

ritory are controlled by single persons and firms, contrary to the intentment of the statute.

Very respectfully,

N. C. MFARLAND, Commissioner.
Hon. THOMAS RYAN, House of Representatives.

The CHAIRMAN. The question is first on the amendment offered by the gentleman from Dakota [Mr. PETTIGREW], which is to reduce the period of residence to one and a half years instead of two and a half years.

The question being taken on Mr. PETTIGREW's amendment, there were—ayes 9, noes not counted.

So the amendment was not agreed to.

Mr. PETTIGREW. I offer another amendment to make the time two years instead of two and a half years.

Mr. VALENTINE. The gentleman in charge of the bill agrees to accept that.

Mr. RYAN. What gentleman?

The question being taken on the amendment, there were ayes 2.

Mr. VALENTINE. The gentlemen who have charge of the bill offered to accept that amendment, and now they will not accept it when they find they have a majority.

Mr. RYAN. I would as readily accept it as not; but you insisted on the other proposition.

The negative vote was counted, and was announced from the Chair as "noes" 89.

Mr. VALENTINE. No quorum.

The CHAIRMAN. A quorum not having voted the Chair appoints as tellers the gentleman from New York, Mr. HISCOCK, and the gentleman from Nebraska, Mr. VALENTINE.

The committee again divided; and the tellers reported that there were—ayes 20, noes 128.

So the amendment was not agreed to.

The amendment offered by Mr. HISCOCK, from the Committee on Appropriations, was then agreed to.

Mr. OATES. I move to amend by adding the following:

Provided, That the laws as to commutation of homestead entries, so far as the same apply to the lands in the State of Alabama, are not changed by this act nor any clause thereof.

The amendment was not agreed to.

The Clerk resumed the reading of the bill and read the following:

For the purpose of paying the expense of survey, appraisalment, and sale of Fort Larned military reservation in the State of Kansas, as provided in an act entitled "An act to provide for the disposition of the Fort Larned military reservation," \$2,500, or so much thereof as may be found necessary.

The CHAIRMAN. The Chair will state that at the request of the gentleman from Wisconsin [Mr. CASWELL] the right was reserved to offer an amendment to come in just preceding the paragraph now read.

Mr. HISCOCK. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. KASSON reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes, and had come to no resolution thereon.

AMENDMENT OF THE RULES.

Mr. ROBESON. I rise to submit a privileged report from the Committee on Rules. I will say that it is what is known as the "Pound" rule which was passed at the last session, with a single alteration, that it will now take four members to object instead of five as last year.

The SPEAKER. The resolution reported from the Committee on Rules will be read.

The Clerk read as follows:

Resolved, That during the remainder of this session of Congress it shall be in order, immediately after the approval of the Journal, to proceed in the House as in Committee of the Whole to the consideration, for the period of one hour, of bills and resolutions which shall have been previously reported by standing committees of the House, and such reports printed, and Senate bills and resolutions on the Speaker's table, which, or substantially similar measures, shall have received favorable action of appropriate House committees, in the following manner, to wit:

The Speaker shall call the standing committees in their order, wherupon, by direction of committees so called, not more than one measure may be called up for final consideration; if not more than four members object such consideration shall proceed, providing that debate on each bill or resolution shall be limited to ten minutes, exclusive of five minutes which may be occupied in reading reports of committees, the latter upon request of a member to be allowed prior to submitting the call for objections; this hour not to interfere with revenue or appropriation bills.

Mr. ROBINSON, of Massachusetts. That should lie over one day.

Mr. ROBESON. Unless there is some objection to its present adoption, I will now call for a vote.

Mr. ANDERSON. There is objection.

Mr. REED. I should like to make an observation about it before it is adopted.

Mr. ROBESON. Very well; let it go over.

The SPEAKER. It will lie over one day under the rules.

ENROLLED BILL SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 2997) granting right of way to the Fremont, Elk Horn

and Missouri Valley Railroad Company across the Niobrara military reservation in the State of Nebraska.

FEES OF CUSTOMS OFFICERS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an abstract of the official emoluments and fees received by customs officers during the year which ended June 30, 1882; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

DAVID N. HARRISON.

Mr. RAY, by unanimous consent, from the Committee on Claims, reported, as a substitute for H. R. 7301, a bill (H. R. 7634) for the relief of David N. Harrison; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEAVE TO PRINT.

Mr. TYLER asked and obtained consent to print in the RECORD some remarks prepared by him on the educational bill. [See Appendix.]

ORDER OF BUSINESS.

Mr. ROBESON. I now move that the House adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 30 minutes p. m.) the House adjourned.

PETITIONS, ETC.

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

By the SPEAKER: The petition of Joseph Scott and others, citizens of Saint Louis, Missouri, relating to the establishment of a colored military school—to the Committee on Military Affairs.

By Mr. ANDERSON: The petition of W. T. Batchelor and 12 others, citizens of Wakefield, Kansas, asking that lumber be placed on the free-list—to the Committee on Ways and Means.

By Mr. CALDWELL: Papers relating to the claim of W. H. Wheeler—to the Committee on War Claims.

By Mr. COVINGTON: The petition of citizens of Deal's Island, praying for an appropriation to continue the improvement of the Lower Thoroughfare, Maryland—to the Committee on Commerce.

By Mr. G. R. DAVIS: The resolutions adopted by the Grand Army of the Republic, Department of Illinois, condemning the efforts being made to restore to the Army Fitz-John Porter—to the Committee on Military Affairs.

By Mr. C. B. FARWELL: The petition of James Sturgis and others, officers of banks in Chicago, Illinois, urging the passage of the Monroe resolution providing for the repeal of Article XI of the amendments to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. HASELTINE: The petition of William Smith, relating to the compensation of postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. PEELLE: The petition of the Atlas Engine Works and 20 others, manufacturers of Indianapolis, Indiana, protesting against the admission of steam plows and engines free of duty—to the Committee on Ways and Means.

By Mr. J. B. RICE: The petition of 52 commissioned officers and more than 500 non-commissioned officers and private soldiers who served in the command of Brigadier-General S. D. Sturgis in the expedition into Northern Mississippi in June, 1864, asking that the said Sturgis be removed from his present position, for a full investigation of his conduct in the disastrous Guntown expedition, and for his dismissal from the service—to the Committee on Military Affairs.

By Mr. UPDEGRAFF: The petition of H. C. Fellows, relating to appropriations for Government surveys—to the Committee on Appropriations.

By Mr. VANCE: The petitions of ship-owners and merchants of New York, and of Bath, Maine, protesting against the adoption of section 13 in the bill relating to the American merchant marine—severally to the Committee on Commerce.

SENATE.

FRIDAY, February 23, 1883.

The Senate met at 11 o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

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

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented a joint resolution of the Legislature of Minnesota; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

A joint resolution asking immediate adjustment of land grants to railroads in this State.

Whereas millions of acres of land in this State have been granted to railroads and have been withdrawn from settlement and are untaxed; and

Whereas many of such grants have not been adjusted, and lands not falling within the grant are thus withheld from market and are untaxed; and

Whereas some of such grants have been forfeited by reason of non-compliance

in part by the railroad company to which the grant has been made with intentions of the grant; and

Whereas it requires an act of Congress or the decree of a court to forfeit the land of a defaulting railroad company: Therefore,

Be it resolved by the Legislature of the State of Minnesota. That the interest of the State and of the citizens requires that all land grants to railroads should be adjusted at the earliest possible day, or that in all cases when any railroad company has not complied with the conditions of the grant to it such grant should be at once declared forfeited.

Resolved further. That our Senators and Representatives in Congress are requested to use all honorable means to secure an immediate adjustment of such grants or an immediate forfeiture of any grant the terms of which have not been complied with.

Resolved further. That the secretary of state be, and is hereby, requested to forward a copy of this resolution to our Senators and Representatives in Congress at as early a day as practicable.

Mr. WINDOM presented resolutions adopted by the Duluth Chamber of Commerce in favor of the location at Duluth of the proposed consolidated customs port; which were referred to the Committee on Commerce.

Mr. LAPHAM. I present a memorial of 2,500 persons, printers, binders, publishers, and others, engaged in the manufacture of books in the city of New York, remonstrating against the proposed change in the duties on books imported from foreign countries while the existing duties upon the materials used in the manufacture of books are to be maintained. This memorial did not reach me until after the Senate had acted upon that question in the revenue bill, but it is possible the question may yet come before the Finance Committee. I ask that this memorial, which states the facts very fully, as it is from very responsible persons, shall be sent to the Finance Committee.

The PRESIDENT *pro tempore.* The memorial will lie on the table.

Mr. CALL presented a memorial of delegates from the constitutional convention of Utah; which was referred to the Committee on Territories, and ordered to be printed in the RECORD, as follows:

To the honorable Senators and Representatives of the United States:

The undersigned respectfully and humbly present this their petition and memorial as follows, to wit:

We are citizens of Utah, authorized and instructed by the people of that Territory to do what is proper and possible for the preservation of their rights and liberties.

In their name we pray you to consider the situation in which your legislation may place them. We feel sure that you will at least hear us, since our worst enemies do not pretend that we have lost the right to petition for the redress of grievances.

For certain reasons, elsewhere given and which need not now be repeated, we are entirely satisfied that the act of March 22, 1882, was an assumption of power not granted to Congress by the Constitution. We admit, however, that we are not the ultimate judges of that question. If you shall be convinced that you, and not the Territorial government, have jurisdiction to legislate upon the subject of marriage, divorce, and other matters of purely private and local concern, and if you think it proper to exercise that power without regard to the nearly unanimous opinions of the people affected by it, then we beseech you to modify your law so that its penalties will be visited upon those only who commit the prohibited offense and are legally found guilty by a jury impartially selected.

We pray you to repeal so much of the act of March 22 as authorizes, or seems to authorize, the disfranchisement of persons who are not convicted, because it is a cruel punishment inflicted upon persons conclusively presumed to be innocent.

It is also hoped that the retroactive feature of your law will be eliminated. No grosser violation of common justice could be committed than a criminal law operating *ex post facto*.

Respectfully but most earnestly we protest against the commission appointed under the act of March 22. The people of the Territory had a clear and unquestionable right to choose their own local officers according to their own established laws. Congress decreed that this right should not be exercised except under the supervision of five persons to be appointed by the President. The commissioners, being appointed, undertook the duty but did not perform it. In consequence there could be no election without a conflict with Congress, which we were unwilling to bring on, however certain we were of being in the right. There was no election, and, as a legal consequence, the incumbents of the local offices held over agreeably to the statute in such case made and provided.

But an attempt was made to punish the people of the Territory for the default of the commissioners by seizing the local offices and public money into the hands of the governor and his retainers. And this, we are sorry to say, is asserted to be in accordance with what is called the Hoar amendment, hastily and inconsiderately stuck into the appropriation bill at the close of the last session. It is clear to us, and must be to you upon reflection, that this amendment has not and was not intended to have the effect claimed for it; but if the courts of the Territory should give it that construction all control of their own affairs would be taken out of the people's hands and free government in the Territory would be at an end. We submit to your candid judgment whether the repeal of this amendment is not due to the character of Congress as well as to the Territory of Utah. So, and so only, may all pretense be taken away for the perpetration of a huge political robbery.

The people of that Territory would be unfaithful not only to their own rights and the rights of their children but to the cause of liberty and justice everywhere if they did not remonstrate as earnestly as possible against the bill of pains and penalties reported by the Senate Judiciary Committee. In open defiance of the Constitution it authorizes the capture and imprisonment of citizens, male and female, known and admitted to be perfectly guiltless of any offense. It violates the sanctities of the family by compelling husband and wife, lawfully married and living together in conjugal harmony, to testify against one another. By a legislative decree purely arbitrary it disfranchises all female citizens, though their right to the ballot is vested as clearly as that of the men, and though it is not pretended that they have done anything to forfeit it; the injustice would be no greater to extend this disfranchisement to the whole population, and that probably is expected to follow, either directly or indirectly.

The pending bill abolishes the election districts for members of the Legislature, and if it passes no election can be held unless a commission of Federal officers, known to be the bitter enemies of popular government, shall redistrict the Territory. This bill, passed in its present shape and added to the hostile measures of the last session, must almost necessarily result in the destruction of the Territorial Legislature, the seizure of the local offices, and the subjugation of the people to a state of ignominious slavery.

Whatever may be the extent of the jurisdiction over our local affairs which you may think it right to claim, we are safe in assuming that no honorable man

in or out of Congress will stand up to defend measures forbidden, as these are, by the express words of the Constitution.

Nor can any excuse be found for them in the antipathy which is professed by many, and by some sincerely felt, for the doctrine of plural marriages. These penalties fall upon the whole population without reference to the personal guilt or innocence of individuals. They are stabs which reach the vitals of civil liberty and do not touch polygamy at all.

We bring no railing accusation against our enemies at home who have labored to excite animosity against us to break down our Territorial government and to rob us of the right to manage our own affairs by agents of our own choice. But we can not conceal from you the dread and terror with which we contemplate the bare possibility of being placed under their domination.

Possessed of despotic authority, with law in their voice, with unrestrained power in their hands, and a helpless people under their feet, they would act after their kind and plunder us without remorse. What chance of justice will we have if we submit to their exactions? What safety for our lives if we resist? With what reason can we hope to escape the fate of all other communities placed in that unhappy situation? Our case is even more forlorn in its outlook than any that modern history records. The men who are striving to become our masters claim the offices and funds of the Territory, which are our undoubted property, in defiance of law, justice, and the rights of self-government secured to us by the Constitution. If they succeed it would be mere madness to expect the smallest regard for our rights of private property or personal liberty.

The undersigned were specially intrusted by the convention which framed for the people the constitution under which they hope to be admitted as a State to lay that instrument before Congress and ask that proper action be taken thereon. Inasmuch as our constitution is faultless and our population much larger than that of some States already in the Union, we venture to hope that our admission will not be unreasonably delayed.

We implore you to take our case into your consideration and save us, so far as your sense of justice will permit, from the great calamities with which we are threatened.

And we will ever pray, &c.

JOHN T. CAINE.
F. S. RICHARDS.
D. H. PERRY.
W. D. JOHNSON, JR.

Mr. VEST. I present two petitions from more than a thousand workingmen, one from employés of the Nova Scotia Iron Company, in Dent County, Missouri, and the other from employés of the Saint Louis Stamping Company, praying that the tariff duty upon iron may not be reduced. I move that the petitions lie on the table.

The motion was agreed to.

Mr. VEST presented resolutions of Maplewood Grange, No. 654, Patrons of Husbandry, of Pettis County, Missouri, and resolutions of Zion Grange, No. 1087, Patrons of Husbandry, of Lawrence County, Missouri, in favor of the establishment of a department of agriculture; which were ordered to lie on the table.

Mr. GROOME presented a petition of the Maryland Academy of Sciences, praying that the Signal Service Bureau be not transferred to the Interior Department; which was referred to the Committee on Military Affairs.

SANDUSKY COLLECTION DISTRICT.

Mr. McMILLAN. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 2445) to amend section 2603 of the Revised Statutes of the United States, fixing the boundary of the collection district of Sandusky, to report it with a recommendation that the bill pass with a mere formal amendment made by the committee. I am also instructed to ask for the immediate consideration of the bill. It merely establishes the lines of the district as they have been understood to exist for fifty or seventy-five years, but a decision of the court determined that the district was bounded by other lines and renders this act necessary. The Secretary of the Treasury in a communication to the committee approves the bill reported, and I understand that it is in accordance with the desires and wishes of the people.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It amends section 2603 of the Revised Statutes, so as to read:

The district of Sandusky to comprise all the waters and shores of Lake Erie within the jurisdiction of the United States from the eastern bank of the Vermilion River to and including the western bank of the Portage River, in which Sandusky shall be a port of entry.

The amendment reported by the Committee on Commerce was, in line 9, before the word "port," to strike out "a" and insert "the;" so as to read:

In which Sandusky shall be the port of entry.

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.

MAJOR WILLIAM LUDLOW.

Mr. EDMUND. As I see it seems to be the general pleasure of the Senate to act upon bills as they are reported, as far as it is in my power I wish to withdraw the objection that I made yesterday to the bill reported by the Senator from Connecticut [Mr. HAWLEY] and assent to his taking it up now by unanimous consent. That seems to be the general notion of the Senate and I do not want to give one kind of fish to the Senator from Connecticut and another to the Senator from Minnesota, and so on. I apologize for having objected yesterday.

The PRESIDENT *pro tempore.* The Chair will recognize the Senator from Connecticut when the routine morning business is through.

REPORTS OF COMMITTEES.

Mr. McDILL, from the Committee on Public Lands, to whom was

referred the bill (H. R. 6597) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes, reported it without amendment.

Mr. MORRILL. I am directed by the Joint Select Committee on Additional Accommodations for the Library of Congress to report an amendment to be proposed to the bill (S. 842) authorizing the construction of a building for the accommodation of the Congressional Library, and I ask that it be printed and lie on the table.

The PRESIDENT *pro tempore*. That order will be made.

Mr. MORRILL. I give notice that whenever I can do so without interfering with the regular appropriation bills, I shall ask a brief time on the part of the Senate to consider that bill.

Mr. HOAR, from the Committee on Patents, to whom was referred an amendment intended to be proposed to the sundry civil appropriation bill, authorizing the Secretary of War to purchase from Addison M. Sawyer his patent right for canister-shot, reported it with a favorable recommendation, and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. INGALLS. The Committee on the District of Columbia some time since were instructed by a resolution to inquire into the subject of the routes and terminal stations of the railroads in this District. From the committee I report an original bill to define the routes of steam-railroads in the city of Washington, and for other purposes, which I ask may be twice read and placed upon the Calendar; and I give notice that at the earliest possible day I shall ask the Senate to act upon that bill.

The bill (S. 2505) to define the routes of steam-railroads in the city of Washington, and for other purposes, was read twice by its title.

Mr. VEST. I am authorized by the Committee on Commerce to report back the bill (H. R. 7061) to remove certain burdens on the American merchant marine, to encourage the American foreign carrying trade, and to amend the laws relating to the shipment and discharge of seamen, known as the shipping bill, with certain amendments, and I ask that it be placed on the Calendar.

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

Mr. VEST. I further wish to state on behalf of certain members, a minority of the committee, that there is a new section incorporated in the bill which does not meet with the entire approval of all the members of the committee. It is a section which authorizes the Postmaster-General of the United States to contract with steamship lines and other vessels for the transportation of the mails of the United States upon ocean routes, the aggregate amount so expended under such contracts not to exceed a million and a half of dollars annually. With the exception of that section the committee are unanimous in reporting the bill. I give notice that after the Senate has completed the consideration of the bill now pending in regard to Utah, I shall ask the Senate to take up the shipping bill.

Mr. VANCE, from the Committee on Naval Affairs, reported a bill (S. 2504) to amend the act of August 5, 1882, making appropriations for the naval service; which was read twice by its title.

Mr. HARRISON. I am instructed by the Committee on Territories, to whom was referred a petition of the Legislative Assembly of Montana Territory, praying for increased per diem and mileage of jurors and witnesses, to ask that the committee be discharged from its further consideration, and that it be referred to the Committee on the Judiciary, which committee, I understand, has the subject under consideration.

The report was agreed to.

INDIAN CEMETERY AT SALAMANCA.

Mr. DAWES. I am instructed by the Committee on Indian Affairs to report favorably and without amendment the bill (H. R. 1078) to authorize the Seneca Nation of Indians of the State of New York to grant title to lands for cemetery purposes; which I ask the indulgence of the Senate to put upon its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It makes it lawful for the Seneca Nation of Indians of the State of New York in the manner provided by their constitution, to quitclaim to the Wildwood Cemetery Association of the village of Salamanca, New York, duly organized under the laws of that State, not to exceed thirty acres of land within the village of Salamanca, as defined in accordance with the provisions of the act of Congress, approved February 19, 1875, for cemetery purposes.

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

WITHDRAWAL OF PAPERS.

On motion of Mr. GORMAN, it was

Ordered, That the papers in the case of Charles Dresser be withdrawn from the files of the Senate, there being no adverse report.

INDIAN APPROPRIATION BILL.

Mr. DAWES. I desire to submit the conference report upon the Indian appropriation bill.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of the report? The Chair hears no objection, and it is before the Senate.

The Acting Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6590) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1884, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 26, 27, 57, 67, 74, 75, and 77.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 15, 16, 17, 18, 19, 20, 22, 23, 31, 63, 64, 68, 69, and 70, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment, insert the sum of \$89,400; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the word "four," where it occurs, and in lieu thereof insert the word "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the words "the vicinity of Fort Custer," and insert in lieu thereof the words "some suitable location on their reservation;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: At the end of the matter proposed to be inserted by said amendment insert the following:

"And no contract by any such Indian, creating any charge or incumbrance thereon, or liability of said land for payment thereof, shall be valid."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment, insert the sum of \$8,000; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment, insert the sum of \$8,000; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment, insert the sum of \$70,000; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows: At the end of the amended paragraph, insert the following:

"And no portion of this sum, nor of any other sum appropriated by this act, for the support of Indian schools shall be paid for service rendered by any scholar taught in said schools during the period of his tuition, except for excess of value of labor over and above cost of tuition and support or either furnished by the Government."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: After the word "repairing" in said amendment, insert the words "and constructing;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by said amendment, and on page 44 of the bill, in line 8, strike out the words "and education" and in lieu thereof insert the words "education and transportation;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out down to and including the word "made" in line 23, page 44 of the bill, and insert after said word the following words:

"Immediately available for the completion and furnishing of the school building and erection of outhouses near Arkansas City."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the sum of \$10,000; and at the end of said amendment insert the following:

"And also for the placing of children from all the Indian schools, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such children moral, industrial, and educational training for a term of not less than three years, under arrangements in which their proper care, support, and education shall be in exchange for their labor."

And the Senate agree to the same.

H. L. DAWES,
M. W. RANSOM,
Managers on the part of the Senate.

THOMAS RYAN,
L. B. CASWELL,
BEN. LE FEVRE,
Managers on the part of the House.

Mr. DAWES. The result of this conference may be stated in a very few words. As the bill passed the House it appropriated \$5,208,955.91. There was added by the Senate \$167,300, making a total as passed by the Senate of \$5,376,255.91. The net reduction made in the conference from the Senate amendments is \$12,600, as follows: Reduction in the appropriation for Sioux of Lake Traverse, \$7,000; for Sioux of Devil's Lake, \$7,000; for Indian police, \$2,600; for transportation of children to and from Forest Grove school, \$1,000, making the total reduction \$17,600. The increase in the appropriation for removing Indians and property in consolidating agencies, &c., is \$5,000, making a net reduction of \$12,600. The amount of the bill as agreed to is \$5,363,655.91; less than the appropriations for 1883, \$111,748; less than the estimate for 1884, \$1,362,075.63.

Mr. PLUMB. I did not see my way clear to sign the report, for reasons that I do not care to enlarge upon, but I desire to call the attention of the Senate now to the controversy chiefly in the committee, as it was also between the two Houses; that is, the appropriation for schools. The controversy here assumed the phase of a question as to the amount that should be given for the education of each Indian scholar, the Senate voting by quite a decided vote at one time that the amount at Carlisle should be \$235 each.

I have had occasion to pay a little attention to the question of the subsistence and education of the poor people of the District of Columbia, both black and white, who I think so far as the obligation of the Government to them and to their needs is concerned, present and future, are quite as deserving as Indians. I find that in the Industrial Home School at Georgetown an average of more than one hundred children were taken care of by way of clothing, instructing, supporting generally, and educating in an industrial way on an average of about \$70 per capita. I find that at the school or institution for the care of colored children the number is about the same and that the per capita is about \$65 each. These two institutions are doing a work of great value, and just the kind of work which in my judgment should be done for the Indians; and yet we are doing, as I believe, a less valuable work for the Indians at nearly four times the cost; that is to say, we are educating the Indians at an expense to the Government of about four times what it costs to educate and care for white and black children who have just as much claim upon the Government, and who have been receiving just as much benefit from the diminished sum as the Indian children are receiving from the largely increased sum.

In connection with this statement I ask to have read a letter from a somewhat noted Quaker lady of Philadelphia, which sheds some light upon this question, written to Secretary Teller under date of the 29th day of January.

The Acting Secretary read as follows:

PHILADELPHIA, First Month, 29th, 1883.

ESTEEMED FRIEND: After leaving thee that afternoon, with my papers ready for action, I had a talk with an official, who questioned me closely about the work and workers in certain agencies; also wished to know what the Quakers of Philadelphia thought of the proposed school for Indian girls in our city. I told him I never had heard of an approval. It would be a pet school and the girls would be spoiled and we fear not fit for home duties. We would approve of industrial schools on the reservations and the women taught in their homes to live a civilized life and make home attractive to their husbands. He (the official) wished to call and have a talk with thee about it; but I know thy time, as well as my own, was precious, so ventured to write thee.

I have made it my business to visit the schools and homes of Indians both in Canada and our own country, and find the former far ahead of ours in economy and work. At the Mohawk Institute, Brantford, Canada, they have one hundred and thirty-six pupils, at the cost to government of \$63 each for the last two years, and they do all the work, with the assistance of two workers—knitting, sewing, &c., everything. Do visit it; and for more particulars see ninth and eleventh months' council series, 1882, written by me. There are too many instructors; the children ought to be workers. Not one child at Thomas Asylum, New York, is allowed to remain in the school over 16 years of age, and they do everything like work in that institution. 'Tis employment that civilizes the Indian. 'Tis not all books that is needed.

My heart is in the work, and I do crave that you, who are at the head of this great work, may bow low before the Lord and ask Him to direct you, and do not move till He shall show you the way. We are all working for or against Him. I am willing to add my mite to the work of so great a field, and all I ask is to be aided as the way may open.

Thy interested friend,

HULDAH H. BONWELL,
912 Wallace street, Philadelphia.

Secretary TELLER.

Mr. PLUMB. I simply desire to express the conviction that if Indian education should be placed in the hands of people of a practical character such as those who have charge of the institutions of which I have spoken and such as the writer of the letter evidently is, we could educate four or five times as many children as we now educate for the money we are expending, and to a very great deal better purpose.

Mr. DAWES. Before this matter passes from the consideration of the Senate I desire that a single word more should be said. There are three kinds of schools for the Indians. One is the day schools at the agencies, another is the industrial schools at the agencies, and the third is the three schools at Hampton, Carlisle, and Forest Grove. The average cost of the scholar at the day schools is only \$25 a year; at the industrial schools at the agencies it is \$50 a year; at Hampton it is \$167; at Carlisle and Forest Grove it is \$200. There is a very much larger number at the day schools than at any of the others, and if you average the cost it would come somewhere nearer the cost of the schools that have come under the observation of the Senator from Kansas than would appear by his simple statement; I do not know how near it would come.

The Senate can see at once that there are many reasons why you can reduce to a minimum the cost of educating the scholar at the schools in this District much smaller than the minimum at present of educating the Indians, who are at arm's-length, a different character of person, requiring a different kind of teacher and a different kind of expenditure. If the country can be satisfied that the effort is an honest and earnest and economical effort in the expenditure of money, the country has made up its mind that the result also will be not only in the interest of economy of expenditure, but in the interest of a wise and humane solution of the Indian question by bringing sooner than by any other effort the Indian to a self-sustaining condition of life. He is to be in the very near future a citizen of the United States, absorbed in the body-politic; and every dollar expended in preparing him or the coming generation of Indians for that duty which they can not nor we escape, the better.

I think the Senator from Kansas will agree with me that the effort is an earnest and honest one, and in the main an economical one, and that with a sincere desire to make every dollar of the money go as far as possible we can see very many reasons why it can not come down

to the minimum of the expenditure in this District, which is wise as well as economical and beneficent. I think there can be no occasion for any adverse criticism. I agree with the Senator that practical nations such as are expressed in the letter he has read commend themselves to those in the management of Indian affairs, the Indian schools especially, and think those at the head of the Interior Department are exceedingly practical and sensible.

Mr. CALL. Mr. President, I should be glad to ask the Senator from Massachusetts what became in the conference of the provision the Senate inserted in the bill for the relief of the Seminole Indians in Florida?

Mr. DAWES. I regret to say that the committee of conference on the part of the Senate were compelled to give up that appropriation in order to come to an agreement upon other points. I regret it because I wished that that sum of money might have been expended. Last year it was proposed by the Senate to expend out of the Treasury that sum of money to relieve us of all trouble about the treaties. This year it was proposed to take that sum out of the treaty appropriation. The conference committee on the part of the House were very firm in the conviction that that violated the provisions of the treaty, and it was necessary in order to agree in the conference to give up the appropriation.

Mr. CALL. I shall not delay the Senate or occupy its time by reiterating what has been stated before any further than to express my protest on behalf of the people of Florida and these Indians against the refusal on the part of Congress to do for them what is plain, sheer, undeniable justice. I merely wish to say that in violation of a positive treaty obligation on the part of the Government of the United States, for which no kind of pretense or excuse has ever been given, year after year this appropriation bill is passed asserting a positive falsehood which has no kind of support in either the history of the country or in any fact stated by any individual anywhere, and that is that the Indians in Florida, for whose benefit that provision of the treaty was made, have ever removed from that State. There is no kind of reason for that assertion; they have never removed; they are there; and year after year, contrary to the evidence in the case, this appropriation is made under that treaty for the benefit of the Seminole Indians in the West, upon the allegation as contained in the bill that they—that is, the part of the tribe "remaining in Florida" at the time of the treaty—have removed to the West, for which, I wish to state here, there is not the slightest degree of evidence and which is absolutely false.

I wish further to say that these Indians in Florida alone of all the Indians in the United States are not only left without provision for their support or their education, but that they had a treaty with the Government of the United States long before the treaty was made by which provision was made for those who should remove westward, giving to them per capita so much money, which has been denied to them without any kind of reason or excuse, without any provision in the treaty abrogating it, and without any consideration whatever on the part of Congress or the Government; yet they have surrendered their lands, they have deprived themselves of their homes, they have given the consideration required by the treaty, and year after year, of all the Indians in the United States in like case, they alone are left without the least recognition or without the least care or attention by Congress. Such violation of the solemn treaty obligations of the United States, such indifference both to the claims of humanity and of justice is a reproach to ourselves and the country.

The PRESIDENT *pro tempore*. The question is on the adoption of the report.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 7191) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1884, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM H. FORNEY of Alabama, Mr. J. H. KETCHAM of New York, and Mr. THOMAS RYAN of Kansas the conferees on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 2997) granting right of way to the Fremont, Elk Horn and Missouri Valley Railroad Company across the Niobrara military reservation, in the State of Nebraska; and it was thereupon signed by the President *pro tempore*.

CAPITOL, NORTH O STREET AND SOUTH WASHINGTON RAILWAY.

Mr. ROLLINS. I submit the report of the committee of conference on the bill (H. R. 2871) to provide for the extension of the Capitol, North O Street and South Washington Railway.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of this conference report? The Chair hears no objection, and it is before the Senate.

The Acting Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2871) to provide for the exten-

sion of the Capitol, North O Street and South Washington Railway having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

That the Senate recede from the amendment numbered 3.

E. H. ROLLINS,
JAMES W. McDILL,
Z. B. VANCE,
Conferees on the part of the Senate.
R. B. F. PEIRCE,
ROBERT KLOTZ,
SAM. F. BARR,
Conferees on the part of the House.

Mr. INGALLS. I should like to have the bill read as it will stand if we agree to the conference report.

The Acting Secretary read as follows:

Be it enacted, &c., That the Capitol, North O Street and South Washington Railway Company is hereby authorized to extend its line, by laying a single or double track, and running its cars thereon, on the following streets in the city of Washington, namely: Commencing with the intersection of its present line at Eleventh and E streets, northwest, and running east along E to Ninth street; thence south along Ninth street to Louisiana avenue; thence southwest along said avenue to Ohio avenue; thence west along Ohio avenue to its intersection with its present line at the junction of Ohio avenue and Twelfth street, northwest.

SEC. 2. That unless said extension is constructed and the cars run thereon within six months from the passage and approval of the act, all rights granted hereunder shall be void: *Provided*, That no new track or tracks shall be laid along Ninth street from D to Louisiana avenue, but said company may use the tracks of the Metropolitan Street Railway Company between said points, upon such terms and conditions as may be provided in the original act of incorporation of said Capitol, North O Street and South Washington Railway Company.

Mr. INGALLS. Now read the first amendment that was agreed to by the conferees.

The ACTING SECRETARY. In section 1, "Tenth," where it first occurs in line 8, was stricken out, and "Ninth" inserted; so as to read:

And running east along E to Ninth street.

And all after "street," in line 8, was stricken out down to and including "street," where it occurs the second time, in line 9, section 1; so as to read:

Thence south along Tenth to D street; thence east along D to Ninth street.

Mr. MORRILL. In other words, I understand the Senate gives up its amendment.

Mr. ROLLINS. No; the Senate does not.

Mr. INGALLS. Now read any amendments that are not agreed to.

Mr. ROLLINS. The House agrees to the amendment suggested by the Senator from Vermont.

Mr. INGALLS. Now let us hear the amendments which were disagreed to.

The Acting Secretary read as follows:

Provided, That the said company shall reimburse the United States and the District of Columbia for the cost of paving that part of said streets which it shall occupy by virtue of this act according to the requirements of their charter in respect of other streets occupied by said company.

Provided further, That said railway company and all street or tramway companies in the District of Columbia shall pay the full amount of the original cost, and of maintaining the same in good order, of grading and laying the number of feet required by their respective charters over the streets and avenues occupied by them, namely: the tracks, between the tracks, and two feet on the outer edge of the same; and a refusal to pay such tax when notified by the commissioners of the District of Columbia of the amount due for said original improvements the same shall work a forfeiture of the charter of the company so refusing.

And subject always to the right of Congress at any time to repeal or amend the said charter or any amendments thereto, and to establish such regulations in the use of the franchises thereby conferred as may by it be deemed reasonable and proper.

Mr. INGALLS. Do I understand that if this conference report is agreed to this street railroad has the right to occupy this newly paved street for the purposes of its track without any compensation to the Government or to the District of Columbia for the amount that has been expended for the grading and repaving in the past few months? I should like the Senator to state.

Mr. ROLLINS. If this conference report is agreed to this railroad will have the same privileges that other street railroads have had in the past. The other street railroads have been required to do only this, to maintain the road between the tracks and for two feet each side. That this street railroad will be compelled to do in all time to come. That is just what all other street railroads have been required to do. This requires the same thing of this company, no more and no less. It puts them on an equality with all other street railroads in the city. It was thought that that was just and proper.

Mr. INGALLS. When this matter was under debate in the Senate it was, I believe, agreed that the provision with regard to paving and repairing only applied to the specific road defined in the original act of incorporation authorizing this road to be constructed. Now, unless some provisions are incorporated in this bill requiring them to keep the pavement in repair between their tracks and for two feet on each side they are not subject to the same conditions that were imposed upon other roads in this city.

I regret very much that the Senator from New Hampshire has deliberately abandoned the amendments that he himself offered in the Senate and admitted the necessity of. It will be remembered that the Senator from New Hampshire himself proposed these amendments, admitted their necessity, and proposed that in addition to the require-

ments to be imposed on this railroad similar provisions should attach to the other horse-railroads occupying streets in the city.

After the Senator had himself admitted that this was essential, after it is agreed that unless these amendments be adhered to this street railway will have the use of that street without keeping the track in repair or the pavement upon the two sides of their rails, why is it, and what influences have been brought to bear by which the author and promoter of these amendments has seen fit to abandon them? It looks to me a little singular, Mr. President.

Mr. ROLLINS. It may seem a little singular to the Senator from Kansas, but I take square issue with him in reference to his statement of facts. I say that this corporation will be required to keep its track in order, the space between the two tracks and two feet on each side, under the charter as it now stands upon the statute-books of the land. I say further that I have not abandoned anything that I advocated here in the Senate. I stated to the Senate that I thought this amendment which was ingrafted on the bill by a vote of the Senate ought to be voted down.

Mr. INGALLS. The Senator offered it as an amendment.

Mr. ROLLINS. I did offer the last amendment for the sole purpose of showing the impropriety of the original motion. That was the object which I had in view when I offered it. When it was offered I advised the Senate to vote it down, because it was an amendment which was undertaking to forfeit the charter of the present street railroads, going further than I thought Congress had a right to go.

The PRESIDENT *pro tempore*. The question is on the adoption of the report.

The report was agreed to; there being on a division—ayes 21, noes 19.

GALLUS KIRCHNER.

Mr. FRYE. I present the conference report on House bill No. 2013.

The PRESIDENT *pro tempore*. The Senator from Maine presents a conference report. Will the Senate proceed to its consideration? The Chair hears no objection, and the report is before the Senate.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House No. 2013, entitled "An act referring to the Court of Claims the claim of Gallus Kirchner," having met, after full and free conference have agreed to recommend to their respective Houses as follows:

That the Senate recede from its amendment and agree to the House bill with the following amendment:

Add, after the word "any," in the last line, the words:

"Provided, That no judgment shall be rendered for any such stone used in the construction of the main arsenal building."

And that the House agree to the same.

WM. P. FRYE,
D. W. VOORHEES,
JOHN SHERMAN,

Managers on the part of the Senate.
JOHN B. CLARK, JR.,
STANTON J. PEELLE,
S. M. STOCKSLAGER,
Managers on the part of the House.

The report was agreed to.

DEBATE ON APPROPRIATION BILLS.

Mr. HALE submitted the following resolution, which was read:

Resolved, That during the present session it shall be in order at any time pending an appropriation bill to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and said motion shall be decided without debate.

Mr. HALE. I suppose that will go over.

Mr. INGALLS. Let it be read again.

The resolution was read.

Mr. INGALLS. Let it lie over until to-morrow.

Mr. HOAR. I desire to save a question of order on that resolution, which I will make to-morrow when it comes up.

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

DUPLICATE BILLS AND RESOLUTIONS.

Mr. ANTHONY. Yesterday I offered a resolution directing the Public Printer to bind duplicate sets of bills and resolutions of the Senate and House, which was laid over on the suggestion of several Senators that the number ought to be increased. The number is the same as already bound and will make two hundred and fifty volumes—one hundred and twenty-five of bills and one hundred and twenty-five of resolutions. The document-room has no space for more. Therefore I think the resolution had better pass as it was reported.

The resolution was read, as follows:

Resolved, That the Public Printer be, and he hereby is, authorized and directed to bind duplicate sets of bills and resolutions of the Senate and House of Representatives of the Forty-second, Forty-third, Forty-fourth, Forty-fifth, Forty-sixth, and Forty-seventh Congresses, said bills and resolutions to be furnished him from the files of the Senate document-room, and the volumes when bound to be kept there for reference.

The PRESIDENT *pro tempore*. The Senator from Rhode Island calls up for consideration this resolution. It is before the Senate, no objection being made. The question is on its adoption.

The resolution was agreed to.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. Is there further morning business?

[A pause.] The Chair hearing no response declares the morning business closed.

Mr. HALE. I move to postpone the Calendar, my object being to take up the naval appropriation bill, which I am entirely confident can be disposed of in a few minutes, as we have reached now merely formal amendments.

The PRESIDENT *pro tempore*. Is there objection to postponing the Calendar?

Mr. BROWN. After that bill is disposed of I shall move to take up the Calendar, giving preference to House bills favorably reported.

Mr. HALE. I move to take up the naval appropriation bill.

The PRESIDENT *pro tempore*. If the Calendar is postponed—

Mr. HALE. Let it be postponed until the naval bill is finished. The motion of the Senator from Georgia will be as much in order afterward.

Mr. BROWN. I do not want to antagonize the appropriation bill, but only give notice that after it is disposed of I shall move to take up the Calendar.

The PRESIDENT *pro tempore*. The unfinished business at 1 o'clock is the Utah bill. Is there objection to postponing the Calendar? The Chair hears none.

Mr. HALE. Now I move to take up the naval appropriation bill. The motion was agreed to.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7314) making appropriations for the naval service for the fiscal year ending June 30, 1884, and for other purposes.

Mr. HALE. The Senate have finished the consideration of the bill itself and the amendments of the Committee on Appropriations as incorporated in the bill when reported. There are one or two matters which I wish to present now. On page 5—

Mr. ROLLINS. I should like to inquire what is the pending question.

The PRESIDENT *pro tempore*. The amendment of the Senator from New Hampshire [Mr. ROLLINS].

Mr. HOAR. What is that amendment?

Mr. HALE. I have not had an opportunity of presenting the amendments of the committee yet.

The PRESIDENT *pro tempore*. The first question is on the amendment of the Senator from New Hampshire [Mr. ROLLINS].

Mr. HARRIS. A question of order was raised and not disposed of last night.

Mr. HALE. I beg pardon. I thought it was disposed of. Then of course that is the first in order.

The ACTING SECRETARY. The proposed amendment is to add at the end of the bill:

SEC. 4. That the President shall appoint a board of nine officers of high rank on the active or retired list, who shall, before the 1st day of October, 1883, thoroughly scrutinize the active-list of the Navy, and shall select therefrom six rear-admirals, ten commodores, forty captains, eight commanders, seventy lieutenants-commanders, two hundred and forty lieutenants, seventy masters, seventy ensigns, one hundred midshipmen, ten medical directors, ten medical inspectors, forty-five surgeons, eighty-five assistant and passed assistant surgeons, eight pay directors, eight pay inspectors, thirty-five paymasters, fifteen passed assistant paymasters, ten assistant paymasters, five chief engineers with the relative rank of captain, ten chief engineers with the relative rank of commander, forty chief engineers with the relative rank of lieutenant-commander or lieutenant, fifty-five passed assistant engineers, thirty-five assistant engineers with the relative rank for each as now fixed by law, twelve chaplains, six professors of mathematics, eight naval constructors, four assistant naval constructors, three civil engineers, thirty boatswains, thirty gunners, thirty carpenters, and twenty sailmakers, to be retained on the active-list of the Navy, to discharge the current duties of the service under the law and regulations governing it; and all others now on said list shall be considered supernumerary, and shall be placed on a separate list, not entitled to promotion, and with leave-of-absence pay, but subject to be ordered to service with the proper pay of their grade only in time of war; and they shall retire on reaching the age as fixed by law, or at any time before reaching that age, on their own application; and the officers so retained as above provided shall be entitled to their promotion, after proper service and examination, as vacancies may occur, without regard to the officers remaining on the supernumerary list: *Provided*, That nothing in this act shall be so construed as to remove from the active-list the Admiral and Vice-Admiral of the Navy, nor in any manner to affect the status of any officer who has received a personal vote of thanks of Congress.

The PRESIDENT *pro tempore*. The point of order, I suppose, is that this is general legislation. The point of order is sustained.

Mr. ROLLINS. I merely wish to say a few words.

The PRESIDENT *pro tempore*. The point of order is not debatable.

Mr. ROLLINS. Debate upon the bill is in order, I think.

Mr. HALE. The point of order has been stated, and I have no objection if the Senator desires to say something upon the matter.

Mr. ROLLINS. I merely wish to say that when the amendment which I propose was prepared I supposed there would be some general legislation in the bill. The Committee on Appropriations subsequently reported to strike out all or substantially all the general legislation until it reaches the very close of the bill; then an amendment was made by the committee which was admitted to be general legislation, but because it provided for carrying out the law of last year, the law of August, 1882, it was admitted. With that precedent established in the Senate I ventured to move the amendment which I proposed last evening, the object of which is simply to carry out the provisions of the act of last August. We are told in different directions that the Navy is top-heavy; that it should be reduced. In the appropriation bill of last August a proviso

was inserted that provided for an ultimate reduction of the *personnel* of the Navy. This amendment which I have offered proposes to reach that object at an early day and to save thereby between \$100,000 and \$200,000 per annum.

Mr. LAPHAM. Let me inquire where the Senator proposes to introduce his amendment?

Mr. ROLLINS. As an additional section to the bill.

Mr. LAPHAM. I suggest to him that I had prepared one on the same subject, to come in as a proviso after line 124.

Mr. ROLLINS. My amendment is ruled out of order, and I do not propose to occupy the attention of the Senate more than a moment. This amendment aimed to accomplish that result of which I spoke, at an early day, by putting upon a separate list with less pay a large number of officers who are not required for the service and who can be well spared; the efficiency of the naval service would not be at all impaired by their being relieved from duty. To-day there is very little for a large number of naval officers to do; they are assigned to our navy-yards, two or three times as many officers as are required. Why? Simply because there is nothing else for them to do. All the pay-roll of these officers is charged up against the navy-yards and goes to show the extravagance of the work performed by the Government at the various navy-yards of the country.

This is substantially all I desire to say in explanation of the reason why I introduced the amendment. I am sorry that it is ruled out of order, for I believe it would accomplish a much-needed reform in the Navy, that it would improve the *personnel* of the Navy and give those who are really deserving on the active-list a chance for promotion which they do not now have.

Mr. HALE. On page 5, line 109, I move to add, after the word "orders," the words:

And for actual and necessary traveling expenses of naval cadets while proceeding from their homes to the Naval Academy for examination and appointment of cadets.

The amendment was agreed to.

Mr. HALE. On page 19, line 443, after the words "all which," I move to insert:

Vessels, except their armament.

So as to read:

And for the construction of all which vessels, except their armament, the Secretary of the Navy shall invite proposals, &c.

Mr. ROLLINS. Is that an amendment of the committee?

Mr. HALE. It comes from the Navy Department.

The amendment was agreed to.

Mr. HALE. On page 10, line 215, after "steam-hammer," I move to add "or apparatus;" so as to read:

Including the cost of a steam-hammer or apparatus of sufficient size for the manufacture of the heaviest guns.

The amendment was agreed to.

Mr. HALE. On page 20, after the word "Government," in line 476, I move to add:

The services and expenses of the two civilian expert members of the naval advisory board may be paid from the appropriations for the increase of the navy, not exceeding \$11,000.

Mr. MCPHERSON. Eleven thousand dollars for how long a period of time?

Mr. HALE. That covers the work they have done and is for the year to come.

Mr. ROLLINS. Including the next fiscal year?

Mr. HALE. For the next fiscal year.

Mr. MCPHERSON. May I inquire of the Senator from Maine the character of the duty performed by these gentlemen who are termed "experts?" Is it necessary to go outside of the Navy Department to employ experts at a salary of \$5,500 a year to do that thing which we suppose the officers of the Navy were qualified of themselves to do?

Mr. HALE. That is not a question for us to settle. The bill of last year provided how the board should be made up, and that it should comprehend these experts and that no officers of the Government should receive additional pay. There has been no provision made for them.

Mr. MCPHERSON. I know it provided for experts, but the question is whether it meant an expert outside of the Navy Department.

Mr. HALE. It provided that there should be outside experts.

Mr. MCPHERSON. Why experts outside of the Navy Department? Is it an admission that we have no experts in the Navy Department?

Mr. HALE. I for one am very thoroughly of opinion that on any of these great subjects-matter touching the building up of a great new American navy we ought to have, and we need, in addition to any talent I have been able to find in the Department, the services of experts, skilled scientific men, outside of the Department. That is my belief.

Mr. MCPHERSON. I do not know but that it is a very wise provision, and I shall offer no objection to it, but at the same time it is a very humiliating confession.

The amendment was agreed to.

Mr. HALE. On page 25, line 601, I move to strike out "fourteen" and insert "twenty-two;" so as to read:

Twenty-two second lieutenants.

The amendment was agreed to.

Mr. HALE. On page 14, line 310, after the word "hundred," I move to insert "and sixty-four;" so as to increase the appropriation for the maintenance of yards and docks from \$200,000 to \$264,000.

Mr. HAWLEY. Does the committee recommend that?

Mr. HALE. The amendments that I have been offering have been such as were suggested by the Department and mainly in the way of curing defects in the bill. This amendment, I am bound to say in answer to the inquiry of the Senator from Connecticut, the committee has not agreed to. It is an amount that is requested in the original papers sent to Congress by the Secretary of the Treasury as necessary in order to keep up certain yards until the 1st day of July. If this is not appropriated these yards will be closed. If the additional \$64,000 I have moved is granted the yards now in maintenance will be kept up until the 1st of July. That is all there is of it.

I do not offer it from the committee, because the committee did not agree to it; but I have been requested to offer it, and I know that if the yards are to be kept up it is necessary. I shall be glad to see it adopted, but I do not in that speak as the organ of the committee; and if the Senate believes that it is not needed, of course it will vote it down.

Mr. MCPHERSON. It is then practically a deficiency of \$64,000.

Mr. HALE. There will be no deficiency, because if the amount is not granted the Secretary will close certain yards. The Secretary will follow the law; he will follow the limitations fixed in it; but if this money is not given the yards will be closed; there will be no deficiency. It is for the Senate to say.

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

The amendment was agreed to.

Mr. HALE. There is one more amendment, a change of phraseology, and 178, I move to strike out:

In the appropriations for the Bureau of Navigation, on page 8, lines 177

For special equipment of ocean-surveying vessels, \$10,000.

And insert:

For special ocean surveys and the publication thereof, \$10,000.

The amendment was agreed to.

Mr. HALE. I have no more amendments to offer.

Mr. LAPHAM. In line 2, section 2, on page 29, after the word "duty," I propose to insert "except in cases specially provided by law;" so as to read:

Sec. 2. That hereafter no officer of the Navy shall be employed on any shore-duty, except in cases specially provided by law, unless the Secretary of the Navy shall determine that the employment of an officer on such duty is required by the public interests, and shall so state in the order of employment, and also the duration of such service, beyond which time it shall not continue.

I am sure there will be no objection to that.

Mr. HALE. What is sought to be reached by that?

Mr. LAPHAM. It covers certain temporary employments of naval officers provided for by special act.

Mr. HALE. What kind of employments are they?

Mr. LAPHAM. I cannot specify.

Mr. ROLLINS. What is the proposition?

Mr. LAPHAM. To except in section 2, line 2, the class of cases where the law now provides for the employment of naval officers on shore duty.

Mr. ROLLINS. I think the whole second section ought to be stricken out. I do not see anything accomplished by it except to make more difficulty in the settlement of accounts in the Treasury Department.

Mr. HALE. It is the law now.

Mr. LAPHAM. Certainly the Secretary of the Navy ought not to have an absolute discretion in this respect. There are certain classes of cases where naval officers are employed by virtue of special provisions of law.

Mr. HALE. Let the amendment be read again. If I understand it correctly I shall not raise the point of order.

The PRESIDENT *pro tempore*. The amendment will be read.

The Acting Secretary read the amendment of Mr. LAPHAM.

Mr. HALE. That does not seem to change existing law.

Mr. EDMUND. That does change existing law. I make the point of order. If it merely enacts existing law it is wholly unnecessary.

The PRESIDENT *pro tempore*. The amendment is "except in cases specially provided by law."

Mr. LAPHAM. It does not repeal any existing law.

The PRESIDENT *pro tempore*. If there is not an existing law they can not be employed. The point of order is overruled. The question is on the amendment of the Senator from New York [Mr. LAPHAM].

Mr. LAPHAM. There are only a very few cases to which it will apply.

The amendment was agreed to.

