was of course a man of advanced age, and leaves an aged widow. These are the facts.

Mr. HEWITT, of Alabama. Did the disease of which he died have any connection with his military service?

Mr. MATSON. Yes, sir; Assistant Surgeon Grimes, of the Eighth United States Cavalry, certifies expressly that the disease would not have resulted fatally but for the vicissitudes of the soldier's long service in the Army.

The bill was laid aside to be reported favorably to the House.

EDGAR B. LAMPHIER.

The next bill on the Private Calendar was the bill (H. R. No. 1443) granting a pension to Edgar B. Lamphier.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Edgar B. Lamphier, late a private in the Twenty-sixth Regiment New York Light Artillery Volunteers.

The report is as follows:

The Committee on Invalid Pensions, to which was referred the bill (H. R. No. 1443) granting a pension to Edgar B. Lamphier, has had the same under consideration, and begs leave to submit the following report:

Edgar B. Lamphier enlisted September 12, 1862, as private in the Twenty-sixth Independent Battery, New York Light Artillery, and served until discharged, September 12, 1865.

In his application for pension, filed May 2, 1876, he alleges that while serving in the State of Louisiana, in the spring of 1864, he contracted diarrhea, which became chronic, and has resulted in piles and rupture of left side. In support of this allegation there are filed the affidavits of neighbors who testify to claimant's soundness prior to and at time of his enlistment, the affidavit of Adam Beattie, late first lieutenant of the battery, and the affidavits of Drs. Look and Abbey as to treatment for the disability since 1866.

Lieutenant Beattie testifies that claimant done good service and was a strong and able-bodied man until April, 1864, when he was attacked with diarrhea, while on the Red River campaign, and lack of transportation rendered it necessary for him to remain with the battery during the long march to the Mississippi. The battery was without a surgeon for some time, and consequently he could not get the necessary treatment. The soldier was ever thereafter afflicted with diarrhea and piles while in the service.

Medical examination of claimant under orders from the Pension Office shows disability from the alleged causes.

The claim has been rejected by the Pension Office because there is no record of the disabilities, and the claimant is unable to furnish medical evidence to show that they existed in the service or at the date of discharge.

Independent batteries during the late war were but poorly provided with medical attendants, and in the main dependent upon surgeons belonging to other commands. This was the fact in this case, as shown by the testimony of Lieutenant Beattie; therefore the requirement of the Pension Office to furnish medical evidence showing the existence of the disability in the service would seem to be unreasonable. The further requirement of like evidence as to soldier's condition at date of discharge is met by the claimant's inability to comply therewith, because of the death of the physician who treated him from discharge until he came under the treatment of Dr. Look in the summer of 1866. The case appears otherwise satisfactorily established. The committee therefore reports favorably on the bill and recommends that it do pass.

The bill was laid aside to be reported favorably to the House.

STEPHEN D. SMITH.

The next bill on the Private Calendar was the bill (H. R. No. 6399) granting an increase of pension to Stephen D. Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to increase the pension heretofore allowed to Stephen D. Smith, of Canaan, New Hampshire, late a private in Company C, Seventh Regiment New Hampshire Volunteers, to \$37.50 per month, said increase to date from the passage of this act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 6399) granting an increase of pension to Stephen D. Smith, submit the following report:

The applicant, lately a private in Company C, Seventh Regiment New Hampshire Volunteers, now gets a pension of \$24 per month by reason of a gunshot wound in the left leg, near the thigh, shattering the bone, July 18, 1863, in the assault on Fort Wagner, South Carolina, where he was taken prisoner and carried to a hospital in Charleston, South Carolina, and while there confederate surgeons amputated the leg about two and a half inches below the hip-joint.

Mr. Smith claims that the operation was carelessly performed, leaving the bone projecting some two and a half inches beyond the flesh, and that proper care of the leg was not taken afterward, while he was a prisoner.

Later on he was exchanged and sent to New York City, where his leg was found to be in such condition that no further amputation could safely be made, and it was allowed to heal as it was. This condition of the leg has remained ever since. The projection of the bone renders it impossible for him to use an artificial leg, and he cannot sit as other people naturally do, because the bone being very tender causes the applicant severe pain whenever he attempts to sit. The result has been a painful and tender stump from the amputation to the present time. The Pension Office cannot give him an increase of pension under existing laws. If, however, the leg had been cut off at the hip joint, he would have been entitled to receive a pension of \$37.50 per month.