Mr. ANTHONY. With the consent of the Senator from New York I offer an amendment from the Committee on Naval Affairs to insert as a new section the following:

To enable the Secretary of the Navy to build one gunboat of an experimental type, not to draw more than twelve feet of water, \$200,000: *Provided*, That said vessel can carry one high-powered, breech-loading rifled cannon, of not less than ten inches caliber, and said vessel to have full maneuvering power, such as to

be able to use the whole power of the main engines for maneuvering purposes, so as to be able to turn around on her center without either advancing or receding, and so that the gun may be aimed by the movements of the vessel itself, and not require other means of training in order to fire with accuracy; and said vessel to have a speed of fifteen miles per hour.

Mr. MCPHERSON. Mr. President—

Mr. HALE. I wish to interpose the point of order. Mr. President—

Mr. MCPHERSON. I am in entire sympathy with the Senator from Rhode Island in this amendment, because it seems to me to be the only feasible way of creating a new navy. It is for an experimental ship which is only to cost \$200,000; it is to be built by contract; and failing to perform all that is required of it, the contractor is not to be paid. This ship, costing \$200,000 only, will, in my opinion, do more efficient service than the experimental ships for which we yesterday agreed to appropriate a million dollars; but I wish to ask the honorable Senator from Rhode Island who offers this amendment if he will have the kindness to inform me—

The PRESIDENT *pro tempore*. The point of order is raised to this amendment. If the point is sustained debate is not in order.

Mr. MCPHERSON. I took the floor before the point of order was raised.

The PRESIDENT *pro tempore*. The Senator may proceed.

Mr. EDMUND. A Senator can rise to a point of order at any time.

Mr. HALE. The point of order was raised.

Mr. MCPHERSON. I wish to ask the honorable Senator from Rhode Island who has offered the amendment, and I hope he will have the kindness to inform me, if this amendment has been submitted to the Secretary of the Navy? It seems an audacious proceeding for a Senator, even so respected and experienced in naval matters as that honorable Senator is known to be, to offer so important an amendment to the Secretary's budget—I will not say budget of plunder—without first having his permission. Perhaps, however, the Senator has that permission, for I noticed in the public press that a few days ago the honorable Secretary was in his neighborhood and an outraged and indignant Senator drove him from the floor for too much noisy zeal in furthering his scheme to the Senate lobbies—to say that he was not at home there would be to sacrifice truth and challenge history.

Mr. ANTHONY. I am not in the habit of asking the permission of the head of a Department when I offer an amendment, and as for the occasion to which my friend from New Jersey alludes, I think that his remarks are exceeding inopportune. The Secretary of the Navy was upon the floor of this Chamber, as he has a right to be according to our rules, and he did not approach me, but I approached him, and several Senators were there, near the Senator from Illinois [Mr. LOGAN], who was speaking, and he made some suggestion about the noise, which is frequently done by Senators who are speaking; but there was nothing on the part of the Secretary of the Navy that was obtrusive or unseemly in any way. I addressed him; he did not address me.

Mr. MCPHERSON. The honorable Senator from Rhode Island and the honorable Senator from Illinois appear to differ in regard to what was going on. I deal only with the fact which has become history.

Mr. ANTHONY. His rebuke was as much to me as it was to the Secretary of the Navy.

Mr. ROLLINS. Will the Senator allow me?

Mr. MCPHERSON. I have the floor. I do not yield. I have a great respect for the President of the United States; he is entitled to my respect, and he is entitled to the respect of every fair-minded man for giving to this country thus far an administration not less worthy of approval than any which has ever preceded it; but when this bill we are now enacting becomes a law, as it certainly will, for the Secretary of the Navy has so ordained and determined, I fear even the President will become convinced that mistakes are possible. Starting and leading in assigned rank in his list of advisers we find character and qualifications the purest and best, but before reaching the end of the list unfortunately we have descended by one gigantic stride to the lobby, with all that that name implies. When this bill becomes a law and the full measure of power contained therein is exercised and its results are seen the American people will then learn that extraordinary power has again been lightly yielded by their representatives here.

Mr. ANTHONY. This amendment comes from the Committee on Naval Affairs. I am instructed by that committee, or rather the Senator from Florida [Mr. JONES] was instructed by that committee, to offer this amendment, and the Senator from Florida asked me to do it, and I have done it.

The presence of the Secretary of the Navy on this floor was in pursuance of our rules. He was sitting and talking with the Senator from New Hampshire and my colleague and myself, and others went up and spoke to him. He did not commence any conversation with us, and nothing on this subject was said in my hearing.

Mr. ROLLINS rose.

The PRESIDENT *pro tempore*. Does the Senator from New Jersey yield?

Mr. MCPHERSON. Mr. President—

Mr. ROLLINS. The Senator from New Jersey had yielded the floor.

Mr. MCPHERSON. I do not know but that the persistency of the Senator from New Hampshire will compel me to yield the floor.

Mr. ROLLINS. The Senator from New Jersey had yielded the floor, and taken his seat, having concluded his remarks.

Mr. MCPHERSON. I will close them now.

Mr. ROLLINS. Very well. Mr. President, am I entitled to the floor?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. ROLLINS. I listened to the remarks of the Senator from New Jersey with a great deal of surprise. His criticisms upon the action of the Secretary of the Navy were ungenerous, unjust, indecent. The Secretary of the Navy came into the Senate Chamber and was sitting at my side, not talking about naval bills or naval appropriations. Several Senators came to have a little conversation with him, among them the honorable Senator from Rhode Island. Two or three Senators were engaged in that conversation, and the voices that disturbed the Senate and interrupted the Senator from Illinois were not the voice of the Secretary of the Navy, but the voices of the several Senators engaged in conversation with the Secretary of the Navy. Therefore I say that the attack of the Senator from New Jersey upon the Secretary of the Navy is ungenerous and unjust in the extreme, and I trust it will not be repeated.

Mr. HALE. Now, Mr. President, let us have the point of order settled. The Secretary of the Navy will take care of himself.

The PRESIDENT *pro tempore*. The point of order is raised on this amendment, and in the opinion of the Chair it is well taken. This is a proposition to build a gunboat; and if there is anything that is general legislation, that is it. It requires both Houses of Congress to order it before it can be done. The point of order is sustained.

Mr. ANTHONY. I apprehended that point of order, but I thought it would come from my friend on my left [Mr. EDMUND]. I did not notice that he was here when I offered the amendment. I did not apprehend the Senator in charge of the bill would make this point.

Mr. EDMUND. I did not make the point of order.

Mr. ANTHONY. No, sir; you did not.

Mr. HALE. I do not know that I should have made the point of order if I had observed that the Senator from Vermont was in his seat.

Mr. ANTHONY. I do not appeal from the decision of the Chair.

Mr. BUTLER. I wish to offer a small amendment to this bill.

Mr. LAPHAM. I thought I had the floor to offer an amendment when I yielded to the Senator from Rhode Island.

The PRESIDENT *pro tempore*. When the Senator from New York yielded to the Senator from Rhode Island he yielded permanently; but the Senator from New York will have an opportunity presently.

Mr. BUTLER. This will only take a moment, I will say to the Senator from New York. On line 139, page 7, there is an item in these words:

For putting in order and preserving the grave of Paul Hamilton, a former Secretary of the Navy, the expenditure therefor not to exceed \$30.

I move to strike out "50," in line 141, and insert "100."

The PRESIDENT *pro tempore*. Is there objection?

Mr. EDMUND. It is not in order, but I do not object.

Mr. BUTLER. I move the amendment on the suggestion of the Secretary of the Navy. He has written me a note on the subject.

Mr. EDMUND. That, according to the Senator from New Jersey, is a breach of privilege.

Mr. BUTLER. I will leave my friend and the Senator from New Jersey to settle that when I get my amendment in.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from South Carolina [Mr. BUTLER].

The amendment was agreed to.

Mr. LAPHAM. I offer an amendment which I will send to the Secretary's desk in a moment, to come in at the end of line 124. I do this, I may be permitted to state, upon the application of a large number of those who had entered the service of the Government as cadets at the Naval Academy at Annapolis prior to the passage of the act of August, 1882, which destroys the contracts they had entered into with the Government as to all of them except ten each year. At the end of line 124 I move to insert what I send to the desk.

It seems to me, with great deference, that this ought not to be done. These young gentlemen, one of whom was placed there upon my own nomination, who was the son of Admiral Craven, of Geneva, in my old Congressional district, are, if he is a sample of them, the brightest young men in the service of the Government to-day, and entitled to consideration.

The PRESIDENT *pro tempore*. The amendment will be read.

The Acting Secretary read as follows:

Provided also, That no cadet appointed to the Naval Academy prior to the passage of the act of August 5, 1882, shall in any manner be affected by said act, but shall be retained in the service in all respects as if said law had not been passed.

Mr. HALE. I raise the point of order.

Mr. LAPHAM. I insist that this is not open to the point of order, for the reason that I offer it as an amendment to a section expressly providing by way of legislation for an increase of the terms of commissions of officers in the Navy. It seems to me, therefore, it is entirely germane and a proper subject to be offered by way of amendment.

Mr. HALE. It is germane enough, but it is new legislation.

The PRESIDENT *pro tempore*. It is unquestionably germane to the general subject; no point of order can be raised on it on that ground; but the point is that it is altering the law on this subject.

Mr. EDMUND. There is no doubt about that.

The PRESIDENT *pro tempore*. Therefore the point of order is sustained.

Mr. LAPHAM. It is altering a law which was put in an appropriation bill at the last session, which ought to be corrected in the appropriation bill at this session.

The PRESIDENT *pro tempore*. The Chair can not decide upon the propriety of the action.

Mr. VANCE. It seems to me that the section under consideration changes the law.

The PRESIDENT *pro tempore*. That does not make a whit of difference in relation to an amendment which is subject to a point of order.

Mr. VANCE. We are brought by this decision precisely to the same point as at the last session of Congress; that is to say, where there was a change in the law in the bill, which itself was out of order upon an appropriation bill, the Chair held, as I remember, that an amendment to it was out of order, although the section to which it was offered changed existing law, and it was out of order by reason of the existing law. Now, if that point of order is sustained I give notice that inasmuch as these young men were dismissed from the service summarily, contrary to what was done when the West Point Academy was reformed, for there was an express exception and reservation of the rights of those who were then in the Academy, I shall to-morrow during the morning hour ask unanimous consent to take up the bill which I reported this morning by the instruction of the Naval Committee to change the law, and I hope there will be unanimous consent to it if the point of order is sustained.

Mr. LAPHAM. I trust that I may be permitted to say that these young gentlemen, though graduating with the highest honors of their class, will next August have to go down to the position of common seamen, or else quit the service. Their contract with the Government is broken and destroyed. I hope no such thing will be done.

The PRESIDENT *pro tempore*. The Chair can not consider hard cases in deciding points of order.

Mr. LAPHAM. I am aware of that; I am not complaining of the President. I am giving notice to the Senate of the equities that justify something being done.

Mr. MILLER, of California. I desire to offer an amendment in line 370, page 16, after the word "million" to insert "one hundred thousand."

Mr. EDMUND. What is that for?

Mr. MILLER, of California. I will explain.

The PRESIDENT *pro tempore*. The amendment will be read.

The ACTING SECRETARY. In line 370, after the word "million," it is proposed to insert "one hundred thousand;" so as to read:

One million one hundred thousand dollars.

Mr. EDMUND. What is the connection? What is that for?

The ACTING SECRETARY. So that the paragraph will read:

For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; labor in navy-yards and on foreign stations; preservation of materials; purchase of tools; wear, tear, and repair of vessels afloat, and for general care, increase, and protection of the Navy in the line of construction and repair, and incidental expenses, namely, advertising and foreign postage, \$1,100,000.

Mr. EDMUND. That increases an item of appropriation. Is that in order?

Mr. MILLER, of California. I think it is in order.

Mr. EDMUND. How?

Mr. MILLER, of California. It is an amendment to the bill.

Mr. EDMUND. Has it been reported from a committee, and has it been referred to the Committee on Appropriations?

Mr. MILLER, of California. I do not know that it has.

Mr. EDMUND. The rule is that no amendment to increase an item of appropriation shall be in order unless moved by direction of a standing or select committee and referred a day beforehand to the Committee on Appropriations.

Mr. MILLER, of California. I trust the Senator will not make the point.

Mr. EDMUND. Well, let me hear a statement of the case.

Mr. MILLER, of California. I will explain the purpose of the amendment. It will be observed that the estimate for construction and repair of vessels made by the Navy Department was \$1,750,000. That has been cut down to one million in the bill. I am informed by the Department that if this appropriation is not raised it will be impossible to continue the work upon the Mohican, which is on the stocks at Mare Island. The Mohican has been on the stocks now for a little over nine years, and it is in that condition that it is necessary to continue the work in order to save what has already been expended upon it. The chief of the Bureau of Construction and Repair in his report says:

The work on the Mohican, now on the stocks in the Mare Island yard, should be pushed to completion this year, as the vessel has already suffered somewhat from being out in the open air exposed to the weather. Her frame is of live oak, and if she is completed will give us another vessel of the Marion and Swatara class, a very successful and satisfactory class of vessels. She is 216 feet between perpendiculars, 38 feet breadth of beam, ship-rigged, having a sail sur-

face of 14,150 square feet in her ten principal sails. Like the other vessels, she can carry an armament of one 8-inch, six 9-inch, one 60-pounder, or its equivalent in weight of more modern guns. Her draught of water, when ready for sea, is intended to be 14 feet 6 inches forward and 17 feet 6 inches aft, and at this draught her displacement will be 1,800 tons.

This is a steamer of the Marion and Swatara class, and she is nearly ready for the engines.

Mr. HALE. It is simply continuing the work?

Mr. MILLER, of California. Simply continuing the work. It is a new vessel and is of the same kind recommended by the advisory board for wooden vessels to be hereafter built. Her berth-deck is in, and the frames for the spar-deck are ready to put in. It is partly planked. If the work is now stopped before the through-fastenings are put in, and they can not be put in until it is planked, the vessel will suffer great injury and loss. The question presented here is whether we shall go on and finish this vessel or give it up entirely. I ask for only \$100,000; and there has been \$119,000 spent upon the vessel besides what has been spent upon the engines. The engines will be ready by next July to put in the vessel and she can be launched by next November.

Mr. EDMUND. I will not make the point of order on this particular case.

Mr. JONES, of Florida. Is this a wooden vessel?

Mr. MILLER, of California. A wooden vessel, a new vessel, a wooden cruiser.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from California [Mr. MILLER].

The amendment was agreed to.

Mr. MCPHERSON rose.

The PRESIDENT *pro tempore*. Does the Senator from New Jersey [Mr. MCPHERSON] wish to move any amendment?

Mr. MCPHERSON. I do not know but that it would be just as well for me to move the amendment I shall propose in the Senate. I will wait until the bill is reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Is there any amendment which a Senator wishes to reserve for a separate vote?

Mr. INGALLS. I fear very much that the committee will find themselves in a predicament when the bill goes to a conference. The Senator from Maine has resisted all portions of the bill that came from the House proposing general legislation. They have been ruled out upon points of order. The committee reported as an additional section to the bill section 3 as it now stands, which is confessedly general legislation. When the bill goes into conference, if the Senator from Maine insists upon the action of the Senate in striking out general legislation, our conferees will be confronted by the awkward and ugly fact that they have themselves inserted a proposition proposing general legislation. The result will be then that they will be brought face to face with these very important amendments of the Senate proposing to strike out matters that came from the House which were general legislation, upon which there has been no discussion whatever in the Senate, and they will be obliged to decide and we shall be obliged to concur or non-concur with the report of the conference committee upon very important matters which have never been discussed at all.

I should think, in order to make the bill symmetrical and harmonious and in a position to be sustained, the Senator from Maine had better abandon that amendment unless he proposes to discuss the propositions that have been made upon the bill as it came from the House. It seems to me that we shall be confronted by a very disagreeable emergency unless he does.

Mr. HALE. I am glad the Senator from Kansas has called attention to this matter. It was brought up last night, but the Senate was very thin, and it is well that it should be again touched upon by a full Senate.

Section 3, I think, is subject to the point of order that it is technically new legislation, and therefore avoids our rule and what we are trying to set on foot as the practice of the Senate now, but in spirit and in purpose it is not a violation of the rule, because it is not new legislation changing any law.

I will state what the third section covers simply. Last year Congress by law provided that the Secretary of the Navy should sell no ships or material; that he should pass upon any vessels that he found of not much or any use in the Navy; and if he struck them from the list he should report them to Congress for the action of Congress in reference to their sale. That made it incumbent upon him to do one thing, to report the salable property and useless property to Congress. That made it also incumbent upon Congress to do another thing, and that was to provide the safeguards for the sale.

The committee has reported this amendment carrying out the law of last year, declaring how such ships shall be sold, under what safeguards, and has made it, as I think, a good, sound, water-proof section under which the provision of law of last year can be carried out. I do not deny that in arranging this method, in providing this way for doing it, we have had to put in provisions that create law, without which the act of Congress could not be carried out; and it is subject undoubtedly to a point of order, if it had been made while we were in Committee of the Whole.

I do not think it will embarrass us in the committee of conference, for

the reason that I for one shall put it on the ground that in spirit it does not change legislation. I am bound to say that in this earnest effort which the Committee on Appropriations is making upon this bill, I being their organ, I do not intend to give up the greater principle for which we are contending for the sake of this section. If this section must go out, and the House insists that it shall go out, and this valuable work of clearing up the old property of the Navy must stand suspended for another year, I would much prefer that that should be done rather than that we should yield to new legislation upon appropriation bills.

I want this attempt that the Senate is making almost for the first time to be adhered to now as persistently and pertinaciously as it is proper for the conferees of one branch of Congress to insist upon when in conflict with another branch; and so I do not fear the practical difficulty arising in the mind of the Senator from Kansas.

Mr. EDMUND. Mr. President, this very discussion, the subject of it, illustrates the evil of legislation on appropriation bills. If we had not legislated to amend this subject on former appropriation bills there would have been no temptation now to go on with the system of legislation on appropriation bills. If we leave this section in and so make legislation on this bill, when it becomes a law, at the next session this same bill will be again brought up as a good ground for further legislation on the appropriation bills of the next year, and so on. In other words, if we are going to stop we must stop.

Mr. HALE. I agree with the Senator that if there was any supplemental legislation on this same subject set afoot at the last session, if we keep this section in now, we may be called upon then to continue that legislation. I do not think that would be embraced under the term "general legislation."

Mr. EDMUND. I agree entirely with the Senator from Kansas that it puts this bill in a very extraordinary attitude to go back to the House of Representatives. The House of Representatives (and I violate no rule between the two Houses and no parliamentary law in referring to it on this floor) will understand and will have a right to understand and ought to understand that we have rejected all their legislation on this bill, not on a discussion of its merits but upon the ground that we will not agree to passing affirmative laws in appropriation bills changing the laws of the United States in general or making new laws. That is the point upon which we stand. To put in a section which does exactly the reverse and does make a new law, while we have stricken out all their new laws, would be an entirely indefensible position. The argument of my friend from Maine would be persuasive to convince the House of Representatives and its conferees that we yielded to a strong temptation in a matter that interested us very much to violate the very principle upon which we stand. There is where we should be.

Now, when we come to the other point, of how far the conferees of the Senate may insist, expressing the views of the Senate, in saying "no" to the passage of some section or provision that the other branch says "yes" to, I do not see that there is any difficulty. The very Constitution itself, in creating the two Houses, intended that each should be a negative check upon the other, and that each should have an undisputed right always to say "no" to any proposition that the other made. It would stand, therefore, in our striking out these clauses exactly as it the House had had no clauses in at all of legislation, and we had put them on, and we insisted. The House of Representatives says "no, we are willing to appropriate money to carry on this Government as the bill does, but we are unwilling to make these changes of the law in this way, without any reference to whether we think they are good changes or not, and we can not agree to that." It is perfectly clear that the Senate must recede. Otherwise the Senate would take the attitude of dictating to the House of Representatives and saying, "unless you will consent to make a law that you do not wish to make on this bill the Government shall not go on." That has been brought out once or twice, and whenever it was brought out, whichever House it was that affirmed something, had to recede and let the bill go without the provision.

I make the point of order on this section reported from the Committee of the Whole, that it is legislation.

The PRESIDENT *pro tempore*. The Chair thinks that as the point of order was not made in Committee of the Whole it was waived and can not be made when the bill reaches the Senate. The time to raise the point of order was when the amendment was reached in Committee of the Whole, and as it was not raised then it was waived.

Mr. EDMUND. Of course I must bow with great respect to the decision of the Chair, but I was under the impression that whenever a committee reported to this body a provision which was against the rules of the body it would be sufficient time to raise that question; but I will not enter into any discussion about it.

Mr. MCPHERSON. Then I will move to strike out section 3.

Mr. INGALLS. May I say one word on the question of order that has just been raised, with the permission of the Senator from New Jersey? I should be disposed to think that the decision of the Chair upon reflection probably would not be sustained by the Chair himself, because the language of Rule 29 is an absolute inhibition. It declares that "no amendment which proposes general legislation shall be received," and that being the case my impression would be that at any

time when it was shown, or when the attention of the Chair was called to the fact, that any provision by way of amendment was general legislation, it would be amenable to the point of order.

Mr. EDMUND. This section is not yet in the bill.

Mr. INGALLS. As the Senator from Vermont suggests, this is still an amendment. It has been agreed to in Committee of the Whole, but when the bill is reported to the Senate it is still a pending amendment, not having received the final judgment of the Senate. In the spirit of the rule which declares that no amendment shall be received not in Committee of the Whole, but that no amendment shall be received in the Senate which proposes general legislation, I should think that the true spirit of the rule would be carried out, and that the object which we desire to obtain would be best achieved by ruling that the point of order could be taken at any time before final adoption by the Senate.

Mr. HOAR. Is there not an express rule that a point of order may be taken at any stage of the business?

Mr. INGALLS. That I do not remember.

Mr. MCPHERSON. Then the Chair having ruled on the point of order—

Mr. INGALLS. May I submit one thing further? Rule 29 goes on further and says:

And all questions * * * shall be submitted to the Senate and be decided without debate.

Mr. EDMUND. That is as to its being germane. Yesterday—

The PRESIDENT *pro tempore*. The Chair on reflection is satisfied that the point of order can be taken at any time.

Mr. EDMUND. I am sure the Chair is right.

Mr. HOAR. There is a rule that it can be taken at any stage of the business, but I have not had time to find it.

Mr. EDMUND. I make the point of order on the amendment, as it has not been put in the bill.

Mr. MCPHERSON. The Chair rules out section 3, as I understand, on the point of order.

The PRESIDENT *pro tempore*. The Chair does not rule it in or out, because the Chair does not know what it is.

Mr. EDMUND. I make the point of order that section 3, as it is in the amendments on page 30, is new legislation.

Mr. HALE. If I may be allowed a word, I regret very much that the point of order has been made. As I have said, in spirit this section is in no degree such legislation as we are seeking to keep from appropriation bills. I do not expect that with all the conflict that the Senate shall make it will be able absolutely always, invariably, to keep every particle of technical legislation off appropriation bills if the House of Representatives insists upon it. I do expect out of the effort that is being made that a great evil now existing will be remedied, and that appropriation bills will not be made hereafter as heretofore, sluice-ways for general legislation.

But my ways are different, unfortunately for me, from the ways of the Senator from Vermont. His methods are rigid, unvarying, immutable, procrustean. I do not believe that we can do that. I do not believe that we shall ever succeed in establishing a rule here that will dominate and control the other House, so that never anywhere shall a shred of legislation be put upon an appropriation bill. If we take that ground and insist upon it that nothing whatever of legislation shall be placed upon appropriation bills, we shall be obliged in the end, no matter how strong we take it, in some cases to yield. But we can take a ground, and can maintain it, that shall prevent, as I have said, the appropriation bills from being made the vehicle for all kinds of legislation that do not properly belong in the purview of an appropriation bill. I should be glad to see that done, and I should feel that anybody who had helped to accomplish that had deserved well of his country. I am ready to go as far as it is practicable and possible in doing this, and I do not think that this clause, which undoubtedly will be ruled off, would embarrass the conference committee, but on the other hand would help it. But it is gone; there is no use to talk any more about it.

The PRESIDENT *pro tempore*. The point of order is sustained. Is there any reservation desired upon any amendment? The Chair hearing none, the question is, Will the Senate concur in the amendments adopted as in Committee of the Whole, except the third section?

Mr. MCPHERSON. Let me understand the question distinctly. What action has been taken under the point of order raised by the Senator from Vermont?

The PRESIDENT *pro tempore*. It has been sustained.

Mr. MCPHERSON. Section 3 is out of the bill?

The PRESIDENT *pro tempore*. It is out of the bill.

Mr. EDMUND. It never was in there.

The PRESIDENT *pro tempore*. Is there any particular amendment upon which a separate vote is desired?

Mr. EDMUND (at 1 o'clock p. m.). I rise to call for the regular order, in order to keep it in its proper place before the Senate.

The PRESIDENT *pro tempore*. The regular order will be laid before the Senate, which is the Utah bill.

The ACTING SECRETARY. A bill (S. 2238) to amend an act entitled "An act to amend section 5352 of the revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. EDMUND. I do not object to the bill being laid aside informally.

The PRESIDENT *pro tempore*. It will be so ordered. The Chair will state to the Senator from New Jersey that the question is on concurring in the amendments made as in Committee of the Whole to the naval appropriation bill. Usually, unless some Senator desires a separate vote on a particular amendment, they are concurred in in gross. There being no separate vote desired, the question is, Will the Senate concur in the amendments made as in Committee of the Whole?

The amendments were concurred in.

The PRESIDENT *pro tempore*. The bill is now open to amendments in the Senate.

Mr. MCPHERSON. I move to strike out the provisos from lines 370 to 378, and I shall follow that by an amendment, as it is a part of the same plan, to strike out the proviso from line 390 to line 395.

The PRESIDENT *pro tempore*. The words proposed to be stricken out will be reported.

The ACTING SECRETARY. Beginning with the word "provided," in line 370, it is proposed to strike out the remainder of the paragraph in the following words:

Provided, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs shall exceed 20 per cent. of the estimated cost of a new ship of the same size and like material: *Provided further*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home.

Mr. MCPHERSON. The second proviso as will be seen is entirely a regulation of the first proviso, and therefore both should go out together, if any.

I will state the reason why I offer this amendment. The Secretary of the Navy, who to-day has discretionary power with respect to the repair of vessels in the Navy, is limited in this bill to a very severe restriction. He has no authority, and can not have any under this provision of law to repair a ship, whatever may be the exigency or the needs of the Government, if in the opinion of himself or a board of competent naval officers it is determined and estimated that it will cost more than 20 per cent. of the value of a new ship.

Therefore I say it is a dangerous thing for the interests of the Government for the Senate to impose any such restriction. We do not know what may happen in the immediate future. We do not know that it may not be required to repair many of the vessels to-day in the American Navy, and at a cost far in excess of the 20 per cent. limit fixed in the bill. I say it is unwise to destroy the existing naval establishment until something better is found to take its place.

No Senator will assert that it will be possible to create a new naval establishment for some years to come. We make a start, it is true, under the appropriations contained in this bill; yet it is only a start, and for years to come we shall necessarily be without any other naval vessels than those now in the service of the Government. This proviso would be a very proper one after we had made some progress in the creation of a new Navy; but certainly it ought not to be incorporated in the bill at this time.

Mr. HALE. The Senate passed upon this question yesterday by a very decisive vote, and I do not propose to take up any time, simply saying, as I have said, that 20 per cent. upon the cost of a new ship entire will cover every possible repair that is needed on any part of a ship, and if it does not then it ought not to be repaired. The unit is made, as the language shows, at 20 per cent. of the estimated cost of a new ship of the same size and of like material. It is not the relation that 20 per cent. bears to the ship as she is then; it is not the relation that 20 per cent. bears to the part being repaired and its full value, but what the 20 per cent. bears to the estimated cost of an entire new ship. The Senate settled it yesterday, and I ask pardon for even occupying thirty seconds of time on this matter so well settled yesterday.

Mr. JONES, of Florida. I have nothing to add to what has been already said, except to simply remark that I can not see why the Government could not afford to follow the rule which prevails among our mercantile marine. So long as the damage to a ship does not exceed 33½ per cent. it has always been considered worth repairing. By the experience of every commercial nation, where the damage has not exceeded 33½ per cent. she has always been held worthy of repair; and here it is brought down to 20 per cent.

Mr. HALE. That is 33½ per cent. of her then value.

Mr. JONES, of Florida. It is not of her then value. "One-third new for old" is the rule, I think, in mercantile law.

Mr. MILLER, of California. But the old must be sound.

Mr. HALE. Of course.

Mr. JONES, of Florida. That does not follow. In a loss at sea, as we know, the owner can not abandon absolutely to the underwriter if the loss does not exceed 33½ per cent., but the underwriter has the privilege to repair, and he always does repair.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New Jersey [Mr. MCPHERSON].

The amendment was rejected.

Mr. MCPHERSON. It is unnecessary, I find, to offer the second amendment which I had proposed. In line 372, after the word "repairs," I move to insert "to be appraised by a competent board of naval officers,"

and in line 373, after the word "cost," I move to insert "appraised in like manner;" so as to make the proviso read:

Provided, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent. of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

Mr. HALE. I have no objection to that.

The amendment was agreed to.

The PRESIDENT *pro tempore*. Has the Senator from New Jersey further amendments to offer?

Mr. MCPHERSON. I had some amendments to be offered to section 3, but that having been ruled out on a point of order, I do not know that I have anything further to say.

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

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 7077) making appropriations for the support of the Army for the fiscal year ending June 30, 1884, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BENJAMIN BUTTERWORTH of Ohio, Mr. J. C. BURROWS of Michigan, and Mr. E. JOHN ELLIS of Louisiana the conferees on the part of the House.

The message also announced that the House had passed a concurrent resolution concerning disposition of the volumes of the Congressional Globe purchased from Messrs. Rives.

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 22d instant, approved and signed the following acts:

An act (S. 532) for the relief of William S. Hansell & Sons;

An act (S. 1041) for the relief of E. P. Smith; and

An act (S. 2264) to authorize the construction of certain bridges and to establish them as post-roads.

ROGER N. STEMBEL.

The PRESIDENT *pro tempore*. The unfinished business is the Utah bill.

Mr. VOORHEES. Before that is taken up, I have the consent of the Senator from Illinois [Mr. LOGAN] to dispose of a little matter.

Mr. HALE. If the Senator will allow me, the Senator from Kansas [Mr. PLUMB] desires to call up the District appropriation bill. I have sent for him, and he will be here.

Mr. VOORHEES. This matter will not take two minutes.

Mr. HALE. It will cause no debate?

Mr. VOORHEES. Oh, no; it will not interfere with anything. At the last session the Senate passed a bill (H. R. 5387) providing for the pay of Rear-Admiral Roger N. Stembel. After it was passed the Senator from Illinois [Mr. LOGAN], not now in his seat, made a motion to reconsider the vote by which it was passed. I have conferred with him, and I move that the motion to reconsider be laid on the table. He does not desire to press it. He does not care anything about it now. Of course I would not make the motion in his absence if I did not have an understanding with him on the subject.

Mr. GROOME. I wish to ask what would be the effect of laying the motion on the table?

Mr. VOORHEES. The effect would be to pass the bill.

Mr. GROOME. That is what I wished to know.

The PRESIDENT *pro tempore*. The Senator from Illinois [Mr. LOGAN], who made the motion, is absent.

Mr. VOORHEES. What I am doing will not meet with his disapprobation, or of course I would not do it.

Mr. ROLLINS. What is the bill?

Mr. VOORHEES. It is a House bill which passed the Senate in relation to the service of Admiral Stembel. It is quite a long matter. The bill was reported from the Committee on Naval Affairs and passed this body, and after it was passed the Senator from Illinois [Mr. LOGAN] made a motion to reconsider the vote. Upon conference with him yesterday I am at liberty to move that the motion be laid on the table, which will make the bill a law.

Mr. ROLLINS. Had not the Senator better wait until the Senator from Illinois is in his seat?

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Indiana to lay the motion to reconsider on the table.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. PLUMB. Mr. President—

The PRESIDENT *pro tempore*. The unfinished business is the Utah bill, as it is called.

Mr. PLUMB. I move to lay it aside.

Mr. EDMUND. I understand the Senator from Kansas wishes to

take up another appropriation bill, and I will consent that the Utah bill may be laid aside informally, in order that he may do that.

Mr. HOAR. I shall object to the Utah bill having to give place to the appropriation bill informally.

Mr. EDMUND. I assent to the Utah bill being laid aside informally in order that the Senator from Kansas may call up the appropriation bill.

Mr. PLUMB. That is satisfactory.

The PRESIDENT *pro tempore*. The Senator from Massachusetts [Mr. HOAR] objects, and it can not be done.

Mr. HOAR. The reason of my objecting is that I do not desire that the Utah bill shall be the bill next in order. I am in favor of that bill with the exception of one section, but it is absolutely hopeless to pass it. It is a Senate bill, and to consider it now is a mere waste of time. It contains one very vicious principle, and I do not wish to give a consent which gives it the right of way when the appropriation bill is over.

Mr. PLUMB. I shall then have to move that the pending and all prior orders be laid aside in order that I may move to take up the District appropriation bill. I desire to accommodate myself to the desire of the Senator from Vermont if I can do so without embarrassment.

Mr. EDMUND. Suppose the Senator from Kansas should allow the Senator from Massachusetts to take the yeas and nays on his amendment striking out the very vicious principle which is to end polygamy in Utah, and go on with the appropriation bill then. I have nothing more to say about it.

The PRESIDENT *pro tempore*. Does the Senator from Kansas yield until the Utah bill is disposed of?

Mr. PLUMB. If the vote could be taken at once upon it and thus close the apparent difference between the two Senators, I would have no objection; but if it is to lead to debate, as I have understood it would, I can not yield.

Mr. INGALLS. I wish to make some observations on the motion of the Senator from Massachusetts to strike out the seventh section.

Mr. MILLER. So do I.

The PRESIDENT *pro tempore*. The Utah bill is before the Senate.

Mr. PLUMB. Then I move to lay aside all pending and prior orders in order to take up the District appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Kansas moves to postpone the regular order of business until to-morrow at 1 o'clock, with a view of taking up the appropriation bill he has indicated.

Mr. PLUMB. I will move to postpone the regular order until 4 o'clock to-day.

Mr. DAVIS. Why not take up the appropriation bill without postponing the regular order formally?

The PRESIDENT *pro tempore*. The regular order has to be postponed to a time certain, as objection is made to laying it aside informally. The question is on the motion to postpone the Utah bill until 4 o'clock.

The motion was agreed to.

Mr. EDMUND. I wish to give notice that as soon as this appropriation bill is over I shall seek the floor to take up the Utah bill. I intend, if I can, to get the Senate to decide whether it is going to do anything about that business or not.

The PRESIDENT *pro tempore*. The Utah bill has been postponed until 4 o'clock. It will be the unfinished business then. The Senator from Kansas [Mr. PLUMB] moves to take up the District appropriation bill.

The motion was agreed to.

FORTIFICATION APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 7191) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1884, and for other purposes.

On motion of Mr. DAWES, it was

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

By unanimous consent, it was

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

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

DISTRICT APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7181) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1884, and for other purposes.

Mr. PLUMB. I move to dispense with the formal reading of the bill.

The PRESIDENT *pro tempore*. The formal reading of the bill will be dispensed with, and the bill will be read item by item, and the amendments of the Committee on Appropriations will be passed upon first, if there be no objection.

Mr. SHERMAN. I think that the usual course had better not be taken on this bill, because there are quite a number of legislative provisions that ought to be disposed of as we go along. I have no objection to dispensing with the first formal reading of the bill, but the text should be acted upon at the same time with the amendments of the Committee on Appropriations. I think that course would expedite action on the bill.

The PRESIDENT *pro tempore*. The Senate can go back after disposing of the committee amendments.

Mr. SHERMAN. But that would be difficult. I think it would be more rapid to dispose of the text as the amendments are proceeded with. I see here a proviso in the text of the bill changing the law which I desire to have stricken out before the amendment of the committee following it is acted upon. I only wish to expedite the matter. I propose to move to strike out certain paragraphs because they are legislative.

Mr. PLUMB. I am willing to pursue whatever course may be most agreeable to Senators and most expeditious in the disposition of the bill.

The PRESIDENT *pro tempore*. Does the Senator from Kansas withdraw his first request?

Mr. SHERMAN. The Senator has no objection to the reservation I make.

Mr. PLUMB. Before the reading of the bill is proceeded with I wish to submit the following itemized statement in regard to the bill:

Amount of estimates for 1883, exclusive of water department..... \$3,443,847 08
Amount of House bill, exclusive of water department..... 3,346,674 47
Add amount for 12-inch water-main to Government Printing Office, to be paid by the United States..... 1,750 00

Total, as passed the House..... 3,348,424 47
Amount of reduction made by the Senate committee, including amount (\$1,750) to be paid by the United States for 12-inch water-main..... 76,645 00

Total as reported to the Senate..... 3,271,779 47
Amount of appropriations for 1883, exclusive of water department..... 3,384,096 08
Add amount for 12-inch water-main, paid by the United States..... 2,800 00

Total appropriations for 1883..... 3,386,896 08
The bill as reported less than estimates..... 172,067 61
The bill as reported less than appropriations for 1883..... 115,116 61

Amount to be paid by the United States in bill as reported..... 1,635,889 73
Amount paid by the United States under act for 1883..... 1,694,845 04

Reduction in the amount to be paid by the United States by bill as reported from amount paid under act for 1883..... 58,958 31

The changes in amounts made by the committee in the bill as passed the House are as follows:

INCREASE.
Auditor and comptroller's office, temporary clerks..... \$2,500 00
National Association for Destitute Colored Women and Children (support \$500, and new building \$15,000)..... 15,500 00
Metropolitan police..... 17,410 00
Fire department, building for engine company No. 5 (net)..... 2,500 00
Police court, United States marshal's fees..... 600 00
Pay of school-teachers, increase in number..... 3,325 00
Janitors, and for care of school-rooms..... 100 00
New school buildings..... 12,000 00

Total increase..... 53,935 00

REDUCTION.
Executive office (net)..... \$60 00
Collector's office, contingent expenses..... 200 00
Auditor and comptroller's office, contingent expenses..... 50 00
Attorney's office, rent..... 300 00
Engineer's office (net)..... 3,120 00
Contingent expenses of District offices, such as fuel, gas, &c..... 500 00
Macadam roadways, repairs..... 5,000 00
Work on sundry streets and avenues, &c..... 100,000 00
Industrial Home School, support..... 2,500 00
Current repairs to county roads and suburban streets..... 5,000 00
Repairs to school buildings and improvement of grounds..... 5,000 00
Furniture, books, stationery, and other contingent items, schools..... 5,000 00
Advertising, books for register of wills, printing, &c..... 1,500 00
Miscellaneous, health department..... 600 00
Laying 12-inch water-mains to Government Printing Office..... 1,750 00

Total reduction..... 130,580 00
Net reduction made by the committee from House bill..... 76,645 00

The changes in amounts and items made by the bill, as reported to the Senate from the act for 1883, are as follows:

INCREASE.
Collector's office, salaries and contingent..... \$4,300 00
Auditor and comptroller's office, clerical force and contingent (net)..... 2,300 00
Materials for permit work..... 10,000 00
Support of indigent insane of the District in Government Hospital for the Insane..... 3,500 00
Support National Association of Destitute Colored Women and Children..... 500 00
New building for same..... 15,000 00
Metropolitan police..... 8,570 00
Fire department, exchanging engine, &c. (net)..... 1,920 00
Police court, contingent expenses..... 600 00

Total increase..... 45,690 00

REDUCTION.	
Executive office, salaries and contingent.....	98 61
Assessor's office, clerical force.....	4,900 00
Attorney's office, rent of office.....	300 00
Engineer's office, including office of inspector of buildings, division of streets, parking commission, &c.....	5,715 00
Repairs to Macadam roadways.....	5,000 00
Boundary intercepting sewer.....	10,000 00
Work on sundry avenues, streets, &c.....	50,000 00
Improving Fourteenth street extended.....	6,000 00
Constructing bridge over James Creek Canal.....	5,000 00
Reform School building, new boilers and heating apparatus.....	9,200 00
Washington Asylum, completing new workhouse.....	1,000 00
German Protestant Orphan Asylum, building for.....	5,000 00
Sweeping streets, cleaning alleys, and repairs to county roads.....	3,000 00
Lighting streets, for new lamp-posts, &c.....	10,870 00
Telegraph and telephone service, general supplies.....	4,560 00
Public schools, buildings, &c. (net).....	10,043 00
Payment of judgments against the District.....	25,000 00
Payment of land damages on account of sewer.....	1,000 00
Harbor-master at Georgetown.....	80 00
Miscellaneous items, district offices.....	1,500 00
Health department, contingent expenses.....	600 00
Laying 12-inch water-main to Government Printing Office.....	2,800 00
Miscellaneous items.....	140 00
Total reduction.....	161,806 61
Net reduction made from the act for 1883.....	115,116 61

The PRESIDING OFFICER (Mr. MORGAN in the chair). The Secretary will proceed with the reading of the bill.

The Acting Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, in the clause making appropriations for "executive office," in line 16, before the word "dollars," to strike out "one hundred and sixty;" so as to read:

One secretary, \$2,000.

The amendment was agreed to.

The next amendment was, in line 18, after the word "clerk," to strike out "one thousand two" and insert "nine;" so as to read:

One clerk, \$900.

Mr. PLUMB. I move to amend the amendment of the committee by striking out, in line 17, "one clerk, \$1,400" and inserting "two clerks, \$1,200 each," leaving out entirely "one clerk, \$1,200," or "\$900," as proposed by the committee. That increases the sum for the two clerks \$100 each, in lieu of the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 21, to increase the appropriation "for contingent expenses, including printing, books, stationery, and miscellaneous items," from \$2,600 to \$3,000.

The amendment was agreed to.

The next amendment was, in line 23, in the clause making appropriation for salaries and contingent expenses, to reduce the total amount of the appropriation for executive office from \$21,142 to \$21,041.

Mr. PLUMB. The total will have to be changed to correspond to the item agreed to providing for two clerks at \$1,200 each. That can be arranged afterward.

The PRESIDING OFFICER. The amendment will be passed over for the present.

The next amendment was, in line 25, after the word "dollars," to strike out "to include, if deemed necessary, without expense to the District, the keeping of one horse and wagon;" so as to read:

For assessor's office: For one assessor, \$3,000; two assistant assessors, at \$1,600 each."

The amendment was agreed to.

The next amendment was, in line 32, after the word "stationery," to strike out "car-fare;" so as to read:

For contingent expenses, including printing, books, stationery, detection of frauds on the revenue, and miscellaneous items, \$1,000; in all, \$12,600.

Mr. SAULSBURY. I should like to suggest to the Senator who has the bill in charge that that seems to be an excessive amount for the assessment of property in a district ten miles square. The aggregate expense paid for the assessment of property in this District is I see \$12,600. That is a much heavier percentage, I know, than we pay in my State for making assessments.

Mr. PLUMB. The assessment of personal property in a growing city like Washington, including also the assessment of licenses, itself is a very large work and the committee could find nothing to indicate that any portion of this money was misspent. On the contrary, there was quite an urgent demand for an increase of force beyond that provided for in the bill.

Mr. SAULSBURY. It may be all right, but it occurred to me that it was a very large amount.

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

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 42, after the word "stationery," to strike out "car-fare;" in the same line, after the word "items," to strike out "1,000" and insert

"800;" and in line 43, after the word "thousand," to strike out "five" and insert "three;" so as to make the clause read:

For collector's office: For one collector, \$4,000; one cashier, \$1,800; one book-keeper, \$1,600; four clerks at \$1,400 each; one clerk, \$1,200; temporary clerks, \$1,700; one messenger, \$600; for contingent expenses, including printing, books, stationery, and miscellaneous items, \$800; in all, \$17,300.

The amendment was agreed to.

The Acting Secretary read the following proviso:

Provided, That the provisions of the act of June 11, 1878, relating to the District of Columbia, allowing a deduction of 5 per cent. upon taxes paid within thirty days after notice of assessment, be, and the same is hereby, repealed.

Mr. SHERMAN. I move to strike out that proviso. It is legislation purely and changes the law, and, I think, unwisely. I do not propose to debate it. I put it upon the ground simply that it is a provision repealing the existing law in regard to the mode of collecting taxes, and that it has no relevancy here. I hope the Senator will allow that to be stricken out.

Mr. PLUMB. That was inserted at the request of the commissioners. It will be observed that it is in the text of the bill as it came from the House. The commissioners complain that the law works a diminution of taxes to the amount of about \$45,000 a year.

Mr. SHERMAN. If I were at liberty to discuss it I think I could show that they would make a great deal more by striking it out. At any rate this is part of the existing law in regard to the collection of taxes, and it ought not to be changed except upon a report of the Committee on the District of Columbia. It is not in harmony with the rule we have been going upon in regard to the naval bill, and I trust on all appropriation bills not to change existing law nor to allow the House to change an existing law in an appropriation bill. I think that it is an unwise provision.

The PRESIDING OFFICER. Does the Senator from Ohio make a point of order that the proviso is new legislation?

Mr. SHERMAN. No, I do not make the point of order, because the House can undoubtedly do as they please about it; but I move to strike out the proviso.

Mr. EDMUND. On the ground that it is legislation, as it certainly is.

Mr. SHERMAN. I do not care to go into the merits of the proposition, because that might lead to a great deal of discussion.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio [Mr. SHERMAN] striking out the proviso beginning in line 44.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "repealed," in line 48, to insert:

And hereafter the lien upon any real estate in the District of Columbia for any general or special tax shall not be impaired by reason of any certificate or statement, erroneous or otherwise, which the collector may make concerning the same.

Mr. EDMUND. I make the point of order that that is legislation.

The PRESIDING OFFICER. The point of order is well taken and is sustained.

Mr. PLUMB. Before we pass from that I desire to state, by unanimous consent, exactly what is the purpose to be gained by the provision. The law now provides that the collector shall make upon application a certificate of tax-lien on real estate in the District of Columbia, and when he has made such a certificate that discharges the lien upon the real estate for all taxes except such taxes as are embraced in the certificate. In other words, if he makes an error it injures to the benefit of the purchaser and to the disadvantage of the District, a condition of things which, as I believe, does not exist elsewhere; at least I have no knowledge of it. The committee were advised that the District of Columbia had recently lost in a single case \$2,000 of taxes by reason of the operation of that provision. For that reason this was inserted in order to guard against possible collusion or neglect on the part of the collector.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 61, after the word "hundred," to strike out "and fifty;" and in line 62, after the word "hundred," to strike out "and fifty;" so as to make the clause read:

For auditor and comptroller's office: For one auditor and comptroller, \$3,000; one bookkeeper, \$1,800; one clerk, \$1,600; three clerks at \$1,400 each; one clerk, \$1,200; one messenger, \$600; for contingent expenses, including books, stationery, and miscellaneous items, \$300; in all, \$12,700.

The amendment was agreed to.

The next amendment was, after line 62, to insert:

For temporary clerk-hire, to enable the auditor and comptroller to effect a settlement of the accounts of the collector and to bring up the books of his office, \$2,500, or so much thereof as may be necessary.

Mr. PLUMB. I offer what I send to the Secretary's desk to take the place of the amendment of the committee. It is simply a verbal change designed to accomplish the same purpose.

The Acting Secretary read as follows:

For temporary clerk-hire to enable the auditor to bring up the books and arrange the records of his office and to audit the accounts of the collector, \$2,500; or so much thereof as may be necessary, which shall be available immediately.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in line 71, after the word "dollars," to strike out "for rent of office, \$300;" and in line 74, after the word "thousand," to strike out "eight" and insert "five;" so as to make the clause read:

For attorney's office: For one attorney, \$4,000; one assistant attorney, \$1,900; one special assistant attorney, \$960; one clerk, \$960; one messenger, \$192; for contingent expenses, including books, stationery, and miscellaneous items, \$500; in all, \$8,512.

Mr. PLUMB. That amendment should not prevail. That was made with the intention of combining this office with the other District office in one building; that plan was finally abandoned, but in making up the bill the clerk inadvertently left in that amendment. I therefore ask that the amendment be rejected.

Mr. EDMUND. Where is the office? Is it a hired office outside?

Mr. PLUMB. It is a hired office outside.

Mr. EDMUND. Now that we have got a new large city hall, there ought to be room for the attorney's office, I think, somewhere in the public building.

Mr. PLUMB. The committee had no advice on that subject. I therefore ask that the amendment be rejected.

Mr. SAULSBURY. I should like to inquire of the Senator who has charge of the bill, as I see three attorneys are provided for, whether there is a proper necessity for that number of attorneys in the District. I do not know anything about it. There may be a necessity for it.

Mr. PLUMB. The assistant attorneys, as I understand, are occupied almost entirely in the police court. The attorney himself is employed largely in litigation before the supreme court of the District. The District is in litigation constantly in regard to transactions past and present, damages of different kinds, and so on, and it becomes necessary to have this force. The only question, I think, in the case at all would be whether the salaries are too much. I think they are not too high.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 85, in the appropriation "for engineer's office," to reduce the appropriation for the salary of "one chief clerk" from \$2,000 to \$1,800.

The amendment was agreed to.

The next amendment was, in line 92, after the word "dollars," to strike out "to include, if deemed necessary, the keeping of one horse and wagon, and all expenses on account of same;" so as to make the item read:

One inspector of buildings, \$2,400.

The amendment was agreed to.

The next amendment was, in line 97, after the word "dollars," to insert "who shall be subject to the control of the commissioners of the District, and shall pay into the Treasury of the United States all fees collected by him;" so as to read:

One inspector of gas and meters, \$2,000, who shall be subject to the control of the commissioners of the District, and shall pay into the Treasury of the United States all fees collected by him.

Mr. EDMUND. I make the point of order that that is legislation, as it clearly is.

Mr. PLUMB. Will not the Senator divide the question between that part of the amendment which provides for subjecting these officers to the control of the commissioners of the District and that part which provides for the payment into the Treasury of the fees?

Mr. EDMUND. I make the point of order upon it, and then when it is out the Senator can move that the inspector shall pay in the money to the Treasury.

Mr. PLUMB. Very well.

The PRESIDING OFFICER. The point of order is sustained.

Mr. PLUMB. I now move to insert after the word "dollars," in line 97, the words:

Who shall pay into the Treasury of the United States all fees collected by him.

I will state for the information of the Senate that the law now provides that the fees shall be applied for the purpose of keeping up the laboratory and the other expenses of his office and so on, and makes no responsibility to anybody for the money received.

Mr. INGALLS. I suggest to the Senator having charge of the bill that the amendment ought to come in after the word "meters" to make the sentence sensible. Let the salary come in after the definition of the office.

Mr. PLUMB. I accept the suggestion and move, after the word "meters," to insert "who shall pay into the Treasury of the United States all fees collected by him;" so as to read:

One inspector of gas and meters, who shall pay into the Treasury of the United States all fees collected by him, \$2,000.

The amendment was agreed to.

The PRESIDING OFFICER. The other part is stricken out on a point of order. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in line 103, to reduce the appropria-

tion for the salary of "one inspector of plumbing," from \$1,600 to \$1,500.

The amendment was agreed to.