Your committee find that a successful amputation at the hip joint would have left said Smith in a better condition than he has been, or is now, or ever will be, for in that event he could have used an artificial limb, and would have been able to sit as comfortably as other people. The extreme tenderness of the stump, of which Mr. Smith complains, would also have been avoided. He is shown to be a good citizen, a worthy man, and poor; and your committee are unanimously in favor of allowing him the same pension he would have received if his leg had been amputated at the hip joint, namely, \$37.50 per month.

Your committee therefore recommend that his pension be increased to that amount per month, and we report the accompanying bill, (as a substitute for bill H. R. No. 4341,) recommending its passage.

The bill was laid aside to be favorably reported to the House.

ANNE R. VOORHEES.

The next bill on the Private Calendar was the bill (H. R. No. 2401) granting a pension to Anne R. Voorhees.

The bill was read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Anne R. Voorhees, widow of Philip F. Voorhees, late a captain in the United States Navy, and pay her a pension at the rate of \$50 per month from and after the passage of this act.

Mr. HEWITT, of Alabama. Let the report be read.

The Clerk proceeded to read the report, which is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 2401) granting a pension to Anne R. Voorhees, having considered the same, submit the following report:

A bill granting a pension to Mrs. Anne R. Voorhees, widow of Commodore Philip F. Voorhees, was referred to the Committee on Invalid Pensions, in the Forty-sixth Congress, and a favorable report was made from that committee by Hon. Mr. URSON, recommending the passage of the bill granting Mrs. Voorhees a pension, at the rate of \$50 per month.

Your committee having examined the evidence in the case, and the report of Mr. URSON, find the facts to be truly stated in his report, and we adopt the same, which is as follows:

"Commodore Philip F. Voorhees, husband of the claimant, Mrs. Anne R. Voorhees, was a faithful and distinguished naval officer, who served in the United States Navy upward of half a century. He was appointed midshipman November 15, 1809, ordered to the frigate United States February 7, 1810, to which vessel he was attached under Commodore Decatur when she engaged and captured the British frigate Macedonian, October 25, 1812. He was promoted to a lieutenant December 9, 1814, and served on board the sloop-of-war Peacock, commanding a division under Commodore Warrington at the capture of the British sloop-of-war Epervier in the Gulf of Mexico, and of the British brig of war Nautilus in the East Indies. During the war of 1812 he was in three engagements with British ships of war, in which three vessels of war and some twenty-six merchant vessels were captured. Commodore Warrington, in his official dispatch to the Secretary of the Navy, says:

"From Second Lieutenant Henly and Lieutenant Voorhees, acting third, (who has also twice been successfully engaged,) I received every assistance that zeal, ardor, and experience could afford; the fire from these two divisions was terrible, and directed with greatest precision and coolness."

"For the gallantry, good conduct, and services of the officers and crews of the frigate United States and the sloop of war Peacock in the engagements above referred to, Congress by resolutions granted becoming testimonials."

"He served on board of various vessels of war as lieutenant, until promoted to a master commandant, April 24, 1828; promoted to captain February 28, 1838. On the 29th September, 1844, Captain Voorhees, in command of the United States frigate Congress, captured an Argentine squadron, then employed in the blockade of the port of Montevideo on the river La Plata, for a wanton insult to the American flag and an outrage upon American citizens, committed by a schooner of war which he had good reason to believe belonged to or was acting under the permission of said squadron, by firing into an American bark, a convoy of the Congress, and at the time anchored under the protection of her guns. He held the squadron until suitable apology was made for the insult, and retained the schooner until some American seaman she had impressed were released."

"For his conduct on this occasion Captain Voorhees received testimonials of approval of the commanders of the British, French, and Brazilian squadrons, and the commendation of the United States consul at Montevideo and of the American minister at Rio, yet, for this act, he was subsequently tried by a court-martial and unjustly sentenced to dismissal from the service, but the sentence was not approved by the President; and the succeeding Secretary of the Navy placed him in command of the East India squadron, which was, using the language of Attorney-General Cushing, "in manifestation of his complete rehabilitation in honor as well as in rank in the judgment of the Government."