Mr. PLUMB. While I notice it I want to call attention to line 104. The word "of" before "superintendent" should be "one;" so as to read:

One superintendent of parking, \$1,200.

I move to strike out "of" and substitute "one."

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 106, to reduce the appropriation for the salary of "one assistant superintendent of parking" from \$800 to \$700.

The amendment was agreed to.

The next amendment was, in line 108, before the word "engineers," to strike out "sub-assistant" and to insert "assistant;" in the same line, after the word "engineer," to insert "one at \$1,500, and one," and after the word "dollars," in line 109, to strike out "each;" so as to read:

One assistant engineer, \$1,600; two assistant engineers, one at \$1,500 and one at \$1,400.

The amendment was agreed to.

The next amendment was, in line 112, to strike out "five" and insert "three;" so as to read:

Three inspectors of streets, sewers, and buildings, at \$1,200 each.

The amendment was agreed to.

The next amendment was, in line 116, after the word "dollars," to insert "one sealer of weights and measures, \$80."

Mr. PLUMB. I will state that that is a provision of the law of last year which was left out in the House.

The amendment was agreed to.

The next amendment was, in line 126, after the word "forage," to strike out "livery;" in line 128, after the word "for," to strike out "five thousand" and insert "four thousand five hundred;" so as to read:

Contingent expenses, including rent of property-yards, books, stationery, binding, and preservation of records in the engineer's and surveyor's offices; printing, transportation (vehicles, animals, saddlery, forage, and repairs), and miscellaneous items not otherwise provided for, \$1,500.

The amendment was agreed to.

The next amendment was, in line 129, to reduce the total amount of appropriation for "engineer's office" from \$63,950 to \$60,830.

The amendment was agreed to.

The next amendment was, in line 132, after the word "work," to insert "or the construction or repair of buildings," so as to read:

Provided, That overseers or inspectors temporarily required in connection with sewer, street, or road work, or the construction or repair of buildings, done under contracts authorized by appropriations, shall be paid out of the sums appropriated for the work, and for the time actually engaged thereon; and the commissioners of the District, in their annual reports to Congress, shall report the number of such overseers and inspectors, and their work, and the sums paid to each, and out of what appropriation.

Mr. SHERMAN. I think that proviso is subject to the same objection; it is legislation, and I submit to the Senator from Kansas whether it is not very dangerous legislation. Suppose we should appropriate, as we do here, for certain purposes, this would authorize the commissioners of the District of Columbia, without respect to amounts, compensation, or the nature or character of the employment, to employ any number of persons they choose, to be paid out of that appropriation. It seems to me it had better be left under the existing law, whatever that is, until it is changed.

Mr. PLUMB. This is the law as it has been for two years last past with the exception of the words in italics. It had been the practice of the commissioners to pay out of the appropriations for streets and buildings for the superintendence. The account was disallowed by the Comptroller, and thereupon two years ago we provided by special law, in the language now in this bill, that temporary force might be employed out of the contract price for the purpose of overseeing the work as it was done, and it would seem to be a very necessary provision. We provide a limited number of inspectors of streets; they can not all be on hand at the time every block is put down and every bit of asphalt laid. So in the erection of public buildings. This is simply the temporary superintendence under inspectors, and so far as we are able to learn it has worked well and is absolutely necessary.

Mr. SHERMAN. I do not know but that as this money is to be paid out of appropriations made by the act and in that way it is limited, perhaps it is necessary. I withdraw the point.

Mr. INGALLS. Besides that, they are required to report to Congress what inspectors are employed and how much they are paid and out of what fund.

Mr. PLUMB. A very limited number of persons is employed.

The PRESIDING OFFICER. The point of order is withdrawn.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 142, to reduce the appropriation "for fuel, ice, gas, repairs, insurance, and general miscellaneous expenses of District offices and markets" from \$5,500 to \$5,000.

The amendment was agreed to.

The next amendment was, under the head of "for improvements and

repairs and for care and repair of bridges," in line 146, after the word "dollars," to strike out "for repairs to macadam roadways, \$5,000."

The amendment was agreed to.

Mr. SHERMAN. I ask the Senator whether there is any provision anywhere else in the bill to provide for the current repairs of these roads?

Mr. PLUMB. There is, on page 13, line 289:

For current work of repairs of streets, avenues, and alleys, \$25,000.

Mr. SHERMAN. That is all right.

Mr. PLUMB. The design was not to have two items of appropriation for substantially the same thing.

Mr. SHERMAN. All right. I did not see it anywhere else.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 156, to reduce the total amount of appropriation "for work on sundry avenues and streets" from \$350,000 to \$250,000.

Mr. SHERMAN. I should like to know why that is done. The estimates, I see, are much larger, and it seems to me it is a matter of economy to the people of this city, as well as to the Government at large, to have these imperfect streets repaired as soon as possible, and as in the estimates submitted to us by the commissioners, and also by the Secretary of the Treasury, a much larger sum is provided for, it seems to me unless some good reason can be given that these estimates should be sustained, especially as the whole appropriation falls within the revenues of the District. My impression is that no money could be more economically expended than the money that is provided for the replacement of the wooden pavements in different parts of the city by the substitution of others. I should like to know on what ground it is proposed to reduce the amount.

Mr. PLUMB. It is a matter about which the Senator from Ohio is more competent to speak than I am. I will, however, state to the Senator the view the committee took of this question.

In the first place, the estimates embrace the replacing in Class A, as found in the Book of Estimates, page 265, of wood pavements at an estimated total cost of \$249,000. Then on the same page the replacement of stone pavements at a cost of about \$35,000; the laying of new pavements specified to the amount of \$59,000, and of regulating and grading of certain streets to the amount of \$40,000, making a total of \$374,000 as embraced in the Book of Estimates as submitted by the District commissioners. The estimate of the Treasury Department was \$315,000 for these various purposes, being a diminution in the estimates of the commissioners of about \$60,000.

There has always been a great deal of controversy in this city as to the place where these funds for the replacement of pavements should be expended. The sub-committee having the bill in charge here gave a somewhat extended consideration to the subject last year, and were satisfied that some partiality was being exhibited, that pavements were being replaced in quarters of the city beyond the actual need of improvements, and to some extent for the purpose of inducing improvements in some way that it is not proper to characterize in any harsh way; but everything being comparative we concluded that on the whole more money should be expended upon the eastern side and upon the streets upon the east side of the Capitol. Some conversation ensuing about the matter and these complaints being brought to the attention of the commissioners through the intervention of the sub-committee the commissioners stated that another year, being this present year, more money actually and in proportion would be by them expended in the replacement of pavements on the east side of the Capitol. Of course that promise was not at all binding; but it was the expression of what seemed to us to be the existence of ground for complaint in regard to the action of the commissioners. As all the pavements can not be replaced, of course there must be discretion somewhere as to where the money shall be expended; and that is properly exercised by the commissioners. It was not designed to revise their schedule and set up a new classification of streets to be attended to, but to emphasize the expression that some of this money shall go east of the Capitol, as I have stated.

There is only a very small portion of this money provided to be expended east of the Capitol, I think less than \$25,000—I am not sure what precise amount—while the sum of nearly \$40,000 is provided to be expended to replace a stone pavement, good but rough, on H street, for the purpose of connecting the northwestern portion of the city with the country in the direction of the race-course, carrying all the trade and travel away from and by and around what might be called the East Capitol side of the city. In making this change the committee designed to practically compel the commissioners to an expenditure which they regard more suitable than that provided for in the estimates.

Mr. SHERMAN. I sympathize entirely with the complaints that have been made by people of this District, by large petitions sent here from time to time from those living in the eastern part of the city. They have been compelled to pay their share of the taxes on a very large valuation of their property, while all the improvements have been in the part of the city where most of us live, the western and northwestern portion of the city, and it is a just complaint that can not be answered. I myself have inquired of the commissioners why it is that this discrimination has been made against the eastern part of the city, and they say it is all because in the early improvement of this city, under the old board of public works, expensive wooden pavements were

laid down in the western part of the city, and they are now so poor as to be much worse than any kind of an ordinary country road, and therefore the money must be first expended to replace those pavements.

I do not believe this is a sufficient answer to the complaint that has been made on the part of these people, most of them poor. They have been compelled to pay taxes and not enjoy any of the benefits of the improvements for which their taxes go; but the amendment now proposed is not in that direction. The amendment now proposed, it is true, will leave one or two little appropriations, comparatively small appropriations, to be expended on the eastern part of the city; but it will cut down the appropriations generally so as to disable the commissioners from tearing up the old wooden pavements and replacing them with new.

Mr. COCKRELL. How much wood pavement, I should like to know, still remains? Can the Senator from Ohio tell?

Mr. SHERMAN. I asked that of the commissioners, and they told me they thought if Congress would give the appropriations asked for this year they would be able to replace it all, and meet this complaint of injustice in the east.

Mr. COCKRELL. Where is it now?

Mr. SHERMAN. I do not know; but there is enough of it, as you will see by going around the city. It seems to me as this money is paid out of the money of the District as well as the money of the Government it is better to let them go on and carry out their plans. I agree that the proviso is right. Indeed if the committee could see their way clear to require a proportionate expenditure in the eastern part of the city I think it would be more just. I should vote for a proposition that would require fully one-fourth of the expenditure under this appropriation to be made in the eastern part of the city, or one-third, in order to repair this injustice; but I suppose that would be rather striking blindly at the matter, and therefore I think it is better to give the commissioners the money they ask for to complete the improvements proposed in the bill, the schedule of which we have, and which I believe covers the replacement of all the wooden pavements now necessary to be replaced, and then with the hope that in the next year's appropriation some kind of justice will be done to the people living in the eastern part of the city.

There is a bill which was reported from the Committee on the District of Columbia yesterday that is more vitally important to the people of this District than even this appropriation of \$300,000. It is a bill that will make some regulation as to the railroads that are coming into this city. It is a remarkable thing that the people of this city have submitted for many years to what in any other city of the United States would be regarded and indicted as a common nuisance; that is, one railroad entering in two directions from the northeastern part of the city, cutting through twenty-five squares, disregarding all the grades of the streets; and it has been authorized by Congress, so that there is no way to correct it except by the bill which I am glad to say the Committee on the District of Columbia has now reported.

Then the Pennsylvania Railroad, as it is called, comes through the southeastern part of the city, doing great injustice to all the people who live there not protected by fences, so that children, cows, and wagons are liable to be run over by steam-railway trains, a condition of affairs that has been abolished or prohibited in almost every city of 20,000 inhabitants. In the State in which I live our laws are very stringent, requiring the railroads to keep flag stations and to inclose their tracks, &c., to guard life and property; but it is not so here. The result has been that the eastern part of this city has been gradually going to decay, while the western part of the city has become magnificent in its improvements and magnificent in its proportions. All that part of the city lying between this Capitol and Georgetown has increased nearly threefold. Indeed, within fifteen years property worth 20 or 30 cents a foot has come to be worth two or three dollars a foot; and all that because the Government has seen fit to concentrate its improvements in the western part of the city, while the price of property in the eastern part of the city has gradually gone down and down. The reason is merely because the government of the District under acts of Congress has constantly discriminated against this part of the city.

I think it will be better to follow out the plan of the commissioners, to give them enough money to replace the wooden pavements, and make this proviso, that a reasonable distribution shall be made of the money provided by Congress, with the hope that in the next year the complaints of those citizens that have been laid on our table year after year will be fairly met by a proportionate appropriation of money for the improvement of streets in the eastern part of the city.

Mr. INGALLS. Mr. President, I hope my colleague will see his way clear to withdraw the amendment that has been proposed by the committee. A very casual inspection of the superficies of this city will convince everybody that great partiality has been done and great injustice done. There used to be a story current about General Grant in his humbler days to the effect that he once declared that he wished he could be mayor of the city of Galena; and when asked the reason of that ambition he said it was because he wanted to have a sidewalk laid from the depot to his residence. That illustrates the general vice that follows the location of the municipal authorities in any one quarter of the city. It is a fact that the District commissioners as a rule have

been selected from the northwestern portion of Washington, and without any impropriety or without any abuse of their functions the result has inevitably been that all the expenditures and all the improvements and all the advantages from the expenditure of money have been in that direction, so that we now have the spectacle of a city entirely improved so far as pavements are concerned up to the western boundary.

I believe that the streets have all been laid with concrete, that the wooden pavements have been torn up and replaced either with stone or with bitumen, so that nothing there remains to be done except to keep them in repair. But with regard to this portion of the city it is apparent to any one that great wrong exists. Take North Capitol street, one of the main approaches to the Capitol itself; from the entrance to the public grounds to C street is to-day merely a mud-hole, it is a morass almost, in which wagons of ordinary weight would become mired. Not only is there no wooden pavement, but there is no pavement at all. There is no reason why that avenue, which is one of the great radiating avenues from the Capitol, should not have been paved. It has been favoritism, it has been injustice, it has been a partial appropriation of the public funds; and inasmuch as the sum that is asked by the commissioners is entirely within the revenues of the District, and inasmuch as, if properly expended, as we now have every reason to believe it will be, these partialities can be cured and the difficulties can be corrected, I suggest that it would be a wise thing for the Senate to agree to the amount that has been appropriated by the House.

Mr. COCKRELL. I should like to ask the Senator how we are going to correct the abuses of which he speaks when the commissioners year after year persistently refuse to make any estimate for the eastern part of the city?

Mr. INGALLS. Inasmuch as they have all the western portion now improved, if they get the money they will have to put it in the eastern part of the city, because there is nowhere else to place it.

Mr. COCKRELL. They do not put it in their estimates, and hence we must take the responsibility of directing them.

Mr. INGALLS. I was not complaining about that. I concur fully with the committee as to the propriety of that direction; but the bill that came from the House appropriates \$350,000, which the Senate committee have reduced \$100,000. I can see no reason why that amendment should be agreed to. I wish that the committee would withdraw it, and in case they do not I should like very much to have the Senate agree to the bill as it came from the House, because I think it will be an economical and wise expenditure of the public money.

Mr. PLUMB. With the consent of the Senate I will ask that this be passed over for the present with a view to some readjustment of language which shall accommodate the various views.

Mr. ROLLINS. Before it is passed over I desire to say a word upon the subject, because my attention has been called to it as a member of the Committee on the District of Columbia very often during the last four or five years.

I had some experience myself while residing on Capitol Hill. I saw year after year the great body of the money appropriated applied for the improvement of the streets in the west and northwest portions of the city to the almost utter neglect of the streets and avenues of the east side of the city, east of the Capitol. I think if any Senator will take the map which lies upon the desk of the Senator from Wisconsin [Mr. CAMERON] and look at it, he will see at a glance what great injustice has been done to the people residing in the eastern portion of this city. There the streets and avenues are colored in such a way as to indicate just what streets have been improved, and how they have been improved, and what streets have been utterly neglected in this expenditure of money for the District of Columbia. It is a most wonderful exhibit and shows the great injustice that has been done by the utter neglect of a proper distribution of the funds of the District of Columbia.

I concur in this matter most heartily with the Senator from Ohio and both Senators from Kansas in the remarks they have made. Take the avenues: Maryland avenue, a magnificent avenue extending from a point east of the Capitol grounds; while the authorities are improving avenues and streets miles distant in the west and northwestern portions of the city they are doing comparatively nothing for this avenue and others in the portion of the city east of this building.

Now, under the proviso which has been recommended by the Committee on Appropriations, what will be the result? If the commissioners spend all the money that has been estimated for the eastern portion of the city, it will be only 10 per cent. of the whole amount. Even that would be unjust. I should be glad to have the committee go still further and make a further amendment to provide that a larger proportion of this sum shall be spent in that direction.

I speak now, I think, impartially, because I live in the northwestern portion of the city, and the expenditure of money there is a source of convenience and comfort to me. I have left Capitol Hill, but I want to call the attention of the Senate to this great injustice.

The PRESIDING OFFICER (Mr. MORGAN in the chair). The Senator from Kansas [Mr. PLUMB] asks unanimous consent to pass over this amendment for the time being. Is there objection? The Chair hears none. It will be passed over.

The reading of the bill was resumed. The next amendment of the

Committee on Appropriations was, in line 169, after the word "the," to strike out "Chesapeake and Ohio Canal Company" and insert "lessees of the Alexandria Canal;" so as to read:

WASHINGTON AQUEDUCT.

For engineering, maintenance, and general repairs, \$20,000; and the lessees of the Alexandria Canal shall keep in good repair at least two spans of the Aqueduct Bridge, so that no leakage or wastage of water shall occur.

The amendment was agreed to.

Mr. PLUMB. I move to strike out "20" and insert "15," in line 169; so as to make the appropriation \$15,000. That was the amount we fixed last year for this item.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations "for Washington Asylum," in line 181, to reduce the item "for salary of one clerk," from \$600 to \$480.

The amendment was agreed to.

The next amendment was, in line 186, after the word "dollars," to insert "one ambulance driver, \$120."

The amendment was agreed to.

The next amendment was, in line 189, after the word "each," to strike out "and;" in line 190, after the word "improvements," to strike out "repairs to wards and closets;" so as to read:

For contingent expenses, including improvements, provisions, fuel, forage, lumber, shoes, clothing, hardware, dry goods, medicines, and miscellaneous items, &c.

The amendment was agreed to.

The next amendment was, in line 192, after the word "items," to strike out "\$35,000" and insert "\$34,500;" so as to read:

For contingent expenses, including improvements, provisions, fuel, forage, lumber, shoes, clothing, hardware, dry goods, medicines, and miscellaneous items, \$34,500.

Mr. PLUMB. The amendment striking out and inserting should be non-concurred in, so as to leave the amount stand \$35,000.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations striking out \$35,000 and inserting \$34,000.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after "dollars," in line 193, to insert "and for repairs to wards and closets, \$500."

The amendment was agreed to.

The next amendment was, in line 195, to reduce the total amount of the appropriation for the Washington Asylum from \$45,940 to \$45,820.

Mr. PLUMB. I move to amend that by inserting "6" in place of "5," and "3" in place of "8;" so as to read "\$46,320." That will make the total correct.

The PRESIDING OFFICER. If there be no objection, the amendment of the committee will be so modified. The question is on the amendment as modified.

The amendment as modified was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 247, before the word "colored," to insert "destitute;" and in line 248, to strike out "6,500," and insert "7,000;" so as to make the clause read:

For the National Association for Destitute Colored Women and Children, \$7,000.

The amendment was agreed to.

The next amendment was, after line 249, to insert:

For the erection of a building for said National Association, in accordance with plans to be approved by the Architect of the Capitol, \$15,000, or so much thereof as may be necessary: *Provided*, That the cost of said building shall not exceed the sum herein named.

Mr. PLUMB. I move to amend the amendment of the committee by striking out "15," in line 252, and inserting "20," that being in accordance with the estimate and the recommendation of the District Committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SAULSBURY. I see here "National Association for Destitute Colored Women and Children." Is this provision for erecting a house for them? I have no doubt it is a very worthy charity, but such associations are not supervised by the District; they are charities depending on private contributions, and I do not see why they should be provided with buildings out of the National Treasury. Almost every city of this size has various associations for charity which are supported by the private contributions of the inhabitants. Here we are providing appropriations for charities, all of which are worthy objects no doubt, but why should we become almoners of bounties to charitable institutions? I suppose it has been customary, and I shall not interpose any objection except to state my idea that it is improper.

Mr. PLUMB. I will say in regard to the item which may be regarded as under consideration, that this is the only eleemosynary institution designed especially for colored people in this District. It is performing a work which is not only well done but very economically done.

It is now housed in a building put up out of some lumber which the Government had used for barracks during the war, and which, while answering fairly the purpose as far as space with ordinary comfort is concerned, is very much exposed to fire and is rapidly decaying, a very considerable sum of money being necessary to be expended each year to keep it in anything like order.

As long as this is on our hands in any way looking to us for its support by appropriations it was thought the dictates of an ordinary humanity would prompt us to relieve it from that great liability to fire and the necessary loss of life consequent upon the burning of the house, by supplying it with a building which would be ample for the accommodation of those seeking its shelter and also relieving it from that great danger which applies to the present building. I may say also that I think this is one of the most worthy charities in the District.

Without contesting to any considerable degree the principle which the Senator from Delaware announces, we are going on with this just as we found it. The committee has not arrogated to itself a new office of charity. It has provided, as I think somewhat scantly, for the old one. One-half of this money is to be paid by the tax-payers of the District directly, and the other half by the Government, under the arrangement by which the Government became a tax-payer of the District to the extent of one-half the revenues necessary to carry on the District government. Consequently it is in no sense a general but it represents a local appropriation.

Whatever the Senator from Delaware and myself might think about the propriety of the arrangement, it is now in existence, and it is the duty as we think of the Appropriations Committee and of Congress to carry it into effect, and in doing so we regard the Government simply as a local tax-payer to the extent of one-half the taxation to be paid in the District for the purpose of carrying on its government.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 257, to reduce the appropriation "for the Industrial Home School" from \$7,500 to \$5,000.

The amendment was agreed to.

The next amendment was to strike out lines 259 to 264 in the following words:

And the commissioners of the District of Columbia are required to visit and investigate the management of all the institutions of charity herein appropriated for, and shall require an itemized report of receipts and expenditures to be made to them, to be transmitted with their annual report to Congress.

The amendment was agreed to.

The next amendment was, after line 264, to insert:

That the appropriation of \$5,000 made by the act "making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1883, and for other purposes" approved July 1, 1882, "for the erection of a building on the grounds recently purchased by the German Protestant Orphan Asylum Association of the District of Columbia, now the German Orphan Asylum Association of the District of Columbia, provided that the asylum shall contribute an equal sum for this purpose," be, and the same is hereby, continued and made available for the same purpose and subject to the like condition for the fiscal year 1884.

The amendment was agreed to.

The next amendment was, after line 277, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and required to demand and receive from the assignee of the estate of H. D. Cooke & Co. the sum proved against said estate by the Soldiers' and Sailors' Orphans' Home, and to cover the same into the Treasury of the United States; and in case of refusal to pay over the money aforesaid, the Attorney-General is required to take steps to enforce the claim of the United States thereto.

Mr. PLUMB. I move, in line 280, to strike out the initials "H. D," before "Cooke," and insert "Jay." I desire to say that the amendment as printed was practically a declaration of bankruptcy against a very responsible banking firm of this city, and I regret very much that the error occurred, as it has led to some misunderstanding.

The PRESIDING OFFICER. Is there objection to the correction being made? The Chair hears none, and the amendment will be so modified. The question is on the amendment as modified.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 291, to reduce the appropriation for current repairs to county roads and suburban streets from \$20,000 to \$15,000.

Mr. SHERMAN. I hope that amendment will not be agreed to. It is a double reduction. The amount estimated for is \$25,000; the House reduced it to \$20,000.

Mr. PLUMB. I shall not contest with the Senator from Ohio on that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee, striking out "twenty" and inserting "fifteen."

The amendment was rejected.

The next amendment was, after the word "dollars," in line 293, to insert:

Cleaning tidal sewers, \$3,000; repairs to pumps, \$3,000.

The amendment was agreed to.

The next amendment was, in line 295, to increase the total amount of appropriation "for sweeping, cleaning, and sprinkling streets and avenues," &c., from \$112,500 to \$113,500.

THE PRESIDING OFFICER. It will be necessary to change the figures there in consequence of the amendments adopted.

MR. PLUMB. The total should be \$118,000.

THE PRESIDING OFFICER. The amendment will be so modified. The question is on the amendment as modified.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 304, before the word "to" to insert "and;" so as to read:

And for purchasing and erecting new lamp-posts, and to replace such as are old, damaged, and unfit for use.

The amendment was agreed to.

The next amendment was, after the word "therefore," in line 313, to strike out—

Repairs to public pumps, \$3,000; cleaning tidal sewers, \$3,000; in all, \$101,380: *Provided*, That no more than at the rate of \$22 per annum for each street lamp with a six-foot burner shall be paid for gas, lighting, extinguishing, repairing, and cleaning under any expenditure provided for in this act; and the commissioners of the District of Columbia are hereby authorized, in their discretion, to substitute, in whole or in part, other illuminating material for the same or less price, and to use so much of the sum hereby appropriated as may be necessary for that purpose.

And to insert in lieu thereof:

Provided, That no more than \$22 per annum for each street lamp shall be paid for gas, lighting, extinguishing, repairing, and cleaning under any expenditure provided for in this act; and in case a contract can not be made at that rate the commissioners of the District of Columbia are hereby authorized to substitute other illuminating material for the same or less price, and to use so much of the sum hereby appropriated as may be necessary for that purpose.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Metropolitan police," in line 343, before the word "hundred," to strike out "four" and insert "three;" so as to read:

Four surgeons for the police and fire departments, at \$350 each.

MR. PLUMB. There is a mistake there. The word "three," in line 342, should be "four" and "four" should be "three;" so as to read:

Three surgeons for the police and fire departments, at \$450 each.

Instead of four surgeons at \$350 each, the figures ought to be transposed.

THE PRESIDING OFFICER. The correction will be made.

THE ACTING SECRETARY. The proposed amendment is, in line 342, to strike out "four" and insert "three" before "surgeons."

The amendment was agreed to.

The next amendment was, in line 343, after "at," to strike out "four" and insert "three;" so as to read:

Three surgeons for the police and fire departments, at \$350.

MR. PLUMB. That amendment should not be concurred in.

THE PRESIDING OFFICER. The question is on this committee amendment.

The amendment was rejected.

The next amendment was, in line 344, after the word "each," to strike out "six detectives at \$1,320 each," and insert:

For additional compensation to privates detailed from time to time for special service in the detection and prevention of crime, \$1,440, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after the word "each," in line 352, to strike out "seven acting sergeants at \$1,080 each, seventy-three" and insert "ninety;" so as to read:

Ninety privates, class 1, at \$900 each.

The amendment was agreed to.

The next amendment was, in line 354, before the word "privates," to strike out "twenty" and insert "thirty-five;" so as to read:

One hundred and thirty-five privates, class 2, at \$1,080 each.

The amendment was agreed to.

The next amendment was, in line 361, after "dollars," to strike out "fifteen" and insert "twenty;" so as to read:

Twenty lieutenants, sergeants, and privates, mounted, at \$240 each.

The amendment was agreed to.

The next amendment was, after the word "driver," in line 362, to strike out "of police van, four hundred and eighty" and insert "three hundred;" so as to read:

One driver, \$300.

The amendment was agreed to.

The next amendment was, in line 364, after the word "driver," to strike out "six hundred" and insert "four hundred and eighty;" so as to read:

One ambulance driver, \$480.

The amendment was agreed to.

The next amendment was, in line 377, to reduce from \$10,000 to \$9,500 the amount of the appropriation for "miscellaneous and contingent expenses, including stationery, books, telegraphing, photographs, printing and binding, gas, ice, washing, meals for prisoners, furniture and repairs to same, police equipments and repairs to same, beds and bed-clothing, insignia of office, horses, harness, and forage,

repairs to van and ambulance, and expenses incurred in prevention and detection of crime."

The amendment was agreed to.

The next amendment was, in line 377, to increase the total amount of the appropriation for the "Metropolitan police" from \$293,140 to \$310,550.

The amendment was agreed to.

The next amendment was, in the appropriations for the "fire department," in line 391, to reduce the item for "repairs to engine-houses" from \$1,000 to \$500.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 392, to insert:

For remodeling and furnishing the old town hall, in Georgetown, District of Columbia, for the use of engine company No. 5, \$3,000; and in addition to this sum the proceeds of sale of the lots in Georgetown authorized to be sold by the act approved April 1, 1882, or so much thereof as may be necessary, may be applied to this purpose.

The amendment was agreed to.

The next amendment was, in line 406, to increase the total amount of the appropriations for the "fire department" from \$98,560 to \$101,060.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 408, to insert:

And the commissioners of the District are authorized, in their discretion, to pay the claim of George Schlosser, for care of James Fleming, injured by being run over in 1880 by William O. Drew, assistant engineer of the fire department: *Provided*, That after said payment no liability shall remain against the District on account of the damage to said Fleming.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for the "telegraph and telephone service," in line 426, after the word "blacksmithing," to strike out "forage;" so as to read:

Telegraph and telephone service: For one general superintendent, \$1,600; one electrician at \$1,200; two telegraph operators at \$1,000 each; three telephone operators at \$600 each; two repair-men at \$720 each; one laborer, \$400. General supplies, repairs, and battery, including battery supplies, telephone rental, wire and insulators, brackets and pins, gas and fuel, record-books and stationery, washing, blacksmithing, extra labor, and the purchase of new implements and tools, \$4,000.

MR. PLUMB. I move in that clause, in line 421, to insert after "hundred" the words "and fifty;" so as to read:

Three telephone operators, at \$650 each.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

MR. PLUMB. Now the amount in line 428 should be made \$12,590.

THE PRESIDING OFFICER. That change will be made if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriation for the "courts," in line 435, to increase the item for "United States marshal's fees" from \$1,400 to \$2,000.

The amendment was agreed to.

The next amendment was, in line 438, after the word "judge," to insert "not exceeding \$300;" so as to read:

Contingent expenses, including compensation of a justice of the peace acting as judge of the police court during the absence of said judge, not exceeding \$300.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 438, to strike out "judicial expenses;" and after the word "dollars," in line 440, to insert "for judicial expenses, \$2,500;" so as to read:

Books, stationery, fuel, ice, gas, witness fees, and miscellaneous items, \$2,200; for judicial expenses, \$2,500.

The amendment was agreed to.

The next amendment was, in line 442, to increase the total amount of the appropriation for the "courts" from \$15,418 to \$16,018.

The amendment was agreed to.

The next amendment was, under the head of "public schools, District of Columbia," after the word "teachers," in line 447, to strike out "and increase of teachers' pay by continuous service;" and in line 450, after the word "and," to strike out "21,425" and insert "26,850;" so as to make the clause read:

For salaries of superintendents, teachers, and janitors, secretary of the board, and clerks, including additional teachers, rents, repairs, fuel, furniture, books, stationery, new school buildings, furniture for new school buildings, and miscellaneous items, \$326,850.

The next amendment was, in line 455, to strike out:

One secretary, at \$150.

The amendment was agreed to.

The next amendment was, in line 457, to increase the appropriation for salary of "one clerk to superintendent" from \$800 to \$950.

The amendment was agreed to.

The next amendment was, before the word "teachers," in line 461, to strike out "twenty-five" and insert "thirty;" and in line 464, after

the word "and," to strike out "49,125" and insert "52,450;" so as to make the clause read:

For teachers: For five hundred and thirty teachers, to be employed at a rate of compensation not to exceed the rate provided by the present schedule of salaries, and at an average salary not to exceed \$665, \$352,450.

The amendment was agreed to.

The next amendment was, in line 467, before "janitors," to strike out "foreman;" in line 468, after the word "for," to strike out "one foreman and his assistant, \$1,300; for;" in line 470, before "hundred," to insert "four;" so as to read:

For janitors and care of the several school buildings: For care of the high-school building, \$1,400.

The amendment was agreed to.

The next amendment was, in line 472, to increase the appropriation for care "of the Franklin Building" from \$1,000 to \$1,100.

The amendment was agreed to.

The next amendment was, in line 475, after "Lincoln," to strike out "Abbott;" so as to read:

Of the Lincoln, Miner, and Stevens buildings, at \$800 each.

The amendment was agreed to.

The next amendment was, in line 477, after the word "the," to insert "Riggs, Abbott;" so as to read:

Of the Riggs, Abbott, John F. Cook, and Randall buildings, at \$700 each.

The amendment was agreed to.

The next amendment was, after the word "the," in line 479, to strike out "Riggs and;" in line 479, after "Curtis," to strike out "buildings" and insert "building;" and in the same line, after "dollars," to strike out "each;" so as to read:

Of the Curtis Building, \$600.

The amendment was agreed to.

The next amendment was, in line 482, after "superintendent," to strike out "three" and insert "of the first six divisions, two;" so as to read:

For one janitor and messenger to the board and superintendent of the first six divisions, \$200.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 483, to insert:

For one janitor and messenger to the superintendent of the seventh and eighth divisions, \$200.

The amendment was agreed to.

The next amendment was, in line 487, to increase the appropriation "for care of smaller buildings and rented rooms, at a rate not to exceed \$48 per annum for the care of each school-room," from \$2,000 to \$3,000.

The amendment was agreed to.

The next amendment was, in line 488, to increase the total amount of the appropriation "for janitors and care of the several school buildings" from \$23,300 to \$23,400.

The amendment was agreed to.

The reading of the bill was continued to line 495, in the clause providing "for rent of school buildings."

Mr. PLUMB. On line 495 I move to strike out "15" and insert "18;" so as to make the appropriation for fuel \$18,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 499, before the word "thousand," to strike out "twenty" and insert "fifteen;" so as to read:

Repairs and improvements to school buildings, including grading, graveling, inclosing, and putting in order grounds about the High, Henry, Force, Webster, Gales, Garnett, and the county school buildings, \$15,000.

The amendment was agreed to.

The next amendment was, in the same clause, line 501, to reduce the appropriation "for contingent expenses, including furniture, books, stationery, printing, insurance, and miscellaneous items, from \$15,000 to \$10,000.

The amendment was agreed to.

The next amendment was, in line 502, to reduce the total amount of the appropriations "for rent of school buildings," &c., from \$58,000 to \$48,000.

Mr. PLUMB. I move that that be changed to \$51,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, in the clause making appropriations "for buildings and schools," in line 508, after "division," to strike out "seventy-eight" and insert:

And for the purchase of a site and the erection and completion of a school building on the old Bladensburg road, near Brooks's Station; for addition to school building on the new Bladensburg pike; and for the erection of a school building at Benning's Station, ninety.

So as to read:

For buildings for schools: For the purchase of sites when necessary and the erection and completion of three buildings for primary and grammar schools, two of said buildings to be erected in the second school division and one in the third school division; and for the purchase of a site and the erection and completion of a school building on the old Bladensburg road, near Brooks's Sta-

tion; for addition to school building on the new Bladensburg pike; and for the erection of a school building at Benning's Station, \$90,000.

The amendment was agreed to.

The next amendment was, in line 520, before the word "next," to strike out "May" and insert "June;" and in line 523, before the word "thousand," to strike out "55" and insert "57;" so as to read:

Provided, That the plans and specifications for each of said buildings shall be prepared by the inspector of buildings of the District of Columbia, and shall be approved by the Architect of the Capitol and the commissioners of the District, and said buildings shall be constructed by the commissioners in conformity therewith, and shall be contracted for before the 1st day of June next, and finished by the 1st day of January, 1884, the money herein appropriated to be apportioned as follows, namely: For the second school division, \$37,000; and for the third school division, \$23,000.

The amendment was agreed to.

The next amendment was, after the word "dollar," in line 525, to insert:

And for the site and school building near Brooks's Station, \$3,000; for addition to school building on the new Bladensburg pike, \$2,000; and for the school building at Benning's Station, \$5,000.

The amendment was agreed to.

The next amendment was, in line 532, to increase the total amount of the appropriation "for buildings for schools" from \$78,000 to \$90,000.

The amendment was agreed to.

Mr. EDMUND. I wish to call the attention of my friend from Kansas to this, apparently without explanation, duplication of appropriations for some of these school buildings. At the top of page 22 there is a provision for the purchase of a site and the erection and the completion of a school building on the old Bladensburg road, near Brooks's Station; for addition to school building on the new Bladensburg pike, and for the erection of a school building at Benning's Station, \$90,000.

Then from line 525 to line 529 again:

And for the site and school building near Brooks's Station, \$3,000; for addition to school building on the new Bladensburg pike, \$2,000; and for the school building at Benning's Station, \$5,000.

Those are exactly the words in lines 510, 511, 512, and 513; so that there appears to be a duplication of the appropriation, and this would make double the amount apparently that was intended.

Mr. PLUMB. I do not think it does so. The upper part is the generalization—a statement of the purposes to be appropriated for, and below it specifies how the money shall be expended, and then the \$90,000 occurring in line 532 is simply a restraint on the expenditure, saying that it shall all not exceed the gross amount above appropriated.

Mr. EDMUND. I hope that is the true construction of it; but I thought it right to call attention to it. I am a little afraid that it may amount to a double appropriation.

Mr. PLUMB. I think there is no danger of that.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, under the head of "miscellaneous expenses," in line 540, to strike out "five" before "thousand" and insert "four;" in line 542, after "items," to strike out "three thousand" and insert "two thousand five hundred;" and in line 543, after "all," to strike out "twelve thousand one" and insert "ten thousand six;" so as to make the clause read:

For repairs and replacement of public hay-scales, \$500; for rent of District offices, \$3,600; for general advertising, \$4,000; for books for register of wills, printing, checks, damages, and miscellaneous items, \$2,500; in all, \$10,600.

The amendment was agreed to.

The next amendment was, under the head of "health department," in line 549, to increase the appropriation for salary of "one inspector of marine products" from \$1,000 to \$1,200.

The amendment was agreed to.

The next amendment was, in line 555, after "fuel," to strike out "rent."

Mr. PLUMB. That should not be stricken out. I ask that it be non-concurred in.

The amendment was rejected.

The next amendment of the Committee on Appropriations was, in line 557, to reduce the appropriation from \$3,800 to \$3,000 "for contingent expenses, including books, stationery, fuel, rent, repairs to pound, and wagon and horse for poundmaster, forage, meat for dogs, disinfectants, horseshoeing, and miscellaneous items."

Mr. PLUMB. That also should be restored or not stricken out.

The amendment was rejected.

The next amendment of the Committee on Appropriations was, in line 559, to reduce the total amount of the appropriation for the "health department" from \$42,580 to \$41,980.

Mr. PLUMB. That amendment should also be non-concurred in.

The amendment was rejected.

The next amendment of the Committee on Appropriations was, under the head of "interest and sinking fund," after the word "cents," in line 565, to strike out:

And hereafter the surplus revenues of the District of Columbia, except those arising from the water department, shall be paid into the sinking fund and applied by the commissioner thereof to the payment of the principal of the bonds of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the head of "water department," in

line 608, after "reimbursed," to strike out "after" and insert "from the;" so as to read:

And provided further, That hereafter, whenever any horses, carriages, or wagons, or property of any description may become unfit for service, in the judgment of the commissioners, the same shall be sold at auction to the highest bidder, after due advertisement, and the proceeds thereof shall be paid into Treasury of the United States to the credit of the appropriation out of which the purchase was made.

The amendment was agreed to.

The next amendment was, after the word "tax," in line 608, to strike out:

For completing the laying of 12-inch water-mains, with proper fire-plugs and connections for the proper protection of the Government Printing Office, \$3,500, of which the United States shall pay one-half, and \$1,750 is hereby appropriated for this purpose.

The amendment was agreed to.

The next amendment was to reduce the total amount of the appropriation for the "water department" from \$5,853.50 to \$4,103.50.

The amendment was agreed to.

Mr. PLUMB. I desire to have an amendment made, in line 588, to strike out "voted" and insert "provided."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

The Acting Secretary read section 2.

Mr. EDMUND. I should be glad to be informed by the Senator from Kansas in charge of this bill what all this section means and how it changes the present law.

Mr. PLUMB. It does not change the present law.

Mr. EDMUND. Then what is the use of having it in?

Mr. PLUMB. It came to us from the House, and by way of precaution we let it stay. I am not quite sure that it is precisely as it was in the last year's law. The word "hereafter" was in then, I believe.

Mr. EDMUND. Let us look at that.

Mr. COCKRELL. I think "hereafter" was not in last year.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senator from Kansas to the footing on page 24, line 559.

Mr. PLUMB. That should be increased \$200, to \$42,700.

The PRESIDENT *pro tempore*. That seems to be right, and that change of footing will be made if there be no objection. The Chair hears none.

Mr. PLUMB. I will state to the Senator from Vermont that the second section is precisely the same as the law of last year.

Mr. EDMUND. Then why is it put in again?

Mr. PLUMB. That is a question which might properly be addressed to the House. The House sent the bill to us in that way, and it was left in without any special consideration by the committee, it being observed after examination that it was precisely the same as last year.

Mr. EDMUND. I think, with great respect, the question ought to be addressed to the committee to whom we referred this bill for criticism and examination.

Mr. PLUMB. That was why we left it in.

Mr. EDMUND. Why did you leave it in?

Mr. PLUMB. Simply because we found it here.

Mr. EDMUND. That certainly is a very potent argument. Go ahead; I will see if it is the same thing.

Mr. PLUMB. If the Senator from Vermont moves to strike that section out, he can do so.

Mr. EDMUND. If the Senator is sure that it is the same thing—I see that the third section of last year's bill is permanent, using the word "hereafter"—it ought to be stricken out, for it is really legislation. It seems to be, as the Senator says, an evident re-enactment of an existing and permanent law.

Mr. PLUMB. It is. Last year the word "hereafter" was inserted in the bill, intending by that insertion to make it unnecessary to re-enact it; but the House sent it over and it escaped consideration, being in the same language.

Mr. EDMUND. The bill may go on. A motion to strike it out can be made afterward.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to insert the following as a new section:

SEC. 3. That the Treasurer of the United States be, and he is hereby, authorized and directed to redeem certificate numbered 9376, for \$200, dated August 1, 1874, and issued by the late board of audit of the District of Columbia, in favor of David Messer, which certificate, it is alleged, was duly transferred to the Freedman's Savings and Trust Company for value, and subsequently lost or destroyed, by the issue, to the commissioner of the said Freedman's Savings and Trust Company, of 365 bonds of the District of Columbia, in the manner provided for the redemption of board of audit certificates by act of Congress approved June 16, 1880, upon proof of such transfer and loss, and the execution by said commissioner of a bond of indemnity, with approved security in double the amount of said certificate, to save the District of Columbia harmless against the presentation and payment of said lost certificate.

Mr. SHERMAN. I make the point of order that this is a private claim attached to an appropriation bill. I think it had better not be put here, although I have no doubt it is correct.

The PRESIDENT *pro tempore*. It is a private claim.

Mr. SHERMAN. I object.

The PRESIDENT *pro tempore*. The point of order is sustained.

Mr. PLUMB. I will just state that we were in possession of a letter very strongly urging this action from the commissioner of the Freedman's Savings and Trust Company, Mr. Knox. The matter seemed to be proper, and we put it in. If the point of order is sustained it cuts it out.

The PRESIDENT *pro tempore*. The point of order is sustained.

The next amendment was to insert the following as an additional section:

SEC. 4. That the time allowed for filing claims in the Court of Claims under an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved June 16, 1880, be, and the same is hereby, extended thirty days from and after the approval of this act; and all claims not so presented shall be forever barred.

Mr. EDMUND. I make the point of order that that is legislation. I do not object to it because it is not right, but I object because it is legislation.

The PRESIDENT *pro tempore*. It is legislation. The point of order is sustained.

Mr. PLUMB. I hope the Senator from Vermont will make an exception in regard to this amendment. The committee were in possession of a letter from the Treasurer of the United States, the sinking-fund commissioner, reviewing the whole of these claims, and stating that there were probably about \$10,000 of them outstanding which had been caught unawares in the hands of small holders, re-enforced by a statement from one of the commissioners of the District to the same effect, and on that statement the section was put in.

Mr. EDMUND. Undoubtedly; and so the Committee on Appropriations might take the whole Calendar of bills reported from committees that are supposed to be good bills, useful legislation, and put them on.

The PRESIDENT *pro tempore*. The amendment is ruled out of order. The next amendment was to insert the following as an additional section:

SEC. 5. That the District commissioners shall inquire as to a suitable location, the cost of the same, and also as to proper plans and the estimated cost of a plain, fire-proof brick building, suitable for the accommodation of the District offices, and shall make report of the same to Congress on the first day of its next session.

Mr. EDMUND. I make the point of order that that is legislation.

Mr. PLUMB. I hope the Senator from Vermont will not do that; that is a particularly meritorious section.

Mr. EDMUND. I do not know whether it is meritorious or not, but it is pure legislation.

Mr. INGALLS. If the bill that the Committee on the District of Columbia have reported relative to the routes of steam-railroads is adopted, we hope to be able to provide a building for the District commissioners in the premises now occupied by the Baltimore and Potomac Railroad Company for a depot.

Mr. SHERMAN. There is one clause in the bill that was passed over.

The PRESIDENT *pro tempore*. The point of order is sustained on the last section. Line 156 was reserved. The amendment will be stated.

The ACTING SECRETARY. In line 156 the Committee on Appropriations reported to strike out "3" and insert "2," so as to read "\$250,000;" and after the word "dollars," in line 157, to insert:

Provided, That out of this sum all the work on avenues and streets and replacement of pavements on streets named in the aforesaid classes situated east of the Capitol shall be completed in full.

And in line 160 to strike out "535" and insert "430;" so as to read: "in all, \$430,000."

Mr. INGALLS. I hope that the amendment of the committee in line 156 may be disagreed to, so as to leave the amount for the improvement and repairs of streets and avenues as it came from the House, \$350,000; and then, in view of the partiality in the previous distribution of the expenditures, I would suggest this in lieu of the proviso:

Provided, That one-third of said sum shall be expended on the avenues and streets east of First street west.

Mr. PLUMB. I doubt if that amendment will accomplish the purpose my colleague has in view.

Mr. INGALLS. A very large proportion of the appropriations hitherto made has been expended in the northwestern portion of the city, leaving the eastern portion very largely unpaved, and the intention of the proviso is to require this proportion of the amount appropriated to be expended east of the street that runs directly west of the Capitol grounds north and south.

Mr. EDMUND. The expenditure hitherto has been in that part of the city which the Supreme Court of the United States held could not be investigated.

Mr. SHERMAN. Where nearly all of us live.

Mr. INGALLS. It has been appropriated where nearly all the property-holders in the Senate live and where the commissioners hitherto resided.

Mr. EDMUND. I remember that very well, as I was one of the small property-holders who was taxed three or four thousand dollars—I have forgotten how much—for a perfectly useless slaughter of a street in front of the houses along the row where I reside by cutting it down to the extent of about twenty feet. That was the kind of improvement. When you went a little further northwest and the House of

Representatives undertook to have an inquiry about the conduct of the expenditure of these moneys, the Supreme Court pulled up and said they could not get at the evidence that was suitable to inform Congress on that subject.

Mr. INGALLS. When the House imprisoned a party for the refusal to produce his books and papers, the court gave him a very large sum as damages for his illegal imprisonment and detention.

Mr. EDMUND. That, too, ought to be put into this bill probably.

Mr. BUTLER. That was not done by a court; by a jury.

Mr. ROLLINS. On the 2d of February I submitted an amendment to this bill which was referred to the Committee on Appropriations, proposing to concrete O street between Twentieth and Twenty-second streets northwest. I did this under the supposition that the policy heretofore pursued would be continued; that is, of appropriating a very large proportion of money in that section of the city. But I notice that the Committee on Appropriations have rejected the amendment, or have not offered it to the bill at any rate. I should like to inquire if that was the reason that governed them in their action, that the policy was to be changed hereafter?

Mr. PLUMB. The committee did not purpose to perpetuate it at all events, but proposed to prevent, if we could, the expenditure of so large a portion of money in the northwestern part of the city. The District board of commissioners have been treated by Congress as persons not entitled to be trusted with any considerable discretion as to the expenditure of money. Instead of giving them sums in gross to be expended, we give them items the same as we do employés in the Treasury Department and other officers directly under our charge.

We ask them to make report of the streets on which they will make improvements, and then appropriate for those particular streets, understanding that their judgment may be changed half a dozen times before the expenditure can be made. We give them clerks by name, and so on all the way through this bill. They, in turn, I take it, somewhat accepting the view that Congress takes of their functions, divide up their own responsibility, and the care of the streets falls to one person, of the police to another, and so all the way around; and the board is three distinct atoms in place of being one unit. In that way perhaps to some extent the designation of streets has fallen into the hands of a particular person. The board has been recently somewhat reorganized; it is expected that it will be still further reorganized by the appointment of a new commissioner or a continuation of the old one for a definite term. Out of either or both of these contingencies will arise perhaps a better condition of things than we have had heretofore.

I do not know that any language can be devised (unless the Senate were prepared to take up the schedules and go through them for the purpose of picking out particular streets to be improved other than those named) under which anything effective can be done. The action of the committee was a protest against what is proposed for the coming year, and a protest based upon the action of the commissioners for the preceding year, and upon the understanding had last year that the system of improvements should not hereafter be carried on so extensively for the benefit of the northwestern part of the city.

The Senator from Ohio, who has this matter at heart and who is much more interested perhaps than any person on the floor of the Senate, thinks the sum named by the House is not too large. The commissioners themselves named \$374,000 to be used in work on the streets. It has been the plan, as I think it still is, to carry on the work of placing sidewalks and curbing and guttering in front of unimproved property far beyond, or at least some considerable distance beyond, the residence portion of the city. At all events, the effect of that is, whatever the design may be, to increase largely the value of such property.

Mr. EDMUND. If you could curb the expenditures instead of the sidewalk it would be better.

Mr. PLUMB. That we should be very glad to do in place of curbing the sidewalks in front of the lots. My own belief is that the law of Congress which requires the assessment of one-third of the cost of all improvements upon the abutting property ought to be enforced. In my own State it is the rule to assess all the expense of sidewalks, curbing, guttering, and paving to the abutting property, the general public paying nothing whatever except for drainage and intersections. That I believe to be the rule everywhere except in the city of Washington. A large sum of the money that we appropriate is devoted to the work of laying sidewalks and curbing and guttering beyond the actual necessities of the city and at places where the abutting property ought to pay at least a portion of the expense. The time will come when this will be changed, as I think it certainly ought to be changed now, and not subject the tax-payers of the United States and the general tax-payers of the District to the payment of money for the improvement of property which ought to come out of the property itself. It is as I believe a vicious and unwarranted practice; but the Committee on Appropriations, ambitious as they are, according to the theory of the Senator from Vermont, never yet have developed any ambition to take especially in charge the management of the affairs of this District in detail, and so we have had to take from the commissioners what they have given us.

I would be willing to go part of the figure and say we would take not

only that but all and give them the money substantially in a lump sum and let them expend it under a proper responsibility which ought to attach to their office. So far as this amendment is concerned, I care nothing about it except as the organ of the committee. If the Senate shall think that the amount ought to be what is named in the bill as it came from the House, well and good; and if they shall think it should be materially expended on the streets, avenues, and alleys named in the schedule referred to in the text of the bill, I am willing to agree to that also, so far as I am individually concerned.

Mr. SHERMAN. I sympathize entirely with the amendment of the Senator from Kansas [Mr. INGALLS], but I am afraid that on account of the words of limitation in the previous part of the clause it will not accomplish its purpose. The section now is confined to work on sundry avenues and streets and the replacements of pavements on streets named in classes A, B, C, and D of Appendix B, b, referred to. Looking at Appendix B, I find that the streets are all named. Two of them seem to be east of the Capitol, one East Capitol street and the other H street. There is about \$50,000, as near as I can see, appropriated in this schedule for east of the Capitol.

Mr. PLUMB. That is if you include H street.

Mr. SHERMAN. H street really ought not to be charged to the eastern part of the city, because the improvement of H street is really for the benefit of the western part of the city.

Mr. INGALLS. An outlet for the northwest.

Mr. SHERMAN. I suggest to leave the amendment as proposed by the Committee on Appropriations as it is, requiring that the sums provided for replacement of streets east of the Capitol shall remain, and insert as follows:

And in addition thereto there shall be expended out of said sum upon improvement of streets and avenues east of First street west, \$50,000.

That \$50,000 with the \$50,000 already contained in the bill will make about \$100,000 for streets east of First street west.

Mr. PLUMB. I am willing to accept that.

Mr. INGALLS. It will be satisfactory to me.

The PRESIDING OFFICER. The amendment of the committee is to strike out "3" and insert "2."

Mr. SHERMAN. That is to be disagreed to, I understand.

The PRESIDENT *pro tempore*. It has not been voted on yet.

Mr. SHERMAN. This amendment comes in line 160.

Mr. EDMUND. I wish to say, while this topic is under consideration, in reply to the Senator from Kansas [Mr. PLUMB], that I understand that the sidewalks and the curbing are not paid for out of the public funds but are paid for by the abutting proprietors. As to the other part of his observations about assessing the adjoining proprietors for what are called improvements of streets and which our experience has shown to be quite the reverse of the improvements of streets, I think that Congress did well in abolishing that thing. A street is a thing for general public benefit, nothing else, and therefore to compel the people, poor or rich, whatever they may be but generally poor in the outskirts where streets are extended, to pay for building a street for the lords of creation who reside around the Capitol or near the various places where bronze men on horseback sit in all weathers, in order that they can drive out into the country, I think is an outrage. Congress thought so and abolished it.

Wherever it is necessary to have a public highway, and it is for the public interest, the public should pay for it. Congress has thought so and has so determined, and I think my friend is mistaken in saying that this is the only instance where adjoining proprietors have not been assessed for that. I say this with the more freedom from suspicion that might be raised in respect to my attitude as the proprietor of a 20-foot lot and a little house in this town, from the fact that I have gone through my period of suffering and assessment and I am only speaking for the other poor of this District.

Mr. PLUMB. I do not know that I ought to criticise the Senator from Vermont because he owns so much or so little of the property of which he speaks—

Mr. EDMUND. Take your choice.

Mr. PLUMB. But I submit to him that the rule which he announces as having been adopted by Congress is not the general rule; it is not the rule that is adopted elsewhere, as I believe; but whether it has been or not, I have been advised, and we were told last year by the engineer having this matter in charge, that the city and Government did pay out of the public funds for curbing and guttering and placing sidewalks, and that the only limitation upon that was that in some cases, and in some cases only, under the appropriation for permit work, the Government furnished the material and required the owner of the property to lay it down himself.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee, in line 156, striking out "three" and inserting "two;" so as to read "\$250,000." [Putting the question.] The ayes seem to have it.

Mr. INGALLS. I think it is because it is not understood.

Mr. COCKRELL. I thought the amendment of the Senator from Ohio had been accepted by the Senator from Kansas.

Mr. EDMUND. He could not accept it; it is an amendment of the committee.

Mr. INGALLS. The question is on reducing the appropriation as it came from the House to \$250,000 for the improvement and repair of streets and avenues, and inasmuch as the amount proposed by the House is entirely within the revenues of the District, and as the need is very great and there is no protest from any quarter outside, I see no reason why the amendment should be agreed to. I hope it will be rejected.

Mr. EDMUND. In the bill as it came from the House the appropriation stands at \$350,000. The Committee on Appropriations propose to make it \$250,000. I move to amend the amendment so as to make it read "\$300,000."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont [Mr. EDMUND] to the amendment of the Committee on Appropriations.

Mr. SHERMAN. If the Senator will recall the condition of many of the streets of the city he will see that already a very large reduction is made. The estimate submitted by the District commissioners is \$374,000. The Secretary of the Treasury submitted an estimate to the amount of \$315,000. The House then placed it at \$350,000, about half-way between the estimate of the Secretary of the Treasury and that of the District commissioners.

This is a matter which vitally affects the people of this District. We know that there are miles and miles of the old wooden streets that ought to be replaced. It is only a question of time when it must be done. Before every house where those streets are so laid it is sickly and unwholesome, and has been condemned by the physicians of the city. Those pavements ought certainly to be torn up and replaced in some way. This is the money of the people of the District largely; that is, one-half of it; the other half is paid by the Government of the United States like any other expenditure for the District. It seems to me as we have the money and the estimates are based upon the idea of keeping within the amount collected, it would be better to take the estimate of the commissioners unless there is some other object of expenditure that might be necessary.

This is a matter of public necessity, and to limit the power of the commissioners to make these improvements would be an unwise saving of these people's own money. I hope, therefore, that the Senate will be as liberal in providing the amount for this purpose as the House has been, and leave it at \$350,000 and make the provision that has been agreed upon in regard to the distribution of the fund, so that the people in the eastern part of the city may have the benefit of some of this expenditure.

Mr. EDMUND. That has not yet been agreed upon, but I hope it will be, because I think it fair, if you have got the appropriation up to a sufficient amount. The state of the city is that it is a city much larger than its population will justify in an economic point of view. It is a capital city, as every Senator I suppose is very glad to believe and to know; but running out from this Capitol as the center of everything (one of the centers, if there can be more than one center) are avenues going east, and north, and west, and south, and southwest. So, from the President's House, which I believe is another center, or somewhere near there, are others running in every direction. Then there are all the rectangular streets, and after you get out of an area whose radius will not be more than a mile from the Capitol, probably less, or a mile from the Executive Mansion, probably less, you are merely in the outskirts of the town, with no inhabitants except here and there scattered houses, but with city lots that people who are filled with the laudable ambition of improving their condition buy and pay their taxes on and wait for a rise. The public money ought to be devoted first to the poor, and next to water and the health office, and so on, to preserve the lives and add to the security and comfort of the people, and then you come to the street money. By just so much as you take the money of the whole stock for streets, by just so much you diminish the money appropriated to these other objects, and, which is a great point about it, the means of paying off the debt of this District, which is perfectly enormous.

I wish for one, for the good of the very people who live on those outgoing streets all around, to be a little economical and careful in the total amount that we appropriate year by year for making asphalt pavements, &c., on streets where there is neither inhabitants nor traffic. That is my reason for making this middle proposition.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Vermont [Mr. EDMUND] to the amendment of the Committee on Appropriations, making the appropriation \$300,000.

The amendment to the amendment was agreed to—ayes 20, noes not counted.

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

Mr. MORRILL. That leaves the appropriation at \$300,000 as we understand?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. SHERMAN. The question is now between \$300,000 and \$350,000. I hope the Senate will allow it to be \$350,000, which is \$20,000 less than the commissioners have recommended and about half way between the report of the Secretary of the Treasury and the recommendation of the commissioners.

Mr. BUTLER. I understand the amendment of the Senator from Vermont has been adopted fixing the amount at \$300,000.

Mr. SHERMAN. But that is an amendment to an amendment.

Mr. EDMUND. The question now is on agreeing to the amendment as amended.

Mr. SHERMAN. The question now is between \$300,000 and \$350,000.

Mr. EDMUND. If we disagree to the amendment it leaves the bill to stand as it came from the House at \$350,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment as amended, fixing the appropriation at \$300,000 instead of \$350,200.

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. The Senator from Ohio [Mr. SHERMAN] moves another amendment to the clause, which will now be reported.

The ACTING SECRETARY. At the end of the proviso it is proposed to add:

And in addition thereto there shall be expended out of the said sum for the improvement of streets and avenues east of First street west, \$50,000.

Mr. INGALLS. That is in lieu of the one I offered, to which I consent.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Ohio [Mr. SHERMAN] to the proviso. The amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment as amended.

The amendment as amended was agreed to.

Mr. INGALLS. The total must now be changed.

The PRESIDENT *pro tempore*. The total will be changed to conform to the amendment just adopted.

Mr. ALLISON. It should be \$480,000.

The PRESIDENT *pro tempore*. The Secretary will foot it up and insert the correct amount.

Mr. BUTLER. At the end of line 258 I move to add:

For maintenance of the Church Orphanage of the District of Columbia, the sum of \$1,500.

The Senator in charge of the bill does not object to this amendment.

Mr. EDMUND. Where is the Church Orphanage?

Mr. BUTLER. It is on Twentieth street. It is a charitable institution just as much entitled to the aid of the Government as any other in the District of Columbia.

Mr. EDMUND. That may be true, but I should like to have the amendment explained.

Mr. BUTLER. It is recommended by the Committee on the District of Columbia unanimously.

Mr. EDMUND. How much was appropriated last year?

Mr. BUTLER. Not a dollar was appropriated. This is the first appropriation.

Mr. EDMUND. How many different orphanages are we now supporting?

Mr. SHERMAN. I think the Senator from South Carolina ought to give us a little information about this, where it is located, &c.

Mr. BUTLER. The best explanation I can give is contained in a letter from Captain Fox, who is the chairman of the committee on ways and means of the trustees. If the Senators desire it I will have the letter read.

Mr. SHERMAN. Let it be read.

The Acting Secretary read as follows:

WASHINGTON, D. C., February 21, 1883.

DEAR SIR: Senator ALLISON told me this morning that the Committee on Appropriations had struck out the sum that the Committee on the District of Columbia had recommended toward the support of the Orphanage of St. John's Parish.

For seven or eight years this home for little children has been sustained by private charity. Last year the number of inmates had increased beyond the means of its contributors. Upon an appeal to Congress, \$6,000 was granted and a charter. With this sum the present building was purchased and repaired, and it is now free from debt, with the exception of about \$600 of old taxes. It has fifty-one children of both sexes that have been gathered from the waifs and strays of the city. The immediate management is by a woman whose self-sacrificing life began and perfected this work. She has five women assistants, and all give their whole time to the care and training of the children without wages. There is also a board of women managers and the trustees are men. It is estimated that \$60 will take care of a child for one year. From this fact any one can judge whether thrift is practiced, since with fifty-one children the yearly expenses for their care, education, clothing, food, &c., does not exceed \$3,000.

The Church Orphanage is on Twentieth street, near F northwest, and any Senator or Representative is cordially invited to go and see whether the work there is faithfully done.

None of those who contribute labor or money wish to shun either. They pray for help because want and sorrow are increasing and the burden of relief is too great for private charity alone.

Very respectfully, your obedient servant,

G. V. FOX,
Chairman of the Committee of the Ways and Means
and one of the Trustees.

Hon. M. C. BUTLER,
United States Senator.

Mr. EDMUND. I dare say this is a very worthy charity, supported by some one of the numerous churches in this town; but in this connection I should like to have my friend in charge of the bill turn to page 11 and tell us about each one of the various other institutions for which provision is made. I understand the one on lines 242 to 244, but

coming to line 245 is the Women's Christian Association of the District of Columbia. What does it do?

Mr. PLUMB. It takes care of some destitute women. Before I became a member of this body, certainly five or six years ago, Congress appropriated \$25,000 to put up a building for that association. That constituted a pretty stable basis for subsequent donations from the Treasury, which have been given with a regularity which is equal to the regularity of the appropriation acts which have been passed. It came to the present committee, or the sub-committee having charge of this bill, by an inheritance which it did not feel disposed to dispute. It has received the sum of \$5,000 every year for four or five years as I know.

The other objects named on page 11 are in the same category. I think some of them have been on the bills for less than five years. Those not on former District of Columbia bills have been provided for by appropriations either in the sundry civil bill or in some other way. The National Association for Destitute Colored Women and Children, in lines 247 to 254, is the only one which cares specially and only for the colored people.

Mr. EDMUND. Will my friend from Kansas tell me whether the Women's Christian Association has a house where people who are in need and distress or sickness are taken in and provided for?

Mr. PLUMB. It has just such a house. I happen to know some of the lady managers of that association, and I know in a more or less formal way that they are doing just that work and doing it well.

Mr. EDMUND. This money then is devoted to the care and support of those who are in need, and not to propagandism?

Mr. PLUMB. It is devoted entirely to those who are supposed to be in need.

Mr. BUTLER. I can say to the Senator that they are doing a most commendable work, for I have inspected the building.

Mr. EDMUND. When you speak of the work being commendable you mean the physical care and protection of people who are in distress, as distinguished from circulating tracts, &c.?

Mr. BUTLER. Entirely. I have been there as a member of the Committee on the District of Columbia.

Mr. EDMUND. Where is the building?

Mr. BUTLER. They have a building in the northwestern part of the city, at Thirteenth and R, I think.

Mr. EDMUND. Where is the location of the National Association for Destitute Colored Women and Children?

Mr. PLUMB. Near Howard University, just on the boundary, at the termination of Ninth street.

Mr. EDMUND. Is that also a kind of hospital?

Mr. PLUMB. That is the only one of all of them which I have visited. The Senator from Missouri [Mr. COCKRELL] and myself spent an hour or two investigating the building from turret to cellar.

Mr. EDMUND. Is that in the nature of a hospital?

Mr. PLUMB. It is not. It takes in destitute colored women, and colored children who have lost one or both parents, and cares for them until they are 10 or 12 years of age, or until such time as they can be apprenticed to suitable people, who will take care of them until they arrive at their majority. The Industrial Home School performs a like office for white people. That is over in Georgetown.

Mr. EDMUND. That I understand. I understand the Saint Ann's Asylum, the Children's Hospital, and so on. I make these inquiries, because I had known something of the beneficent work of the person who inaugurated the Saint John's Guild, in order to call the attention of the Senate to the general question, not that I propose to do anything about it now, but to suggest whether it would not be better for the general good of this District to provide at some time (at some future session of course, always) for having money paid by taxation appropriated under one general law and in one general way, instead of giving out these little driblets to keep up so many different establishments and organizations and managements. If we could only forget our sectarianism and all pull together for one general purpose and under one organization and one management, I believe that the money we spend would go a great deal further than it does now, and it would be much more freely and to larger amounts given. I have only called attention to it now in order to say what I have said in the hope that some time all the forces of these good people may be co-ordinated to this one general object.

Mr. PLUMB. What the Senator from Vermont has said has been often expressed by those who, like him, take an interest in charities in the District. I make that statement for the purpose of what follows it. There is just getting into operation here an organization known as the Associated Charities of the District, which it is hoped will some day perform that office in regard to the co-ordination of the varied charities which the Senator from Vermont has spoken of. I will say to him, however, that the institution which the Senator from Missouri and myself visited, according to my limited knowledge upon this subject, would be very hard to improve upon. I am glad to certify that it is doing an exceedingly good work.

I had occasion to say this morning that if we could get somebody to bring up our Indians, who are our wards, no better and no worse, and certainly no more entitled to our care than the people here, as cheaply as is done here, those persons would be entitled to a great deal of the

gratitude which they do not get now, because their work is not for the benefit of those who have that patent of nobility which the educators of the Indian youth are supposed to wear. They are there taking care in a proper way of the colored children on an annual appropriation of about \$65 per capita, and I believe are doing as good a work as is being done for the Indians at \$200 per capita. That may not be saying for them as much as I should like to say, but at all events I can say that much.

Mr. EDMUND. I hope the Senator did not understand me as expressing any doubt as to the zeal or fidelity of the people who are carrying on this work in the institutions he names, nor have I any doubt of their zeal and fidelity, nor of these others, every one of them. The point that I wish to bring to the attention of the Senate is that a vast deal more good, as I believe, could be done if this work could be co-ordinated and the expenses of the houses diminished under some one general associated management. That is the point. I am sure that no State that is well governed would keep up such a variety of different charities, but would endeavor in some way to bring them together for one purpose. Perhaps it can not be done, but certainly every one of these people is doing all that can be done, I dare say.

Mr. PLUMB. I did not understand the Senator from Vermont as criticising anything except what he expressed in language as to the general policy of scattering the resources of the District in that way.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. BUTLER].

The amendment was agreed to.

Mr. INGALLS. I offer an amendment from the Committee on the District of Columbia, to come in at the close of section 1.

The ACTING SECRETARY. At the end of line 629 it is proposed to add:

In all cases where special assessments have been revised as provided for by law, or where they have been remitted by act of Congress, the commissioners of the District are hereby directed to issue drawback certificates to the holder of any such assessments for the amount said assessments have been reduced, and the interest accrued thereon: *Provided*, That application is made therefor within sixty days from the passage of this act; which drawback certificate shall be receivable for all arrears of general and special taxes.

Mr. EDMUND. I make the point of order that that is legislation. Mr. INGALLS. It is very appropriate and necessary legislation.

Mr. EDMUND. I am not so sure about that.

The PRESIDENT *pro tempore*. The point of order is sustained.

Mr. PLUMB. I ask unanimous consent to insert in line 513, after the word "station," the words "in all," so as to read:

And for the erection of a school building at Benning's Station; in all, \$90,000.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Will the Senate concur in the amendments made in Committee of the Whole?

Mr. EDMUND. I make the point of order on the clause on page 14, lines 324 to 332, which I understand was agreed to as in Committee of the Whole, that that is legislation.

The PRESIDENT *pro tempore*. The proviso referred to will be read.

The Acting Secretary read as follows:

Provided, That no more than \$22 per annum for each street lamp shall be paid for gas, lighting, extinguishing, repairing, and cleaning, under any expenditure provided for in this act; and in case a contract can not be made at that rate, the commissioners of the District of Columbia are hereby authorized to substitute other illuminating material, for the same or less price, and to use so much of the sum hereby appropriated as may be necessary for that purpose.

The PRESIDENT *pro tempore*. That embraces legislation, of course.

Mr. PLUMB. I think that will not apply to the first four lines of the amendment. I call the attention of the Senator from Vermont to it.

Mr. EDMUND. I think the Senator is right. I am willing those lines should stand. From line 328 to 332 was the point I had in my mind.

The PRESIDENT *pro tempore*. From line 328 to 332, beginning with the words "and in case a contract can not be made at that rate," is all that the Chair understands the point of order to have been made on.

Mr. EDMUND. The proviso as to an upward limit of expenditure I do not object to. I think that is right.

The PRESIDENT *pro tempore*. That is not subject to the point of order. The point of order is sustained from line 328 to line 332, inclusive.

Mr. EDMUND. To the word "purpose," leaving in the word "provided," at the end of line 328.

The PRESIDENT *pro tempore*. Will the Senate concur in the amendments made as in Committee of the Whole, except that portion of the proviso which has just been ruled out on the point of order?

The amendments were concurred in.

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

The bill was read the third time, and passed.

VOLUMES OF GLOBE AND RECORD.

Mr. EDMUND. Mr. President—

The PRESIDENT *pro tempore*. Before laying the unfinished business before the Senate the Chair will submit some formal business.

Mr. EDMUND. Very well.

The PRESIDENT *pro tempore* laid before the Senate the following

concurrent resolutions of the House of Representatives; which were referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring). That the Public Printer be, and he is hereby, authorized and directed to deliver in bound form to the Secretary of the Interior the volumes of the Congressional Globe purchased from Messrs. Rives.

Be it further resolved. That the Secretary of the Interior shall, from the volumes thus delivered to him, supply to the library of each of the Executive Departments, to the State library of each State, to the Territorial library of each Territory, and to the library of each depository of public documents in the several States designated, or to be designated in accordance with provisions of law, such volumes as are required to complete the sets of Congressional Globes in said libraries.

Be it further resolved. That the Secretary of the Interior shall distribute the volumes of the Globe remaining after the distribution hereinbefore directed has been made, to such libraries in the several States as in his discretion he may select to receive them.

Be it further resolved. That the Secretary of the Interior shall report to Congress the name and location of the libraries supplied with documents under the provisions of this resolution, and the number of volumes supplied to each.

Be it further resolved. That hereafter the Public Printer shall deliver to the Secretary of the Interior a sufficient number of bound copies of the CONGRESSIONAL RECORD to enable that officer to supply one copy to each library named in section 2 of this resolution; but this shall not authorize the reprinting of any back numbers of the Globe or RECORD.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee on conference on the disagreeing votes of the two Houses upon the bill (H. R. 6357) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1884, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 14, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$110,000;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: On page 16, in line 3 of the bill, after the word "dollars," insert the following: "The same to be immediately available;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Strike out all after the word "dollars" in line 5 of said amendment; and the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
JAS. B. BECK,
Managers on the part of the Senate.
J. C. BURROWS,
GEO. M. ROBESON,
S. S. COX,
Managers on the part of the House.

The report was concurred in.

ARMY APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 7077) making appropriations for the support of the Army for the fiscal year ending June 30, 1884, and for other purposes.

On motion of Mr. LOGAN, it was

Resolved. That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

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

The PRESIDENT *pro tempore* appointed Mr. LOGAN, Mr. PLUMBE, and Mr. RANSOM as the conferees on the part of the Senate.

LEGISLATIVE, &c., APPROPRIATION BILL.

Mr. ALLISON. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 7482) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes, to report it with amendments. I desire to give notice that I shall call up the bill in the morning immediately after the morning business, and I hope the Senate will continue its consideration until it is finished tomorrow.

SUPPRESSION OF BIGAMY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, which is the Utah bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2238) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

The PRESIDENT *pro tempore*. The Committee on the Judiciary report a substitute for the bill, the seventh section of which the Senator from Massachusetts [Mr. HOAR] has moved to strike out. The Senator from New Hampshire [Mr. BLAIR] moved an amendment which perfects the part to be stricken out, and will be first in order. The amendment of the Senator from New Hampshire will be reported.

The ACTING SECRETARY. It is proposed to insert the word "person" instead of "female" wherever it occurs in section 7; after the word "whatever," in the fourth line of section 7, to insert:

Provided, That such person shall have been tried and convicted of the crime of bigamy or of polygamy according to law.

And to insert the word "such" between the words "by" and "males" in the seventh line of section 7; so as to read:

SEC. 7. That it shall not be lawful for any person to vote at any election hereafter held in the Territory of Utah for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever: *Provided*, That such person shall have been tried and convicted of the crime of bigamy or of polygamy according to law. And any and every act of the governor and Legislative Assembly of the Territory of Utah providing for or allowing the registration or voting by such persons is hereby annulled.

Mr. ROLLINS. My colleague [Mr. BLAIR] is sick and is necessarily absent from the Senate.

Mr. EDMUND. That amendment would really, in the interest of the Mormon and polygamist church, carry it back to the old law substantially before we passed the act of last year; that is, that no person shall be deprived of the right to vote on the ground of practicing polygamy until he has been tried and convicted. The Mormons would give a large premium on the passage of a law of that kind.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. BLAIR] to section 7 as reported from the Committee on the Judiciary.

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

The yeas and nays were ordered.

Mr. INGALLS. The amendment repeals the existing law, as I understand it.

Mr. EDMUND. Yes; it goes back to the Mormon régime, before the law was enacted.

The PRESIDING OFFICER. The roll will be called on agreeing to the amendment of the Senator from New Hampshire [Mr. BLAIR].

The Principal Legislative Clerk proceeded to call the roll.

Mr. BARROW (when his name was called). I am paired with the Senator from New Hampshire [Mr. BLAIR].

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. Not knowing how he would vote on this question, I withhold my vote.

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

The roll-call was concluded.

Mr. ROLLINS. My colleague [Mr. BLAIR] is necessarily absent on account of sickness. He is paired with the Senator from Georgia [Mr. BARROW]. The Senator from Nebraska [Mr. SAUNDERS] is paired with the Senator from North Carolina [Mr. VANCE].

Mr. SLATER. I have a general pair with the Senator from Louisiana [Mr. KELLOGG], and therefore refrain from voting.

Mr. BUTLER. I am assured that the Senator from Pennsylvania [Mr. CAMERON] would vote "nay," and as that is my vote I vote "nay."

The result was announced—yeas 6, nays 37; as follows:

YEAS—6.			
Brown, Call,	Coke, Morgan,	Pendleton,	Williams.
NAYS—37.			
Allison, Anthony, Bayard, Butler, Camden, Cameron of Wis., Cockrell, Conger, Davis of Ill., Davis of W. Va.,	Edmunds, Frye, Garland, Groome, Hale, Harris, Harrison, Hawley, Hill, Ingalls,	Jackson, Jones, Jones of Florida, Jones of Nevada, Logan, McMillan, Maxey, Miller of N. Y., Morrill, Plumb,	Rollins, Sawyer, Sherman, Tabor, Van Wyck, Voorhees, Windom.
ABSENT—33.			
Aldrich, Barrow, Beck, Blair, Cameron of Pa., Dawes, Fair, Farley, Ferry,	George, Gorman, Grover, Hampton, Hoar, Johnston, Kellogg, Lamar, Lapham,	McDill, McPherson, Mahone, Miller of Cal., Mitchell, Platt, Pugh, Ransom, Saulsbury,	Saunders, Sewell, Slater, Vance, Vest, Walker.

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Massachusetts [Mr. HOAR] to strike out section 7 of the substitute reported from the Committee on the Judiciary.

Mr. HOAR. I ask the Secretary to read section 8 of the existing law, which I hold in my hand.

The Acting Secretary read as follows:

Sec. 8. That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

Mr. HOAR. It appears, therefore, that the reason given by the Senator from Vermont in favor of the existing section, that the women in that Territory would vote, as he described it, as their lords and masters wished, fails us if that phrase is to be understood as describing Mormon women, because by the present law those who are married according to the Mormon practices are excluded, and all persons who come within the description of polygamists or bigamists. So the present section becomes not a criminal law leveled at certain gross and most dis-

reputable criminal practices, providing for the means of proof and punishment, but the Senator brings forward a bill prohibiting the people of Utah from exercising the prerogative exercised in every other Territory, to wit, that of prescribing qualifications for their voters within innocent and proper limits, and provides that the women now enjoying the privilege of voting there shall not vote, on no other ground except the belief that they will vote in a particular way, in the belief that they will vote under a particular duress or restraint. That might be a proper reason for the interference of Congress, but those who are exposed to that duress are prohibited now, and it proposes to make that general and extend it to all women, of course only including in the effect of the enactment those who are not under Mormon duress on the avowed and undisguised ground that they will not vote in the mode which is desired in this particular by the authors of the bill.

It seems to me that this is a violation of sound constitutional principles, and that it is equally unjustifiable whether we approve of suffrage being extended to women or not.

Mr. LOGAN. Mr. President, I propose to give very briefly my reasons for voting for the substitute reported by the Committee on the Judiciary, with the seventh section in that the Senator from Massachusetts proposes to strike out. I voted for the law that was read at the Clerk's desk, depriving persons who practice polygamy, either men or women, in the Territory of Utah of the right to vote or hold office. I did that as a step in the direction at least of trying to reform if possible or change in some way the influence of the priesthood upon the people of Utah. It does not seem to have had the desired effect.

I believe that polygamy, as practiced in Utah, or as practiced anywhere (but we are dealing with Utah, and as applicable to the people of this country), is, if I may use such an expression, a cancer upon the body-politic. There is but one way to deal with it, and that is to put the knife to the roots of it and cut it out and destroy it. There is no character of legislation within the purview and meaning of the Constitution of the United States that would be calculated to suppress polygamy in that or any other Territory that I would not vote for.

This is not a strike, as has been said, at the right to vote. It is not a question whether female suffrage is right or whether female suffrage is wrong. It is not a question in this bill as to whether the principle of female suffrage might be applied in Massachusetts or in New Hampshire, or in my own State, and whether it is correct or incorrect. It is bringing the question before Congress as to what we may or can do to influence and affect the practice of polygamy.

I do not understand why it is that Democratic Senators are so sensitive on this subject; neither can I understand why it is that persons in favor of female suffrage will come to the Capitol and defend the right of suffrage being given to the Mormon women when it is not given to others. I do not mean that they advocate that Congress should do it, but advocate that we should not undo it, inasmuch as they have that right there. There is no one, either man or woman, in the Territory of Utah or elsewhere who belongs to what is commonly known as the Church of the Latter-Day Saints, or, as we commonly understand it, the Mormon Church, high or low, rich or poor, young or old, who is not directed and who is not made obedient to the dictates and mandates of the head of the church. No person has ever been allowed to hold an elective office in the Territory of Utah where they had the power who did not hold it from the Mormon Church, and no one else can hold office there because of the power of that church. There never has been for centuries the exercise of the power of any church, in this or any other country, that has been so potent where it exists according to its numbers as has been the influence and power of the Mormon theocracy.

Because of the power that is exercised and the influence brought to bear on those people, I shall vote to strike suffrage down in Utah so far as it applies to females; but the Senator from New Hampshire [Mr. BLAIR] and the Senator from Massachusetts [Mr. HOAR] ask why not strike suffrage down altogether and let no one vote in Utah if we desire to apply this principle? There is nothing in that proposition in this connection. We are striking at the power of that church over the people in sustaining crime, at the power of that church as its influence is brought to bear against the laws of this country, against the institutions of this country, against the enforcement of the laws of this country. Inasmuch as the act that we have passed heretofore does not go far enough, I am, as I said, willing to go to any length within the Constitution of the United States for the suppression of this crime and abomination in the eyes and face of civilization.

Senators may quibble as much as they have a mind to do, when they admit the constitutionality of this proposition and oppose it they can not escape the logic of their position, which is to indirectly defend Mormonism. If this objection should fail some other objection would be found. The proposition introduced by the Senator from New Hampshire (who is absent now from his seat) to repeal the law that was passed at the last session of Congress and to make it apply only to those who are convicted in in the direction of supporting Mormonism, with all its enormities, as it exists in Utah.

The proposition that has been voted down and the suggestion of the Senator from Massachusetts are in the direction of protecting these people in their unlawful and irreligious and immoral practices, as they are only sustained by their power with the ballot. I do not mean that

this is the intention of the Senator, but this is the effect. Their practices are crimes against the laws of the United States. They are crimes against the moral sense of every civilized people on the face of this globe, and these crimes are perpetrated under the claim of religion. I do not propose by consent or act in any way to assist in covering the worst of crimes by allowing them to be done under the pretense of misnamed religion. I would rather tear off the mask from these law-breakers, that they might be exposed and punished.

No man can be justified in this country in not supporting propositions that tend to extirpate and cut out by the roots this evil. I supported the bill of last session with great earnestness, and I support this one with the same desire for its success that I did the last. I believe it is a step in addition to others taken in the right direction in grappling with this infamy, this crime, this scandal, this disgrace upon our country. And can it be said that Congress and all the power of the Government is not sufficient to suppress and destroy this infamy? Sir, if I had the power I would make universal destruction of it at one blow.

Mr. CALL. Mr. President, if this bill were an enactment in plain and direct terms that the Constitution of the United States was false; that the system of popular government was a failure and a delusion; that there were no restraints of power contained in it, no protection to individual rights, it would be no more clear and palpable a subversion not only of the principles of the Constitution and of its plain and direct affirmation but also of the personal rights of every man, woman, and child in this country.

But that is not all, sir; it is a plain and flagrant insult to Christianity, to the ministers of the Christian religion, to the spirit of the Christian faith, and to the example of the great founder of the Christian religion. What of argument, what of reason, can there be for the proposition that whatever each coming Congress shall see fit to declare as to what religion is, as to what men shall believe, shall constitute the law of the time and for the people? What is there in the Constitution of the United States in regard to marriage, polygamy, or monogamy to authorize Congress to declare what shall be the domestic relations of the people of the several Territories? I recognize as firmly as any one the principles of our civilization and our social order which establishes monogamy or marriage to one woman and protects it with the force of law and with its prohibitory sanctions.

I desire to surround this relation with all the restraints and protection of just and humane laws, and to encourage its proper observance and the growth of the higher and better character in both men and women which grows out of it, but that is not the question presented by this bill of pains and penalties.

No reason can be given even by the distinguished author of this bill for a proposition that the Congress of the United States has authority exclusive and absolute without limitation in regard to the subject of marriage or in regard to the personal liberty of citizens of the United States in the Territories. Is it simply because the language of the Constitution affirms that the Congress of the United States shall have exclusive power to legislate in the District of Columbia and in the places ceded by the several States? What connection is there between that proposition and the exercise of unlimited authority? Can this kind of power coexist with the prohibition of any power on the part of Congress to interfere with the personal liberty, the personal rights of a citizen except by judicial trial? Is it not plain and apparent that this is a government founded upon the principle of the capacity of a majority of the people in the different political communities that constitute it to control and govern themselves, to make their own laws? Who can deny that this is the foundation and the very essence of the Constitution of the United States, of our State governments, and the principle of all our political institutions—the capacity of a majority of the people not disfranchised by that majority for crime or inability to exercise the suffrage? Who can deny that the very principle and life of our Constitution, our national and our State governments, is the capacity of a majority of the people in the different localities to prescribe laws for themselves on the subject of their domestic relations—laws upon the subject of the free exercise of their opinions? Here is a proposition to deny to the people the right of self-government, plain and unquestionable, and to assert that the majority of the people of a particular Territory or locality shall be governed by a minority. Why? Because the opinions of the majority are said to be contrary to our views of religion and our views of right.

Mr. President, I desire to submit a few observations upon this subject. The Senator from Vermont affirmed the other day that the Utah women are in a condition of servitude. That was the remark of the honorable Senator. Therefore the Senator from Vermont asks—what? That they be deprived of the power to make themselves free. The majority, a large majority of a particular community, the women of that community, it is said, are in a state of servitude, and therefore, in order to make them free, he deprives them of the power to make themselves free; he takes away from them the power to emancipate themselves by the control of the laws of that Territory from that condition of servitude. Sir, what kind of reason is there in a proposition of that kind? The women of Utah are in a state of servitude, and therefore you shall take away from them the right to say whether or not they shall leave that condition of servitude and deprive them of all political power. The majority

of the people of Utah entertain religious opinions condemned by us and our Christian civilization and our social system, and therefore they are excepted from the principle of local self-government and must be deprived of personal liberty, of judicial trial, and of political power and all rights and immunities.

The Senator from Vermont makes a new definition of servitude and freedom, and says the women of Utah are in a condition of voluntary servitude (note the words "voluntary servitude"), and therefore he proposes by law to put them into a condition of—what? Of involuntary freedom from their own will by subjugating them to his and our opinions, and to new and strange and prohibited instrumentalities and agencies of government. Sir, it is obvious that there is no reason in this, that this is a contradiction not only in terms but of reason itself. The Senator from Vermont proposes to make a matter of opinion on the subject of the right or wrong of having one wife or more than one a condition for the exercise of the suffrage. The argument of the Senator from Vermont clearly affirms that if Congress chooses they have the power to require a man to have a dozen wives and to make this a condition of exercising the suffrage, or they may prescribe by law absolute celibacy to both men and women in a Territory and make this a condition of exercising the suffrage.

Why not, Mr. President? Neither the Senator from Vermont nor any other Senator can deny with reason that if Congress has the power in its will and discretion to say that opinions on the subject of having two or three or more wives as a condition of suffrage is practicable and within its power, that it has also of necessity by the same omnipotent discretion the right to say that a man shall not vote unless he has a dozen wives, and the unlimited and unrestrained discretion of Congress is the sole law and guide of its power. There is a method for the exercise of reason and certain processes of thought which reach conclusions.

Mr. President, principles have some relation to facts and we are not left to mere arbitrary assertion for the government of our opinions. The law which the Senator from Vermont proposes to make rests on the proposition that Congress has the right to give the people of the Territories the right to vote or to withhold it—to prescribe conditions and qualifications for the exercise of the right of suffrage in their discretion. If this is true then it results that they may impose any conditions they please. Let us see if it is true.

Can Congress say by law that no man or woman shall have the right to vote unless they are living in a state of polygamy with a dozen wives or husbands? If not, why? The right to impose conditions on the suffrage in the Territories is unlimited and subject only to the discretion of Congress. If there is no constitutional limitation on the power of Congress, then they may do this or anything else they please. But is there any foundation in principle for this idea that Congress may exercise power in the Territories for purposes or by methods not authorized by the Constitution? Can Congress provide that men or women may be deprived of their lives, liberty, or property without a hearing and trial before a judicial tribunal?

Can Congress provide by law that men and women may be convicted on false and suborned testimony, and without a trial by jury, and if not, why?

The reason is because of the very manifest proposition that all the powers granted in the Constitution, wherever exercised and however exercised, must be exercised subject to the limitations and for the purposes prescribed and in the spirit of the purposes of the Constitution. Now, what provision of the Constitution is it that gives Congress the power to require the men and women of a Territory to live in a polygamous condition, if they do not choose to do so? The proposition of the Senator from Vermont and of this bill is that whenever a majority of Congress see fit to do so they may pass a law requiring the people of this country, against their consciences, to live in a state of polygamy in the different Territories. That is the test of the proposition. Who would dare to propose such a law? What provision in the Constitution or what part of its letter or its spirit is it which asserts that the collective will and intelligence of the people of any State or locality, as expressed by a majority not disqualified from ignorance or non-residence or legal incapacity or crime, is incapable of directing or controlling its affairs?

What part of the Constitution of the United States is it that affirms the incapacity of a majority of the people of any locality, whether State or Territory, to direct and control their own affairs? There is no such power and no such principle. The Government of the United States by the Constitution is a government of States, with sole and exclusive power over the domestic relations of their people, and a national government, with power over their foreign affairs and the relations of the States with each other and their foreign and interstate commerce.

Mr. LOGAN. Will the Senator allow me to make a suggestion to him right there?

Mr. CALL. Certainly I will, with a great deal of pleasure.

Mr. LOGAN. I should like merely to make a suggestion in the line of the Senator's argument. He says that if Congress has power to declare that persons shall not vote in Utah because of bigamy, Congress has also the power to declare that those only shall have a right to vote who have ten wives. Suppose Congress disfranches a man for murder and says he shall not vote because he has committed murder, will the

reverse of that be true, and does the Senator hold that Congress could pass a law providing that no man should vote unless he committed ten murders?

Mr. CALL. Let the Senator answer my argument; that is no answer. If the Congress of the United States has the absolute power to say that a man shall not vote unless he commits murder it has the power to say that he shall not vote unless he commits ten murders. If the power is absolute it is not governed by moral or political considerations, nor by right nor wrong. The suggestion of the Senator from Illinois does not deny or qualify the principles which I have stated. This is a matter of political principle under our civil polity, and of argument and reason based thereon, and not of prejudice or opinion, or the moral or religious propriety of monogamy or marriage under our social system.

So I say, Mr. President, it is a manifest proposition that if the Congress of the United States has unrestrained power to prescribe that polygamous relations, or having two or more wives, and opinions upon that subject, shall deprive a man of the right to vote, it has the right to prescribe that he shall have polygamous relations as a condition of political enfranchisement if it chooses.

Mr. LOGAN. If the Senator will allow me—

Mr. CALL. Certainly.

Mr. LOGAN. He made some reference to ignorance. I do not claim any greatness myself.

Mr. CALL. It does not matter what we claim.

Mr. LOGAN. I shall not question the ability of the Senator, but I should like to put this proposition to him—

Mr. CALL. Neither of us are very great; but we are talking now about propositions—

Mr. LOGAN. It is a proposition that I want to talk about. The Senator says we have got the same right to pass a law requiring persons to commit a crime, as we have to pass a law requiring them not to commit a crime. I should like him to show me what principle there is in the science of government, in law, or the principles upon which constitutions are based, or any rule of civil conduct, which will justify him in saying that any legislative department has a right to pass a law requiring people to commit crime. I should like him to show me upon what principle or theory any government or legislative body has that power given to it.

Mr. CALL. The Senator from Illinois is a very distinguished man, very able and forcible on many subjects; but I knew when he spoke that he had not understood and did not perceive the true relations of this question; and now I will endeavor to show him why we all ought to learn sometimes, and even the most ignorant of us can teach the most learned something. The reason why is this: It is because this is not a question of moral, not a question of the Decalogue which says "thou shalt not murder." It is a question of constitutional power. It is a question of whether the Congress of the United States has the right to say you shall have two wives or three wives or only one wife, because the Constitution does not give the power, and because your system of government is that the States shall have the right to say whether a man shall have the right to have one or two or three wives, and shall have the right to say whether he shall or shall not commit murder, as the condition or qualification for exercising the suffrage; but the States and the Federal Government alike are prohibited from attaching the consequences of crime to a man either by punishment or indirectly by depriving him of an immunity or privilege, without a conviction. Therefore it is that the difference between the moral and the political law constitutes the reason. The moral law deals with the right and wrong in human conduct; it prohibits one and commands the other. The political law deals with powers of Government, and makes these powers either absolute or limited, and does not restrain them by the moral law but by limitations of the powers themselves.

Mr. MAXEY. I should like to ask the Senator from Florida a question.

Mr. CALL. I yield, certainly.

Mr. MAXEY. Does the Senator say that the Congress of the United States, which has exclusive jurisdiction over the District of Columbia, has not a right to pass laws against burglary, fornication, bigamy, or any other crime recognized as a crime against public decency?

Mr. CALL. Oh, no.

Mr. MAXEY. If it has that right in the District of Columbia where is the dividing line between the power of Congress over this District and over any Territory that belongs to the United States?

Mr. CALL. This is not a question of the punishment of crime. If this bill proposed to declare that polygamy in the Territory of Utah should be crime, and, upon indictment and trial and conviction, that there should be a punishment attached, I should have nothing to say; but this bill proposes to disfranchise a whole people. Why? Because it says they entertain opinions different from those which the Senator from Vermont and the Senator from Texas entertain upon the subject of polygamy, without trial, without conviction, without hearing, and without evidence?

This bill proposes to disfranchise a whole people and deny them the right of self-government on the ground that they are guilty of criminal practices, and have laws on the subject of their domestic relations which we do not approve.

If Congress were to declare by law that the people of the District of Columbia should be denied self-government because Congress did not approve of their religious opinions and practices and regarded them as immoral and irreligious and detrimental, it would be a case somewhat in point but still distinguished from this by the fact that Congress by the Constitution is made the exclusive legislative power of this District.

Mr. MAXEY. I would ask the Senator if the Congress of the United States has not a perfect right to pass a law prescribing the qualifications of voters in any Territory under the exclusive jurisdiction of the Government of the United States?

Mr. CALL. Provided they do not prescribe such qualifications as are disqualifications, because of opinions or immoral acts of which they have not been convicted, and for temporary government in the Territories—and not in denial of their right of self-government or of the principles of government established by the Constitution.

Mr. MAXEY. The Senator does not comprehend what I ask. If Congress can pass a law declaring that all persons over 21 years of age are qualified voters, have they not that right, to the exclusion of all other persons?

Mr. CALL. They have.

Mr. MAXEY. Suppose the law should declare that?

Mr. CALL. It is perfectly competent for Congress to say that none but persons over 80 years should vote, but that would be impossible in practice. It would not be legitimate for the Congress of the United States to say that boys of 21 years of age who believed that the Catholic Church was right should vote, or that the Protestant Church was right, or who believed that polygamy was right or that polygamy was wrong. Why? Because those are subjects which are committed by our form of government in the religious part to nobody but the domestic relations to the local government; and there is an absence of power in the Constitution of the United States and in the Government of the United States to prescribe what shall be the domestic relations of the people; and therefore as that power is absent you can not supply it for the Territories.

By analogy it belongs to the people, upon the principle that this Government is founded on the capacity of the majority of the people of every locality, as the competent and controlling power, to govern their domestic relations and their property and rights relative to each other. That is the principle of our Government. If it be true that the capacity of a majority of the people in the different localities is the life and principle of our Constitution, then Congress has no right to say that the majority of these people shall be disfranchised because of their opinions of this or that or the other kind. The Senator from Vermont and the Senator from Texas might say to me, "But how of a state of war?" That upsets all theories. The strong hand of power knows no constitutional restraint; but that is not a case in point. The question here is whether because Congress in establishing a Territorial government may say that none but persons of 21 years of age shall vote, therefore they may say that commissioners shall deny to a majority of the people the right to vote—because in their opinion the majority is guilty of criminal practices—and to place the Government in the hands of a minority. Who will deny that the principle of this Government is the capacity of the majority of the people in every locality to determine their own domestic relations toward each other, such as marriage, such as the criminality of this, that, or the other act, or the propriety of this, that, or the other act? Will my friend from Texas show me the part of the Constitution which gives a right to discredit the capacity of a majority of the people to govern themselves in their own affairs?

Mr. MAXEY. I will state to the Senator from Florida that every State prescribes the qualifications of its voters. It has a right to say that a woman may or may not vote; it has a right to say that a man convicted of murder shall not vote; it has a right to say that one who does not pay taxes shall not vote; it has a right to say that certain property qualifications shall exist, and some States do so. I am not speaking of the question of what they ought to do, but of the question of power. To-day there are States in this Union in which those who are 21 years of age, naturalized citizens of the United States, are not permitted to vote, and there are in other States men who because they can not read the Constitution are not permitted to vote. If the Government of the United States sees proper to say as a question of public policy that certain parties shall not vote in a Territory, have we not the power to do it?

Mr. CALL. Undoubtedly so. But that is not the question; that does not reach the case. Beyond a doubt every State can, and by a majority of the people in conformity with its State laws has a right to say who shall vote and who shall not vote, and at what age they shall vote, what qualifications there shall be on the suffrage; but it has not the power to say that men shall not vote if they are Catholics or if they are Protestants or if they entertain this, that, or the other religious belief.

Mr. EDMUND. This bill does not contain any such proposition.

Mr. CALL. I beg my friend's pardon; that is all there is in this bill.

Mr. EDMUND. Point out the clause.

Mr. CALL. I will endeavor to do so before I get through. That is the reason it is a flagrant attack upon our religion and our Christianity,

and the influence of the Christian minister and the efficiency of the Christian Gospel—a flagrant assault. If it be true that the hand of legislation and power is needed to supplement the majesty of argument, of truth, of religion, and to crush out error, then our Christianity is a failure.

Mr. LOGAN. It depends on what we call Christianity; whether we call having ten wives Christianity!

Mr. CALL. The worship of Almighty God, according to the dictates of every man's conscience, is religion. Christianity follows divine example, which refused to accept the aid of legions of angels with the sword, but confronted error with the persuasive arguments of truth and the sublime example of the Saviour upon the cross. That is Christianity and the Christian religion, and our form of government prohibits the exercise of any power by Congress respecting the establishment of religion or prohibiting the free exercise thereof. What does the Senator from Illinois understand to be the meaning of religion?

Mr. LOGAN. Allow me to call the Senator's attention to this: The bill does not propose to inquire into anybody's religion; it proposes to affect persons who are guilty of crime. It is against what is considered a crime. It does not prohibit anybody from enjoying his religion. If he believes that Joe Smith was a prophet he has a right to believe it. It does not prohibit anybody from believing that, but we consider polygamy not religion, and not Christianity, but a crime.

Mr. CALL. Suppose they do not, who is to judge?

Mr. LOGAN. We are to judge; we are the lawmakers, and we are the judges to-day as to whether polygamy is a crime or not when we undertake to legislate.

Mr. CALL. If you will find anything in the Constitution of the United States directly or indirectly that sustains that statement, I will be glad to acknowledge my error.

Mr. LOGAN. I will say to the Senator that if the Catholic religion or any other religion taught murder, polygamy, arson, bribery, perjury, or any of the crimes that are known as felonies, we certainly should have power to legislate against the crime and against that which tended to the crime, without affecting what persons might believe as to a God or a Christ. That does not affect their belief; it only affects their acts; it affects their conduct; it strikes at the effect of their belief, not the belief itself.

Mr. CALL. Now let us see if the Senator from Illinois is right. If he is right I am wrong. What is that provision which was read to-day which says that a man shall not exercise the right of suffrage if he is guilty of—what? Of polygamy. Or that a woman shall be deprived of it, a whole people, because of their supposed polygamous opinions. Is that legislating for the punishment of a crime without trial, without hearing, without conviction, without evidence, upon the opinion of the Senator from Illinois stated here as a member of Congress?

Mr. LOGAN. Has the Senator heard any statute read that went as far as he says?

Mr. CALL. Yes, the statute of last year, and this bill of to-day.

Mr. LOGAN. I think the Senator is very much mistaken. Let him read it.

Mr. CALL. There is no use for me to read it. If this bill does not deprive the men and women of the Territory of Utah of the right to vote because of their polygamous opinions, what is it?

Mr. LOGAN. That is a very different thing.

Mr. CALL. Without conviction, but on the determination of certain commissioners, without any judicial power, then I am wrong.

If the former act and this bill do not declare with the force of law the rightful power of Congress to deprive a majority of three-fourths or four-fifths of a great number of people—numerous enough to be a Territory or State—of political rights because of opinions and practices disapproved by Congress, and place the entire government of that people in a small minority of other opinions and practices, then I am mistaken.

Mr. LOGAN. That is a very different proposition. The Senator said the statute read at the desk deprived them of the right to vote on account of their belief. I say there is no such law. It deprives them of the right to vote because they practice polygamy and bigamy, and they are deprived of it on that account, but not on account of their belief.

Mr. CALL. It deprives them of that without any kind of evidence that they have done it, without any trial, without any hearing, without any conviction, and leaves them, without the constitutional processes which guard and protect them from arbitrary deprival of political or other rights to the opinions of the Senator from Illinois and the commissioners, to have or not to have political rights as they may choose. That is the reason why it does it, for the mere matter of belief; because it is without evidence and conviction, and in some of its provisions makes opinion or belief evidence of the alleged criminal practices; because it makes the political power of the state attack what is termed the Mormon Church, and constructs a government, a political power on the basis of one religious belief, and in opposition to another because the other is injurious and violative of our social and religious ideas.

Mr. LOGAN. I will say to the Senator, so as to settle the question between him and me, that if a Senator lived in the city of Wash-

ton with five wives, openly and notoriously, I would vote to expel him from the Senate without any trial or conviction, on the ground that he was immoral and criminal before the civilized world. I would not want any judgment of a court.

Mr. CALL. I do not propose to join issue with my friend from Illinois in regard to his morality or his sanctity or his better morals than others. I am free to say too that, without undertaking to burn every one who does not agree with me in my opinions, I am opposed to immorality everywhere; but I love the patient, the genuine disciple of Christ who, with the law of love, with intelligence, with calm gentleness, attacks and extirpates error everywhere. I venerate and respect the priesthood and ministry of the Christian Church and good men everywhere; but I do not need to vaunt my morality. I can see the sinner or the Mormon live in this world, if the Almighty permits him, without wanting to put him to death, and I should never vote to put him out of the Senate of the United States because he was guilty of either a fault or a crime, without a calm judicial investigation in this tribunal, by a judgment made with all the forms and processes of law and in the orderly manner of judicial decision, and that is the difference between those who oppose this bill and those who favor it.

Mr. LOGAN. The difference is just this, if the Senator will allow me: I would vote to put him out of the Senate because of the fact that he committed a crime and it was a known fact and had been proven before a committee of the Senate, without any judgment of a court, without any conviction that would imprison him, without any conviction that would fine him; but on the fact being made evident to the Senate of the United States, I would vote to expel him. That is the difference between the Senator and myself. The Senator would want him to go before a court to be convicted, tried by a jury, and sentenced to the penitentiary before he would put him out; I would put him out before that. The difference between the Senator and me is that he would not punish the man or deprive him of his rights from the known commission of a felony, but he would deprive him of his rights after he had gone to the penitentiary. After a man goes to the penitentiary it does not require any law to deprive him of his rights.

Mr. HOAR. Will the Senator from Florida allow me to put a question to the Senator from Illinois?

Mr. CALL. With pleasure.

Mr. HOAR. In the case the Senator from Illinois supposes of a Senator, it would be the judgment of a court. In that case the Senator is a judge for the purpose of rendering the judgment of expulsion from the Senate for good cause. On what ground does he base the exclusion in this bill of the women who are not found to be bigamists or polygamists or to have contracted this criminal tie?