"The following from a letter of Commodore Jones will show the high estimate in which Commodore Voorhees was held by his brother officers under whom he served.

NEAR PROSPECT HILL, VIRGINIA,

December 3, 1856.

MY DEAR COMMODORE: Your letter of the 29th ultimo, via Washington City, is just received, and I, with pleasure, hasten to reply. That I did not offer you a written memento of my high estimation of your official attainments, as well as personal regard, uninterrupted during an acquaintance of over forty years, was because I knew a faithful history of the Navy would hand your name to posterity, in the galaxy of braves of the second war of our Independence, and that on your own quarter-deck, in the presence of your officers and crew, as well as others of the squadron, I had orally testified to the fine condition in which you had brought the noble frigate, the Savannah, to my headquarters, the Bay of San Francisco, in the year 1849; and that subsequently, while still in the Bay of San Francisco, whether as presiding over courts-martial, or in the working and management of your ship, and I advert particularly to the occasion when I directed you to get under way, and you were compelled to run through the fleet of several hundred merchantmen, compactly anchored in the roads of San Francisco, in a strong and uncertain tide, under circumstances such as I am sure there are not three captains on the active list this day possessing seamanship or nerve equal to the undertaking, much less to successful accomplishment. This feat, you will remember, was performed in broad daylight in presence of several thousand astonished and admiring seamen. * * *

I have, with great pleasure, read the late Commodore Morgan's parting letter to you, dated "At Sea, May 30, 1843," a copy of which your letter under consideration contained. You will doubtless remember that a few months subsequently I visited your ship, the Congress, in the harbor of Rio de Janeiro, when she was the glory of the Brazil, as she had recently been the pride of the Mediterranean station.

Yours, most faithfully,

THO. AP C. JONES.

Commodore PHILIP F. VOORHEES, &c.

"It appears that while serving on the frigate United States, Captain, then Midshipman, Voorhees burst a blood-vessel by overexertion in the use of a speaking-trumpet, from the effects of which the claimant states under oath that "he never recovered, reducing him to a low state of health, and inducing other diseases which finally terminated in his death."

"In a letter to the Secretary of the Navy, dated February 7, 1851, Captain Voorhees states:

"On my arrival in China my health had been considerably impaired by my exposures on the voyage across the ocean. I was suffering, too, from a chronic disease to such an extent as at times to be almost paralyzed. This ill health, much increased by the cruise with Mr. Bolestier, under a vertical sun for about five months in the China seas, where, by reason of the intricacy and danger of the navigation and the defective charts, my exposure was very great, rendered more so from the fact that Commander Rodney was almost totally disabled to discharge any duty."

"On my arrival off the capes, so much as I debilitated from the efforts I was compelled to make, from the ignorance of the pilot in running the ship on shoals, that I fell fainting on deck and was required to be taken below."

UNITED STATES HOSPITAL,
Macao, August 15, 1850.

SIR: I am very sorry to lose you as the commander of this squadron stationed in the East Indies, but I am of the most decided opinion that your health requires you to leave this station, where diseases of the bowels are so prevalent. The complaint you labor under, *prolapsus ani*, of a very aggravated character, alone is sufficient, without other causes, to justify your leaving this climate.

I am, sir, very respectfully, your obedient servant.

EDMUND L. DUBARRY,
Fleet-surgeon, East India Squadron.

Commodore P. F. VOORHEES,
Commanding United States Naval Forces, East Indies.

"Three physicians, one of them the family physician who attended him at the time of his death, make the following certificate:

ANNAPOLIS, March 23, 1870.

The undersigned hereby certify that Captain Voorhees, late of the United States Navy, died of congestion of the lungs with hemorrhage; that he had had several similar previous attacks, and that, in our opinion, his state of health, of which these were a consequence, has relation, in all probability, to his duties as an officer of the Navy.

JNO. RIDOUT, M. D.
B. RANDALL,
Surgeon, United States Army.
D. CLAUDE, M. D.