Mr. LOGAN. Does the Senator ask me that question?

Mr. HOAR. Yes, sir.

Mr. LOGAN. I will answer it, or I will try to. In the first place, the Senator from Florida and I were discussing the proposition as to whether these people had been convicted of crime, and I made the statement that I would, without a conviction of crime before a court—

Mr. HOAR. I call the Senator's attention to this—

Mr. LOGAN. Let me go on. The Senator asked me first whether it would not be the judgment of a court of the character that he was speaking of in reference to punishing these people, where we acted to expel a man without conviction before a jury. It would be a different proposition. We expel him upon mere evidence that comes before a committee, or before the Senate, the same as the law of prohibition applicable to persons practicing polygamy in the Territories, where they are deprived of their rights on the same kind of evidence before the commission.

Mr. HOAR. I agree with the Senator.

Mr. LOGAN. That was the proposition between the Senator from Florida and myself. I say that under the power of Congress we have the right to do that, and the fact being demonstrated that men are guilty of crime, it does not require the judgment of a court. Then we agree on that.

Then the Senator from Massachusetts asks me why this proposition to exclude women from voting. In the first place, Congress has the right to do it. The Senator will agree to that, I think. It has the power at least. Having the power to do it and believing it is in the interest of good government, and in that direction in opposition to polygamy and the practice of polygamy, I vote for it for the reason as I said that I would vote for anything that was going in the direction of extirpating or destroying this infamy and slander against the people of this country.

Mr. HOAR. Of course I understand, and perfectly well, the opinions of those persons who think that women ought not to vote anywhere.

Mr. LOGAN. I have not said that.

Mr. HOAR. So I understand; but that is the opinion of probably a majority of this body and of the American people to-day, at any rate of a large portion; but I do not understand that this is put on that ground.

Mr. LOGAN. Not at all.

Mr. HOAR. Nobody proposes in this way and at this time to exercise our constitutional privilege of determining that it is not expedient that any Territory should permit women to vote, because if we did we should extend it to Wyoming and the other Territories. Gentlemen therefore put it on the ground that the voting by women who not only have not been adjudged guilty of any criminal practice, but are not even

supposed to entertain opinions which would lead them to exercise their votes in favor of any criminal practice, but by all women alike, is improper. The Senator from Vermont, like the rain of heaven, falls on the just and the unjust alike with his penal statute.

Mr. LOGAN. If the Senator will allow me I will give my reason why I vote for this, although it excludes Gentile women.

Mr. HOAR. I want to know if that is not violating the principle the Senator avowed in his colloquy with the Senator from Florida?

Mr. LOGAN. Not at all. I vote for this although it does apply to Gentile women, because there is no one in the Territory of Utah to-day, in my judgment, that has been opposed to polygamy and works against it but what would give up the right of suffrage to see that power destroyed, and the only way you can destroy it is to destroy the political power they exercise, either the men or the women.

Mr. HOAR. Then it seems to me that the Senator from Illinois does avow the principle which is my objection to the bill, that we have the right, not speaking now of the legal power, but speaking of the only principles on which we are bound to exercise that power, to deprive persons by reason of the opinion which it is supposed will govern their vote of a public right without those persons having committed any act whatever which is a violation of law.

Mr. LOGAN. No, sir; no such thing is announced in this bill or in this section that is proposed to be made into a law. It declares that the women shall not have the right of suffrage in the Territory. I may have one reason for voting for that and the Senator may have another. When you come to destroy a principle you can not destroy it by what you or I might say, but it must be in the act itself. We do not destroy or attack any principle. So far as that is concerned we follow the right that belongs to Congress, and you may exercise it for one reason and I for another. It is purely a question of motive.

Mr. CALL. I must resume the floor.

The PRESIDING OFFICER (Mr. MORGAN in the chair). The Senator from Florida is entitled to the floor.

Mr. CALL. When I left the discussion I was endeavoring to point out to the Senator from Illinois that the great objection to this bill was that it declared that our form of government was an absolute failure, not only in saying that men should be proscribed politically for opinions respecting matters of religion, however wrong; that they should be deprived of political power, incapacitated from any part in the Government, and that it should be done without trial, without conviction; that the right of being eligible to the exercise of the suffrage should be taken away from them upon the opinion of certain ministerial officers; that they were living in a certain condition; that certain legal consequences which the Constitution requires to be the result of criminal acts should attach to them, and that before trial and before conviction they should be thus disfranchised and deprived of any part in the power of the Government; that a whole community should by this arbitrary power be turned over to the government of a minority.

The Senator from Illinois cited the instance of a Senator who might be expelled; but it is not necessary that I should stop to answer that, for that is a special power under the Constitution and for a special purpose, and in its nature a judicial power and to be exercised by those charged with it in judicial forms and in the manner of judicial procedure and under the checks and limitations of judicial procedure. But let us go on. I say the Government of the United States by the Constitution is a Government of States with sole and exclusive power over the domestic relations of their people. Who denies that? The principle of this Government is sole and exclusive power in the local governments known as States over this question with power in the National Government over foreign affairs and the relations of the States with each other and their foreign and interstate commerce.

Admit that fact to be so; admit that the whole superstructure and power of these great institutions of ours are contained within these definitions, national power for national objects, State or local power for local objects, where, then, in the Constitution of the United States will be found even the semblance of plausibility for an assertion that this National Government because it has exclusive power in the Territories has power to prescribe those relations and exercise that authority over vast tracts of country with hundreds of thousands of people in denial of the wishes of a majority of that people and the laws made by them for the government of their own institutions? Is it because of the technical idea that they have not been declared complete political communities in the sense of the law? Does that affect the spirit and the purpose of the division of power contained in the Constitution? Let us see if we are left to mere arbitrary assertion on this subject. There are modes of reasoning, and even the honorable and eminent Senator from Vermont, whose reputation extends throughout this country, is not emancipated from the laws of reason and the propositions of religion and truth. No man is.

Mr. MAXEY. May I interrupt the Senator for a moment? That is the exact point before the Senate, a motion to strike out the section which says:

That it shall not be lawful for any female to vote at any election hereafter held in the Territory of Utah for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever; and any and every act of the governor and Legislative Assembly of the Territory of Utah providing for or allowing the registration or voting by females is hereby annulled.

That is all there is of it. Now, I state to the Senator from Florida that I would vote for that section with my views of public policy without the slightest regard to the special surroundings of Utah or any Territorial bill whatever.

Mr. CALL. My friend from Texas has no argument with me, then, on the subject of suffrage, for I am only considering how far it is proper for this Congress to say, not that polygamy is not an outrage, not that it is not a foul blot upon the civilization of any country, not that it is not in antagonism to those domestic relations which constitute in their full felicity and fruition the glory and the power of the state, not that it is not inimical to our religion and Christianity as now developed, but whether or not this Congress, under our limitations of power, has the right to say that the women of Utah or the men of Utah shall not exercise their religion as they may think is right and proper, and that they shall be deprived of all political power in this country because of their entertainment of opinions upon this subject different from our own. That is the question; a proposition which I say is fatal to the preservation of the liberties of this country, and the principles which are the very foundation of them, made so by those eminent New England statesmen who with the fathers of our country of old Virginia and the original thirteen Colonies created our form of government and the Constitution and the principles on which it is based.

I say, then, Mr. President, that no one will deny this principle of local authority, of State authority, of the capacity of the majority of the people within any designated political locality or State according to State boundaries or a Territory when sufficient population has gone there, the abstract principle of the capacity of the majority of the people in any given locality of sufficient extent to control and direct their domestic affairs, and that they alone are capable of regulating them, and that to the National Government power is given for different purposes and different objects. But the argument is that because it is so given, and because it is exclusive, it is therefore absolute, and may be exercised in conflict and denial of what? Of the essential principle that a majority of the people in any locality shall govern there as to objects of government not included in the national powers. That is the proposition, that because it is exclusive it may take away the very life-blood and the essential principle of your form of government, the capacity of the people, a majority of the people, in any locality to control and govern that class of political subjects, those domestic relations which by the Constitution are denied to the National Government to control and govern, not a case of necessity, but a case of full and implied political power.

It results from this proposition that certain subjects are the subjects of national power and State authority; certain others the subjects of local authority; that the classification of powers as to subjects or objects for its exercise is its essential feature, the withholding from the National Government power over the local affairs, the domestic relations, the religious belief of the people, or of power to punish them for crime as to these subjects.

The fact that the political divisions under this form of government were and are States and the National Government and Territories to become States, and that in the latter the temporary power of government must of necessity be in the national power, can not destroy or limit the principles on which this distribution of power has been made. Does it not result that there is no power in the National Government as power to prescribe laws over subjects of control which is not given to them over the domestic relations of a people except in the District of Columbia and the places ceded in the Territories where it is expressly given, and even there it must be exercised *sub modo*? Who will say that even in the District of Columbia this Congress can say that no Catholic shall be allowed to exercise political power? And yet the argument of the Senator from Vermont imperatively demands that this Congress to-day, because the authority is absolute and exclusive in the District of Columbia, may violate the constitutional inhibition in regard to an establishment of religion and the free exercise thereof, and make it a disqualification for political power and franchises here in this District. That is the argument, the proposition affirmed here.

Mr. EDMUND. The Senator is totally mistaken, he will pardon me for saying. I would no more vote for anything that would disqualify a Catholic than I would an Episcopalian, which I happen to be myself, or a red-haired man or a black-haired man. The simple proposition is that for the general good order of the United States and of that Territory it is better that for a little while the ladies should get out of the slavery of voting and be left alone. That is all there is to it.

Mr. CALL. I agree entirely with the Senator from Vermont in that proposition, but I beg his pardon when he says that is all. In order to maintain the proposition of this bill that the ladies of Utah, as he terms them, shall get out of the right to vote at the present time, he proposes to attack all the essential principles of government and constitutional right. While he, I have no doubt, would not say that a Catholic or a Protestant should or should not because of his opinion exercise political power in this District, his argument does affirm it, because the connection between conclusion and cause can not be separated by mortal man.

Unquestionably if there is power here to say that a man who believes the Mormon Church is right, because of that wrong belief is guilty of such a state of political wrong that he may not exercise po-

litical power when you come to judge of some man who entertains the opinion that the Catholic religion is right or the Protestant religion is right, so far as power is concerned you stand upon precisely the same ground.

If you can construct a state and mold and direct its political powers on the basis and for the object of excluding any religious or irreligious belief or practice, the government becomes one for the maintenance of certain forms of opinion or the proscription of others. It becomes one for an "establishment respecting religion" or for prohibiting the "free exercise thereof." Certainly no one will contend that "the Government of the United States is for the maintenance or prohibition of any form of opinion or action respecting religious or irreligious belief, or that the Government may prescribe certain modes of life for each person and impute crime and disability to them without hearing, trial, or conviction."

The government in the Territories must be temporary, and its powers must be exercised subject to the principles and theories of the Constitution, and subject to the theory of the capacity of the people to regulate and control their domestic affairs.

Who will say that this Congress may establish a hereditary government in the Territory of Utah, and why not? Who will say that they may establish in perpetuity an aristocracy in the Territory of Utah, and why not? Where is the constitutional inhibition against putting the exercise of political power in the hands of one, two, three, four, or five persons? It is not to be found in the Constitution. It is to be found in the spirit and principles of the Constitution, which says the capacity of the majority of a people rendered eligible to the exercise of political suffrage by themselves and the principles of the Constitution shall control and determine all their domestic relations, and that the National Government shall operate and exercise power in a totally different sphere and for entirely different objects. That is the power that says that Congress shall not establish an aristocratic government or any form of hierachal government in a Territory, but that the people alone shall determine this question and all questions of that class.

Mr. LOGAN. Will the Senator now, inasmuch as he and I want to understand each other, yield to me for a moment?

Mr. CALL. Certainly.

Mr. LOGAN. I understand the argument of the Senator to establish in his mind the proposition. I do not concede the proposition at all that these people have the rights which belong to States and not to Territories. But take it for granted, for the argument, they have the right to regulate the domestic relations, as he calls them, does he claim that even if they have that right they have a right under the religious idea or claim to practice polygamy without subjecting themselves to punishment?

Mr. CALL. Do you want to know my individual opinion on that subject?

Mr. LOGAN. No, but I want to know your legal opinion. You are discussing this from a constitutional standpoint.

Mr. CALL. I think that whoever constitute a majority of the State of Illinois, whether they are Mormons or Catholics or Protestants or polygamous people, have got the right to say whether polygamy or monogamy—I mean the political right or political power, not the moral, but the political power and right under our form of government, as contradistinguished from the religious right—to say whether it shall be lawful or unlawful.

Mr. LOGAN. We are not talking about Illinois. I do not want to go into that discussion. I am talking about Utah.

Mr. CALL. Then I say that in Utah, under our Constitution, the National Government has national powers. The people in the different States have the right and in spirit in the Territories to control their own affairs, and the power given to Congress to legislate in the Territories does not authorize them to violate the fundamental principles of the Constitution in other respects.

Mr. LOGAN. That does not answer the question at all. It is mere theory.

Mr. CALL. What do you want to know?

Mr. LOGAN. Do you believe under your theory that if the people of Utah establish polygamy we have no right to punish it as a crime, because they believe under their form of religion that that is a part of their religion or Christianity, that it is no offense, no crime in their ideas, and that therefore they are exempt from punishment because that is their religious belief? Does the Senator say that?

Mr. CALL. I have not said anything of that kind. I say as a matter of fact, as asserted in the different forms of State government, that polygamy is a crime, and almost all improper relations with more than one woman have been asserted by the legislation of this country, by the States that had the authority to do it, to be criminal.

Now, I assert that the Congress of the United States has for temporary and necessary government in the Territories power to say what shall constitute crime, and would be justified in saying that whatever public opinion in the different States had prescribed to be crime should be crime in the Territories; but as to the question of power, there is an absence of power on that subject, except as derived from the necessity for temporary government. The Senator is aware of the long, able, and full debate respecting the power of Congress over the Territories which has exhausted that subject. I will say to him that the right of Congress to make a law that if a man lives in polygamy, upon conviction of

crime, he shall be punished is a totally different thing from the right of Congress to declare by law that he shall be deprived of his right to vote and his political power, because he so lives or so thinks, without conviction and trial. The propositions on which our government is based and on which our system of society rests are a declaration by law of what acts shall constitute crime, hearing, trial and conviction by judicial power: Freedom of speech and thought and action, except when punished on conviction as crime; political power adjusted to the ends of protection of life and property and personal rights; the extirpation of error of opinion by free thought, argument, and discussion by moral power; the restraint of immoral or criminal action by penal law applied by judicial power under the restraints of the Constitution to such acts when committed, and not by a political or religious hierarchy proscribing opinion.

Mr. LOGAN. But the Senator is getting into a constitutional disquisition now. The Senator has repeatedly insisted that the Catholic religion could be destroyed, the Episcopal Church, the Methodist Church, or any other church destroyed by legislation if this principle was enacted into a law. That was the principle that was enunciated—that polygamy while a religious belief was at the same time a crime. The question I want the Senator to answer is whether or not he believes that any religious belief, no matter what it may be, excuses a man for committing that offense which is a violation of law?

Mr. CALL. I answer that the law does not recognize any excuse or reason for disobedience. The question of the Senator is whether there is any obligation higher than the law, and this is a question as old as time and for which many men have suffered martyrdom. In the eye of the law there can be no excuse; in the eye of religion and morality there may be. "Render unto Caesar the things that are Caesar's, and unto God the things that are God's."

For myself I do not think polygamy is right, law or no law. That would be my opinion. As to the degree of wrong, whether it is as bad as murder or false witness or the *malum in se* of the decalogue, that is the question for the Old Testament and the New Testament to decide. I think that our Christian religion has developed into a much more beautiful system than existed in the days of David and Solomon in respect to marriage; but I do not think they were necessarily great criminals or bad men because in their day under their circumstances they had different relations from ours. The question between the Senator from Illinois and myself is not that; the question is whether a commissioner in Illinois can go to a man or woman and say, "You are a polygamous man" or "You are a polygamous woman;" "you shall have no political power here;" and then he says to him, "I have never been tried, I have never been convicted; there is no evidence of it." You have no right under this Government to attach conditions to the exercise of political power for the purpose of excluding from the Government or the body politic or the social system theories of belief or modes of individual life or action. Your theory and your declaration of organic law is equality of all men before the law, good and bad, religious and sacrilegious, Christian and infidel, atheist and theist—manhood suffrage is your boast.

The Senator from Illinois says that in the name of Congress, in the name of the Christian religion, speaking for the people of this country and this Government, we can say, You are a polygamous man or woman, and you shall have no part in the control of this country; your property shall be governed and taken by men I appoint; you shall not vote. That is the question, whether the Senator from Illinois is right under our form of government in saying to those men or women, without trial, without conviction, you shall be deprived of your part and parcel in the government of this country because you believe that polygamy is right and because you have practiced it?

Mr. LOGAN. Then I should like to ask the Senator if his theory is correct what would he think of a law passed by Congress applicable to a Territory which declared that no persons except white men should be voters in that Territory?

Mr. CALL. I will tell him what I think about it. I think that in the days of slavery, for which the Senator and his fathers were quite as much responsible as I, in a Territory where a majority of the people held that kind of property and maintained that kind of institution, it was a very proper thing to do as the people in the States did. I think now, when all men have become free, it would be a very wrong thing to do.

Mr. LOGAN. I am speaking of it as a constitutional question, not a question whether it is right now morally or was wrong then morally, but as to the power of Congress. If they had the power then to declare that no person should vote in a Territory except a white man, that certainly did not include white women. I should like to know where Congress has lost this power to-day to declare that women shall not vote.

Mr. CALL. I have not said that Congress has lost the power to do it. Congress exercises *ex necessitate* the power of government in the Territories. Upon principle, upon argument, it has no right to do it after they become sufficiently numerous under the principle of self-government to direct their own affairs, and whatever power Congress exercises in the Territories must be exercised in conformity to the principles of our Constitution and our forms of civil liberty. Its power is not absolute, but qualified and restrained by the political principles on which our Government is based and by the constitutional limitations on all its grants of power.

In regard to the institution of slavery, that was held to be property; therefore as property under the protection of the Constitution they had a right to demand that such laws should be passed. I have never acquiesced myself in that theory entirely. I have always believed that the right of the people to local self-government should control this question whenever they were sufficiently numerous to exercise powers of government in the Territories. I admit that for great public considerations it might be advisable, and in this case would probably control my judgment to some extent, to create Territorial government in denial even of the right of the people to self-government in that locality; but I would never extend that so far as to say that the constitutional limitations intended for their personal protection, their immunity against punishment without judicial trial and judicial conviction, without a fair and not a suborned and perjured jury, without jurors fairly selected; I could never consent that they should be deprived of political power without those processes applied to them. If you want to do it, let it be done in a constitutional way, by declaring by law that it is a crime, and by indictment, trial, and conviction before an impartial court and jury—not by organizing a political hierarchy for the proscription of these opinions and practices and overcoming the Mormon religious hierarchy by a political hierarchy.

The government in the Territory must be temporary, but its powers must be exercised subject to the theory of the Constitution, subject to the theory of the capacity of the people to regulate and control their domestic affairs.

Again, the Constitution says:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

What is religion in the sense of the Constitution? Long and bloody wars have been maintained to prove that one religion was not a true religion and that another was. The history of mankind is replete with instances of this kind. What is religion? The Catholics and the Protestants have each denied that the beliefs and principles of the other were religion; the Trinitarians and Unitarians contest and have always contested with each other's claim to the title.

Is it or is it not one of the "immunities or privileges" of a citizen under the Constitution to believe what his own mind, judgment, and conscience prescribe to him in regard to obligations and to religious belief, and can Congress "prohibit the free exercise" of this belief, and say what shall be and what shall not be religion to him except when it becomes a crime, except when with the power of government it has prescribed a certain act (as having two wives) to be criminal, and indicted, tried, and convicted of it? Can Congress say what shall be and what shall not be religion or religious belief?

The assault which the Senator from Vermont and his bill makes on the Christian religion, and the disparagement and reflection which the measure makes on the Christian ministers and the agencies and instrumentalities of the church, the great organized body of the disciples and followers of Christ of every form, is quite as serious as that which it makes on the Constitution and popular government. Can any man deny that the Christian religion claims and gives the right of judgment and proclaims its power to influence and control the judgments and opinions and conscience of men by the weight and power of the church, of the pulpit, of argument and reason of the ministry of the Christian church in all its different forms by the agency of good men where its power is moral suasion, and where it does not seek to attack forms of religious belief as such, but to prove their error and convince the judgment and conscience of a better way and a better life?

They do not ask Congress to make any law respecting the establishment of religion or prohibiting the free exercise thereof according to each man's judgment and conscience. They do not ask the Congress of the United States to make this political assault upon the polygamous condition of the people of Utah as a matter of Christian faith and Christian principle. They know that the instrumentalities of the gospel and the Christian religion are ample and abundant for that purpose. They know that if it is to be prescribed as crime it must be treated as crime and not by saying that all the principles of our Government as to capacity of a people for self-government shall be set aside, not by saying that three commissioners shall arbitrarily disfranchise or deny political power to a majority of a large, populous, and industrious community, and say that the minority shall have the power to control it. These are questions separated from its criminal aspects. If it be a crime, prescribe it as such by the proper political power; try it as such; punish it as such; but where is the power in this Government to give three men or women the power to deny self-government to a large majority, three-fourths of an entire people? Where, sir, is the plausible pretense of a reason for it? No, sir, it is arbitrary government; it is monarchical government; it is unconstitutional government. It is the power of a minority to disfranchise and control a majority. Three men, without trial, without process of law, without evidence, are authorized to deprive and to deny to a whole people, a vast majority of a whole people, the entire right of self-government. That is the proposition.

Mr. President, polygamy is impossible in our time and under the economic conditions which belong to our industrial system. It is certainly inconsistent with the activities and the energies and the completeness of character of the active, capable, and energetic women of our day, informed on public affairs, learned in the literature of the age,

accomplished in the industrial arts and pursuits, an equal factor with man in all the sciences, arts, and pursuits of our life.

Give her but a chance, give her power, and she will take care of herself, and contribute much toward taking care of the state. Polygamy will extinguish itself by the development of a more perfect and complete civilization, by the industrial arts and their cultivation and distribution under the attacks of the Christian religion and the Christian minister, under the influences of our civilization and our economic laws, under provisions of law for the education and maintenance of the polygamous women and children who may leave their present condition, under laws that will give them immediate protection through a military force whenever they desire to escape from or to leave their present condition, make it easy for them to leave their condition, and give them support and maintenance, and leave it to education, to moral suasion, to the power of religious teachers, to the great activities of the pulpit and the eminent and philanthropic men that control its wonderful power.

Let the Government be, if you choose, a military one, and while it upholds with a firm hand and instant and immediate protection and support the absolute freedom of the woman and her children, let the pressure and power of law and public policy in all things be directed against polygamy and for its extinguishment and its discouragement, and I have no fear that as the woman becomes enlightened under the powers of the Christian religion and civilization, as the industrial pursuits are opened to her and her children, as the influences of the Christian religion and the fuller life and activity of the monogamous woman are felt and seen, with full power at any and all times to abandon the polygamous life, with protection immediate and certain for herself and her children at all times at her command, with maintenance assured, that she will prefer polygamy I would regard it as a reproach to the Christian religion and the great influences of our civilization to believe that it was not adequate to reclaim these unfortunate women brought from the destitution of Europe and carried into a community of considerable industrial development and success. I would consider it a slander upon the good agencies that have made and are making the civilization of this Government so wonderful to say that we must deny the vital principles of our own political institutions, deny fair trial, deny evidence, deny fair and impartial juries, deny upright and impartial judges, and that we must subject a whole community to a denial of the principle of our Constitution of the capacity of the people for self-government, that we should require that a majority of the people of any Territory for any reason should be denied the right and power to control their own political institutions in order to accomplish an object which under our form of government is the subject exclusively of penal law and of judicial power.

Mr. INGALLS. Mr. President, is the section that is proposed to be stricken out now open to amendment?

The PRESIDING OFFICER (Mr. MORGAN in the chair). The section can be perfected before the motion to strike out is put.

Mr. INGALLS. I move to strike out, in line 2, the word "the" and insert "any," and to strike out the word "Utah," in the same line, and insert "The United States;" so as to read:

That it shall not be lawful for any female to vote at any election hereafter held in any Territory of the United States for any public purpose whatever, &c.

Mr. EDMUND. I hope that will not be done, because I do not wish, in charge of this bill, nor do the committee wish to open the general question of female suffrage, but to apply this provision to the necessity of the case in hand, to emancipate these poor females from the slavery in which they now exist about voting.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas [Mr. INGALLS].

Mr. INGALLS called for the yeas and nays, and they were ordered.

Mr. BROWN. Mr. President, I am opposed to female suffrage, and if the question were submitted to the voters of Georgia, while I have a right to vote I should vote against it; but I believe in the doctrine of local self-government; and I believe that either State or Territory that desires female suffrage has a right to have it. While, therefore, I would vote against it in my own State, I will not vote to deprive any other State or Territory of the right to have female suffrage or to prevent its exercise in that State or Territory if the laws of the State or Territory justify or establish it there. Therefore I shall vote against the amendment of the Senator from Kansas, as I would not prohibit it by law in any Territory.

Mr. JONES, of Florida. Mr. President, I do not know that we can reach a vote on this bill to-night, but, after all, the question under this bill is what it was at the last session. Some of the details of it I do not entirely approve of. It raises the great question as to the supreme authority that has the right to control the Territories of the United States. It is not a new question at all; it has been here time and again, and I am on record, so far as this question is concerned, in support of the authority of the Union to control in the exercise of its wisdom the Territories of the United States. I do not say, and I have never said that those inchoate communities that are lying out are in the condition of States and that they have the same rights and privileges that the people of the States possess, notwithstanding I put myself in a position of antagonism to some able legal reasoners on that subject.

I said when I was on my feet last session that there was no Territory in the Union that was controlled in a more arbitrary way than the

Territory of Florida under one of the wisest administrations that ever existed in this country, and I had occasion to refer to one of the early acts of Congress making provision for the government of that Territory, not for the purpose of showing the wisdom of it but for the purpose of vindicating the power which upon all hands was admitted to reside in Congress over the Territories. Take for instance the act of Congress approved March 30, 1822, making provision for the government of the Territory of Florida when Mr. Monroe was President, when in the Senate of the United States were found the ablest men who were ever here, Calhoun, and all the great minds we are in the habit of following in matters of this kind.

What did that act say? It says this, as I cited it before, to show the claim of power put forth at that early day by this Government with respect to the Territories:

That the legislative power shall be vested in the governor and in thirteen of the most fit and discreet persons of the Territory, to be called the legislative council; who shall be appointed annually by the President of the United States, by and with the advice and consent of the Senate, from among the citizens of the United States residing there.

I will read no more. There was not a thoughtful man in this country at that time who denied to Congress the power to do that thing. Congress gave the entire legislative power over that Territory to thirteen discreet citizens, not elected by the people of Florida, for the Territory had been annexed to the United States but a little while before, but to thirteen citizens appointed by the President and confirmed by the Senate, and they exercised full and complete legislative authority over that Territory for years without question; and who ever said that the exercise of that power was an infringement of the right of suffrage on the part of Congress?

I say that all this reasoning with respect to the Territories and to the District of Columbia which undertakes to put the people who are in those Territories and this District in the condition of the people of States is entirely wrong. There must be a supreme legislative power somewhere, and while I might quarrel with my friend from Vermont with respect to some of the details of his bill, and there are provisions in it that I may not assent to, still I assert here that there can not be any question in the mind of any sound constitutional thinker with regard to the power of Congress to legislate for the Territories without limitation or restraint beyond what the Constitution of the United States imposes.

Mr. VEST. Does the Senator from Florida assert that this power exists without limitation or restraint? He asserted that before on the floor of the Senate.

Mr. JONES, of Florida. When I speak of that, of course I speak with reasonable restraint.

Mr. VEST. I ask the Senator now the plain question, Does he believe the restrictions upon the power of Congress in the Federal Constitution do not apply to the Territories? That is the question.

Mr. JONES, of Florida. I say in reply to the Senator from Missouri that the Congress of the United States possesses the same power of legislation over the Territories that the State governments of the Union possess within their limits.

Mr. VEST. I ask the Senator from Florida if the Congress of the United States could pass a bill of attainder or *ex post facto* as to the people of a Territory?

Mr. JONES, of Florida. I say that it could not.

Mr. VEST. Then that is a limitation.

Mr. JONES, of Florida. Oh, well, the Senator understood what I meant when I spoke in general terms as speaking of the Government of the Union as exercising the authority of a general legislative power over the Territories in contradistinction to that power which every constitutional lawyer recognizes as belonging to the States; but when any man stands on this floor and undertakes to say that the people of a Territory have a right to legislate for themselves with respect to their affairs the same as the people of a State, he is saying that for which there is no warrant or authority under our organic law. I will not say that we could legislate against the principles of the Constitution respecting the establishment of a religion or other rights secured by the Constitution in the Territories, or deprive a man of his property without due process of law. I admit that those limitations upon legislative power prevail there as they do in the District of Columbia, but I say that we possess the same power over the Territories as we do over this District, and these early acts of Congress show it.

Mr. BECK. Allow me to ask can we prohibit female suffrage in Utah and allow it in Wyoming?

Mr. JONES, of Florida. That is a different thing; there are two questions in that. There is a question of power and a question of expediency.

Mr. GARLAND. I wish to make a suggestion to the Senator from Florida, with his permission, before he leaves that branch of the subject. Concurring in everything that he has said, in all its length and breadth and depth, I wish to call his attention to the fact that may have escaped his mind, that in reference to that earliest legislation in regard to the Territory of Florida, the Supreme Court of the United States in the case of the American Insurance Company *et al.* vs. Canter (in 1 Peters) held it to be within the constitutional limit of the exercise of Congressional power.

Mr. JONES, of Florida. I remember that case very well. The Supreme Court held that it was clearly within the power of Congress to

make such rules and regulations respecting the territory of the United States as its wisdom dictated, and it exercised it. Can you imagine a greater exercise of power than to give to thirteen citizens appointed by the President and confirmed by the Senate legislative authority over a whole people? Suppose that was attempted here by the Senator from Vermont with respect to Utah; there would be a great hue and cry against it. A great deal more could be said against the proposition that this bill or any attempted exercise of authority brought forth here than against the provision that was incorporated into the act making provision for the government of the Territory of Florida, and still the Congress of the United States without question gave the full legislative power in that Territory to thirteen men appointed by the President and confirmed by the Senate without regard to the people of that Territory at all. It is true Congress modified that afterward, and permitted the people to elect their representatives to a regular legislative assembly; but in those acts they provided that no law of that Territory should be effectual or operative until it received the sanction of Congress, thus affirming in every possible way the supreme authority of the Government of the Union as a sovereign legislative power over the Territories of the United States.

Now, I say, when it comes to a question of detail and expediency we may differ; but so far as the question of power is concerned, in my judgment there can be no question. I will not say the Constitution of the United States does not operate there to protect the rights of property and of opinion in matters of religion; far from it; I say that it does; but all that I assert here is the authority of the Government of the Union as a general legislative authority extending over every Territory of the Union beyond the States.

Why, sir, we abolished in this District representative government, and to-day beneath the shadow of this Capitol there exists a form of government which does not command my approbation. Who questions the power? Three men appointed by the President and confirmed by the Senate rule the destinies of every inhabitant within this District and make laws for their government. It is unrepresentative in my opinion, it is undemocratic, and it is unwise, and if I had an opportunity I would record my vote against it; but no man questions the power of Congress to do it.

Mr. MAXEY. I would call the attention of the Senator from Florida on the question of power to the fact that Congress, after having granted the people of this District suffrage and authority to elect a legislature, as a matter of discretion, subsequently took that away, thus asserting the power beyond all possible question, and nobody has ever disputed it.

Mr. JONES, of Florida. Nobody ever questioned or ever will question the power. I question the expediency, the justice, and the wisdom of it, and if I had my way I would leave the government of Washington city and the District of Columbia to the free inhabitants thereof, and I would not undertake to administer this government through three commissioners appointed by the representatives of the States and the President here. But no man questions the power to do this thing. It is unrepresentative, it is undemocratic; in my opinion it is unwise, unjust to these people; but still the Constitution gives the power.

So with regard to the Territories I have not any question in my mind to-day but that we have power to designate five men to rule out and to prescribe any code of laws which in their judgment they might deem proper for the good government of that Territory. If the commissioners here violate rights of property, rights of conscience, they can be made amenable under our judicial system and their action can be controlled by the supreme judicial power of the Union. So in the Territories; but I say so far as the power is concerned nobody questions it. With respect to the expediency of it that may be another thing. I want it understood that so far as I am concerned I have no doubt in my mind about the authority of this Government to do everything that it may deem wise and proper to be done in the Territories for the good government of them, as a general legislature, independent of all these claims of the people for local rights, of which we have heard so much. Every argument that may be made here in behalf of the privileges of suffrage and the rights of the people is one of expediency and can not be directed against our power to control the Territories of the Union.

I say there are some provisions in this bill which I might be disposed to question the wisdom of, which, with due deference to the Senator from Vermont, are open to question, because he asks us to alter the common law on a very important question of evidence. When he seeks to array the husband against the wife and the wife against the husband, I might hesitate a little while before voting for that provision of his bill, but with regard to the power to do it I have not any question at all.

I can not see why in the case of polygamy we ought to deviate from the common law any more than in the case of murder or other hideous offenses that pervade society, and it would require a very strong argument to convince my mind that we should break up the marital relations of husband and wife in the case of polygamy without doing it in respect to other offenses.

Mr. GARLAND. I wish to make a suggestion to the Senator from Florida, with his permission, because we are all trying to get at the real gist of this matter, and I should like to see him make up his mind upon the proposition contained in the second section of the bill, because I think I shall be able to show him before we get through with this

transaction that this is the only thing left to be done if the power is conceded, and the Supreme Court has said so in so many words. I will take occasion to argue this matter hereafter.

Mr. JONES, of Florida. I confess that I have not arrived at any settled conclusion about it, but I want to say this much before I take my seat, that I can not be led to believe that polygamy in any form can be converted into a system of religion any more than a combination of men to commit crimes against the common consent of society, the world over, could claim to be religion. By the settled opinion of mankind there are some things known as *malum in se*, which require, according to the old Latin phrase, no legislative prohibition or denunciation to fix their character. And why is this? It is because the common consent of the world has stamped them, the Christian world all over denounces this crime just as it does piracy, murder, and other forms of crime which are known to be in antagonism with established social order. There are other acts so indifferent in their nature that the human mind can not fix their quality without a legislative declaration; but there is not a Christian nation on earth to-day that does not brand the character of this offense and prescribe it to be in antagonism with social order.

It is not necessary, therefore, to resort to any law on the subject. There is not a State in the Union to-day that tolerates it, or wherein it would not be a crime if committed. Now, then, where resides the great legislative power to repress it in the Territories, if it exists to-day? Precisely what would be done here in the District of Columbia, or in Vermont, or in Florida, or in any other State, if any set of people undertook to set themselves up there in opposition to the established Christian sense of the word? There must be a power somewhere to repress it. I say that that power resides so far as the Territories are concerned in the Congress of the United States; and however much I might be disposed to differ with my friend from Vermont in regard to the details of the bill having for its purpose this end, I will never quarrel with him so far as the power itself is concerned.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. INGALS].

The Principal Legislative Clerk proceeded to call the roll.

Mr. GORMAN (when Mr. BECK's name was called). I announce the pair of the Senator from Kentucky [Mr. BECK] with the Senator from Maine [Mr. HALE].

Mr. CAMERON, of Wisconsin (when his name was called). I am paired with the Senator from Mississippi [Mr. GEORGE]. If I were not paired, I should vote "nay."

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES]. If he were here, I should vote "yea."

Mr. GORMAN (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT].

Mr. JACKSON (when Mr. HARRIS's name was called). My colleague [Mr. HARRIS] is paired with the Senator from Massachusetts [Mr. HOAR].

Mr. MITCHELL (when his name was called). I am paired with the Senator from Virginia [Mr. JOHNSTON]. If he were present, I should vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM]. If he were here, I should vote "yea."

Mr. ROLLINS (when Mr. RANSOM's name was called). The Senator from North Carolina [Mr. RANSOM] is paired with the Senator from Connecticut [Mr. HAWLEY].

Mr. SLATER (when his name was called). On this question I am paired with the Senator from Louisiana [Mr. KELLOGG]. Were he here, I should vote "yea."

Mr. ROLLINS (when Mr. VAN WYCK's name was called). The Senator from Nebraska [Mr. VAN WYCK] is paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. WILLIAMS (when his name was called). I am paired with the Senator from Nebraska [Mr. SAUNDERS]. I announce this for the evening. If he were here, I should vote "yea." [A pause.] I am told that the Senator from North Carolina [Mr. VANCE] is paired with the Senator from Nebraska [Mr. SAUNDERS]. If the colleague of the Senator from Nebraska can tell me—

The PRESIDING OFFICER. Does the Senator from Kentucky vote?

Mr. WILLIAMS. Yes, sir; under the circumstances I vote "yea." The roll-call was concluded.

Mr. CONGER. My colleague [Mr. FERRY] is paired with the Senator from Mississippi [Mr. LAMAR]. My colleague is sick and unable to be here. I make that announcement for the future.

The result was announced—yeas 11, nays 20; as follows:

YEAS—11.			
Barrow,	Garland,	Maxey,	Vest,
Bayard,	Jonas,	Pendleton,	Williams.
Cockrell,			
Jones, of Florida,	Pugh,		
NAYS—20.			
Allison,	Blair,	Call,	Edmunds,
Anthony,	Brown,	Conger,	Harrison,

The PRESIDING OFFICER (at 6 o'clock and 45 minutes p. m.). The Sergeant-at-Arms will execute the order of the Senate.

Mr. VEST. Unless some Senator objects, I should like to submit an amendment to an appropriation bill.

Mr. EDMUNDSON. I object.

Mr. VEST. I supposed the Senator from Vermont would object.

Mr. BLAIR (at 6 o'clock and 47 minutes p. m.). Can I be permitted to offer an amendment to the pending bill?

Mr. EDMUNDSON. Not now.

The PRESIDING OFFICER. No business is in order.

Mr. EDMUNDSON. There is no quorum.

Mr. BLAIR. I should like to have this business proceed.

Mr. VEST. I object to anything now.

Mr. BLAIR. This bill needs a great deal to be done to it, and I should be glad to have something done.

The PRESIDING OFFICER. No business is in order. The Sergeant-at-Arms is proceeding to execute the order of the Senate.

After the lapse of one hour,

The PRESIDING OFFICER. The Senate will come to order. The Chair will lay before the Senate the report of the Sergeant-at-Arms, which the Secretary will read.

The Acting Secretary read as follows:

To the President of the Senate:

In the execution of the order of the Senate to request the attendance of absent Senators, the Secretary reported the following as absent:

Aldrich,	Ferry,	Johnston,	Saulsbury,
Beck,	Frye,	Kellogg,	Saunders,
Butler,	George,	Lamar,	Sewell,
Camden,	Groome,	Lapham,	Sherman,
Cameron of Pa.,	Grover,	McPherson,	Vance,
Davis of Ill.,	Hale,	Miller of N. Y.,	Van Wyk,
Davis of W. Va.,	Harris,	Morrill,	Walker,
Dawes,	Hawley,	Platt,	Williams.
Fair,	Hill,	Plumb,	
Farley,	Hoar,	Ransom,	

Of these, Senators Cameron of Pennsylvania, Fair, Ferry, Lamar, McPherson, and Sewell are absent from the city.

Sick and unable to attend: Senators Farley, George, Lapham, Saunders, and Walker.

A number of Senators are reported to be at a dinner party, where the host refuses admission to the officers sent to notify them.

Mr. EDMUNDSON and others. Who is he?

Mr. LOGAN. Let the Sergeant-at-Arms report.

Mr. EDMUNDSON. Do not let us have any shying about this business.

The Secretary continued the reading as follows:

A number of Senators are reported to be at a dinner party at Secretary Chandler's, where the host refuses admission to the officers sent to notify them.

Senators Groome, Kellogg, and Saulsbury could not be found.

Officers are in search of the remainder.

Very respectfully,

R. J. BRIGHT, *Sergeant-at-Arms.*

Mr. EDMUNDSON. I move that the roll be again called to see whether a quorum is now present.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. SLATER. I move that the Senate do now adjourn.

Mr. EDMUNDSON. On that I ask for the yeas and nays.

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

Mr. CAMERON, of Wisconsin (when his name was called). I am paired with the Senator from Mississippi [Mr. GEORGE], who is absent on account of sickness.

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call was concluded.

Mr. ALLISON. May I ask if a quorum has voted?

The PRESIDING OFFICER. A quorum has not voted.

Mr. ALLISON. I am authorized to vote to make a quorum.

Mr. COCKRELL. Especially as the Senator with whom the gentleman is paired is present.

Mr. ALLISON. I beg pardon; I did not see my friend here before. I vote "nay."

Mr. COCKRELL. I vote "nay" too.

The result was announced—yeas 9, nays 17; as follows:

YEAS—9.

Barrow,	Gorman,	Slater,	Voorhees.
Brown,	Jonas,	Vest,	
Call,	Pugh,		

NAYS—17.

Allison,	Edmunds,	McMillan,	Sawyer,
Anthony,	Garland,	Maxey,	Windom.
Blair,	Harrison,	Miller of Cal.,	
Cockrell,	Ingalls,	Mitchell,	
Conger,	Logan,	Rollins,	

ABSENT—50.

Aldrich,	Cameron of Wis.,	Farley,	Hale,
Bayard,	Coke,	Ferry,	Hampton,
Beck,	Davis of Ill.,	Frye,	Harris,
Butler,	Davis of W. Va.,	George,	Hawley,
Camden,	Dawes,	Groome,	Hill,
Cameron of Pa.,	Fair,	Grover,	Hoar,

Jackson,	McDill,	Platt,	Tabor,
Johnston,	McPherson,	Plumb,	Vance,
Jones of Florida,	Mahone,	Ransom,	Van Wyck,
Jones of Nevada,	Miller of N. Y.,	Saulsbury,	Walker,
Kellogg,	Morgan,	Saunders,	Williams.
Lamar,	Morrill,	Sewell,	
Lapham,	Pendleton,	Sherman,	

The PRESIDING OFFICER. The Senate refuses to adjourn.

Mr. EDMUNDSON. Call the roll as I have moved.

The Acting Secretary called the roll, and the following Senators responded to their names:

Allison,	Coke,	Jones of Florida,	Pugh,
Anthony,	Conger,	Logan,	Rollins,
Barrow,	Edmunds,	McDill,	Sawyer,
Blair,	Garland,	McMillan,	Slater,
Brown,	Gorman,	Maxey,	Tabor,
Call,	Harrison,	Miller of Cal.,	Vest,
Cameron of Wis.,	Ingalls,	Mitchell,	Voorhees,
Cockrell,	Jonas,	Morgan,	Windom.

The PRESIDING OFFICER. Thirty-two Senators are present; no quorum.

Mr. EDMUNDSON. I offer this order:

Ordered, That the Sergeant-at-Arms bring into the Senate forthwith the following-named Senators now absent from this sitting of the Senate without leave, namely:

I will give the names in a moment.

Mr. COKE (at 8 o'clock and 10 minutes p. m.). If it is in order I move that the Senate do now adjourn.

Mr. EDMUNDSON. On that I ask for the yeas and nays.

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

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call was concluded.

Mr. ANTHONY (after having voted in the negative). I withdraw my vote. I am paired with the Senator from Ohio [Mr. PENDLETON]. I voted inadvertently.

The result was announced—yeas 7, nays 16; as follows:

YEAS—7.			
Brown,	Gorman,	Slater,	Voorhees.
Call,	Jonas,	Vest,	

NAYS—16.

Allison,	Conger,	Jones of Florida,	Mitchell,
Barrow,	Edmunds,	Logan,	Rollins,
Blair,	Garland,	McMillan,	Sawyer,
Cockrell,	Harrison,	Maxey,	Windom.

ABSENT—53.

Aldrich,	Ferry,	Jones of Nevada,	Pugh,
Anthony,	Frye,	Kellogg,	Ransom,
Bayard,	George,	Lamar,	Saulsbury,
Beck,	Groome,	Lapham,	Saunders,
Butler,	Grover,	McDill,	Sewell,
Camden,	Hampton,	McPherson,	Sherman,
Cameron of Pa.,	Harris,	Miller of Cal.,	Tabor,
Coke,	Hawley,	Miller of N. Y.,	Vance,
Davis of Ill.,	Hill,	Morgan,	Van Wyk,
Davis of W. Va.,	Hoar,	Morrill,	Walker,
Dawes,	Ingalls,	Pendleton,	Williams.
Fair,	Jackson,	Platt,	
Farley,	Johnston,	Plumb,	

So the Senate refused to adjourn.

Mr. JONAS. I ask for a call of the Senate.

Mr. EDMUNDSON. That is not in order now. We have just had a call, and it has disclosed no quorum. The process now is to get them in. The pending question is on the resolution that I was offering.

Mr. JONAS. I make the point that nothing is in order but a call of the Senate, the vote having disclosed no quorum.

The PRESIDING OFFICER. A quorum is not necessary on a question of adjournment. Therefore no legislative action has been taken.

Mr. EDMUNDSON. I had offered this order before the motion was put.

Mr. JONAS. Mr. President—

Mr. EDMUNDSON. I believe I have the floor just now.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. JONAS. I appeal from the decision, and on that I call for the yeas and nays.

Mr. EDMUNDSON. The Senator can appeal.

The PRESIDING OFFICER. The Chair rules that a call of the Senate is not now in order, from which ruling the Senator from Louisiana appeals.

Mr. JONES, of Florida. We can not hear the Chair.

The PRESIDING OFFICER. The Chair rules that the demand for a call of the Senate is not now in order. From that ruling the Senator from Louisiana takes an appeal to the Senate. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

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

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

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES].

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

The roll-call having been concluded, the result was announced—yeas 16, nays 5; as follows:

YEAS—16.		
Allison, Anthony, Barrow, Blair,	Conger, Edmunds, Garland, Harrison,	Logan, McDill, McMillan, Mitchell,
Brown, Call,	Jonas,	Maxey, Voorhees.
		NAYS—5.
Aldrich, Bayard, Beck, Butler, Camden, Cameron of Pa., Cameron of Wis., Cockrell, Coke, Davis of Ill., Davis of W. Va., Dawes, Fair, Farley,	Ferry, Frye, George, Gorman, Groome, Hale, Hampton, Harris, Hawley, Hill, Hoar, Ingalls, Jackson,	Johnston, Jones of Florida, Jones of Nevada, Lamar, Lapham, McPherson, Mahone, Miller of Cal., Miller of N. Y., Morgan, Morrill, Pendleton, Platt,
		Plumb, Pugh, Ransom, Saulsbury, Saunders, Sewell, Sherman, Slater, Tabor, Vance, Van Wyck, Walker, Williams.
		ABSENT—55.

The PRESIDING OFFICER. The decision of the Chair is sustained. Mr. EDMUND. Now I ask a vote on the order which I have submitted and desire to have read.

The Acting Secretary read as follows:

Ordered, That the Sergeant-at-Arms bring into the Senate forthwith the following-named Senators now absent from this sitting of the Senate and without its leave, namely: Senators Aldrich, Bayard, Beck, Butler, Camden, Davis of Illinois, Davis of West Virginia, Dawes, Frye, Groom, Grover, Hale, Hampton, Harris, Hawley, Hill, Hoar, Jackson, Johnston, Jones of Nevada, Kellogg, McPherson, Mahone, Miller of New York, Morrill, Pendleton, Platt, Plumb, Ransom, Saulsbury, Sewell, Sherman, Vance, Van Wyck, and Williams.

Mr. VEST (at 8 o'clock and 20 minutes p. m.). I move that the Senate do now adjourn, and I ask for the yeas and nays.

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

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call having been concluded, the result was announced—yeas 7, nays 19; as follows:

YEAS—7.		
Brown, Call,	Gorman, Jonas,	Slater, Vest,
		Voorhees.
		NAYS—19.
Allison, Anthony, Barrow, Blair, Cockrell,	Conger, Edmunds, Garland, Harrison, Ingalls,	Jones of Florida, Jones of Nevada, Logan, McDill, McMillan,
		Maxey, Rollins, Sawyer, Windom.
		ABSENT—50.
Aldrich, Bayard, Beck, Butler, Camden, Cameron of Pa., Cameron of Wis., Coke, Davis of Ill., Davis of W. Va., Dawes, Fair, Farley,	Ferry, Frye, George, Groom, Grover, Hale, Hampton, Harris, Hawley, Hill, Hoar, Jackson, Johnston,	Kellogg, Lamar, Lapham, McPherson, Mahone, Miller of Cal., Miller of N. Y., Morgan, Morrill, Pendleton, Platt, Plumb,
		Pugh, Ransom, Saulsbury, Saunders, Sewell, Sherman, Slater, Tabor, Vance, Van Wyck, Walker, Williams.

So the Senate refused to adjourn.

Mr. EDMUND. I modify the order that I offered by leaving out the name of Mr. JONES of Nevada, who is here present I see.

The PRESIDING OFFICER. The resolution as modified is before the Senate.

Mr. JONAS. I rise to a point of order. I call attention to the fact that no quorum is present, and I ask the Presiding Officer under the second standing rule of the Senate to direct the Secretary to call the roll of the Senate.

Mr. EDMUND. That point of order has just been decided adversely to the Senator.

The PRESIDING OFFICER. That point of order has been decided by the Senate.

Mr. JONAS. I ask to have the rule read.

Mr. EDMUND. That is debate.

The PRESIDING OFFICER. The Secretary will read the rule for the information of the Senate.

The Acting Secretary read as follows:

2. If either at the commencement of any daily session of the Senate, or at any time during its daily sessions, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll of Senators, and shall announce the result to the Senate; and these proceedings shall be without debate.

Mr. EDMUND. That has already been done.

Mr. VOORHEES. Mr. President—

Mr. EDMUND. Debate is not in order.

The PRESIDING OFFICER. Debate is not in order.

Mr. VOORHEES. I have a right to make an inquiry of the Chair.

The PRESIDING OFFICER. Yes, sir.

Mr. VOORHEES. I will ask the Senator from Vermont also, if I have the right; and if I have not I ask the Chair whether that rule extends any further than its own language. Its language is that the roll shall be called, and there is the termination of that order. Now, there is something else proposed here, and that is an order to arrest Senators and bring them here. That is not within that rule, and debate is not prohibited by the terms of that rule on the matter that is now before the Senate.

The PRESIDING OFFICER. The Chair does not understand that that question is presented by the Senator from Louisiana.

Mr. JONAS. I raised the point of order.

The PRESIDING OFFICER. Will the Senator from Louisiana state his point of order?

Mr. JONAS. My point of order is that, in my opinion, there is no quorum present; the vote just taken discloses the presence of no quorum; and I ask the Chair to direct the Secretary to call the roll of the Senate in accordance with Rule 2 of the standing rules of the Senate.