"Commodore Voorhees died at Annapolis, Maryland, February 26, 1862, in the seventy-third year of his age. His widow, the claimant, is past eighty years of age, and states in her memorial that her husband, the late Captain Voorhees, died in the naval service of the United States from the effect of disease contracted while in the line of duty, leaving her in dependent circumstances. It appears that the claimant is not wholly but in part dependent on others for her support. While there is no positive evidence before your committee showing that the deceased died from the effect of disease contracted while in the line of duty, such may have been the cause of his death, and the precedent of granting pensions in like cases having been clearly established by the Government, your committee therefore, in view thereof and of the foregoing facts and circumstances, and in consideration of the long-continued, gallant, and meritorious services rendered by the deceased for and in the defense and preservation of the rights and honor of his country, respectfully recommend the passage of the accompanying bill."

We recommend the passage of the bill (H. R. No. 2401) granting Mrs. Voorhees a pension, at the rate of \$50 per month, from and after the passage of the accompanying bill.

Mr. HEWITT, of Alabama, (before the reading was concluded.) As this is a very lengthy report, I withdraw the call for the further reading, as the report will be printed in the RECORD. I observe that this is one of those cases of increasing pensions by special act. I have nothing to say, except that I desire to vote against it. I do not want it to appear that the bill passes by unanimous consent.

The question being taken, the bill was laid aside to be reported favorably to the House.

Mr. MCKENZIE. I move that the committee rise. The House has been in session about eight hours to-day.

ALICE M'MAHON.

Mr. PRESCOTT. We have on two occasions considered the Senate bill No. 251, which has been reported favorably, and I ask that it be taken up and passed.

Mr. BROWNE. That cannot be made available in the committee; we must go into the House before we can reach it.

Mr. MCKENZIE. I move that the committee rise.

The motion was agreed to; and Mr. REED having resumed the chair as Speaker *pro tempore*, Mr. BRIGGS reported that the Committee of the Whole House had, according to order, had the Private Calendar under consideration, and had directed him to report to the House sundry bills with various recommendations.

BILLS PASSED.

The following Senate bills, reported from the Committee of the Whole House, were severally ordered to a third reading, and were accordingly read the third time, and passed:

A bill (S. No. 832) granting a pension to Simeon Crain;

A bill (S. No. 1301) granting an increase of pension to George Gans; and

A bill (S. No. 1218) to restore to the pension-roll the name of Frederick A. Garlick.

The amendments to the following bills reported from the Committee of the Whole House were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. No. 361) granting a pension to Wellington V. Heusted;

A bill (H. R. No. 3743) granting a pension to Miss Amanda Stokes;

A bill (H. R. No. 4372) for the relief of Robert P. Walker; and

A bill (H. R. No. 6002) granting a pension to Honora Kelley.

The following bills reported from the Committee of the Whole House were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. No. 4535) granting an increase of pension to Eliza J. Yarnall;

A bill (H. R. No. 5715) for the relief of Hiram M. Howard;

A bill (H. R. No. 1443) granting a pension to Edgar B. Lanphier;

A bill (H. R. No. 6399) granting an increase of pension to Stephen D. Smith; and

A bill (H. R. No. 2401) granting a pension to Anne R. Voorhees.

Mr. BROWNE moved to reconsider the several votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALICE M'MAHON.

Mr. BROWNE, by unanimous consent, from the Committee on Invalid Pensions, reported back the bill (S. No. 251) granting a pension to Alice McMahon with the recommendation that it do pass.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alice McMahon, widow of the late Private Daniel McMahon, of Company L, Second New York Artillery Volunteers.

The bill was ordered to a third reading; and it 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.

JENNIE S. MITCHELL.

Mr. DAWES, by unanimous consent, moved to discharge the Committee of the Whole House from the further consideration of the bill (S. No. 1409) for the relief of Mrs. Jennie S. Mitchell, for present consideration.

There was no objection, and the motion was agreed to.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Jennie S. Mitchell, widow of the late Brigadier-General Robert B. Mitchell, and pay her a pension of \$50 per month from and after the passage of this act.

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

Mr. DAWES 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.

ROSE M. WOOD.

Mr. PARKER moved by unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (S. No. 165) granting a pension to Mrs. Rose M. Wood.

There was no objection, and the motion was agreed to.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Rose M. Wood, widow of William Maxwell Wood, late Surgeon-General United States Navy, who died in the naval service, and pay her a pension of \$50 per month from and after the passage of this act, out of the naval pension fund.

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

Mr. PARKER 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.

BETTY TAYLOR DANDRIDGE.

Mr. HEPBURN, by unanimous consent, from the Committee on Pensions, reported back favorably the bill (H. R. No. 4719) granting a pension to Betty Taylor Dandridge, and asked its present consideration.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Betty Taylor Dandridge, daughter of the late General Zachary Taylor, and widow of William W. S. Bliss, late a lieutenant-colonel in the Army of the United States, and to pay to her the sum of \$50 per month.

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

Mr. HEPBURN 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.

GEORGE C. RUST.

Mr. HEPBURN, by unanimous consent, from the Committee on Pensions, reported a bill (H. R. No. 6524) granting a pension to George C. Rust; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

AMELIA ANN WILSON.

Mr. HEWITT, of Alabama. I ask unanimous consent, Mr. Speaker, to take from the Private Calendar the bill (H. R. No. 6401) granting a pension to Amelia Ann Wilson and her minor children, and ask that it be put upon its passage.

The SPEAKER *pro tempore*. The bill will be read, subject to objection.

The bill was read. It is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of Amelia Ann Wilson and her minor children, widow and orphans of the late Marcellus Wilson, a private soldier in the war with Mexico.

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

Mr. HEWITT, of Alabama, 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.

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

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

PETITIONS.

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

By Mr. BLANCHARD: The petition of J. H. Scheen and 58 others, citizens of Red River Parish, Louisiana, for an appropriation for educational purposes—to the Committee on Education and Labor.

Also, the petition of citizens of Kingston, De Soto Parish, Louisiana, for the passage of a national bankrupt law—to the Committee on the Judiciary.

By Mr. CANDLER: The petition of the Arkwright Club, of New England, for the passage of a bankrupt law—to the same committee.

Also, the petition of dealers of crockery ware, of Boston, Massachusetts, for a reduction of the tariff duties on earthen and crockery ware to 20 per cent. ad valorem—to the Committee on Ways and Means.

By Mr. HASKELL: The petition of the members of the bar of Ottawa, Kansas, for the passage of Senate bill No. 420, to create an intermediate court of appeals—to the Committee on the Judiciary.

By Mr. NORCROSS: The petition of Leander Sprague and others, merchants of Fitchburgh, Massachusetts, praying that the duty on earthen ware may be reduced to 20 per cent. ad valorem—to the Committee on Ways and Means.

By Mr. E. W. ROBERTSON: The petition of citizens of Point Coupée, Louisiana, for an appropriation for educational purposes—to the Committee on Education and Labor.

By Mr. G. D. ROBINSON: The petition of Charles Hall and others, of Springfield, Massachusetts, for a reduction of the duty on earthen and crockery ware—to the Committee on Ways and Means.

By Mr. WAIT: The petition of citizens of New Berlin and vicinity, and of the members of the Ministerial Association and others, citizens of Chenango County, in the State of New York, for the appointment of a commission to investigate the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

HOUSE OF REPRESENTATIVES.

SATURDAY, June 17, 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.

JAPANESE INDEMNITY FUND.

Mr. WILLIAMS, of Wisconsin. I desire, Mr. Speaker, to ask unanimous consent to take from the Speaker's table House bill No. 1052 relative to the Japanese indemnity fund, with a view to moving non-concurrence in the Senate amendments, and to ask for a committee of conference on the disagreeing votes of the two Houses.

Mr. WHITTHORNE. I object.

NATIONAL BANK OF KUTZTOWN, PENNSYLVANIA.

Mr. ERMENTROUT. I ask unanimous consent to take from the House Calendar the bill (H. R. No. 6335) authorizing the National Bank of Kutztown to change its location and name, and ask that the same be put upon its passage. This I will say is a purely local matter and takes not a dollar of money out of the Treasury.

The SPEAKER. The bill will be read, subject to objection.

The bill was read; it is as follows:

Be it enacted, etc., That the National Bank of Kutztown, now located in the borough of Kutztown and State of Pennsylvania, is hereby authorized to change its location to the city of Reading, in said State. Whenever the stockholders representing three-fourths of the capital of said bank, at a meeting called for that purpose, determine to make such change, the president and cashier shall execute a certificate, under the corporate seal of the bank, specifying such determination, and shall cause the same to be recorded in the office of the Comptroller of the Currency, and thereupon such change of location shall be effected, and the operations of discount and deposit of said bank shall be carried on in the city of Reading.