The PRESIDING OFFICER. A vote was taken by the Senate more than an hour since which disclosed the absence of a quorum. Thereupon the roll was called in obedience to the rules of the Senate, and a quorum of Senators was found not to be present. Thereupon the Senate proceeded to execute Rule 3, requiring the attendance of Senators, and directed the Sergeant-at-Arms to request their presence. The Sergeant-at-Arms has now made his report. No business is in order under the third rule, except a motion to adjourn, pending the execution by the Senate of its order that Senators shall be invited to attend. Now the Senator from Vermont presents a further order requiring their presence, compelling their presence, and the Chair rules that that is in further execution of the order of the Senate, under Rule 3, and that nothing else is in order except a motion to adjourn. A motion to adjourn has just been passed upon. The next business in order is the resolution of the Senator from Vermont.

Mr. VOORHEES. Does the Chair hold that that is not debatable?

The PRESIDING OFFICER. It is not debatable.

Mr. SLATER. I move that the resolution lie on the table.

Mr. JONAS. I appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Louisiana appeals from the decision of the Chair.

Mr. JONAS. On that I call for the yeas and nays.

Mr. VOORHEES. Mr. President, I appeal from the decision of the Chair. Is it debatable?

Mr. EDMUND. It is not.

The PRESIDING OFFICER. The rule seems to be express and peremptory that there shall be no debate pending the execution of this order.

Mr. VOORHEES. I know this very question was elaborately debated less than two years ago. I participated in the debate myself and so did many Senators on the floor. It is within the recollection of the whole Senate. It was elaborately debated on that side as well as on this.

Mr. ALLISON. It must have been by unanimous consent.

Mr. VOORHEES. I never heard of an appeal from a decision of the Chair that was not debatable.

The PRESIDING OFFICER. The Chair will read the rule on which his decision is founded:

Whenever it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate.

The Senator from Louisiana [Mr. JONAS] appeals from the decision of the Chair ruling that debate is not in order upon the resolution of the Senator from Vermont [Mr. EDMUND]. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

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

Mr. VOORHEES. Does the Chair decide that the appeal is not debatable also?

The PRESIDING OFFICER. The Chair so decides.

Mr. VEST. I appeal from that decision.

Mr. EDMUND. You can not try more than one appeal at once.

Mr. VOORHEES. If I can get a chance I should like to introduce some speeches of the Senator from Vermont about a couple of years ago on this very question.

The PRESIDING OFFICER. Is the call for the yeas and nays sustained?

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

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES].

The roll-call was concluded.

Mr. ANTHONY (after having voted in the affirmative). I again voted inadvertently. I withdraw my vote; I am paired with the Senator from Ohio [Mr. PENDLETON].

Mr. BECK. I am paired on all questions connected with this bill with the Senator from Maine [Mr. HALE]. So I can not vote.

The result was announced—yeas 19, nays 7; as follows:

YEAS—19.

Allison,	Conger,	Jones of Nevada,	Pugh,
Barrow,	Edmunds,	Logan,	Rollins,
Blair,	Garland,	McMillan,	Sawyer,
Cameron of Wis.,	Harrison,	Miller of Cal.,	Sherman,
Cockrell,	Jones of Florida,	Mitchell,	

NAYS—7.

Brown,	Gorman,	Maxey,	Voorhees.
Call,	Jonas,	Vest,	

ABSENT—50.

Aldrich,	Ferry,	Johnston,	Ransom,
Anthony,	Frye,	Kellogg,	Saulsbury,
Bayard,	George,	Lamar,	Saunders,
Beck,	Groome,	Lapham,	Sewell,
Butler,	Grover,	McDill,	Miller of Cal.,
Camden,	Hale,	McPherson,	Miller of N. Y.,
Cameron of Pa.,	Hampton,	Mahone,	Johnston.
Coke,	Harris,	Miller of N. Y.,	Jones of Nevada,
Davis of Ill.,	Hawley,	Morgan,	Hale,
Davis of W. Va.,	Hill,	Morrill,	Kellogg,
Dawes,	Hoar,	Platt,	Lamar,
Fair,	Ingalls,	Plumb,	Harrison,
Farley,	Jackson,	Ransom,	Lapham,

So the decision of the Chair was sustained.

The PRESIDING OFFICER. The question is on the resolution of the Senator from Vermont [Mr. EDMUND].

Mr. VEST. Is there not an appeal pending? The Chair ruled that debate was not in order.

The PRESIDING OFFICER. The Chair has so ruled, and the Senate has sustained the ruling of the Chair.

Mr. VEST. I appealed on another question than that just voted on. The Senator from Indiana [Mr. VOORHEES] proposed to discuss that appeal, and the Chair ruled that it was not debatable. From that decision I appealed. The appeal of the Senator from Louisiana has been disposed of, but the other appeal is now pending.

The PRESIDING OFFICER. The Chair was not aware that the Senator from Indiana [Mr. VOORHEES] had made a point of order.

Mr. VEST. He made it, and I appealed from the decision that debate was not in order. The appeal is entitled to be disposed of.

The PRESIDING OFFICER. The Senator from Missouri states his point of order to be that the resolution of the Senator from Vermont is debatable, if the Chair understands him.

Mr. VEST. No, but I appeal from the decision of the Chair that the appeal made by the Senator from Louisiana [Mr. JONAS] was not debatable.

The PRESIDING OFFICER. The Chair put the question on that appeal and the Senate sustained the Chair. The subject has passed beyond the reach of the Senate, and debate of course is not in order. It is not before the Senate.

Mr. VEST. If the Chair will permit me, the Senator from Louisiana appealed from the decision of the Chair, the Senator from Indiana proposed to discuss that appeal, and the Chair ruled that it was not debatable. I appealed from that decision of the Chair, and called for the yeas and nays on that appeal of mine.

The PRESIDING OFFICER. The Chair was not advised that the Senator from Missouri had appealed from the decision of the Chair that the Senator from Indiana could not be allowed to debate. That question can not now be got back to, because the Senate has already decided that the appeal taken by the Senator from Louisiana was not well taken and the decision of the Chair has been sustained.

Mr. VEST. I appealed at the time.

Mr. EDMUND. While one appeal is pending there can not be another appeal.

Mr. CALL (at 8 o'clock and 36 minutes p. m.). Pending the appeal, I move that the Senate do now adjourn.

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

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

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES].

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

The roll-call was concluded.

Mr. GARLAND. The Senator from Alabama [Mr. MORGAN] is paired with the Senator from New York [Mr. LAPHAM].

The result was announced—yeas 10, nays 16; as follows:

YEAS 10.

Beck,	Gorman,	Sherman,	Voorhees.
Brown,	Jonas,	Slater,	
Call,	Pugh,	Vest,	

NAYS 16.

Allison,	Conger,	Jones of Florida,	Mitchell,
Barrow,	Edmunds,	Logan,	Rollins,
Blair,	Garland,	McMillan,	Sawyer,
Cockrell,	Harrison,	Maxey,	Windom.

ABSENT 50.

Aldrich,	Butler,	Cameron of Wis.,	Davis of W. Va.,
Anthony,	Camden,	Coke,	Dawes,
Bayard,	Cameron of Pa.,	Davis of Ill.,	Fair,

Farley,	Hill,	McPherson,	Saulsbury,
Ferry,	Hoar,	Mahone,	Saunders,
Frye,	Ingalls,	Miller of Cal.,	Sewell,
George,	Jackson,	Miller of N. Y.,	Tabor,
Groome,	Grover,	Morgan,	Vance,
Grover,	Hale,	Morrill,	Van Wyck,
Hale,	Hampton,	Pendleton,	Walker,
Harrison,	Harris,	Platt,	Williams,
Jones of Florida,	Hawley,	Plumb,	
Logan,	Jones of Nevada,	Ransom,	
McMillan,	Kellogg,		
Miller of Cal.,	Lamar,		
Mitchell,	Lapham,		
Rollins,			
Sawyer,			
Sherman,			

So the Senate refused to adjourn.

Mr. MAXEY. I rise to make a parliamentary inquiry. An order was issued by the Senate directing the Sergeant-at-Arms to request the attendance of absent members. That order is in process of execution. The Sergeant-at-Arms has made no return. We do not know whether or not they will comply with the request. Pending that, and before any return by the Sergeant-at-Arms, that is superseded by the motion of the Senator from Vermont instructing the Sergeant-at-Arms forthwith to bring in absent Senators. I make the point that that is in violation of Rule 3, which first requires that a request to the absent Senators to attend shall be made, and in case of necessity that direction shall be given to bring them in. That necessity can not possibly be known until first a disobedience of the request is made known.

The PRESIDING OFFICER (Mr. GORMAN in the chair). The Chair thinks the point of order made by the Senator from Texas [Mr. MAXEY] is not well taken. The Sergeant-at-Arms reported to the Senate, and after the report was made the Senator from Vermont offered the resolution which is now before the Senate.

Mr. MAXEY. If the Sergeant-at-Arms has made a report I have not heard it, and I think he has not made any.

Mr. VOORHEES. The report says the order is in process of execution. The Senator from Texas is right.

Mr. EDMUND. Debate is not in order.

The PRESIDING OFFICER. The Senator from Indiana, the Chair understands, is raising a point of order.

Mr. VOORHEES. The report states that the order is yet in process of execution by the officers of the Senate.

Mr. MAXEY. That is the exact wording.

Mr. VOORHEES. If there is any question about that, let that portion of the report be read again.

Mr. MAXEY. There is no return. There is simply a statement that the order is in process of execution.

Mr. JONES, of Florida. I understand the Sergeant-at-Arms has made a return to the order of the Senate requesting the presence of absent Senators. I ask that his return be read.

Mr. CONGER. I make the point that that is in the nature of argument and not in order now.

The PRESIDING OFFICER. The Chair thinks a Senator has a right to call for the reading of the report.

Mr. EDMUND. Then he can call all night.

Mr. JONES, of Florida. We have a right to know why they are absent.

The PRESIDING OFFICER. The report will be read.

The Acting Secretary read as follows:

To the President of the Senate:

In the execution of the order of the Senate to request the attendance of absent Senators, the Secretary reported the following as absent:

Messrs. Aldrich, Beck, Butler, Camden, Cameron of Pennsylvania, Davis of Illinois, Davis of West Virginia, Dawes, Fair, Farley, Ferry, George, Groome, Grover, Hale, Hawley, Hill, Hoar, Johnston, Kellogg, Lamar, Lapham, McPherson, Miller of New York, Morrill, Platt, Plumb, Ransom, Saulsbury, Sewell, Sherman, Vance, Van Wyck, Walker, and Williams.

Mr. MAXEY. He does not say that he requested those members to be present.

Mr. BECK. I rise to a parliamentary inquiry. I desire to know what the order of the Senate was, whether it was an arrest or a request.

The PRESIDING OFFICER. The Senator from Kentucky is not in order. The Secretary will proceed.

The Acting Secretary continued the reading, as follows:

Of these, Senators Cameron of Pennsylvania, Fair, Ferry, Lamar, McPherson, and Sewell, are absent from the city.

Sick and unable to attend, Senators Farley, George, Lapham, Saunders, and Walker.

A number of Senators are reported to be at a dinner at Secretary Chandler's, where the host refused admission to the officers sent to notify them.

Senators Groome, Kellogg, and Saulsbury could not be found.

Officers are in search of the remainder.

Very respectfully,

R. J. BRIGHT, Sergeant-at-Arms.

The PRESIDING OFFICER. That return has been made by the Sergeant-at-Arms. Taking the matter into consideration, the Chair thinks the resolution is in order, and must be determined without debate. The question is on the adoption of the resolution offered by the Senator from Vermont.

Mr. MAXEY. I make the point that that is not in order, because—

Mr. BECK. I rose to a parliamentary inquiry—I thought it was a parliamentary inquiry—whether I had the right to have this order of the Senate read under which we were sent for.

The PRESIDING OFFICER. Not at this moment.

Mr. BECK. If the Chair says it is not in order, very well. Is it in order now to have it read?

The PRESIDING OFFICER. It is not.

Mr. BECK. I merely desired to know whether I was ordered to be arrested or requested to come here.

The PRESIDING OFFICER. That is not in order now. The question is on the adoption of the resolution.

Mr. MAXEY. I make the point of order—

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. MAXEY. I make the point of order that the order of the Senate requesting the attendance of absent members has not been complied with; that there is no official report that it has been executed, and until the return of the Sergeant-at-Arms showing its execution or the reasons why it has not been executed, a motion to compel absent Senators to attend is not in order. I make that point.

The PRESIDING OFFICER. The Chair decides that the point of order is not well taken for the reason—

Mr. MAXEY. I appeal from the decision of the Chair.

The PRESIDING OFFICER. For the reason it could only be made at the time of offering the resolution by the Senator from Vermont. The Chair understands that an appeal is taken.

Mr. VOORHEES. Yes, sir.

Mr. JONES, of Florida. Is it debatable?

The PRESIDING OFFICER. It is not.

Mr. SHERMAN. I rise to ask the Chair a question of fact. I heard my name read as among the list of absentees. I have responded here twice since I returned to the Senate Chamber.

Mr. COCKRELL. I think the Senator was absent at the time of the roll-calls referred to.

The PRESIDING OFFICER. The Senator from Missouri is not in order.

Mr. JONES, of Florida. The Senator from Texas was permitted to make debate.

The PRESIDING OFFICER. Shall the decision of the Chair stand as the judgment of the Senate?

Mr. JONAS and others called for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. SLATER. Mr. President—

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. SLATER. Mr. President—

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SLATER. I move that the resolution lie on the table.

The PRESIDING OFFICER. The question is on the appeal from the decision of the Chair.

Mr. SLATER. I beg pardon.

The Principal Legislative Clerk proceed to call the roll.

Mr. ANTHONY (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call having been concluded,

The result was announced—yeas 21, nays 6; as follows:

YEAS—21.

Allison,	Conger,	McDill,	Sherman,
Barrow,	Edmunds,	McMillan,	Slater,
Beck,	Garland,	Mitchell,	Windom.
Blair,	Harrison,	Pugh,	
Cameron of Wis.	Jones of Florida,	Rollins,	
Cockrell,	Logan,	Sawyer,	

NAYS—6.

Brown,	Jonas,	Vest,	Voorhees.
Call,	Maxey,		

ABSENT—19.

Aldrich,	Frye,	Johnston,	Plumb,
Anthony,	George,	Jones of Nevada,	Ransom,
Bayard,	Gorman,	Kellogg,	Saulsbury,
Butler,	Groome,	Lamar,	Saunders,
Camden,	Grover,	McPherson,	McPherson,
Cameron of Pa.,	Hale,	Hampshire,	Sewell,
Coke,	McPherson,	Lapham,	Slater,
Davis of Ill.	Hampshire,	McPherson,	Tabor,
Davis of W. Va.,	Hawley,	Miller of Cal.,	Vance,
Dawes,	Hill,	Miller of N. Y.,	Miller of N. Y.,
Fair,	Hoar,	Van Wyck,	Van Wyck,
Farley,	Ingalls,	Walker,	Walker,
Ferry,	Jackson,	Williams.	Williams.

So the decision of the Chair was sustained.

The PRESIDING OFFICER. The question now is—

Mr. JONAS (at 8 o'clock and 55 minutes p. m.). I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator from Louisiana moves that the Senate do now adjourn.

Mr. COKE. I move to amend that motion by adding "until 11 o'clock to-morrow morning."

The PRESIDING OFFICER. The question is on the motion of the Senator from Louisiana [Mr. JONAS], that the Senate do now adjourn. It is not amendable.

Mr. COKE. I move an amendment to the motion.

The PRESIDING OFFICER. The motion to adjourn is not amendable.

Mr. COKE. I move a substitute, if it is in order, that we adjourn till 11 o'clock to-morrow.

The PRESIDING OFFICER. A motion to adjourn is not amendable.

Mr. JONAS. I ask for the yeas and nays on the motion to adjourn. The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). I am paired with the Senator from Mississippi [Mr. GEORGE].

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES].

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

Mr. ANTHONY (when Mr. PENDLETON's name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

The result was announced—yeas 9, nays 17; as follows:

YEAS—9.

Beck,	Gorman,	Sherman,	Vest,
Brown,	Pugh,	Slater,	Voorhees.
Call,			

NAYS—17.

Allison,	Edmunds,	Logan,	Sawyer,
Barrow,	Garland,	McDill,	Plumb,
Blair,	Harrison,	McMillan,	Ransom,
Cockrell,	Jones of Florida,	Maxey,	Saulsbury,
Conger,	Jones of Nevada,	Rollins,	Saunders,

ABSENT—50.

Aldrich,	Ferry,	Johnston,	Platt,
Anthony,	Frye,	Jonas,	Plumb,
Bayard,	George,	Kellogg,	Ransom,
Butler,	Groome,	Lamar,	Saulsbury,
Camden,	Grover,	McPherson,	Saunders,
Cameron of Pa.,	Hale,	Hampshire,	Sewell,
Coke,	McPherson,	Lapham,	Slater,
Davis of Ill.	Hampshire,	McPherson,	Tabor,
Davis of W. Va.,	Hawley,	Miller of Cal.,	Vance,
Dawes,	Hill,	Miller of N. Y.,	Miller of N. Y.,
Fair,	Hoar,	Van Wyck,	Van Wyck,
Farley,	Ingalls,	Walker,	Walker,
Ferry,	Jackson,	Williams.	Williams.

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the resolution offered by the Senator from Vermont [Mr. EDMUNDS].

Mr. SLATER. I move that the resolution lie on the table, and I ask for the yeas and nays.

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

Mr. ANTHONY (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES].

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call having been concluded, the result was announced—yeas 9, nays 17; as follows:

YEAS—9.

Beck,	Jonas,	Pugh,	Vest,
Brown,	Jones of Florida,	Sherman,	Voorhees.
Call,			

NAYS—17.

Allison,	Edmunds,	Logan,	Sawyer,
Barrow,	Garland,	McDill,	Plumb,
Blair,	Gorman,	McMillan,	Ransom,
Cockrell,	Harrison,	Mitchell,	Saulsbury,
Conger,	Jones of Nevada,	Rollins,	Saunders,

ABSENT—50.

Aldrich,	Ferry,	Johnston,	Platt,
Anthony,	Frye,	Kellogg,	Plumb,
Bayard,	George,	Lamar,	Ransom,
Butler,	Groome,	McPherson,	Saulsbury,
Camden,	Grover,	Sewell,	Sewell,
Cameron of Pa.,	Hale,	Slater,	Slater,
Coke,	McPherson,	Tabor,	Tabor,
Davis of Ill.	Hampshire,	Maxey,	Vance,
Davis of W. Va.,	Hawley,	Miller of Cal.,	Miller of Cal.,
Dawes,	Hill,	Miller of N. Y.,	Miller of N. Y.,
Fair,	Hoar,	Van Wyck,	Van Wyck,
Farley,	Ingalls,	Walker,	Walker,
Ferry,	Jackson,	Williams.	Williams.

The PRESIDING OFFICER. The Senate refuses to lay the resolution on the table.

Mr. COKE (at 9 o'clock and 2 minutes p. m.). I move that the Senate do now adjourn; and on that motion I ask for the yeas and nays.

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

Mr. ANTHONY (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

The PRESIDING OFFICER. The question recurs on the resolution of the Senator from Vermont [Mr. EDMUND'S].

Mr. JONAS (at 9 o'clock and 20 minutes p. m.). I move that the Senate adjourn until 12 o'clock to-morrow.

Mr. CAMERON, of Wisconsin. That motion is not in order.

The PRESIDING OFFICER. The Chair is of the opinion that no motion can be received except a motion simply to adjourn. The motion of the Senator from Louisiana is not in order.

Mr. JONES, of Florida. The Chair entertained a motion to suspend the execution—

Mr. EDMUND'S. Debate is not in order.

The PRESIDING OFFICER. Debate is not in order.

Mr. JONES, of Florida. A motion to suspend the execution of the resolution being executed—

The PRESIDING OFFICER. Debate is not in order.

Mr. JONAS. I am compelled to appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Louisiana moves that the Senate adjourn until to-morrow at 12 o'clock. The Chair decides that that motion is not in order. Thereupon the Senator from Louisiana appeals. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

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

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

Mr. ANTHONY (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call was concluded.

Mr. COKE. I am paired with the Senator from Massachusetts [Mr. DAWES].

The result was announced—yeas 17, nays 8; as follows:

YEAS—17.

Allison,	Edmunds,	McDill,	Sherman,
Barrow,	Garland,	McMillan,	Windom.
Blair,	Harrison,	Mitchell,	
Cameron of Wis.,	Jones of Nevada,	Rollins,	
Conger,	Logan,	Sawyer,	

NAYS—8.

Beck,	Cockrell,	Jones of Florida,	Vest,
Call,	Jonas,	Maxey,	Voorhees.

ABSENT—51.

Aldrich,	Ferry,	Jackson,	Plumb,
Anthony,	Frye,	Johnston,	Pugh,
Bayard,	Garland,	Kellogg,	Ransom,
Brown,	Harrison,	George,	Lamar,
Butler,	Jones of Nevada,	Groome,	Lapham,
Camden,	Logan,	Hale,	McPherson,
Cameron of Pa.,		Grover,	Saunders,
Coke,		Hale,	Sewell,
Davis of Illinois,		Mahone,	Slater,
Davis of W. Va.,		Hampton,	Tabor,
Dawes,		Harris,	Vance,
Fair,		Hawley,	Van Wyck,
Farley,		Hill,	Morrill,
		Hoar,	Walker,
		Ingalls,	Williams,
		Platt,	

The PRESIDING OFFICER. The decision of the Chair stands as the judgment of the Senate.

Mr. VEST (at 9 o'clock and 26 minutes p. m.). I move that the Senate do now adjourn.

The PRESIDING OFFICER. The last business transacted, the Chair is informed, was a motion to adjourn, which was negatived.

Mr. JONAS. The last business transacted was a vote on an appeal from the decision of the Chair.

The PRESIDING OFFICER. The Chair ruled that that motion was out of order. There was therefore nothing done, and a motion for an adjournment is not now in order, because no business has intervened since the last motion to adjourn.

Mr. VEST. I appeal from the decision of the Chair.

Mr. EDMUND'S. That is a repetition of the same appeal on the same question.

The PRESIDING OFFICER. The Chair so rules, but the Chair will submit the appeal nevertheless to the Senate. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

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

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

Mr. ANTHONY (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call having been concluded, the result was announced—yeas 16, nays 10; as follows:

YEAS—16.

Allison,	Conger,	Jones of Nevada,	Rollins,
Blair,	Edmunds,	Logan,	Sawyer,
Brown,	Garland,	McDill,	Sherman,
Cameron of Wis.,	Harrison,	McMillan,	Windom.

NAYS—10.

Barrow,	Gorman,	Maxey,	Voorhees.
Call,	Jonas,	Pugh,	
Cockrell,	Jones of Florida,	Vest,	

ABSENT—50.

Aldrich,	Ferry,	Johnston,	Plumb,
Anthony,	Frye,	Kellogg,	Ransom,
Bayard,	Garland,	Lamar,	Saulsbury,
Beck,	Harrison,	Groome,	Saunders,
Butler,	Jones of Nevada,	Grover,	Sewell,
Camden,	Logan,	Hale,	Slater,
Cameron of Pa.,		Hampton,	Tabor,
Coke,		Harris,	Vance,
Davis of Ill.,		Hawley,	Van Wyck,
Davis of W. Va.,		Hill,	Morrill,
Dawes,		Hoar,	Pendleton,
Fair,		Ingalls,	Platt,
Farley,		Jackson,	

The PRESIDING OFFICER. The decision of the Chair stands as the judgment of the Senate.

Mr. GORMAN (at 9 o'clock and 32 minutes p. m.). I move that the Senate adjourn until half past 10 o'clock to-morrow.

Mr. EDMUND'S. That has been already decided not to be in order.

The PRESIDING OFFICER. The Chair decides that the motion is not in order. The Chair begs leave to state that when a quorum is not present it is impossible for the Senate to change the rule establishing the hour of meeting, which is 10 o'clock to-morrow. So nothing is in order on that subject but a motion to adjourn.

Mr. GORMAN. Then I appeal from the decision of the Chair, and ask for the yeas and nays on the appeal.

The PRESIDING OFFICER. The Senator from Maryland [Mr. GORMAN] appeals from the decision of the Chair, the Chair ruling that a motion to adjourn to half past 10 o'clock to-morrow is not in order. The yeas and nays are demanded upon this question. Is the call seconded?

The yeas and nays were ordered, and the Acting Secretary proceeded to call the roll.

Mr. ANTHONY (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call having been concluded, the result was announced—yeas 17, nays 7; as follows:

YEAS—17.

Allison,	Cameron of Wis.,	Logan,	Sherman,
Barrow,	Conger,	McDill,	Slater.
Beck,	Edmunds,	McMillan,	
Blair,	Garland,	Rollins,	
Brown,	Harrison,	Sawyer,	

NAYS—7.

Call,	Jonas,	Maxey,	Voorhees.
Gorman,	Jones of Florida,	Vest,	

ABSENT—52.

Aldrich,	Ferry,	Johnston,	Platt,
Anthony,	Frye,	Jones of Nevada,	Plumb,
Bayard,	Garland,	Kellogg,	Pugh,
Beck,	Harrison,	George,	Ransom,
Butler,	Jones of Nevada,	Groome,	Lamar,
Camden,	Logan,	Hale,	Lapham,
Cameron of Pa.,		Grover,	McPherson,
Coke,		Hampshire,	Saunders,
Davis of Ill.,		Harris,	Sewell,
Davis of W. Va.,		Hawley,	Tabor,
Dawes,		Hill,	Vance,
Fair,		Hoar,	Van Wyck,
Farley,		Ingalls,	Morrill,
		Jackson,	Pendleton,
			Windom.

The PRESIDING OFFICER. The decision of the Chair stands as the judgment of the Senate. The question recurs on the resolution of the Senator from Vermont [Mr. EDMUND'S].

Mr. VEST (at 9 o'clock and 38 minutes p. m.). I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri [Mr. VEST], that the Senate adjourn.

Mr. VOORHEES. Is that motion in order? Let me call attention to the fact that there are no more Senators answering to their names now than when the proceedings were commenced under the call.

The PRESIDING OFFICER. Those who are in favor of the motion of the Senator from Missouri [Mr. VEST] to adjourn, will say "aye;" contrary, "no." [Putting the question.] The noes appear to have it.

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

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

Mr. ANTHONY (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call having been concluded, the result was announced—yeas 10, nays 16; as follows:

YEAS—10.

Beck,	Gorman,	Sherman,	Voorhees.
Brown,	Maxey,	Slater,	
Call,	Pugh,	Vest,	

NAYS—16.

Allison,	Conger,	Jones of Florida,	
Barrow,	Edmunds,	Jones of Nevada,	McMillan,
Blair,	Garland,	Logan,	Rollins,
Brown,	Harrison,	Sawyer,	Sawyer,
Cameron of Wis.,		Windom.	Windom.

ABSENT—50.

Aldrich,	Ferry,	Johnston,	Platt,
Anthony,	Frye,	Jonas,	Plumb,
Bayard,	George,	Kellogg,	Ransom,
Butler,	Groome,	Lamar,	Saulsbury,
Camden,	Grover,	Lapham,	Saunders,
Cameron of Pa.,	Hale,	McPherson,	Sewell,
Cameron of Wis.,	Hampton,	Mahone,	Tabor,
Coke,	Harris,	Miller of Cal.,	Vance,
Davis of Ill.,	Hawley,	Miller of N. Y.,	Van Wyck,
Davis of W. Va.,	Hill,	Mitchell,	Walker,
Dawes,	Hoar,	Morgan,	Williams.
Fair,	Ingalls,	Morrill,	
Farley,	Jackson,	Pendleton,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the resolution of the Senator from Vermont [Mr. EDMUND].

Mr. JONAS. I move to lay the resolution on the table.

Mr. EDMUND. That motion is not in order.

The PRESIDING OFFICER. The Chair rules that the motion is not in order. The Senate has passed upon it.

Mr. JONAS. I appeal from the decision of the Chair.

Mr. EDMUND. I submit that an appeal can not be taken. The Senate has decided that very question.

Mr. JONAS. The Senate has not decided the appeal.

The PRESIDING OFFICER. The Chair is of the opinion that the action taken on the previous motion to lay the resolution on the table is conclusive, and the subject can not now, except upon a motion to reconsider, be dealt with.

Mr. JONAS. I ask the Chair whether I am not entitled to take an appeal from the ruling of the Chair, not being satisfied with it?

Mr. LOGAN. How long would it take the Senator to get satisfied? [Laughter.]

The PRESIDING OFFICER. The Chair is not aware that the question of the right of a Senator to take an appeal, where the record stands confronted with the action which he proposes to take, has ever been decided.

Mr. LOGAN. It is about time that it should be.

The PRESIDING OFFICER. The Chair will therefore submit that question to the Senate.

Mr. JONAS. Is it a debatable question?

Mr. EDMUND. No; it does not arise out of a question that is open to debate.

The PRESIDING OFFICER. No debate is in order upon any proposition. The question now submitted to the Senate is whether the Senator from Louisiana [Mr. JONAS] has a right to appeal from the decision of the Chair.

Mr. EDMUND. The decision made?

The PRESIDING OFFICER. The decision just made.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. Those who are of the opinion that the Senator from Louisiana has the right of appeal will make it known by saying "yea," those opposed will say "nay," as your names are called. The Secretary will call the roll.

Mr. ANTHONY (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

The roll-call having been concluded, the result was announced—yeas 9, nays 16; as follows:

YEAS—9.

Beck,	Cockrell,	Jonas,	Maxey,
Brown,	Gorman,	Jones of Florida,	Voorhees.
Call,			

NAYS—16.

Allison,	Conger,	Jones of Nevada,	Rollins,
Barrow,	Edmunds,	Logan,	Sawyer,
Blair,	Garland,	McDill,	Sherman,
Cameron of Wis.,	Harrison,	McMillan,	Windom.

ABSENT—51.

Aldrich,	Frye,	Kellogg,	Pugh,
Anthony,	George,	Lamar,	Ransom,
Bayard,	Groome,	Lapham,	Saulsbury,
Butler,	Grover,	McPherson,	Saunders,
Camden,	Hale,	Mahone,	Sewell,
Cameron of Pa.,	Hampton,	Miller of Cal.,	Tabor,
Coke,	Harris,	Miller of N. Y.,	Vance,
Davis of Illinois,	Hawley,	Mitchell,	Van Wyck,
Davis of W. Va.,	Hill,	Morgan,	Vest,
Dawes,	Hoar,	Morrill,	Walker,
Fair,	Ingalls,	Pendleton,	Williams.
Farley,	Jackson,	Platt,	
Ferry,	Johnston,	Plumb,	

The PRESIDING OFFICER. The Senate decides that the Senator from Louisiana [Mr. JONAS] has not the right of appeal from the decision of the Chair in this case.

Mr. MAXEY (at 9 o'clock and 50 minutes p. m.) I move that the Senate do now adjourn.

Mr. EDMUND. No business has intervened.

The PRESIDING OFFICER. The Chair is of opinion that having submitted the question of order to the Senate for its decision, business has intervened. The question is on the motion of the Senator from Texas [Mr. MAXEY] that the Senate adjourn.

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

The yeas and nays were not ordered.

Mr. CALL. I withdraw the call.

Mr. MAXEY. I make the demand for the yeas and nays.

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

Mr. ANTHONY (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

Mr. CAMERON, of Wisconsin (when his name was called). I am paired with the Senator from Mississippi [Mr. GEORGE].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call having been concluded, the result was announced—yeas 10, nays 15; as follows:

YEAS—10.

Beck,	Gorman,	Pugh,	Voorhees.
Brown,	Jonas,	Sherman,	
Call,	Maxey,	Slater,	

NAYS—15.

Allison,	Conger,	Jones of Florida,	Mitchell,
Barrow,	Edmunds,	Jones of Nevada,	Rollins,
Blair,	Garland,	Logan,	Sawyer.
Cameron of Wis.,	Harrison,	McMillan,	

ABSENT—51.

Aldrich,	Ferry,	Johnston,	Plumb,
Anthony,	Frye,	Kellogg,	Ransom,
Bayard,	George,	Lamar,	Saulsbury,
Butler,	Groome,	Lapham,	Saunders,
Camden,	Grover,	McDill,	Sewell,
Cameron of Pa.,	Hale,	McPherson,	Tabor,
Coke,	Hampton,	Mahone,	Vance,
Davis of Ill.,	Harris,	Miller of Cal.,	Van Wyck,
Davis of W. Va.,	Hawley,	Miller of N. Y.,	Vest,
Dawes,	Hill,	Morgan,	Walker,
Fair,	Hoar,	Morrill,	Williams,
Farley,	Ingalls,	Pendleton,	Windom.
Ferry,	Jackson,	Platt,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on agreeing to the resolution of the Senator from Vermont [Mr. EDMUND].

Mr. GORMAN. I ask that the resolution may be read.

The PRESIDING OFFICER. The Secretary will read the resolution of the Senator from Vermont.

The Acting Secretary read as follows:

Ordered, That the Sergeant-at-Arms bring into the Senate forthwith the following-named Senators now absent from this sitting of the Senate without its leave, namely, Senators Aldrich, Bayard, Beck, Butler, Camden, Davis, of Illinois, Davis of West Virginia, Dawes, Frye, Groome, Grover, Hale, Hampton, Harris, Hawley, Hill, Hoar, Jackson, Johnston, Kellogg, McPherson, Mahone, Miller of New York, Morrill, Pendleton, Platt, Plumb, Ransom, Saulsbury, Sewell, Sherman, Vance, Van Wyck, and Williams.

Mr. SHERMAN. I desire to say—

Mr. GORMAN. As the Senator from Kentucky [Mr. BECK] is present now, I move to amend the resolution by striking out his name.

Mr. EDMUND. No amendment is in order. I make the point of order against the Senator from Maryland. If Senators do not like the resolution, they can vote it down.

Mr. BECK. Does the resolution order the arrest of those who are here?

Mr. EDMUND. I make the point of order that debate is not in order.

Mr. BECK. I propose to inquire whether the resolution now offered proposes to arrest those of us who are here.

The PRESIDING OFFICER. The Secretary will read the resolution for the information of the Senator from Kentucky.

The resolution was again read.

Mr. BECK. That is not true upon its face. I am in the Senate.

Mr. EDMUND. Debate is not in order.

Mr. BECK. But the truth ought to be told. If the Senator from Vermont thinks it is in order to have the record state what is not true, I have the right to tell the truth.

Mr. VOORHEES. I rise to a parliamentary inquiry. I ask whether it is in order for the Senate to put upon its record a self-evident falsehood? Senators are named in the resolution as absent when as a fact they are here present and answering to their names.

The PRESIDING OFFICER. The Chair does not feel called upon to decide a question of that description, no point of order having been raised.

Mr. EDMUND. I will modify the resolution by striking out the names of the Senator from Ohio [Mr. SHERMAN] and the Senator from Kentucky [Mr. BECK].

Mr. SLATER. The yeas and nays have been ordered upon the resolution, and it can not be modified without unanimous consent. I object.

Mr. BECK. I went home, having been paired, and my family being sick, and I came back as soon as I was notified. So did the Senator from Ohio.

Mr. SHERMAN. I understand that the resolution is not amendable.

Mr. EDMUND. No; but I have modified it.

Mr. BROWN. If it is not amendable what right has the Senator from Vermont to modify it without the consent of the Senate?

Mr. EDMUND. Because we are not acting—I can not make the argument, as debate is not in order.

The PRESIDING OFFICER. The Chair holds that this resolution, as all other resolutions before the Senate, is amendable, but that it must be done without debate.

Mr. BARROW. Then I move to strike out the names of the Senator from Ohio [Mr. SHERMAN] and the Senator from Kentucky [Mr. BECK].

The PRESIDING OFFICER. The question is on the motion of the Senator from Georgia [Mr. BARROW] to strike out the names of the Senator from Ohio [Mr. SHERMAN] and the Senator from Kentucky [Mr. BECK].

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

The yeas and nays were ordered.

Mr. McMILLAN. I understood that the resolution was modified before the motion of the Senator from Georgia [Mr. BARROW] was submitted.

The PRESIDING OFFICER. It was a question whether the resolution being in the possession of the Senate, the Senator from Vermont had the right to modify it without leave.

Mr. GORMAN. I submit that immediately after the resolution was read I moved to amend it by striking out the name of the Senator from Kentucky [Mr. BECK].

The PRESIDING OFFICER. The Chair so understood, before the proposition to modify had been made. The Secretary will call the roll on agreeing to the amendment of the Senator from Georgia [Mr. BARROW].

Mr. JONAS. What is the amendment?

The PRESIDING OFFICER. The question is on the motion of the Senator from Georgia [Mr. BARROW] to strike out the names of the Senator from Kentucky [Mr. BECK] and the Senator from Ohio [Mr. SHERMAN].

Mr. JONAS. I ask for a division of the question.

The PRESIDING OFFICER. The Senator is entitled to a division of the question. The Chair is not in possession of the precise form of the amendment, whether the name of the Senator from Kentucky or of the Senator from Ohio occurs first.

Mr. BARROW. The name of the Senator from Ohio was stated first.

The PRESIDING OFFICER. The question would be therefore taken, first, on striking out the name of the Senator from Ohio.

Mr. EDMUND. That is a mistake of fact. The names are in alphabetical order.

Mr. GROOME. Mr. President, I should like to ask what question is before the Senate.

The PRESIDING OFFICER. The question before the Senate is upon the motion of the Senator from Georgia [Mr. BARROW] to strike out the names of the Senator from Ohio [Mr. SHERMAN] and the Senator from Kentucky [Mr. BECK] by way of amendment to the resolution of the Senator from Vermont [Mr. EDMUND].

Mr. CONGER. Does that mean to strike them from the rolls of the Senate?

The PRESIDING OFFICER. It is to strike them from the order which is proposed by the Senator from Vermont.

Mr. GROOME. I should like to ask what the order is, having been out for a short period. [Laughter.]

Mr. MAXEY. I submit that the Senator from Maryland is not present.

The PRESIDING OFFICER. The Chair will not entertain any question of order until the Senate is in order.

Mr. GROOME. Exactly what I am endeavoring to ascertain is what the business is before the Senate.

Mr. EDMUND. It being perfectly obvious under the rulings of the Chair and the votes on the other side that it is impossible even to send for absent Senators, I move that the Senate adjourn.

Mr. COCKRELL. I hope the Senator will not make that motion until we get those Senators from that residence where the host refused admission to the messengers of the Senate.

Mr. EDMUND. Debate is not in order.

The PRESIDING OFFICER. Debate is not in order. The Senator from Vermont moves that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 23, 1883.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

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

ORDER OF BUSINESS.

Mr. BUCK, Mr. TOWNSHEND of Illinois, and others addressed the Chair.

Mr. UPSON. I call for the regular order.

FRANCIS A. BAIRD.

Mr. URNER. I am directed by the Committee on Accounts to report back the resolution which I send to the desk, and to move its reference to the Committee on Appropriations.

The resolution was read, as follows:

Resolved, That the Clerk of the House be, and is hereby, directed to pay to Francis A. Baird, out of the contingent fund of the House, a sum equal to the difference between the compensation received by him as a laborer and that of electrician from the 24th day of February, 1882, to the 24th day of February, 1883.

The resolution, with the accompanying report, was referred to the Committee on Appropriations.

AMENDMENT OF RULES.

Mr. ROBESON. I call up for consideration at this time the resolution reported by the yesterday from the Committee on Rules.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That during the remainder of this session of Congress it shall be in order, immediately after the approval of the Journal, to proceed in the House as in Committee of the Whole to the consideration, for the period of one hour, of bills and resolutions which shall have been previously reported by standing committees of the House, and such reports printed, and Senate bills and resolutions on the Speaker's table, which, or substantially similar measures, shall have received favorable action of appropriate House committees, in the following manner, to wit:

The Speaker shall call the standing committees in their order, whereupon by direction of committees so called, not more than one measure may be called up for final consideration; if not more than four members object such consideration shall proceed, provided that debate on each bill or resolution shall be limited to ten minutes, exclusive of five minutes which may be occupied in reading reports of committees, the latter upon request of a member to be allowed prior to submitting the call for objections; this hour not to interfere with revenue or appropriation bills.

Mr. ROBESON. Mr. Speaker, I will say that this proposed rule is the same as the rule known as the "Pound rule," which prevailed for a short time before the close of the last session of Congress, there being a change in only one particular, that by the "Pound rule" of last session objection by four members prevented the consideration of a measure, while this requires objection by five. I will state the substance of this proposed rule. It is that the standing committees shall be called in their order; that one measure recommended by a committee may be called up for immediate action; that five minutes may be consumed in the reading of the report or in explanation in lieu of it; and if after the report is read or the explanation in lieu of it is had five members object to the consideration of the bill, it is not considered. That is the whole of it.

Mr. HAMMOND, of Georgia. The expression "or explanation in lieu thereof" is not in this proposed rule. It might be an advantage to insert it.

Mr. ROBESON. If that language is not in, I accept the gentleman's suggestion and put it in.

Mr. BEACH. I wish to inquire of the gentleman from New Jersey whether the call of committees under this resolution will embrace select committees appointed under special resolutions of the House, or simply the standing committees. If it does not, I desire to have the resolution amended in that respect.

Mr. ROBESON. The words of the resolution are "standing committees."

Mr. BEACH. Will the gentleman accept the amendment I suggest?

Mr. ROBESON. I am not authorized by the committee to accept an amendment on so material a point. In reporting this proposed rule I am merely the organ of the committee.

Mr. RANDALL. As one member of the committee, I have no objection to that modification.

The SPEAKER. If the word "standing" be struck out, the Chair would interpret the rule to include select as well as standing committees.

Mr. ROBESON. Very well; if there is no objection I will omit the word "standing."

Mr. ATKINS. I desire to inquire whether under this rule one hour is to be assigned to a committee, or whether a committee is to have just one call?

Mr. ROBESON. One hour each day is assigned to the execution of this order, and during that hour as many committees will be called as can get through with their business.

Mr. ATKINS. Calling each committee once?

Mr. ROBESON. Yes, sir.

The SPEAKER. The debate upon each bill is limited to ten minutes.

Mr. URNER. I wish to inquire of the gentleman from New Jersey whether when a committee is called a member of the committee can, by its direction, call from the Calendar any bill, whether reported by that committee or not.

Mr. ROBESON. My recollection is that last session it was ruled that a bill called up by the direction of the committee must be one of which the committee had charge.

Mr. ANDERSON. Mr. Speaker—

Mr. ROBESON. I will yield to the gentleman. How much time does he wish?

Mr. ANDERSON. Only a few minutes,

Mr. ROBESON. I yield to my friend from Kansas for five minutes.

Mr. ANDERSON. Mr. Speaker, I wish to make two suggestions in regard to this resolution. First, during all of next week, being the last six days of the session, motions to suspend the rules will be in order at any time. This resolution will have no effect except when the House can not suspend the rules. But it will enable certain measures, if brought before the House without objection from five members, to be passed by a majority vote instead of a two-thirds vote. This will not expedite business to any very great extent. And but few committees will be reached, not more than four in any one hour if each committee presents something.

But the strongest objection in my mind is that this proposed rule sets apart an hour each day when the House must go on with this business. We may need that hour for many other things. It can be applied to other purposes under the present rules of the House, and I am frank to say that back of all my opposition to this is a gentle suspicion on my part that some bills may be forced through the House that in my judgment ought not to be passed, and at a time when the four or five gentlemen who would otherwise object may not happen to be present.

Mr. RANDALL. It is their duty to be here.

Mr. ANDERSON. That is all very true; but they are sometimes necessarily absent, and the rules of the House for the present transaction of business are ample in my judgment for the remainder of this session. There are certain bills that I should certainly object to seeing go through under any such modification of the rules, or in any other way. I do not want to see the Pacific railroad bills, the whisky bills, and a good many other bills put through. We have all of next week in which motions to suspend the rules can be made, and there is no necessity now for taking this step. If this had been proposed for adoption two or three or four weeks ago there might have been some reason for it; but there certainly can be none now at this late date in the session.

Mr. ROBESON. For the information of the gentleman from Kansas, let me say this rule expressly provides that in its operation it is not to interfere with revenue or appropriation bills; so that there is no difficulty about the right of way for such measures. The rule is amply guarded in this, that the objection of any five members will stop the consideration of any bill that may be brought up for consideration under its operation.

I move the previous question upon the adoption of the report of the committee.

Mr. RANDALL. Let me say in addition to what has been said by the gentleman from New Jersey, that we must leave something to the discretion of the Chair; and I want to remark further that a bill which is not objected to by five members of this House is likely to be right, and one that will commend itself to the judgment of the House.

The SPEAKER. The Chair will inquire of the gentleman from New Jersey whether it is understood that the word "standing" is to be stricken out?

Mr. ROBESON. I have accepted that amendment, and have also agreed to insert after the words "reading reports of committees," the words "or explanation in lieu thereof."

Mr. REAGAN. How will it read then?

Mr. ROBESON. The effect of the change will be that all committees of the House will be called in their order, both select and standing committees.

The SPEAKER. That change will make the rule applicable to all of the committees.

Mr. BURROWS, of Michigan. I desire to ask whether the rule provides that the bill shall be read before objections are called for?

The SPEAKER. That has always been held to be the right of the House.

Mr. BURROWS, of Michigan. So that we will have some knowledge of the bill itself before being called upon to make objection to its consideration.

The SPEAKER. And besides that, this rule goes further and allows a member to have the report read for a length of time not exceeding five minutes before objections are asked for.

Mr. ROBESON. Or five minutes for explanation in lieu of the reading of the report.

I demand the previous question.

Mr. ANDERSON. I demand a division on the previous question.

The House divided; and there were—ayes 72, noes 11.

So (no further count being demanded) the previous question was ordered; and under the operation of which the resolution reported by the Committee on Rules as modified was agreed to.

Mr. ROBESON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRIBUTION OF CONGRESSIONAL GLOBE AND RECORD.

Mr. VAN HORN. I wish to call up now for present consideration the concurrent resolutions which were laid over on the day before yesterday at the request of gentlemen who wished to examine it. I under-

stand that after having looked into it there is no objection to its immediate adoption.

The SPEAKER. The concurrent resolutions reported from the Committee on Printing will be again read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to deliver, in bound form, to the Secretary of the Interior the volumes of the Congressional Globe purchased from Messrs. Rives.

SEC. 2. That the Secretary of the Interior shall, from the volumes thus delivered to him, supply to the library of each of the Executive Departments, to the State library of each State, to the Territorial library of each Territory, and to the library of each depository of public documents in the several States designated or to be designated in accordance with provisions of law such volumes as are required to complete the sets of Congressional Globes in said libraries.

SEC. 3. That the Secretary of the Interior shall distribute the volumes of the Globe remaining after the distribution hereinafter directed has been made to such libraries in the several States as in his discretion he may select to receive them.

SEC. 4. That the Secretary of the Interior shall report to Congress the name and location of the libraries supplied with documents under the provisions of this resolution and the number of volumes supplied to each.

SEC. 5. That hereafter the Public Printer shall deliver to the Secretary of the Interior a sufficient number of bound copies of the CONGRESSIONAL RECORD to enable that officer to supply one copy to each library named in section 2 of this resolution.

Mr. VAN HORN. I desire to make a correction in the resolutions by substituting "be it further resolved" in place of the present arrangement of sections "two," "three," &c. Being a concurrent resolution it should not have been divided into sections. That was an error in making it up.

The SPEAKER. Without objection the modification suggested by the gentleman from Missouri will be made.

There was no objection, and it was ordered accordingly.

Mr. HOLMAN. I wish to inquire of the gentleman from Missouri whether that last clause of the resolution does not involve the reprinting of more copies of these documents after the numbers on hand shall have been exhausted?

Mr. VAN HORN. That was not the intention of the committee. It is not designed to reprint them, but only to distribute the numbers of copies already on hand.

Mr. HOLMAN. I fear it will be reprinted or taken as authority for ordering a reprint unless there is a limitation put upon it. I ask that the last clause be again read.

The last clause of the resolution was again reported.

Mr. HOLMAN. The words, "but this shall not authorize the reprinting of any back numbers of the Globe or RECORD," should be inserted there.

Mr. VAN HORN. The object of this is simply to keep up the files.

Mr. REAGAN. But if you do not put in some such restriction as the gentleman from Indiana has suggested they will reprint these documents when they are exhausted.

Mr. VAN HORN. I have no objection to the modification suggested by the gentleman from Indiana.

Mr. HOLMAN. Then I move to insert at the end of the last clause of the resolution the words:

But this shall not authorize the reprinting of any back numbers of the Globe or RECORD.

The amendment was agreed to.

Mr. TOWNSHEND, of Illinois. Let me ask the gentleman from Missouri what is to be done with the copies that are not used or not distributed among the State libraries?

Mr. VAN HORN. The Public Printer can sell them and turn the proceeds into the Treasury.

Mr. TOWNSHEND, of Illinois. No provision is made for their distribution?

Mr. VAN HORN. No, sir.

The SPEAKER. The question is on agreeing to the concurrent resolution as amended.

The resolution was agreed to.

Mr. VAN HORN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. BUTTERWORTH. I am directed by the Committee on Appropriations to report back the amendments of the Senate to the bill (H. R. 7077) making appropriations for the support of the Army for the fiscal year ending June 30, 1884, and for other purposes, and to move that they be non-concurred in.

Mr. HOLMAN. Before that vote is taken I hope the gentleman from Ohio will explain briefly the nature of these amendments of the Senate.

Mr. BUTTERWORTH. Certainly I will, if that be desired.

The SPEAKER. The House will come to order.

Mr. BUTTERWORTH. I will run over each amendment, unless the gentleman desires to call attention to some particular item.

Mr. HOLMAN. No, sir; we have not had time to examine them.

Mr. BUTTERWORTH. The first item is one increasing the appro-

priation for the office of the General of the Army from \$1,500 to \$2,000. That the committee non-concurred in.

The next reduces the appropriation for the recruiting service from \$25,000 to \$10,000. The committee fully investigated that originally. If recruiting is to go on at all to fill the ranks of the Army that amendment of the Senate is unwise and approaches, if it be not disrespectful to say so, the absurd.

The next is a new item appropriating \$105,000 for the payment of the civil employees of the Army at the several departmental headquarters. We also non-concurred in that. I will say to my friend from Indiana that enlisted men are now employed. The proposition is to send them to the ranks and employ civilians. That we have non-concurred in.

The Senate strike out the item which the House inserted to reduce the number of aids. We non-concurred in that amendment.

The next amendment is in reference to an item inserted by the House which provided for the deposit by the soldier of a sum not exceeding \$10, I believe it was, and that he should draw interest at 4 per cent. so long as he left it in the hands of the Paymaster-General. This, as my friend will remember, tended to prevent desertions and was very valuable to the Government as well as to the soldier in keeping his heart where his treasure was. We non-concurred in that.

The other four or five amendments simply increase amounts. They also strike out the provision of our bill which reduces the number of contract surgeons, and while they do not restore them to the original number they nevertheless greatly increase them. We non-concurred in that.