SEC. 2. That nothing in this act contained shall be so construed as in any manner to release the said bank from any liability or affect any action or proceeding in law in which the said bank may be a party or interested. And when such change shall have been determined upon as aforesaid, notice thereof and of such change shall be published in two weekly papers in the county of Berks and said State not less than four weeks.

SEC. 3. That whenever the location of said bank shall have been changed from the borough of Kutztown to the city of Reading, in accordance with the first section of this act, its name shall be changed to the Keystone National Bank of Reading, if the board of directors of said bank shall accept the new name by resolution of the board, and cause a copy of such resolution, duly authenticated, to be filed with the Comptroller of the Currency.

SEC. 4. That all debts, demands, liabilities, rights, privileges, and powers of the National Bank of Kutztown shall devolve upon the Keystone National Bank of Reading whenever such change of name is effected.

SEC. 5. That this act shall take effect and be in force from and after its passage.

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

Mr. ERMENTROUT 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.

WATER SUPPLY OF THE DISTRICT OF COLUMBIA.

Mr. NEAL. I desire, Mr. Speaker, to submit a privileged report from the conference committee.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill of the Senate (S. No. 1723) to increase the water supply of the District of Columbia, and for other purposes, having met, after a full and free conference, have been unable to agree.

Mr. NEAL. I move, Mr. Speaker, that the House further insist upon its amendments to the bill, and ask for a further conference.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. HOUK. I desire, Mr. Speaker, to ask unanimous consent to take from the Private Calendar the bill (H. R. No. 4183) for the relief of George W. Graham and put it upon its passage.

Mr. UPDEGRAFF, of Iowa. I object, and demand the regular order.

Mr. HOUK. I hope the gentleman will not insist upon his call for the regular order as against this bill.

Mr. UPDEGRAFF, of Iowa. I must insist upon the call for the regular order as against every proposition.

Mr. HOUK. This is the first time I have asked the indulgence of the House in this respect.

Mr. UPDEGRAFF, of Iowa. I have been seeking an opportunity to get unanimous consent of the House for three months, and always without success, and now I must insist that all business shall take its regular order.

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

Mr. PAGE. I move to dispense with the morning hour for the call of committees.

The House divided; and there were—ayes 66, noes 19.

So (two-thirds having voted in the affirmative) the motion was agreed to.

Mr. PAGE. I now move that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. Pending that motion the Chair desires to submit certain executive communications.

TENTH CENSUS.

The SPEAKER laid before the House the following letter from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I submit herewith for the consideration of Congress a communication from the Secretary of the Interior, in which he recommends that the sum of \$245,000, the amount which the Superintendent estimates will be required to complete the work of the tenth census, be appropriated for the purpose.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, June 16, 1882.

JEFFERSON BARRACKS, MISSOURI.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a letter from the Secretary of War, dated the 14th instant, covering plans and estimates for repairs, additions, and alterations to public buildings at the depot of the mounted recruiting service, Jefferson Barracks, Missouri, and in which he recommends that the sum of \$24,938.44 be appropriated for the purpose, in accordance with the estimates, during the present session of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, June 16, 1882.

PRODUCTION OF PRECIOUS METALS IN THE UNITED STATES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a report from the Director of the Mint upon the statistics of the production of the precious metals in the United States; which was laid on the table, and ordered to be printed.

Mr. DAVIS, of Illinois. I ask unanimous consent to offer a resolution for the printing of the report transmitted by the Secretary of the Treasury.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives, (the Senate concurring.) That 15,000 copies of the report of the Director of the Mint on the annual production of gold and silver in the United States be printed; 8,000 copies for the use of the House of Representatives, 3,000 copies for the use of the Senate, and 4,000 copies for the use of the Director of the Mint.

The resolution was referred to the Committee on Printing.

DONATION OF MORTARS, ETC.

Mr. STEELE, by unanimous consent, introduced a bill (H. R. No. 6525) donating two mortars and four cast-iron balls to the post of the