They strike out the provision in the bill which requires disbursing officers to give bond in such sum as the Secretary of War shall prescribe. They did that because they had previously struck out the provision of the House reducing the number of paymasters. We also non-concurred in that.

I will say the Senate also struck out the doing away with the paymasters' corps. We non-concurred in that. The Senate also struck out the clause in regard to compensation to certain Pacific railroads for transportation of the mails. We non-concurred in that.

All the other items are inconsiderable, some increasing where we think there ought not to be any increase, and others decreasing where our investigation satisfied us there ought not to be any decrease.

Mr. HOLMAN. I should be glad to have a vote on the second and the thirty-fourth amendments.

Mr. BUTTERWORTH. Now, to go more into detail as to the second amendment, and so far as the recruiting service is concerned, it is a simple matter of mathematical calculation or computation. If it is the purpose of the House and Senate to stop recruiting under the law, then it can be done by withholding the amount necessary to pay the expense of the recruiting service.

Mr. HOLMAN. The Senate only reduces it \$15,000.

Mr. BUTTERWORTH. It reduced it more than one-half and we had previously reduced it to the minimum. The number of soldiers to be recruited can be exactly ascertained or nearly so. The expense is well known and beyond question, the amount required is \$21,000 and something more. The Senate reduces that to \$10,000. Whether it was for the purpose of reducing the Army or not I do not know, but it seems not to be the proper way to do it. If we wish to reduce the Army we had better do it at once by providing that the Army hereafter shall consist of ten, fifteen, or twenty thousand men, or as you will. But to take down the house by taking away the prop which sustains it is not, in my judgment, the proper way to accomplish a result. Hence we non-concurred. No one will argue, unless the purpose is to reduce the strength of the Army, that this amendment ought to be concurred in. If that is the purpose it ought to be accomplished in a plain, direct way, and not by a species of indirection.

The amendments of the Senate were non-concurred in.

Mr. BUTTERWORTH moved to reconsider the vote by which the amendments of the Senate were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BUTTERWORTH. I now move, Mr. Speaker, the appointment of a committee of conference on the disagreeing votes of the two Houses on the Army appropriation bill.

The motion was agreed to.

The SPEAKER appointed as the managers of said conference on the part of the House Mr. BUTTERWORTH, Mr. BURROWS of Michigan, and Mr. ELLIS.

FORTIFICATIONS.

Mr. FORNEY. I am directed by the Committee on Appropriations to report back the bill (H. R. No. 7191) making appropriations for fortifications and other works of defense and for the armament thereof for the fiscal year ending June 30, 1884, and for other purposes, with amendments by the Senate, and to move that the House non-concur in the Senate amendments and ask for a committee of conference.

The motion was agreed to.

Mr. FORNEY moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair appoints as members of the committee of conference on the part of the House Mr. FORNEY of Alabama, Mr. KETCHAM of New York, and Mr. RYAN of Kansas.

TREATMENT OF JEWS IN RUSSIA.

Mr. WILLIAMS, of Wisconsin. I am directed by the Committee on Foreign Affairs to report back with a favorable recommendation the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the President of the United States, if not incompatible with the public service, communicate to this House all the correspondence in relation to the treatment of Jews in Russia which has taken place since the last communication on that subject to this House between the Government of the United States and that of Russia.

The resolution was adopted.

Mr. WILLIAMS, of Wisconsin, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TOWNSHEND, of Illinois. I desire to submit a resolution for reference.

The SPEAKER. The regular order is called for, which is the call of committees for reports.

Mr. HISCOCK. I move to dispense with the morning hour for the call of committees.

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

Mr. HISCOCK. I now move to dispense with private business for to-day.

The SPEAKER. Does the gentleman from New York propose to include in his motion the dispensing with the special order for this evening for pension claims?

Mr. HISCOCK. That will depend entirely, so far as I am concerned, on whether we conclude this bill before that time.

Mr. BROWNE. Let me make this suggestion: There are perhaps two or three undisposed of pension cases on the Private Calendar. I will be willing that if we meet this evening we shall first take up those cases (they will certainly not consume more than thirty minutes' time), and then the balance of the evening can be devoted to the current business.

The SPEAKER. The gentleman from New York can except the special order.

Mr. HISCOCK. I do.

The SPEAKER. The gentleman from New York moves to dispense with private business for this day with the exception indicated.

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

Mr. HISCOCK. I now move that the House resolve itself into Committee of the Whole House on the state of the Union, and give notice it is for the purpose of the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. KASSON in the chair.

SUNDRY CIVIL APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union and resumes the consideration of the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884 and for other purposes. The Clerk will report the pending amendment offered by the gentleman from Wisconsin [Mr. CASWELL].

The Clerk read as follows:

After line 1394 insert the following:
"That the modification of the treaty and the agreement made with the Sioux Indians under the act making appropriations for the sundry civil expenses of the Government, approved August 7, 1882, is hereby approved, and the sum of \$100,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Treasury to enter upon the execution of said treaty: Provided, That the title to lands for railroad purposes heretofore surveyed and paid for under agreement with said Indians, approved by the Secretary of the Interior, is confirmed in said companies."

The CHAIRMAN. The Chair is under the impression that the gentleman from North Carolina [Mr. VANCE] offered an amendment to the amendment.

Mr. RANDALL. The gentleman from North Carolina is not in his seat. I suggest that this be passed over for the present.

The CHAIRMAN. The Clerk informs the Chair that the proposed amendment of the gentleman from North Carolina is to the next paragraph. The only amendment pending is that of the gentleman from Wisconsin [Mr. CASWELL].

Mr. ATKINS. I ask the gentleman from Wisconsin, who has offered this amendment, if he does not think it would be better to increase the amount? If we are to make any appropriation at all, we should appropriate at least half the amount necessary to carry out this agreement.

Mr. CASWELL. I could not hear the gentleman from Tennessee.

Mr. ATKINS. I simply said to the gentleman I thought it would be the practical way to appropriate at least half the amount that is necessary to carry out this agreement. Or does the gentleman propose to appropriate only \$100,000 a year for four or five or six years?

Mr. CASWELL. I will say in reply to the gentleman from Ten-

nessee it will take more than \$100,000 to carry out this agreement. It will take probably \$500,000. But the Secretary could not well purchase and deliver more than \$100,000 worth next year.

Mr. ATKINS. Does the gentleman think that only about \$100,000 worth could be delivered every year?

Mr. CASWELL. Perhaps in another year \$200,000 worth might be delivered, or the whole of it.

Mr. ATKINS. Why can not \$200,000 worth or \$300,000 worth be delivered in the coming year as well as in the subsequent year?

Mr. HISCOCK. They have to get the Indians located first.

Mr. CASWELL. It will take some time. This matter is still in its infancy, and the Indians must be colonized and settled.

Mr. ATKINS. Perhaps it may be well enough to make no appropriation this year and wait till next year to make it.

Mr. CASWELL. That would hardly be keeping good faith.

Mr. ATKINS. I think if we are to make the appropriation it would be better in all fairness to appropriate half the amount this year and half the amount next, so that the matter may be wound up.

Mr. HISCOCK. Do I understand the point of order to the amendment of the gentleman from Wisconsin has been disposed of?

The CHAIRMAN. The Chair has no note of any point of order.

Mr. HISCOCK. The gentleman from Indiana [Mr. HOLMAN] reserved a point of order on this amendment.

The CHAIRMAN. The Chair understands that a point of order was made upon the amendment offered by the gentleman from North Carolina [Mr. VANCE], but not on this amendment. The Chair will examine the RECORD and ascertain.

Mr. HOLMAN. This subject is not beyond debate, I believe.

The CHAIRMAN. Not beyond debate.

Mr. HOLMAN. I wish to be heard on it.

Mr. HISCOCK. I would like to have the question which I asked disposed of.

The CHAIRMAN. The Chair is having the RECORD examined in order to see the exact position of the amendment. In the mean time the Chair will hear the gentleman from Indiana [Mr. HOLMAN] as he did the gentleman from Tennessee [Mr. ATKINS].

Mr. HOLMAN. By the terms of the treaty with the Sioux Indians we are entitled to the possession at once of the lands ceded to us by those Indians, and we are to pay them for the cession of this land 25,000 head of cows and 1,000 head of bulls as a preliminary payment on our part.

I desire now to call the attention of my friend from Wisconsin [Mr. CASWELL] to the fact that yesterday we passed a bill organizing two land districts within the limits of the territory so ceded to us by this treaty.

Mr. CARLISLE. I hope that order will be preserved, so that we can hear what the gentleman is saying.

The CHAIRMAN. Gentlemen will please cease conversation, so that order may be restored in the committee. The Chair will state that he finds by reference to the RECORD that the gentleman from Indiana [Mr. HOLMAN] did make a point of order on this amendment, which point of order is not yet disposed of. The Chair will hear the gentleman on the point of order.

Mr. HOLMAN. I would be glad to conclude what I have to say on this question.

The CHAIRMAN. The gentleman will proceed if there is no objection.

Mr. HOLMAN. As I was saying, we passed a bill yesterday morning organizing two land districts within the limits of the land so ceded to the Sioux under this treaty. It is manifest from the treaty that it was intended that two things should be concurrent; the cession of the land and our taking possession of it on the one hand, and the payment of this preliminary installment, which indeed constitutes the great bulk of the payment to be made, 25,000 head of cows and 1,000 head of bulls.

Now, I submit that when my friend from Wisconsin [Mr. CASWELL] proposes to appropriate only a hundred thousand dollars for this purpose he does not act in that good faith which I think his own judgment would dictate toward the weaker party to this treaty. We take from them property of great value, take possession of it at once, and agree to pay them at once. There is no remote period indicated in the treaty when the payment shall be made. On the contrary the two acts are to be concurrent acts.

We have passed legislation to take possession of the land which we received from these Indians. I therefore submit that it is not fair and just to appropriate only \$100,000, when, by the terms of the treaty, we should make the full preliminary payment immediately upon taking possession of the land.

Now, I submit that it will cost the Government to furnish these 25,000 head of cows and 1,000 head of bulls, or, if it were our policy to give the money to the Indians to buy the stock and allow them to expend it, it would cost them at least \$500,000; that is a moderate estimate. Now, certainly, if the whole amount is not to be appropriated at once the larger portion of it should be.

How can we with any propriety and justice say to these fragments of that once powerful tribe of Indians that we will take possession of the

land under this treaty, organize our land districts to dispose of it to our people, take possession of it instantly, and yet pay them for a year or a year and a half to come only one-fifth of the amount required for the preliminary payment, when by the terms of the treaty the two things were meant to be concurrent? That is not just.

There might be some argument in favor of a proposition to pay them less than the full amount, from the fact that these Indians are not yet fully settled on their reservation; and it would perhaps be reasonable, fair, and just to make an appropriation of, say, one-half of the amount; and I think that no less sum than that ought to be named.

I suggest, therefore, that if it shall be held that this proposition is in order, at least one-half of the amount, say, \$250,000, shall be now appropriated. Gentlemen must understand that in carrying out this treaty to its fullest extent, first giving these Indians 25,000 head of cows and 1,000 head of bulls, and a yoke of oxen and a cow to each one of the families, independent of educational and other facilities which we are to furnish gratuitously, the whole sum involved in the payment for this land will be somewhere in the neighborhood of \$900,000.

Mr. HISCOCK. A single suggestion.

Mr. HOLMAN. I would like now to say a word on the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. HOLMAN. On the point of order I desire to say a word. The act of the last session of Congress authorized a treaty with the Sioux Indians for the acquisition of a portion of their lands. The terms of that act are not very definite; it provided nothing more than simply the negotiation of a treaty with the Indians for the modification of treaties heretofore made with them. The terms of the act were exceedingly indefinite. Yet I presume that gentlemen in this House and in the other branch at the other end of the Capitol understood exactly what it meant.

Here is a proposition to appropriate money to carry that treaty into effect and to ratify it; and also a proposition to save the rights of a railroad corporation which prior to this cession of land by these Indians had obtained a right of way through these lands.

That last proposition is clearly not within the scope of the rules of the House; it is clearly and palpably independent legislation, for it has nothing whatever to do with the original treaty.

My own opinion is that we must sooner or later acquire these lands, and I believe the amount proposed to be paid is not extravagant. I think the policy of giving patents to the Indians and thus leading them on gradually to the higher branches of agriculture is a good one. I do not see, therefore, any good reason why this treaty should not be ratified, and I scarcely know why it should not be ratified upon an appropriation bill, as some of our most valuable legislation has been adopted upon such bills. But I believe I shall have to insist in any event on the point of order with reference to the proviso. I have not been able to find the act of Congress by which the cession made by the Indians has been ratified; but that is an independent matter which has no relation to the ratification of the treaty. I will not press the point of order except as to the proviso. As to the main proposition I should be very glad to withdraw the point with the understanding, however, that a reasonable portion of this appropriation shall be made. If we were dealing with any powerful government under such a treaty we would be expected to take possession on the one hand and to pay the money on the other, these being concurrent acts. But inasmuch as this Government occupies toward the Indian tribes a rather anomalous relation, I would acquiesce in an appropriation of one-half the amount. I do not think this Congress should consent to the appropriation of a smaller sum, because this amount at least can be expended to advantage.

The CHAIRMAN. The Chair will remark that he has no trouble about the first clause of the amendment, but would like to hear the gentleman from Wisconsin [Mr. CASWELL] explain under what provision of the rule the proposed proviso is in order.

Mr. CASWELL. Mr. Chairman, this is an important point and one which ought to be carefully considered.

The CHAIRMAN. The Chair requests the gentleman to direct his attention to the proviso.

Mr. CASWELL. Going back to the sundry civil appropriation bill of last August, I find the authority for making this agreement.

The CHAIRMAN. The Chair desires to hear no argument on that point.

Mr. CASWELL. I so understand, but there is coupled with that authority a clause which necessarily involves the interests that the railroad companies have in this land. There are three parties interested: the Government of the United States, the Sioux Indians, and two or three railroad companies, which in 1880 made contracts for the right of way across the reservation, with the concurrence and approval of the Secretary of the Interior, and pursuant to that agreement and the selection of the rights of way, these companies had paid into the Treasury \$17,110. If they had waited until the ratification of this treaty and until these lands had all become part of the public domain, under the act of 1875 the railroad companies would have had the right to build their road through this tract of country without paying anything. But this being an Indian reservation the companies were obliged to contract with the Indians, under the approval of the Secretary of the Interior,

and made such contracts for obtaining the right of way and such parcels of land as they desired for the erection of shops, depots, &c. In some cases one-half the amount was paid down, and another half, amounting to over \$9,000, is still due the Indian fund, provided this treaty be ratified and the rights of the companies under the contracts preserved.

At the last session, on motion of the gentleman from Indiana, a clause was added to the sundry civil appropriation bill providing that all lands ceded to the Government of the United States under this treaty should be subject to homestead entry only. The railroad companies feel, in view of this provision, that unless their rights are preserved at the same time this treaty is confirmed, they will not be able to take possession of and use these parcels of land which they have selected for railroad purposes (not exceeding altogether two sections); that these lands will be subject to homestead entry and the companies will not be permitted to take possession of them and use them.

The CHAIRMAN. The Chair has not before him the agreement or treaty which is proposed to be ratified. Is there anything in that treaty touching the subject of the proviso?

Mr. CASWELL. There is nothing in the treaty touching the railroad companies at all; but it is felt to be proper and just that if the Government should ratify this treaty and accept the cession of lands which the Indians, *cum onere*, attempt to make to the United States the rights of the companies should be preserved in the acceptance of the grant.

The agreements of the Indians are on file in the office of the Secretary of the Interior. The companies have paid their money and have receipts for it, as certified by the Secretary of the Interior. All that is sought now is that in consenting to a ratification of this treaty we preserve to these railroad companies the rights vested in them by virtue of the contracts they have made with the Indians and for which they have paid very dearly.

The CHAIRMAN. The Chair will state that the difficulty to his mind is in the fact that this seems to be independent legislation which tends to establish a title which the Chair has no evidence is now in existence. If the provision read, "without prejudice to any title to lands for railroad purposes heretofore certified and paid for under agreement with said Indians, approved by the Secretary of the Interior," there would be no new legislation; and the Chair under such circumstances would feel bound to rule the provision in order. But he is not satisfied that there is any existing law which would justify him in ruling in order a proviso which actually confirms a title.

Mr. CASWELL. Let me say to the Chair that I think such a provision as he suggests would be ample, were it not for the positive enactment of last August which forbids the taking up of any of these lands except for homestead purposes.

The CHAIRMAN. But that remark of the gentleman assumes that the Chair is right in calling this new legislation.

Mr. CASWELL. It seems not. I think it is an addendum to the confirmation of the treaty in accordance with the appropriation made last session of Congress. If it is proper to confirm the treaty in furtherance of the appropriation made last year it is equally proper to preserve any vested rights which the United States Government may deem necessary.

The CHAIRMAN. If it were limited to that the Chair would rule it to be in order, for that would leave it where it stands. But if the effect is to change the legislation of last session the Chair would be obliged to rule it out of order. The first part of the amendment is undoubtedly in continuation of a public work now in progress.

Mr. HISCOCK. I think something might be done in reference to this clause; that is, the insertion of a provision that this should not take more land than these railroad companies are entitled to under the general statute. That is to say, the homestead clause of last year is repealed, and these railroad companies are allowed to take this land as provided by the general statute for railroads running across the public domain. I think a provision of that kind might be put on the bill and be satisfactory to everybody.

The CHAIRMAN. The gentleman can so modify his amendment. The first clause is in order, as it is the continuation of a work now in progress. The other part, however, is not in order, and as a part is out of order the whole amendment is subject to the point of order and must be ruled out.

Mr. HISCOCK. I suggest there be added a provision which will obviate the point of order, in my judgment, and that is these railroad companies shall not receive more land than they are now entitled to receive across the public domain.

The CHAIRMAN. The Chair will hear from the gentleman from Wisconsin [Mr. CASWELL].

Mr. HOLMAN. I desire to submit a proposition which I think will be satisfactory, providing for the right of way and depots, not to exceed in extent the rights granted to railroad companies through the public lands as established by the general law.

Mr. CASWELL. If my friend from Indiana [Mr. HOLMAN] will include bridges and shops I will be satisfied.

The CHAIRMAN. That might be added if the point of order is withdrawn.

Mr. CASWELL. I suggest this be temporarily passed until an amendment can be prepared satisfactory to both sides.

The CHAIRMAN. The Chair hears no objection.

Mr. VANCE. I believe my amendment now comes up.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from North Carolina [Mr. VANCE].

The Clerk read as follows:

Add at the end of line 1400:

"That the Commissioner of Indian Affairs shall cause to be sold all the lands now belonging to the North Carolina Eastern Band of Cherokees outside of the boundary known as the 'Qualla Boundary,' situate in the State of North Carolina. And that the proceeds of such sale shall constitute a fund in the hands of said Commissioner of Indian Affairs to be devoted to the use of said Eastern Band for educational and such other purposes as their situation, necessities, and expenditures may require."

Mr. HISCOCK. I make the point of order against that amendment.

The CHAIRMAN. The Chair will hear the gentleman from New York on his point of order.

Mr. HISCOCK. My point of order is that this is new legislation and does not come within the rule in the three ways provided for the introduction of new legislation on appropriation bills.

Mr. VANCE. I wish to call the attention of the Chair to the fact that in 1868 it was provided by law that the affairs of the Eastern Band of Cherokees should be transferred to the Department of the Interior and the Secretary was charged with the supervision of the affairs of those Indians as of other Indians. In the line of that authority the Commissioner of Indian Affairs was directed to sell this land in the interest of those North Carolina Cherokees. My amendment I do not think changes the spirit of the law. It merely directs the Commissioner of Indian Affairs what to do. By strict construction the Commissioner would now have that authority, but he prefers Congress should direct whether these lands should or should not be sold. I could give good reasons, Mr. Chairman, why the lands should be sold, but I will let the Chair decide the point of order if the gentleman from New York [Mr. HISCOCK] insists upon it.

Mr. HISCOCK. Yes, I must insist on the point of order.

Mr. VANCE. I do not see why the gentleman from New York should insist on the point of order.

The CHAIRMAN. This is no appropriation?

Mr. VANCE. No, sir.

The CHAIRMAN. And is not reported by any committee having jurisdiction?

Mr. VANCE. It was really agreed to by the Committee on Indian Affairs. It has the unanimous sanction of that committee.

The CHAIRMAN. However, as the amendment is not reported by that committee it therefore comes under the clause respecting reduction of expenditures in one of two ways, the only one of which would be the reduction of the amount covered by this bill.

Mr. VANCE. If the gentleman from New York will allow me to make a brief statement, occupying only a moment, before he insists upon the point of order, I think it likely that he will withdraw it.

The CHAIRMAN. The Chair will submit the request of the gentleman from North Carolina. Is there objection that he be permitted to make a brief statement in reference to the proposed amendment?

Mr. HISCOCK. It is clearly subject to the point of order.

Mr. VANCE. I only ask to be permitted to make a statement before the gentleman insists upon it.

Mr. HISCOCK. I can not waive the point of order; but I have no objection to hearing the gentleman's statement.

Mr. VANCE. Mr. Chairman, I will state that these lands to which reference is made in this amendment are mountain lands belonging to the Cherokee Indians in the State of North Carolina. The Cherokees in that part of the State have a boundary of land of about 73,000 acres, called the Qualla boundary, and the people are settled within it. The lands sought to be sold under this amendment were received by authority of law, in behalf of the North Carolina Cherokees, by the Secretary of the Interior, in payment of a debt or judgment. The Indian fund is all in the hands of the Secretary of the Interior. This band is now in debt. There are certain judgments pressing the band. The Commissioner of Indian Affairs, the Secretary of the Interior, and the Committee on Indian Affairs of this House have agreed that it was necessary and essential to sell the lands. The only parties interested are the Cherokee Indians themselves. They desire to sell the lands with a view to paying their debts, to discharge the taxes on the lands, and that the remainder shall be turned in for educational purposes. It is therefore very essential for the benefit of the tribe that the lands should be put on the market in order that the taxes may be paid and these judgment liens of which I speak satisfied, and that the residue of the fund may be applied for the education of their children. They ask, therefore, that the lands may be sold; and, as I stated, the authorities agree to their request and recommend the adoption of such a provision as this.

Now, why the point of order should be raised against the amendment, when it does not take a dollar of money out of the Treasury and does not affect anybody but the Indians themselves, and when the amendment is strictly in accordance with the wishes and the best interests of the Indians, I am unable to understand. If, however, the gentleman from New York insists upon the point of order I presume the Chair will adhere to his ruling.

The CHAIRMAN. The Chair thinks the amendment is undoubtedly subject to the point of order.

MR. VANCE. I know the Chair has so ruled, but I am in hope that the gentleman from New York will not insist upon making the point of order against it in view of the statement I have made.

MR. HISCOCK. It is, perhaps, due to myself that I should make some little reply to what has been said by the gentleman from North Carolina. The Committee on Appropriations have been extremely liberal in allowing amendments to this bill wherever they have come from a committee or have been recommended by a committee and presented in time to enable the Committee on Appropriations also to consider the question and arrive at a proper conclusion as to whether the proposed legislation should be acceded to or not. This is the first I have heard of this matter. The Committee on Appropriations have not heard of it; and I have no authority to accept an amendment which is entirely out of order without the consent of the committee. I must therefore insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

MR. ATKINS. Before that let me suggest to the gentleman from New York that as this is a matter relating to the Indians entirely, with regard to the sale of their own property, and since it has been recommended on the part of the Secretary of the Interior, the Commissioner of Indian Affairs, and the Indian Committee of this House, I think he may safely waive the point of order and permit the committee to vote upon the proposed amendment. It does not involve a dollar of expense.

MR. HISCOCK. Mr. Chairman, I can only say for myself, in response to the gentleman from Tennessee, that I have always been accustomed to consider the Indians as the wards of the nation. I believe them to be; and the fact that they ask to have a certain proposition enacted into a law is no reason why it should be adopted. It is for the Government, that occupies the position of guardian to them, to consider whether such legislation is for their benefit or not, without reference to the request of the Indians.

MR. VANCE. That is exactly what we ask in this case. We ask the Government, as the guardian of this band of Indians, to do what seems to be for their best interests. They ask to have this land sold, and we know that it is necessary for reasons which I have stated to comply with that demand.

The CHAIRMAN. This debate is entirely out of order. The Clerk will read.

The Clerk read as follows:

Howard University:

For maintenance of the Howard University: To be used in payment of part of the salaries of the officers, professors, and teachers, and other regular employees of the university, a portion of which will be paid from donations and other sources, \$15,000.

MR. WAIT. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 1490 insert:

"For meeting and liquidating the indebtedness already incurred for necessary repairs commenced under a former appropriation, \$4,250."

MR. HISCOCK. I do not know that the point of order will lie against the amendment, but I will reserve it until I hear an explanation from the gentleman who offers it.

MR. WAIT. Mr. Chairman, at a former session of Congress an appropriation was made for carrying out certain repairs at the Howard University. When scientific men examined those parts of the building which required the repairs they found that there was necessity for much greater repairing than they at first supposed. On examination of the boilers they found it to be necessary to remove the old ones and supply new ones, which required an entire change, and also the employment of new furnishings for the boiler-room. On examination the sanitary condition of the building also required many modifications to be made for the health of the students in that institution, which added to the expense. There was no alternative. They had to go forward with these repairs and incur indebtedness beyond the appropriation, for the amount appropriated by Congress did not cover the expenditures that were absolutely required by the amount I have named in the amendment which I have offered.

There are now nearly four hundred young men in that institution who are being qualified as instructors. And every consideration with regard to the carrying on of this institution successfully and educating these men, and with regard to the proper conditions for their health, and also for their table accommodations, &c., imperatively demanded that these improvements should be made. Absolute necessity compelled the making of these several improvements. And there is now this small deficit of a little over \$4,000, for which Congress should not hesitate to provide. I think as it is a mere continuance of an improvement which had been ordered before, and it is shown the appropriation was not sufficient, the gentleman's point of order should not lie.

The CHAIRMAN. Does the gentleman from Connecticut inform the Chair that this object has been already appropriated for by Congress?

MR. WAIT. Yes, sir; at a prior time.

MR. HISCOCK. The sum carried by the amendment would be germane to a deficiency bill, doubtless. The amendment provides for a deficiency; and if it is in order at any point it should be really to a deficiency bill.

The CHAIRMAN. The gentleman from Connecticut can reserve the amendment for a deficiency bill.

MR. WAIT. I think that the amendment can be appended to this section of the bill now under consideration, and the gentleman from New York I trust will not object to the amendment being now offered.

MR. HISCOCK. Oh, yes; I do. I say, and I may as well say it now as at any time, that so far as these institutions in the city of Washington are concerned, having once appropriated for them I will under no circumstances consent to vote a dollar of deficiency to one of them. I am in favor of the strictest possible rule that when Congress has said you may spend so much money, when that money is expended their power is exhausted. When I know how many there are of them and the disposition to crowd in demands of this character, with the experience I have had for the last four or five years, I believe there is no other safe policy for the Government either with reference to itself or with reference to them.

MR. WAIT. When this amount was appropriated to meet these repairs an examination had taken place which was not a perfect examination, and the embarrassments which were subsequently discovered on a more thorough examination were not at that time found, and the parties making the examination were not at first aware of them. When the intelligent mechanics commenced making the repairs they found the boilers were in such a condition that they could not be operated with safety, and that with a view to the safety of the building and the safety of its occupants those boilers had to be removed and new ones put in their place. The lives of the occupants of the building would have been put in peril had the old boilers been continued. The introduction of new boilers necessitated the changing of the furnaces connected with them. Then, as to the sanitary condition of the premises and to effect proper drainage, there had to be an entirely new arrangement of the pipes and sewers connected with the building. The necessity for this could not be discovered till the mechanics commenced removing the old material and fixtures and supplying the new. When they did that they found they had to go further than the first examination led them to suppose they would have to go.

Now, I say when we have an institution at the capital of the nation which is training men to go down into the Southern States and educate the colored population I think the House should do everything in its power for the thorough training of the teachers who are to educate the colored people in the South. When a patriotic and large-hearted gentleman in my own district is willing to generously bestow a million dollars to educate the colored people of the South I must say that Congress should not for one moment hesitate to give the pitiful sum of \$4,000 to put the building in proper repair in which the teachers are instructed who are to be sent down South to educate the masses by means of the magnificent gift given by a citizen of my State.

Those of us who were instrumental in bestowing the rights of citizenship upon these people should certainly be desirous to give them the advantages of education and so enable them to fully appreciate and enjoy and to properly exercise these rights; and our friends who are Representatives from States of which the masses of our colored citizens are residents ought also to fully realize the great advantage which will result to their States from the education and elevation of this class of citizens.

The CHAIRMAN. The Chair unquestionably regards the object of the proposed appropriation as the continuation of a work in progress where there is no limitation, and regards the amendment as being in order. The question is on the amendment.

MR. ATKINS. Let it be again reported.

The Clerk read as follows:

After line 1490 insert the following:

"For meeting and liquidating an indebtedness already incurred for necessary repairs commenced under a former appropriation, \$4,250."

The CHAIRMAN. The Chair will remark this is an appropriation of last year. It is not so specifically named in the amendment. The question being taken, there were—ayes 16, nays 48.

So (further count not being called for) the amendment was not agreed to.

The Clerk read lines 1512 to 1514, as follows:

For the Reform School, District of Columbia: For one new barn, of stone basement and frame superstructure, \$7,500.

MR. SHALLENBERGER. I offer the amendment which I send to the desk, and to which I think there will be no objection made by the Committee on Appropriations.

The Clerk read as follows:

In line 1514, after the word "superstructure," insert the words "and one outbuilding for farm purposes, with cellars for root crops."

The amendment was agreed to.

MR. GARRISON. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 1514 insert the following:

"To enable the Secretary of the Interior to carry out the official recommendation of the fire commissioners of the District of Columbia and the chief-engineer of the fire department advising the erection of fire-escapes on the Providence Hospital, the Children's Hospital, the Freedman's Hospital, the building of the Little Sisters of the Poor, the Washington and Georgetown almshouses, the St. Ann's Orphan Asylum, the Reform School, and the public schools of the District of Columbia, \$50,000, or so much thereof as may be necessary."

Mr. HISCOCK. I make the point of order that that is new legislation.

The CHAIRMAN. The Chair will hear the gentleman from Virginia [Mr. GARRISON] on the point of order.

Mr. GARRISON. I hope the chairman of the Committee on Appropriations will not insist on the point of order. This measure has been recommended by the fire department of the District, by the engineer of the District, by the medical officer of the District, and by a committee appointed by this House at the last session. This has for years been a necessity in the public-school buildings of this city.

Mr. HISCOCK. The matter has been fully considered in connection with the District of Columbia appropriation bill. The Committee on Appropriations declined to insert the item in that bill, and I therefore feel I am instructed to make the point of order.

Mr. GARRISON. Well, sir, the point I suppose is well taken if insisted on.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read the following:

For the protection and improvement of the Yellowstone National Park: For every purpose and object necessary for the protection, preservation, and improvement of the Yellowstone National Park, including compensation of superintendent and employees, \$15,000: *Provided*, That the Secretary of the Interior, in his discretion, may grant leases for terms not exceeding ten years of small parcels of ground within said park, but no more ground shall be so leased than is necessary for the hotels and storehouses necessary to the accommodation of visitors, and necessary outhouses, bath and ice houses, and for gardening or grazing land in connection with said hotels; but no exclusive privileges or monopoly of any kind shall be granted to any person or company or corporation for any purpose within said park; nor shall any lease or contract be made which in any degree or manner interferes with or prevents the free and unrestricted access of the public to all portions of the park.

Mr. McCook. I move to strike out the proviso of the paragraph just read and to insert that which I send to the Clerk's desk.

Mr. COBB. I desire to make a point of order on the paragraph.

The CHAIRMAN. The Clerk will read that which is proposed to be inserted in place of the proviso.

The Clerk read as follows:

And the Secretary of the Interior is hereby prohibited from leasing any portion of the Yellowstone National Park to any person, company, or corporation for any purpose whatever; and all leases, agreements, exclusive privileges, or monopolies granted or entered into are hereby declared to be of no force and effect. And the Secretary of War is hereby authorized and directed to make necessary details of troops to prevent trespassers or intruders entering the park with the object of destroying the game therein or for any other purpose prohibited by law.

Mr. McCook. I hope the gentleman who has charge of the bill will accept that amendment.

Mr. HISCOCK. I will say for myself individually that I am in favor of the most stringent legislation in the direction of preserving this park. The provision which this bill carries is the Senate bill upon this subject.

Mr. McCook. On a very small portion of it.

Mr. HISCOCK. Well, it is a portion of the Senate bill. We put it upon this bill as being in the direction of preserving this park. I am in favor of any legislation looking in that direction, and I have that great confidence in the judgment of my colleague [Mr. McCook] that I certainly would have no objection to his amendment going into this bill. The result of that would doubtless be that the matter would be considered by the Senate and more stringent legislation than that contained in this bill would be adopted, considered desirable.

Mr. ATKINS. I think the amendment offered by the gentleman from New York [Mr. McCook] is every proper one, and it does not make any difference if the provision in this bill is a bill which has passed the Senate.

Mr. HISCOCK. I am not objecting to the amendment.

Mr. ATKINS. I think the House ought to adopt the amendment of the gentleman from New York in preference to the provision now in the bill.

Mr. HISCOCK. So far as I am concerned I will make no objection.

Mr. VALENTINE. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Nebraska [Mr. VALENTINE] rise to oppose the amendment?

Mr. McCook. I have not concluded yet.

Mr. VALENTINE. I thought the gentleman had yielded the floor.

The CHAIRMAN. The gentleman from New York [Mr. McCook] has one minute of his time remaining.

Mr. ROBESON. I will yield my time to the gentleman from New York.

Mr. McCook. I wish to say that while the provision reported from the Committee on Appropriations is an improvement upon the present law, I think the amendment I have offered is an improvement upon that provision. Under the law as it now stands a lease or agreement was made with certain parties which included about 4,000 acres of land in the heart of the reservation. In the language of a report made by Senator VEST, "It is evident from this contract and proposed lease that a monopoly or exclusive privilege to erect hotels and run stages, &c., is created for the term of ten years, the party having this monopoly to pay a nominal rent not exceeding \$2 per acre." [Here the hammer fell.] I beg the pardon of the Chair; the gentleman from New Jersey [Mr. ROBESON] yielded his time to me. Under the circumstances it seems to me we ought to prohibit the Secretary of the Interior or any one else

from leasing any portion of this park for any purpose whatever until the very admirable bill prepared by Senator VEST, of Missouri, can be acted upon by Congress.

This amendment which I have offered will protect the park, keep out intruders and trespassers who last year went there and killed four or five thousand elk for their skins only, and who if allowed to continue the destruction of game will finally drive it out of the park. We should protect this park in some way until Congress can pass a bill of a general character, and that can only be done by prohibiting all leases, and giving power to the Secretary of War to employ force if necessary to expel trespassers.

I would also call the attention of the committee to a letter written by General Sheridan, who has lately returned from there, in which he refers to the destruction of game and the injury to the natural features of the park, and claims that it is necessary that some action should be taken by Congress to give the military authorities power to expel trespassers and intruders. The men engaged in this indiscriminate slaughter of game as a rule care but little for the civil authorities, but they have a profound respect for the power of the General Government as represented by the officers and men of the Army. In addition I would call attention to the letters of John Schuyler Crosby, governor of Montana, and Inspector-General D. B. Sacket, in which decided grounds are taken in favor of enlarging the area of the park and taking positive steps to protect it. They, with other interesting matters in connection with this whole subject, can be found in Senate Report No. 911, Forty-seventh Congress, second session, prepared by Senator VEST, of Missouri.

Mr. COBB. I rise more for the purpose of asking the gentleman from New York [Mr. McCook] a question in regard to his amendment. As I understand it, the amendment provides that no lease shall be granted to any one. Am I right?

Mr. McCook. It prohibits absolutely the granting of any lease to any person, company, or corporation.

Mr. COBB. I think that amendment should be adopted. This is very valuable public property, on account of its scenery and the character of the game which is there, and it should be preserved for the benefit of future generations. We should take steps at once to preserve it intact.

As I understand the present provision in the bill, it gives authority to the Secretary of the Interior to lease certain small portions of the park for the purpose of erecting hotels and out-houses, and for making gardens and for pasture. I object to that; I think it is entirely wrong. It gives the Secretary of the Interior too great a discretionary power.

I understand that there are only four or five of the more important points of natural beauty and scenery in the park. If the Secretary of the Interior shall be given the discretion to lease those points, he will be able to lease to individuals the very portions of the park which are most interesting to the public and which should be preserved for the public use, and will deprive the public of the privilege of entering at pleasure upon those portions of the park, as they should have the right to do.

Again this bill does not guard the timber and the game as it should. I submit that no one ought to be allowed by the Secretary of the Interior any exclusive privileges in regard to the occupancy of this park. Properly managed it may be made a blessing to the country. It is a place of great resort and will be still more so. I undertake to say that if power is granted to the Secretary of the Interior in reference to the management of this park, that power, whatever it may be, will be extended to the utmost limit, for the reason that private parties and great corporations are seeking to gobble up this property; and the Secretary of the Interior will be pressed by the parties who are urging him to-day and have been for years past to go to the utmost limit of his power.

I think the amendment of the gentleman from New York is right. We should not lease any portion of this park to any individual, but keep it at all times open for the enjoyment of the public. It is not necessary, as has been said, that great hotels should be erected there for the accommodation of the public. People can go there and camp out; they delight in doing so; it is the very thing that visitors would enjoy, in preference to being quartered at expensive hotels, to be charged heavily for the privilege of enjoying this great national park.

Mr. McCook. As I did not consume all my time, I would like to have read a few words on this subject from the report of Lieutenant-General Sheridan to the Adjutant-General of the Army.

The Clerk read as follows:

On arriving at the railroad I regretted exceedingly to learn that the National Park had been rented to private parties. The place is worthy of being a national park, the geyser phenomena and the Yellowstone Cañon having no parallel in any nation. The improvements in the park should be national, the control of it in the hands of an officer of the Government, and small appropriations be made and expended each year for the improvement of roads and trails. It has been now placed in the hands of private parties for money-making purposes, from which claims and conditions will arise that may be hard for the Government and the courts to shake off. The game in the park is being killed off rapidly, especially in the winter. I have been credibly informed that since its discovery as many as 4,000 elk were killed by skin-hunters in one winter, and that even last winter, in and around the edges of the park, there were as many as 2,000 of these grand animals killed, to say nothing of the mountain sheep, antelope, deer, and other game slaughtered in great numbers.

Mr. ROBINSON, of Massachusetts. Mr. Chairman, I move to amend the amendment by striking out the last word. I hope that the proposition offered by the gentleman from New York will be adopted in lieu of the language in the bill, because it seems to me altogether more comprehensive and efficient. It is perhaps well known to members of the House that certain parties during the last year have attempted to obtain a monopoly in that park, which should be reserved as a pleasure ground for the people. Certain persons have formed a corporation in the State of New Jersey, with a capital of \$2,000,000, and have obtained some sort of an agreement under which they claim rights in that park. I think we should avail ourselves of the earliest opportunity to declare any such agreement null and void and to remove such parties from the park. If the question is understood I believe this House will act unanimously in the direction of this proposed amendment. The corporation to which I have referred claims to have secured at a merely nominal rental the most valuable and attractive portion of the park. For instance, the great geyser spring, which every one would wish to visit, they claim a monopoly of, and may undertake to fix any charge they please to be paid by visitors.

Mr. PAGE. Does the gentleman say that any contract has been made with any company by the Secretary of the Interior?

Mr. ROBINSON, of Massachusetts. No contract has been made; but if the gentleman will examine the report—

Mr. VALENTINE. The lease has not yet been executed; but a contract was entered into last summer.

Mr. ROBINSON, of Massachusetts. Something called a contract has been made, which this Congress may now, I think, with full authority declare not binding. We should give an unequivocal expression of our opinion as to this matter, so as to end it, and I think the Secretary of the Interior is in entire harmony with action of this kind. If gentlemen will refer to Senate Report No. 911 of the present session—a report from the Committee on Territories—they will find full information in regard to this matter. The report is very lengthy, giving all particulars. I hope that action in the line of this proposed amendment will be had.

Mr. REAGAN. Mr. Chairman, I hope the House will adopt the amendment of the gentleman from New York. Statements already made here show that while the Government has reserved that park—whether wisely or unwisely the future must determine—private parties and corporations are attempting to monopolize and control it for their private gain. The amendment of the gentleman from New York will, so far as we have power, put an end to such proceedings, for the present at least.

It seems to me when we come to deal with regulations affecting that great park, if it is to be preserved as a national park, such regulations should be embraced in a separate law which can be carefully discussed. The action which the Government shall take with reference to this park can not be properly settled in a clause of an appropriation bill. It is these legislative clauses in appropriation bills which have often led the Government into trouble and great loss. By undertaking to deal in this way with great subjects we have sometimes—perhaps without the knowledge or intent of those who favored such clauses—brought about the worst possible results.

Unless the amendment be adopted, the provision of the bill is equivalent to an appropriation of \$15,000 for facilitating in the accumulation of private gain certain persons to whom leases of choice places in the reservation shall be made. This it seems to me ought to be avoided. While I have nothing to say now as to the amount proposed to be appropriated—

Mr. ATKINS. I think the gentleman misinterprets the object of the appropriation.

Mr. REAGAN. I understand that it is for taking care of the park.

Mr. ATKINS. Yes, sir. There is a superintendent of the park; and he is required to do certain work—to cut out bridle-paths and make other improvements.

Mr. REAGAN. I understand what my friend says; yet it does not induce me to qualify what I have said. Whenever you lease out these places for hotels, for gardens, or for grazing lands and put men there with private interests to subserve, the money will be spent in forwarding such interests. I trust the amendment of the gentleman from New York will be adopted.

Mr. FLOWER. There will not be many gardens, as there is frost there every night.

MESSAGE FROM THE SENATE.

The committee informally rose; and a message from the Senate announced the passage without amendment of the bill (H. R. 1078) to authorize the Seneca Nation of Indians of the State of New York to grant title to lands for cemetery purposes.

It further announced the adoption of the conference reports on the disagreeing votes of the two Houses on bills of the following titles:

A bill (H. R. 2013) referring to the Court of Claims the claim of Gallus Kirchner;

A bill (H. R. 2871) to provide for the extension of the Capitol, North O Street and South Washington Railway; and

A bill (H. R. 6900) making appropriations for the current and con-

tingent expenses of the Indian Department and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1884, and for other purposes.

It further announced the passage of the following bill; in which concurrence was requested:

A bill (S. 2445) to amend section 2603 of the Revised Statutes of the United States, fixing the boundary of the collection district of Sandusky.

SUNDRY CIVIL BILL.

The CHAIRMAN. *Pro forma* amendments, by unanimous consent, are withdrawn, and the question recurs on the amendment of the gentleman from New York [Mr. McCook].

Mr. PAGE. I move to strike out the last word, and before submitting any remarks on the subject I desire that the amendment of the gentleman from New York may be again read.

Mr. McCook's amendment was again read.

Mr. PAGE. Mr. Chairman, I rise to oppose the amendment of the gentleman from New York, and my reason for so doing is simply this: The provision offered by the Committee on Appropriations fully protects this Yellowstone Park in the interest of the public. I think there should be some accommodation provided for the traveling public. This is a great national park and hundreds of people visit it every year, and in my judgment some provision should be made by which parties may be able to build hotels and provide other accommodations for the public.

Nor, Mr. Chairman, do I see anything in the amendment of the Committee on Appropriations looking to giving franchises in this Yellowstone Park to anybody. It simply provides—

That the Secretary of the Interior, in his discretion, may grant leases, for terms not exceeding ten years, of small parcels of ground within said park; but no more ground shall be so leased than is necessary for the hotels and storerooms necessary to the accommodation of visitors, and necessary outhouses, bath and ice houses, and for gardening or grazing land in connection with said hotels; but no exclusive privilege or monopoly of any kind shall be granted to any person or company or corporation for any purpose within said park, nor shall any lease or contract be made which in any degree or manner interferes with or prevents the free and unrestricted access of the public to all portions of the park.

The amendment offered by the gentleman from New York, it strikes me, is a peculiar one in its character. It prevents the Secretary of the Interior from allowing any person or persons going into the Yellowstone Park for the purpose of erecting any hotel with a view to the accommodation of the traveling public. If I may be permitted to say so, it is a sort of dog-in-the-manger policy. The Government erects no buildings for the accommodation of the public, and this amendment would prevent the Secretary of the Interior from making any arrangement with other parties by which such accommodation could be provided. I therefore believe the amendment ought not to be agreed to. And when I say this, Mr. Chairman, I am not speaking in the interest of any persons who have made application for leases of portions of this Yellowstone Park for the purpose of erecting hotels. I am speaking, on the contrary, in the interest of the traveling public who desire to go there, and who perhaps do not wish to camp out, but prefer hotel accommodations. With the restrictions thrown around the amendment of the committee, it seems to me the Secretary of the Interior should be allowed to lease small portions of this land for the erection of hotels and other buildings as may be necessary for the accommodation of travelers.

I can not see why this House should adopt the amendment offered by the gentleman from New York, prohibiting absolutely, until some future Congress may come in, any provision for suitable hotel accommodations by refusing to lease any portion of this land to any person for that purpose. The paragraph in the bill absolutely prohibits the granting of any exclusive franchise, which is proper, and I do hope the paragraph as reported will be retained and the amendment of the gentleman from New York voted down.

Mr. KING. I move to strike out the last word.

The CHAIRMAN. That amendment is pending and the gentleman can be heard in opposition.

Mr. KING. I rise, sir, to support the amendment proposed by the gentleman from New York. This reservation was set apart by the Government as we understand for the whole people of this country, to establish a great national park. Evidence has come in authentic form that private parties are already absorbing this domain and destroying evidently the purposes for which the park was established. It seems to me that before undertaking the further leasing of any portion of this park, it should be placed under some Government head or proper control which by a careful investigation of all the facts could determine what should be done in the premises, and would be able to make adequate recommendations to Congress for the inauguration of such measures as may be advisable for its protection and care. If this system of private leases is continued it had better be put under the hammer at once, for it will be absorbed by monopolists and men having no interest in the purposes for which the park was established.

Mr. HISCOCK. It is proper that I should be heard for a moment in this connection. There seems to be an idea that the provision as it is contained in the pending proposition is a provision put into the bill in

the interest of people who want to control this natural scenery, and to derive a revenue from what belongs to the public and should be free to all. Now, I wish this committee to understand that we have modified the existing law to a certain extent and, as we believe, in the interest of the preservation of the park. That law was construed to permit the leasing of this property not in parcels but only to one concern. But we have amended the law in that respect so as to compel it to be leased, if at all, in parcels, and thus prevent the very thing of which complaint is made here, that is to say, to prevent a monopoly of the property. We have changed the existing law in the direction of prohibiting anything of that kind.

Mr. ROBINSON, of Massachusetts. Will the gentleman from New York allow me also to suggest that as the law at present exists it allows the very mischief complained of to be perpetrated.

Mr. HISCOCK. Yes, sir, undoubtedly; as the gentleman from Massachusetts has aptly said, the law as it now exists allows this mischief to be done; and it is with the view of correcting this mischief that the committee has thought proper to bring in this provision. Now, they believe that this will have that effect.

Mr. COBB. But I think the gentleman is mistaken; it will not effect that object.

Mr. HISCOCK. Yes, it does; if the gentleman will examine the purport of the amendment in connection with the existing law he will see that it does. It does this, Mr. Chairman: if the purpose is to allow any part of this property to be leased for the erection of hotels for the use of travelers, this provision is so drawn that an honest execution of it, while accomplishing that object, will absolutely preserve the property and prevent impositions and monopolies.

Mr. COBB. I think not.

Mr. ROBINSON, of Massachusetts. This will lock the door a little while at least, until the time comes when we want to open it.

Mr. PAGE. Why do you want to lock it a little while? This is a national park; why not have it open to the public?

Mr. ROBINSON, of Massachusetts. The gentleman certainly does not understand me. I do not want to lock the park; but I want to so frame our legislation as to protect the people of the United States in their rights to it against trespassers and against monopoly.

Mr. PAGE. Then why not do that without preventing visitors from going there?

Mr. ROBINSON, of Massachusetts. We do not prevent them.

Mr. McCOOK. It is not locked up against the people.

Mr. PAGE. You do not want visitors who go there to be compelled to carry their blankets.

Mr. McCOOK. Every person who goes there now goes that way.

Mr. PAGE. They do not want to go there in that way. You ought to give them an opportunity to avoid that necessity.

Mr. COBB. Let me call the attention of the gentleman from New York to this provision "for grazing purposes" which the committee seeks to incorporate in this bill. That will cover in each one of these leases some three hundred acres of ground or more.

Mr. HISCOCK. The gentleman from Indiana calls my attention to the words "grazing purposes" in connection with it—

Mr. PAGE. Well, strike that out.

Mr. HISCOCK. The idea was that we would leave a little plot of land for the proprietor of the hotel to afford grazing land for a few cows. But I have no objection to striking it out.

Now, the difference between this bill and the proposition of my colleague is this: That his is a proposition to turn it over to the War Department, and we propose it shall remain under the Interior Department, with the right to make the leases in this way. For myself I am entirely indifferent to what action the committee takes upon the subject; all I desire is that our legislation shall be such as to prevent as far as possible all of the abuses which are contemplated, and which have been nearly perfected under the general statute.

Mr. BLOUNT. Mr. Chairman, I have no doubt of the purpose of the gentleman from New York in charge of this bill, and that his object is to protect this property from improper leases. It is, I think, very nearly the same thing as the present law.

Mr. HISCOCK. Very nearly the same.

Mr. BLOUNT. The language of the present law is—

That the Secretary of the Interior may, in his discretion, grant leases for building purposes, for terms not exceeding ten years, of small parcels of ground at such places in said park as shall require the erection of buildings for the accommodation of visitors, &c.

Now, it would seem that that would guard against all trouble of this property getting into the possession of one single person or company.

And yet the leases have been so made that—I quote from the report made by Mr. VEST to the Senate—

The virtual and real effect of the contract and lease is to put the entire park, containing 3,300 square miles, under the control of the lessees for a term of ten years at a nominal yearly rent of a few thousand dollars.

Under the terms of their lease they are not bound to build but one hotel. Therefore by the operation of this law, which seems to guard so carefully against it, the company has got control of 4,000 acres and the exclusive control of all the property about these buildings.

I submit therefore the gentleman from New York is in the right line

when he proposes to declare these leases void, and that the park shall be put temporarily under the control of the War Department. I do not understand the gentleman from New York to have any purpose of placing this permanently under the control of the War Department. But at this time this monopoly ought to be ousted, these depredations ought to be stopped; and the only way to accomplish that is to put it in the hands of the War Department, which has control of the troops and can thereby protect it. I trust the gentleman from New York [Mr. HISCOCK] will assent to that proposition.

Mr. HISCOCK. I make no objection. I am indifferent in the matter.

The question being taken on Mr. McCook's amendment, it was agreed to.

The Clerk read lines 1533 to 1537, as follows:

Botanic Garden: For procuring manure, tools, fuel, purchasing trees and shrubs, and for labor and materials in connection with repairs and improvements to Botanic Garden, under the direction of the Joint Library Committee, \$10,000.

Mr. COX, of North Carolina. I move to strike out the paragraph which has just been read.

I wish to call the attention of the committee to the appropriation which is made in the legislative appropriation bill for this precise object. The legislative appropriation bill appropriates for the support of this garden—for the same object—the sum of \$11,700, which makes altogether \$21,700. Now, I can not understand, Mr. Chairman, why it is that these appropriations should be made in different bills; why it is that the Committee of the Whole are not allowed the opportunity of having all appropriations for the same object brought in such juxtaposition that they can understand what the amount is that is to be appropriated for any one particular object. I would be obliged to the chairman of the Committee on Appropriations if he will explain why it is an appropriation for this object is made in this bill and why it is a part of the appropriation for the same object is made in a different bill.

We know, sir, that so far as this House is concerned legislation is virtually transferred to our committees; and we know how difficult it is, when a recommendation is made by a committee, to defeat the appropriation it recommends; for the committee, with that pride of opinion which is natural, fight for their recommendations with all the tenacity and ability which usually distinguishes the members of our Appropriations Committees.

I insist, therefore, that when appropriations are made for a specific object all those appropriations should be put together, so that the House can understand what it is doing.

In addition to that I see, Mr. Chairman, there is an appropriation in this same bill of \$2,500 for a "house for the storage and protection of palms and other tropical and sub-tropical plants." We see this Botanic Garden, which has been in existence not a half a century, this one garden alone, has cost this Government more than half a million of dollars. The space that is occupied by the garden does not exceed, I think, seven acres, most of which is devoted to lawns and trees. And yet, sir, we see that every year by some means this appropriation is increased; and it is placed in the hands of a man who, I may say, is under no supervision whatever. These appropriations are under the direction of the Library Committee. What is the Library Committee? Why, sir, it goes out of existence and expires in a few days; and we have no supervision of the expenditures of this large amount of money for this bouquet garden at the foot of the hill, except it is the will of one man who has it under control.

I know the difficulty that we encounter in attempting to control the legislation in regard to this subject. We know the force and the power of flowers. The author of *Lothair* is content when he brings his hero and heroine together to allow the heroine to present the hero with a rose; and there the curtain drops, and all is left to imagination. And so it is with regard to these bouquets which are presented to members of the House. Some gentlemen insist, "Why, the President has a garden, and Congress should have one." I can not see it. Sir, *Aesop* tells us the frog, on one occasion, thought he should be allowed to drink as much water as the ox—the sequel is well known. We have but one President, and there may be an exception in his favor. We have no necessity, so far as this body is concerned, for any such expenditures.

Now, sir, in regard to bouquets and their distribution. A member of this House told me yesterday he was opposed to lessening the expenditures, because he had received a bouquet the night before from Mr. Smith; that he was a very clever man. I asked him what disposition he had made of it, supposing as a matter of course he had presented it to his wife. But no; he said he had given it to the daughter of his landlady because she was sick. [Laughter.] I do not know that it would contribute to the peace of members' families if it were known where all these bouquets go. [Laughter.]

But these esthetic bouquets have one enduring feature: these little flowers that "scent the morn" and regale the senses are mounted on tooth-picks, and when they wither and fade away their improvised stems may be converted to practical purposes. [Laughter.]

But seriously, Mr. Chairman, it was stated the other night and not denied that the appropriations for purposes of this character have amounted annually to about \$100,000.

The gentleman from New York [Mr. VAN VOORHIS] said that a spirit of economy should not be exercised in regard to flowers; that when we exercised economy we became too gross and too material. I must confess that I do not belong to that esthetic school which discovers great beauties in the sunflower, with its repulsive odor and glaring petals, because it is fashionable. There are, however, gentlemen who do, and they sometimes come to grief, as the history of their great exemplar will show. Rather let us faithfully represent the interests of those who sent us here, whether we pursue this wayward goddess of fashion or otherwise. Whatever may be the infatuation of some members for flowers, no one can ignore their influence. The sweet poet, Felicia Hemans, sings, "Bring flowers, fresh flowers, to the festive board;" but we should bring them with due consideration for economy, when demanded by the public needs, and at our own expense when required for private festivities.

Now, as this gentleman has no supervision over him, I think that the appropriation which has heretofore been made of \$11,700 is an ample sum to be placed in his hands by this Congress.

Mr. HISCOCK. If there is anything in the world which the Committee on Appropriations is not guilty of it is that which the gentleman from North Carolina [Mr. Cox] has charged against us, that we have a pride of opinion about any matter or that we have a desire to secure the adoption of provisions which we have placed in appropriation bills. We certainly can not be charged with being guilty of that.

Let me explain in regard to this matter to the gentleman from North Carolina, and I think he will see that we have cured in this bill just the evil which he has been complaining of. The legislative appropriation bill is a bill which carries the salaries of the officers, clerks, and employés of the Government here in Washington; it is intended that it shall carry nothing else. That is done with a view of having spread before Congress a full statement of the salaries which are paid to the officers and employés of the Government.

Appropriations for the support of institutions and gardens and things of that kind are not carried on that bill; that is, it has not been the intention to carry them on the bill.

Heretofore the legislative appropriation bill has carried an item precisely like the one here in this bill; it did so last year; and the sundry civil appropriation bill also carried a similar item; that is an item making an appropriation for the purpose of procuring manure, tools, &c. We have combined the two items in this bill, and dropped out of the legislative bill all except the provision carrying the salaries.

Mr. COX, of North Carolina. I think the gentleman is mistaken about that.

Mr. HISCOCK. We have combined the two items in this bill, and reduced the aggregate from \$12,000 to \$10,000. Instead of increasing the appropriation we have decreased it; and instead of carrying it upon different bills we have put it all in this bill.

Mr. COX, of North Carolina. I see an appropriation in the legislative bill for this Botanic Garden, and I find a similar appropriation in this bill.

Mr. HISCOCK. What is the appropriation in the legislative appropriation bill?

Mr. COX, of North Carolina. It is \$11,700.

Mr. HISCOCK. For what?

Mr. COX, of North Carolina. For precisely the same objects embraced in this bill.

Mr. HISCOCK. I beg your pardon.

Mr. COX, of North Carolina. I will read it. This is in the legislative appropriation bill: "For Botanic Garden: For superintendent, \$1,800."

Mr. HISCOCK. Ah! exactly.

Mr. COX, of North Carolina. But wait; that is only one item.

For assistants and laborers, under the direction of the Library Committee, \$11,700.

Mr. HISCOCK. Certainly; it carries the salaries for those persons.

Mr. BLACKBURN. I want to call attention to a fact that shows my friend from North Carolina [Mr. Cox] is very much mistaken, and I am sure that he will see that he is mistaken as soon as his attention is called to it.

The legislative appropriation bill is passed so far as the House is concerned, and it carried an appropriation of between eleven and twelve thousand dollars for the maintenance of this garden. This bill now under consideration proposes an appropriation of \$10,000, but not one dollar of it for any common purpose of the two bills.

The legislative appropriation bill carries the appropriation for the salaries of the officers and employés. If the motion of the gentleman from North Carolina [Mr. Cox] should prevail, to strike this clause out of the bill, you will have all the expense of the machinery of the garden provided for but not a dollar with which to run it or maintain it.

I am sure the gentleman from North Carolina can have and does have better ideas as to the character of favors received from this garden than I have. I do not know anything about the distribution of flowers from the Botanic Garden to the members of the House. I am certain I speak within the mark when I say that for years I have never had one sent to me from that garden.

But in my judgment it would be as clearly suicidal and unwise to strike this appropriation out of this bill, and thereby turn that western

front of the Capitol out to commons, as it would be to plant a crop of potatoes on the ground that lies on the east front of the Capitol. I do not care whether the superintendent of that garden ever furnished a flower to anybody or not. It does not matter whether he ever furnished a plant or a shrub to any one. You can not dispense with it for the purpose of the ornamentation of your Capitol. Now, if you allow this motion to strike out to prevail, you will simply turn that west front out into commons.

I am surprised at the gentleman from North Carolina. Of all the men in this House I should sooner have suspected any other of opening a merciless war on flowers and florists, when he of all others should appreciate them the most, because to-day he has scarcely passed from under that floral marriage bell which I hope and believe marks the happiest epoch of his life. [Laughter.]

Mr. COX, of North Carolina. The time for men to reform is directly after they have married. No occasion is better suited to commence all proper reforms. [Renewed laughter.]

Mr. BLACKBURN. I sincerely trust that this amendment will not prevail; for in all seriousness I call the attention of the committee to the fact that it will leave in existence all the expensive machinery of this institution as provided by law, without a dollar with which to buy materials for its maintenance.

Mr. ROBESON. Mr. Chairman, the practical question before us is just this: we have a botanic garden; we have hundreds and thousands of dollars' worth of trees, shrubs, and plants; we have a place where the trees are selected; we have machinery through which they are purchased for the adornment of this city and its parks. We have already made appropriations for the salaries of officers. This appropriation is for procuring manure, tools, and fuel, for purchasing trees and shrubs for that botanic garden; and what else? And for labor and materials in connection with repairs and improvements. This has nothing to do with salaries. We must either maintain the valuable property which we have, or we must make an appropriation to take care of it. For myself, I would be perfectly willing to consolidate all the Government gardens about the city if they were placed under some practical head; but I do not want the adornment of this city, in the way of selection of its trees, to go under a bureau which is too large and too magnificent to take care of so small a matter, so that it would be left to some ignorant subordinate.

Mr. BLACKBURN. I withdraw my *pro forma* amendment.

The question being taken on the motion of Mr. Cox, of North Carolina, to strike out the paragraph, it was not agreed to.

The Clerk read as follows:

For continuation of the work of construction of the new pension building in Judiciary Square, \$150,000; for heating apparatus for the building, \$40,000.

Mr. SMALLS. I move to amend by inserting after the paragraph just read the provision which I send to the desk.

The Clerk read as follows:

That the Secretary of the Navy be, and he is hereby authorized to purchase a site for a coaling dock and naval storehouse at Port Royal, South Carolina, located by the board of naval officers in pursuance of the provisions of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes," approved August 7, 1883; and the sum of \$5,000, or so much thereof as may be necessary, is hereby appropriated for that purpose out of any money in the Treasury not otherwise appropriated.

Mr. SMALLS. Mr. Chairman, at the last session of Congress the sum of \$20,000 was appropriated for establishing a naval storehouse and coaling dock at Port Royal. A board of naval officers, appointed for the purpose of selecting a location, has made the selection and submitted its report. But it is found that under a provision of the Revised Statutes the Department can not purchase the land out of the appropriation which has been made. This amendment if adopted will simply enable the Secretary of the Navy to purchase the site selected by this naval board. I believe the chairman of the Committee on Appropriations will not object to this amendment.

The amendment was adopted.

The Clerk read as follows:

TENTH CENSUS.

For the work of taking the Tenth Census and closing the bureau, including the salary of the Superintendent and of all clerks and other employés, \$100,000.

Mr. PRESCOTT. I move the amendment which I send to the desk. The Clerk read as follows:

Line 1545, after the word "employés," insert:

"And additional compensation to the supervisors of census, as provided for by H. R. 6007, referred to the Committee on Appropriations May 3, 1882."

Mr. HISCOCK. I reserve a point of order on that amendment until the gentleman offering it has made his explanation.

Mr. PRESCOTT. On the 3d day of last May a bill was reported in this House by the Committee on Census providing for the payment of \$500 additional to each of the supervisors of the Tenth Census, one hundred and fifty in number, so the appropriation would amount to \$75,000. The reading of the paragraph now under consideration—"for work of taking the Tenth Census"—convinces me that the Committee on Appropriations, to which the bill I have mentioned was referred, intended by the appropriation of \$100,000 to cover the amount recommended to be appropriated in that bill. But to make the pro-

vision clear, in order that there may be no doubt about the matter, I think it would be well to adopt this amendment, which will make this additional compensation payable, as undoubtedly the Committee on Appropriations intended.

The CHAIRMAN. The Chair calls the attention of the gentleman from New York [Mr. PRESCOTT] to the fact that this amendment in its terms refers by number to a bill of the House. Does the gentleman wish the provision, if adopted, to remain in that form?

Mr. PRESCOTT. I will strike out that language if the Chair thinks it objectionable.

The CHAIRMAN. That is a matter for the gentleman to determine.

Mr. HISCOCK. I now insist upon my point of order. I can assure the gentleman that the Committee on Appropriations in inserting this item for \$100,000 had not the least intention in the world of allowing any additional compensation to the supervisors of the census.

The CHAIRMAN. The Chair would like to understand whether any law has been passed providing for this additional compensation.

Mr. PRESCOTT. Oh, no; I do not assert that. I only assert that a bill making this provision was reported to the House and referred to the Committee on Appropriations.

The CHAIRMAN. Then this does not rest upon existing law?

Mr. PRESCOTT. It does not rest upon existing law. If the reference in the amendment to the bill referred to the Committee on Appropriations is objectionable I ask that that language be stricken out.

The CHAIRMAN. That would make no difference as to the question of order. If there is no existing law for this expenditure the amendment would not be in order.

Mr. HISCOCK. My point of order is that the amendment proposes an increase of compensation, and is a change of existing law.

The CHAIRMAN. The amendment is of course subject to a point of order if there is no existing law on the subject.

Mr. CALKINS. It is always competent for the House to give direction as to the expenditure of any particular money which may be appropriated.

The CHAIRMAN. Not for an object not authorized by law.

Mr. CALKINS. But the amendment offered by the gentleman is in furtherance of the same object as the appropriation of \$100,000 proposed in the bill.

The CHAIRMAN. But sustained by existing law.

Mr. CALKINS. So is the compensation of supervisors in so far as they are a part of the census establishment.

Mr. PRESCOTT. The bill we are considering says it is for work in taking the Tenth Census, and that was taken either by these supervisors for which this provision is made or by the enumerators, the least paid of the organized system for taking that census. If it is intended to cover the enumerators, then the amount of \$100,000 would not be enough, as there were 32,000 enumerators. It would make the amount too small to be divided among them, and therefore it was presumed to cover the amount desired to be appropriated in addition to these supervisors. My amendment simply directs the way in which this amount is to be paid. It does not increase the amount, and it does not change the expenditure except in the same way with this paragraph, which provides "for the work of taking the Tenth Census and closing the bureau, including the salary of the Superintendent and of all clerks and other employees, \$100,000." Now, these supervisors certainly were employees of that Department in connection with the taking of the Tenth Census.

The CHAIRMAN. Is the Chair mistaken in supposing these supervisors referred to have completed their work?

Mr. HISCOCK. Yes; they have already completed their work.

The CHAIRMAN. Hence there is no authority for going back and adding compensation to those who have ceased to be officers of the United States.

Mr. PRESCOTT. If the amendment is ruled out of order I should like to offer another proposition.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PRESCOTT. I offer the following proposition.

The Clerk read as follows:

Strike out all after the word "employees," line 1545, and add:

"And to the supervisors of census such additional compensation as the Superintendent of Census shall deem just, upon the basis of labor performed by each, not in any case to exceed the sum of \$500 additional compensation to any supervisor—\$150,000."

Mr. HISCOCK. I make the same point of order against that amendment.

Mr. PRESCOTT. I ask the gentleman to withhold his point of order until I can make a remark.

Mr. HISCOCK. I do not wish to be understood as withdrawing my point of order.

The CHAIRMAN. The Chair recognizes it as pending.

Mr. PRESCOTT. The gentleman from New York [Mr. HISCOCK] claims in connection with the other amendment the amount proposed by the Committee on Appropriations is intended to complete the work as provided by the Census Bureau, and for that reason he has a right to object to it, as the addition of the amendment would to such extent lessen that appropriation. But this amendment I now propose provides for the amount intended to be covered by the bill reported by the

Census Committee on May 3, 1882, making an increase of \$75,000. For that reason it may be subject to the point of order if the gentleman insists on it, but I trust that he will not do so in the face of the fact that this bill has been before the Committee on Appropriations ever since the 3d of May last, and the appropriation bill reported since then made no provision for carrying out its appropriations in compliance with the report of the Census Committee. That bill has never been acted on by the Committee on Appropriations, nor has any appropriation been provided in accordance with it. Certainly the Committee on Appropriations should treat the action of the Census Committee with sufficient respect to report back that bill in some form or other, so that there might be action of the House upon it. I ask therefore that the gentleman shall now withdraw his amendment and let the matter be considered in the House.

Mr. HISCOCK. I insist upon my point of order.

The CHAIRMAN. The Chair sustains the point of order and rules the amendment out of order.

Mr. CASWELL. I ask to return to my amendment.

Mr. RANDALL. Does the gentleman mean the amendment about the Sioux treaty?

Mr. CASWELL. I do.

Mr. RANDALL. I hope that will not be done for a few minutes.

Mr. CASWELL. Very well; then I will wait.

Mr. PRESCOTT, by unanimous consent, obtained leave to print some remarks in the RECORD on the census question generally. [See Appendix.]

The Clerk read as follows:

For fish transportation: For the construction of a car for the distribution of carp and other useful food-fishes to distant portions of the United States, \$5,500.

Mr. HOLMAN. I move to strike out the last word. The paragraph is subject to a point of order, but I do not make it. I wish to say a word, however, on the proposition. The district I represent, Mr. Chairman, is remote from this capital and the ponds where these carp and other food-fishes are propagated. From my own experience in my section of the country those who wish to experiment in regard to raising these fish are willing to incur the expense of their transportation from Washington to their ponds in Indiana. Indeed, I have not heard a single instance of complaint. On the contrary, the farmers of the Ohio Valley are perfectly willing and anxious to incur any necessary expense in procuring these food-fishes.

The amount of the cost to each individual is inconsiderable, and the benefits conferred are almost exclusively personal benefits. They are for the benefit of each individual who tries the experiment, and it is a matter of interest and taste also on the part of those who have the necessary facilities for cultivating fish in their own private ponds. But that is an expense that the Government ought not to be called upon to pay. I do not see any reason why it should be done, and I object to it. I am opposed to assessing the whole people of this country to contribute to a feature which may rather be called one of private policy—a policy like this which can not inure generally to the common good. I will venture to say that one-half at least of all the fish distributed for the various fish-ponds throughout the country under the charge of Professor Baird, who has been so successful in this work of cultivating fish, are shipped abroad at the expense of persons who desire to try the experiment of raising fish so as to imitate the taste of the famous Isaak Walton.

I see no reason why this expense should be met by Congress in individual cases. Of course I do not wish to be understood as commenting on the policy of distributing these fish where the distribution is manifestly for the public good, as in cases where car-loads of these fish are taken and distributed in ponds belonging to cities or where they are distributed in streams which have been deprived of their food-fishes, by any means. But I do think that in all other cases where this is a merely experimental work on the part of individuals, or merely a matter of taste, that they should themselves be required to bear the expense; and I would like to know on what principle my friend from New York can justify this appropriation. It is not a public matter, on the contrary the distribution of these fish is a matter of private taste, and confers private benefits in, as I have said, the great majority of cases. Here and there, I admit, fish are put into the streams as a matter of public concern; but that is an unimportant feature in comparison to the distribution among private citizens. I repeat, sir, I see no good reason, therefore, why a tax should be laid upon the whole people for benefits which are necessarily personal. I believe myself that the policy of fish-culture and the interest taken by the Government in it is a national concern, broad in its purposes and scope, and should so be considered by Congress. But in the distribution of fish here and there to individual ponds for experimental purposes it can not claim the title of a national measure.

Mr. BROWNE. Will my colleague draw the distinction between raising fish for private use and distributing them to private individuals for their use?

Mr. HOLMAN. The distinction is very clear. They are prepared, as I understand, at the Government fish ponds for distribution to ponds and streams with a view to national objects, not simply to furnish individual ponds but to supply the streams, and to that extent it gives

the work a national character. But what I am objecting to is that the expense of the transportation of these fish to private ponds, and manifestly for private purposes, should be met by the Government. For myself I have been always willing to incur every reasonable expense in increasing in any possible manner the food-supply of all kinds of the people of the United States, and in that respect as long as this fish-culture is a national object I am heartily in favor of its encouragement. But when it falls below that and becomes individual in its scopes and purposes then I think the Government should not be required to pay the expense.

[Here the hammer fell.]

Mr. HISCOCK. The gentleman from Indiana asks me upon what principle I justify this item on this bill. I say to him that I do not justify it under the Constitution of the United States [laughter], and in fact I do not know any governmental principle which has been adopted by the Congress of the United States unless it is in reference to the distribution of fish, that does justify it. But I recognize this fact, that the people of this country are bound to have these fish, carp and all other kinds of fish, and the Representatives here upon the floor are bound to give them the facilities for getting them. I therefore recognize it as the law of necessity on the part of the Committee on Appropriations to report this item in this bill, and I have yielded to that law of necessity, and hence it is here, and I hope will be adopted.

Mr. MCLEAN, of Missouri. Mr. Chairman, this is one of the most important measures in this entire bill. The distribution of these fish by the Government gives more food to the people of this country than any other governmental work that has ever been undertaken. It can not be confined to individuals. It is a national work. The Government supplies ponds, creeks, and streams with the fish, and it has become a great necessity to the people. In our western country all the great streams have been depleted and the Government is now supplying them with fish that will grow and mature in them. No individual could hope to do it. It must be done by the Government if done at all, and I repeat that I look upon this as one of the best provisions in the bill.

Mr. HOLMAN. I withdraw the *pro forma* amendment.

The Clerk read as follows:

PUBLIC PRINTING AND BINDING.

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, and the Departments, including salaries or compensation of all necessary clerks and employees, for labor (by the day, piece, or contract), and for all the necessary materials which may be needed in the prosecution of the work, \$2,377,650; and from the said sum hereby appropriated printing and binding may be done by the Public Printer to the amounts following, respectively, namely.

Mr. SPRINGER. I desire to offer an amendment to this clause.

The Clerk read as follows:

Add after the word dollars, in line 1685:

Provided, That the contracts for lithographing, mapping, and engraving shall be let to the lowest responsible bidder, under the direction and supervision of the Joint Committee on Printing, in the same manner that contracts are let for paper used at the Public Printing Office; and said joint committee shall determine what lithographing, mapping, and engraving should be done at the expense of the Government.

Mr. HISCOCK. I make the point of order against the amendment that it changes existing law and is not such a change as is authorized by Rule XXI.

Mr. SPRINGER. Does the gentleman from New York [Mr. HISCOCK] desire to speak further on the point of order?

Mr. HISCOCK. I will make the point of order now and will hear what the gentleman from Illinois has to say upon it.

Mr. SPRINGER. I desire to speak to the point of order. I think the amendment is not subject to the point of order, from this fact, that it will retrench and does retrench expenditure. The lithographing and engraving and mapping ordered by Congress to be done at the Public Printing Office amounted, according to the report of the Public Printer for the last fiscal year, to the sum of \$274,000. I desire members should look at this part of the report of the Public Printer, beginning on page 50 and ending on page 56, and they will see the enormous amount of this work that is done at the expense of this Government. The sums charged up to each item here are enough to startle the House in regard to this expenditure. Under the law as it is each one of the Departments can order and does order all this engraving, printing, and mapping that any head of a bureau may think necessary to be done by the Government. There is no limit to the amount of such order. Two hundred and seventy-five thousand dollars were expended for the purpose of procuring these plates and mapping and lithographing during the last fiscal year.

The object of this amendment is to put the letting of these contracts under the supervision of the Joint Committee on Printing. That committee is charged with the responsibility of determining what mapping and engraving shall be done at the public expense, instead of anybody who desires anything of this kind to be done ordering it and having it done at the Government expense.

Here are some of the items: Agricultural report for 1880, \$96,000, in one item. For special report of the Agricultural Department, No. 34,

which I understand to be the report on the diseases of animals, \$13,600. For additional engravings for the report of the Commissioner of Agriculture, 1880, \$6,974. And all through this report are items of every kind which one can imagine of work sent to the engravers charged up to the Government.

My object in this amendment is to prevent this loose and extravagant expenditure, and require a committee of Congress—a committee created by law—to supervise all this and determine what amount of this work shall be done. It will, in my judgment, save to the people two-thirds of this expenditure and not interfere with one single object to be desired by any gentleman who wants to promote the public service.

I do not think the amendment is subject to the point of order; but if it is I hope the gentleman from New York [Mr. HISCOCK] in the interest of economy will withdraw it and let the amendment be admitted.

Mr. HISCOCK. I will not withdraw the point of order.

The CHAIRMAN. The Chair, while examining the amendment, directs the Clerk to conclude the reading of the paragraph.

The Clerk read lines 1689 to 1715, as follows:

For printing and binding for Congress, including the proceedings and debates, \$1,279,650; for the State Department, \$15,000; for the Treasury Department, \$250,000; for the War Department, \$170,000 (of which sum \$12,000 shall be for the cataloge of the library of the Surgeon-General's Office); for the Navy Department, \$50,000; for the Interior Department, \$380,000 (of which sum \$10,000 is appropriated for rebinding tract-books for the General Land Office); for the Department of Justice, \$10,000; for the Post-Office Department, \$150,000; for the Agricultural Department, \$20,000; for the Supreme Court of the United States, \$25,000; for the supreme court of the District of Columbia, \$1,000; for the Court of Claims, \$8,000; and for the Library of Congress, \$19,000. And no more than an allotment of one-half of the sum hereby appropriated shall be expended in the two first quarters of the fiscal year, and no more than one-fourth thereof may be expended in either of the two last quarters of the fiscal year, except that, in addition thereto, in either of said last quarters, the unexpended balances of allotments for preceding quarters may be expended.

Mr. CANNON rose.

The CHAIRMAN. The Chair will hear the gentleman from Illinois [Mr. CANNON] if he wishes to oppose the point of order.

Mr. CANNON. I believe the point of order is well taken.

The CHAIRMAN. The Chair regards the point of order as well taken, inasmuch as in reference to this work the amendment requires the introduction of a system of letting contracts to the lowest responsible bidder, which is a change of existing law.

Mr. SPRINGER. That is already done under the direction of the Public Printer.

The CHAIRMAN. The amendment directs the letting of contracts to the lowest responsible bidder under a new authority.

Mr. SPRINGER. The law now provides for letting the work out by contract under the direction of the Public Printer. My amendment provides that it shall be under the direction and supervision of the Committee on Printing.

The CHAIRMAN. That changes the law.

Mr. SPRINGER. The amendment also requires the committee to determine what items of work of this class shall be performed at the public expense.

The CHAIRMAN. Which is also new legislation.

Mr. SPRINGER. But that reduces expenditures, because the amendment authorizes the cutting down of the expenditures almost to an unlimited extent.

The CHAIRMAN. *Non constat* it might also authorize the increase of the expenditure.

Mr. SPRINGER. There can not be an increase of the expenditure.

The CHAIRMAN. Why not, when this is made subject to the discretion of the joint committee?

Mr. SPRINGER. There would not be any more of this work than is now provided for by law. But by the amendment the joint committee are authorized to reject any of the matters that may be lithographed, &c., as the rule now is.

The CHAIRMAN. The amendment, however, fixes no limit. It provides that the committee shall determine what lithographing, mapping, and engraving shall be done at the expense of the Government.

Mr. SPRINGER. Would the amendment be in order if I should move at the same time to strike out part of the appropriation? I am satisfied we can safely reduce this appropriation \$77,650 if this amendment is adopted. I will therefore move to strike out the words "and seventy-seven thousand six hundred and fifty dollars," and insert what has been read, so that it will read "\$2,300,000" instead of "\$2,377,650."

The CHAIRMAN. The Chair remarks that that part of the amendment as an independent amendment is perfectly in order; but as he has frequently decided, the introduction of an amendment of that sort does not bring an amendment changing existing law in order. It must be apparent the proposed change of the law itself does not retrench expenditures. The Chair does not find this is plainly a retrenchment of expenditures.

Mr. SPRINGER. Would it not be if I reduced the amount covered by the bill?

The CHAIRMAN. That, as a separate amendment, would be in order; but it does not help the infirmity of this amendment, which changes existing law without itself diminishing expenditures.

Mr. SPRINGER. By cutting off this amount of expenditures, which

would be the effect of my amendment, we reduce the amount in the bill.

The CHAIRMAN. That requires the Chair to rule the inevitable result of this amendment is to decrease expenditures; and the Chair can not rule that.

Mr. SPRINGER. But if we make a less appropriation and provide a different system for its expenditure then there can not be so much expended.

The CHAIRMAN. The Chair again remarks that coupling with an amendment changing existing law a clause reducing the amount in the bill does not bring the amendment itself within the rule. It must be plain on the face of the amendment which changes existing law that it reduces expenditures in one of the three modes provided by the rule, unless it is reported by a committee; and then it must be plain the absolute result is a retrenchment of expenditures. The Chair must sustain the point of order on the ground that the amendment changes existing law and does not come within the provisions of the three clauses of the rule.

The Clerk resumed the reading of the bill, and read the following:

For fees of clerks, \$160,000: *Provided*, That where the same person holds the office of clerk in both the circuit and district courts of any district he shall be allowed by the Attorney-General to retain for his personal compensation of the fees received by him, after the payment of office expenses, the prescribed maximum of one office only, to wit, the sum of \$3,500 per annum; and this proviso shall apply in its full extent to the clerks of courts mentioned in section 840 of the Revised Statutes: *And provided further*, That the clerk of the supreme court of the District of Columbia shall make to the Attorney-General his semi-annual report of fees and emoluments in the same manner and under the same regulations as clerks of the other courts of the United States, under and in accordance with section 833 of the Revised Statutes, the maximum of whose compensation, after the payment of office expenses and other allowances granted by the Attorney-General, shall not exceed the maximum of \$3,500, and the balance of said fees and emoluments of his office shall be paid into the Treasury according to the provisions of section 844 of the Revised Statutes: *And provided also*, That the clerk of the Supreme Court of the United States shall make his semi-annual report of fees and emoluments of his office to the Attorney-General in the same form and manner as clerks of other courts, to whom the Attorney-General is authorized to allow, as the maximum of his office, after the payment of necessary expenses to be approved by him, a sum not exceeding \$6,000 per annum; and the balance of said fees and emoluments shall be paid into the Treasury according to the provisions of said section 844; and all laws or parts of laws inconsistent with these provisions are hereby repealed.

Mr. WILLITS. In behalf of the Committee on Expenditures in the Department of Justice, I move to strike out the last proviso of the paragraph just read and insert in lieu thereof that which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That the clerk of the Supreme Court of the United States shall not hereafter retain of the fees and emoluments of his office for his personal compensation, over and above his necessary clerk-hire and the incidental expenses of his office, certified to by the court, or by one of its justices appointed by it for that purpose, and to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding — thousand dollars a year, or exceeding that rate for any time less than a year; and the surplus of such fees and emoluments shall be paid into the Treasury as provided by law in cases of clerks of the circuit and district courts of the United States: *And provided further*, That so much of section 3 of the act of February 28, 1799, as relates to the payment of said clerk for his attendance in court is hereby repealed: *And provided further*, That the Supreme Court is hereby authorized and empowered to prepare the table of fees to be charged by the clerk thereof, and until the same is thus prepared the fees therein charged for recording or copying any paper or record shall not exceed 14 cents per folio.

Mr. WILLITS. The clerk of the Supreme Court, according to his own statement, received in 1880 \$36,120.17 and paid out \$16,170.79, leaving him net the sum of \$19,949.38. For the year 1881 his total receipts were \$44,845.80; total expenditures, \$15,368.69; balance net fees, \$29,477.11.

He is the only clerk of the United States courts without a salary limited by law, and the large amount received by him warrants some legislation. The clerks of the district and circuit courts, with some exceptions provided by statute, receive \$3,500 per year; when both offices are united in one person he receives the salaries of both, under the peculiar phraseology of section 839 of the Revised Statutes, as construed by Justice Story in 2 Story, page 389. The clerk of the supreme court of the District of Columbia receives \$6,000.

The fees of the clerk of the Supreme Court of the United States have not been essentially changed since the organization of the court, when the business was light, and they now aggregate the large sum above stated from the growth of business before it. By the act of May 8, 1792, re-enacted February 28, 1799, the compensation was fixed "for his attendance in court \$10 per day, and for his other services double the fees of the clerk of the supreme court of the State in which the Supreme Court of the United States shall be holden." This is the only law now warranting any fee at all. It is not to be found in the Revised Statutes, and only in volume 1, Statutes at Large, on pages 277 and 625, respectively. At first the court was held in the State of Pennsylvania, and the fees of the supreme court of that State controlled all of the fees of the United States Supreme Court but the per diem pay. Subsequently, when removed to the District of Columbia, it was construed to be within the State of Maryland, and the fees of that State formed the basis of the fee bill.

Some question has been raised of the authority to tax general fees at all since the court has been held in the District of Columbia, but the taxation under the Maryland law has had the acquiescence if not the

approval of the court itself, and since the enacting of the Revised Statutes the Supreme Court has informally held that the omission of the clerk's fees in the Revised Statutes did not bring them within the terms of their general repealing clause. It would seem wise, however, to put the right to collect so large a sum of money annually upon some more certain basis.

The Maryland statute which governs the present fee bill is not now the same as when the present fee bill was fixed. Then it was so many pounds of tobacco at so much a pound for each item of the fee bill. The United States Supreme Court bill doubles that, or nearly so; in some instances less; as follows:

Table of fees of clerks of the court of appeals of Maryland and Supreme Court of the United States.

	Court of appeals.	Supreme Court.
	Pounds of tobacco.	Cents.
Recording, &c., per folio.	8	16
Entering judgment.	47	94
Taxing bill of costs	8	16
Copy of same, per folio	8	16
Writ of diminution	22	44
Writ of possession or other execution	20	40
Entering and motion, &c.	8	16
Issue and rule	24	48
Affixing seal, &c.	131	262
Entry of appearance	6	12
Rule of trial	8	16
Continuance	4	8
For search	14	28

Under the present statute of Maryland the fees are very much less. For instance, the fee for recording or copying any paper is 10 cents a folio instead of 16. Moreover, there are many items not included in the Maryland fee bill; as a sample, the item of \$4 for filing briefs seems to have no corresponding item in the Maryland bill.

These instances are given to show the apparent laxity which is found in the present system of taxing costs in the supreme judicial tribunal of the land. Under it, by a practice that has existed for fifty years, many incongruities have grown up, and some of a most grave and important character. One, perhaps the most important, is in the printing of the records. Until recently the clerk was required to furnish copies of the record for the printers, for which he charged 28 cents a folio, the regular charge for a manuscript copy. But under a practice that has existed, as the Chief-Judge recently said, for more than fifty years, the clerk has taken the original record to the printers to be set up, instead of making the copy required, and for which he has charged the full price.

When it is observed that the printed record in some cases is almost if not quite the size of the volume of the Revised Statutes, it will be seen that the fees at 28 cents a folio would be enormous and excessive, even if the work had been actually done, but as it was only constructively performed, the grievance is one that deserves abatement. The court recently, attention having been called to it, sought to rectify the wrong by changing the rule, requiring the clerk to charge only half price in such cases. The authority to do even this tardy act of justice is not apparent, but doubtless it was in the exercise of the right of the court to control the acts of its subordinate officers.

A sample case under this lax construction of the rule, is that of H. Blennerhassett *et al.*, appellants, *vs.* Hoyt Sherman, assignee, October term, 1881. The charge made by the clerk for manuscript copy of the record for the printer, though no copy was made, was over \$2,000. The total costs in this case were \$6,148.

Of the total charges entered on the fee-books in cases decided during the October term, 1880, the amount charged for manuscript copies of the original records for the printer was over \$20,000. The amount paid clerks for making such manuscript copies as were made was a little less than \$3,000, leaving the clerk constructive fees about \$18,000.

The charges and fees for the October term of 1880 were substantially as follows:

For fees in the cases.	\$32,466 96
For admissions to the bar.	2,270 00
For salary, \$10 per day, 105 days.	1,050 00
For recording opinions of the court, October term, 1879.	1,610 00

37,396 86

There were other items and perquisites in small amounts, and some of the above amount has not been paid, but his gross receipts were for that term, as stated by the clerk, the sum of \$36,120.17.

The incidental expenses of his office for the October term, 1881, as stated before, were \$15,368.69, made up as follows:

Charles B. Beall, deputy clerk.	\$3,000 00
H. C. McKenney, assistant clerk.	1,800 00
James D. Maher, assistant clerk.	1,500 00
Assistant clerk (vacancy).	1,020 00
Assistant clerk (vacancy).	1,020 00
One messenger.	420 00
Printing opinions of the court.	2,200 00
For copyists, postage, buckets, brooms, ice, &c.	4,408 69

15,368 69

Of the last item the clerk has not furnished a bill of particulars. He says it is largely made up in copying, for which he paid at the rate of 10 cents per folio.

The same fees are taxed against the United States as against other litigants for like services, and are paid by the Treasurer of the United States from the appropriations annually made to pay clerks of courts on an account rendered by the clerk and certified by the Chief-Justice.

The amount paid them by the United States for several years past will appear by the following letter:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., February 3, 1883.

SIR: In answer to your inquiry this morning I have to state that the fees earned from the United States by the clerks of the Supreme Court of the United States during the terms specified below have been allowed on the adjustment of their accounts at the Treasury, and the sums named have been paid:

October term, 1877-'78	\$5,833 22
October term, 1878-'79	7,488 12
October term, 1879-'80	5,839 59
October term, 1880-'81	4,875 45
October term, 1881-'82	5,516 46

Very respectfully,

WM. LAWRENCE, Comptroller.

Hon. EDWIN WILLITS,
House of Representatives.

It will be seen that these several amounts have been paid out of the Treasury on the certificate of the Chief-Justice. There would seem to be no specific authority to do this. Under section 4 of the act of May 8, 1792—

The legal fees of the clerk, attorney, and marshal in criminal prosecutions shall be included in the fees of the marshal; and the same having been examined and certified by the court or one of the judges of it * * * shall be passed in the usual manner and the amounts thereof paid out of the Treasury of the United States to the marshal, &c.

The clerk states that this is the only statute governing the proceedings by which he obtains his fees, not only in criminal but civil cases in which the United States is a party; also his per diem of \$10 per day for his attendance upon court. He states that the practice of the payment to him direct (instead of to the marshal), and covering not only the fees in criminal cases but all his other fees, is based upon an unpublished opinion of Attorney-General Cushing, a copy of which is on file in his office, in which Mr. Cushing in substance argues that from analogy in the cases of the circuit and district courts, and from the fact that the Supreme Court is a co-ordinate branch of the Government, it ought to control the expenses attending the same. It is submitted, however, that there ought to be more specific authority in the premises if the practice is continued.

Another alleged evil brought to the notice of the Committee on Expenditures in the Department of Justice deserves some comment and explanation. It will be noticed that among the incidental expenses reported by the clerk was the item of \$2,200 for the printing of the opinions of the court. The popular apprehension has been that the clerk has made a large sum of money for certified copies of the opinions of the court. He claims that this is an error. He contracts with a printer at the rate of \$2.25 per page, to be printed at his own expense. To reimburse him for this expenditure he charges the parties to a cause for a copy of the opinion at the rate allowed for a manuscript copy, 28 cents per folio. For copies ordered by other parties the charge is \$1 per printed page, but no copy to exceed \$5, exclusive of \$2 for his certificate, with the seal of the court. He claims that his profits are small. His contract is for a full page \$2.25, though the opinion may not exceed ten lines, while in such case his fee would not exceed a dollar at 28 cents a folio. Then in a large proportion of the cases he is never called upon for more than one copy, for which he receives far less than he has to pay the printer. He cites an instance in the recent case of the Arlington (Lee) property. For the printing of the opinion he paid some \$60, and probably the only copy that will be ordered is the one he furnished the plaintiff, for which he was paid much less.

The practice of printing the opinions of the court as now conducted is of comparatively recent origin. The contract for printing seemed excessive at the first glance, but when it was learned what it included the price would not appear so. The writing of the opinion is first assigned to one of the justices, who furnishes to the clerk his manuscript, to be set up by the printer, who is bound to secrecy; the proofs are furnished to the justice, who corrects and revises, sometimes reconstructing whole paragraphs and even pages, which corrections and revisions are set up and recorrected till it is satisfactory to the justice. Then printed copies are furnished all the justices for consultation—all before the opinion is concurred in by the court. These corrections and revisions are charged as new matter by the printer, and amount annually to from \$300 to \$500.

There is no question that the practice is a good one and that it or something similar should be continued in the future, for which some provision should be made under the supervision of the court. The secrecy required in carrying it out would render it advisable that the court retain the control of the printing rather than to permit it to be done at the office of the Public Printer, and that this item still be allowed as a part of the incidental expenses of the court, with some reasonable charge in the fee bill in part at least to reimburse the expense.

All the foregoing considerations have led the Committee on Expendi-

tures in the Department of Justice to think it advisable that the clerk be put on a fixed salary; that the per diem of \$10 be repealed; that the court have specific authority to make a fee bill, and that in the meantime we reduce the expense of copying any paper or record at least one-half, so that there be some relief to litigants in the matter of one of the most expensive items charged to them; therefore it submits the amendment presented.

For the purpose of showing how the practice of the constructive charge for copies of the records grew up arose, and what considerations led the court to act, in the recent change of the rule in that regard, it is proper that the opinion of the Chief-Justice accompany this presentation of the subject. The opinion is as follows:

Supreme Court of the United States.—October term, 1882.

In the matter of amendments to rules 1 and 10.

Mr. Chief-Justice WAITE: Our attention has been called to the practice which prevails in the clerk's office of sending original records to the printer to be printed and of taxing in the bills of costs a fee for one manuscript copy of the record when no such copy is in fact made.

On investigation we find that the statute regulating the fees of the clerk was passed in 1799, and that under this statute a table of fees was prepared, many years ago, by or under the direction of the court, which has been followed by the clerk in the taxation of costs ever since. No provision was made, by rule or otherwise, for printing the records until January term, 1831. Before that time the practice was, as we are informed, for the court to use the original record, and the clerk made two manuscript copies for the use of the parties. For these copies he charged the parties according to the established table of fees.

At January term, 1831, the Attorney-General, in behalf of the United States, applied to the court for leave to take the original records in certain cases from the clerk's office to be printed, at the same time remarking that he had been informed that in such cases it had been the habit of the clerk to charge half fees. Chief-Justice Marshall, speaking for the court, stated "that the clerk of this court had certain rights and fees of office (of which a fee for a copy of the record was one), which this court was not disposed to violate; and that the party could not withdraw the records without paying for the copies, but that any arrangement which the clerk saw proper to make would be satisfactory to the court." The original records in these cases were afterward taken to the printer and printed, and the clerk charged and was paid full fees for one manuscript copy.

At the same term the first rule for printing the records was adopted, which provided for the taxation of the fees for one manuscript copy of the record in the bill of costs. When this rule was promulgated the court consisted of Chief-Justice Marshall and Associate Justices Johnson, Story, Thompson, McLean, and Baldwin. Mr. Justice Baldwin dissented on this provision of the rule, for the reason, among others, that it allowed the clerk a fee for a copy whether one was made or not.

Under the rule thus adopted the printing of records began, and from the first the original records were sent to the printer and a fee for one manuscript copy was charged in the costs, when in fact no copies were made. There is abundant evidence that at the outset this practice was directly or indirectly approved by the court. In 1839 the House of Representatives instructed the Judiciary Committee to "inquire what costs are charged against the United States for printed copies of records of suits pending in the Supreme Court which have been printed at the expense of the United States, * * * and whether any legislation is necessary in relation to costs of suits in said court." The committee reported, submitting a statement of the clerk on the subject, and were discharged. From this statement of the clerk and from other evidence on file, we are satisfied the committee or some of its members visited the office during the progress of their inquiries and possessed themselves fully of the mode of doing the business and of the compensation therefor.

In 1859 the rules were revised by Chief-Justice Taney under the direction of the court, and the provision for printing the records was put into the form in which it now appears in paragraphs 2, 3, 4, and 5, of Rule 10. We are advised that prior to the death of Chief-Justice Taney no manuscript copies of the records were ever made, and that the fee for one copy was always charged in the costs. Since the death of Chief-Justice Taney copies have in some cases been made. The present clerk has followed the practice of his predecessors.

We are entirely satisfied that the practice as it now exists is in all material respects what it has been for more than fifty years, and that at the beginning it received the approval of the court. No one now on the bench ever heard of any complaint, or of any application for a retaxation of costs, on account of what was done until late in the last term, when a motion for retaxation was made in the case of *James v. Campbell*.

There is an apparent conflict between the rules and the practice under them which ought not to exist. It is also evident that what was fifty years ago no more than a reasonable compensation for the important services of the clerk is now, under the operation of the rules as then construed and the practice then inaugurated, larger than it ought to be. To prevent misunderstandings in the future, and to reduce the expenses of litigants without doing injustice to the clerk, it is ordered:

That the second clause of Rule 1 be amended so that it will read as follows: The clerk shall not permit any original record or paper to be taken from the court-room, or from the office, without an order from the court; but records on appeals and writs of error, exclusive of original papers sent up therewith, may be taken to a printer to be printed, under the requirements of Rule 10.

II. That paragraphs 3, 4, 5, and 6 of Rule 10 be rescinded, and the following adopted in lieu thereof:

"3. The Clerk shall take to the printer the original record in the office, except in cases prohibited by the rules. When the original can not be taken he shall furnish the printer with a manuscript copy. He shall supervise the printing and see that the printed copy is properly indexed. He shall take care of and distribute the printed copies to the judges, the reporter, and the parties from time to time as required.

"4. In cases where a manuscript copy of the record is not furnished the printer the fee of the clerk for his services under the last preceding paragraph shall be one-half the rates now allowed by law for making a manuscript copy, and that shall be charged to the party bringing the cause into court, unless the court shall otherwise direct. When a manuscript copy is required to be made full fees for a copy may be charged, but nothing in addition for the other services required.

"5. In all cases the clerk shall deliver a copy of the printed record to each party without extra charge. In cases of dismissal, reversal, or affirmance, with costs, the fee allowed in the last paragraph shall be taxed against the party against whom the costs are given. In cases of dismissal for want of jurisdiction such fees shall be taxed against the party bringing the cause into court, unless the court shall otherwise direct."

True copy.

Test:

Clerk Sup. Court U. S.

Mr. WILLITS. The clerk of the Supreme Court ought to receive more than the clerks of the circuit and district courts, and the com-

mittee authorizing me to report this amendment were in favor of a salary of \$5,000 a year. We have reported the amount in blank, leaving it to be fixed by the House. The Committee on Appropriations, I perceive, has fixed the amount at \$6,000.

Mr. NEAL. I suggest to the gentleman to put in \$5,000.

Mr. WILLITS. Very well; I will fill the blank by inserting the word "five" before the word "thousand."

Mr. NEAL. That is what our committee agreed to.

Mr. HEPBURN. I would like to make an inquiry of the gentleman. I understand that the expenses of this office during the last year are stated to have been \$15,000. I would like to know how this extraordinary expense was made up.

Mr. WILLITS. Eight thousand three hundred and forty dollars was for assistants, deputies, &c.; \$420 for a messenger; \$2,200 for printing the opinions of the court, leaving about \$4,000 for incidental expenses, of which the clerk has rendered no bill of particulars, but which are made up of postage, brooms, ice, and various other things, besides the amount actually paid for copying, which the clerk claims was some thousands of dollars.

The question being taken on the amendment of Mr. WILLITS, it was agreed to.

Mr. HISCOCK. I think the salary of this officer ought to be fixed at \$6,000. I move to strike out \$5,000 and insert \$6,000.

The CHAIRMAN. Does the gentleman desire to discuss the proposition?

Mr. HISCOCK. No, sir; but I really think this ought to be done.

Mr. NEAL. I desire to say one word upon this amendment. During the last session of the present Congress the members of the Committee on Expenditures in the Department of Justice were so much engaged by their duties on other committees that it was impossible for them to give any attention to the duties of this committee which has heretofore been regarded as an ornamental rather than a useful committee. At the commencement of this session, however, we went to work and determined to make it as useful as the time would allow. We have done so; and the result is this amendment presented by the gentleman from Michigan [Mr. WILLITS] with reference to the salary of the clerk of the Supreme Court.

This office of clerk of the Supreme Court is practically a life office. There is no great pecuniary expenditure connected with it. Under this provision the clerk will have ample funds supplied him for securing all necessary clerks and assistants. A salary of \$5,000 is larger than the salaries of the judges of the supreme court of the District of Columbia, larger than the salaries of the judges of the Court of Claims, larger than the salaries of judges of the United States district courts in almost every part of the country.

This is an office without much responsibility. It does not require a high order of talent, and if we allow this clerk a salary exceeding that of the judges of most of the district courts of the United States and as large as that received by members of Congress, it seems to me we ought not to be asked to do more.

Mr. CANNON. Mr. Chairman, I wish to say a word in answer to the gentleman from Ohio [Mr. NEAL]. My understanding is that in times past under the method of compensation which has prevailed this clerk has received from \$12,000 to \$30,000 a year.

Mr. NEAL. Yes, sir.

Mr. CANNON. He is the clerk of the highest court known to the law of this country. The clerk of the Supreme Court of the United States does occupy a very important position. His relations with the court are, to say the least, semi-confidential, requiring strict integrity. By reason of his position here in Washington as clerk of this court he is obliged to incur greater or less expense. He must live in a manner corresponding with the position—must incur that measure of expense which is meet and orderly for an official of this kind. When we cut the pay of this officer from an amount ranging from \$12,000 to \$30,000 down to \$6,000—which I want to do and which I submit is proper—it strikes me we make a sufficient reduction. While I am in harmony with the gentleman from Ohio that it ought to be reduced, I think that amount is about enough.

Mr. McMILLIN. What duties devolve on this officer making it necessary to pay him \$1,000 more than is paid to a member of this House or the Senate or to more than five-sixths of the governors of the different States?

Mr. CANNON. This officer, the clerk of the Supreme Court of the United States as he is, and performing his duty as he does, has responsibilities resting upon him which in my opinion entitle him to receive a salary of \$6,000 a year. I do not believe he ought to receive, as he has been receiving, a salary from \$12,000 to \$30,000 a year.

Mr. McMILLIN. Should not the fact that he has been receiving from \$12,000 to \$30,000 in the past be taken into consideration in fixing the salary he is hereafter to receive?

Mr. CANNON. I think not, because there may be a change, as there has been a change of the clerk, the old clerk having died. I do not take that into consideration. I wish to pay him a proper salary, and in my opinion \$6,000 is an appropriate sum in consideration of the great responsibilities imposed on this officer.

Mr. HISCOCK's amendment was rejected.

The Clerk read as follows:

To pay the expenses of circuit judges in going to and returning from their courts, and while in attendance at courts at places where they do not reside, \$15,000; but not exceeding \$10 a day shall be paid to a judge for traveling expenses and for attendance.

Mr. HOLMAN. I make the point of order there is no law authorizing that appropriation of money. The law creating the office of circuit judge fixes the salary at \$6,000 a year, and no law has been passed since then providing for the payment of the expenses of circuit judges going to and returning from their courts.

Mr. HISCOCK. The provision in the bill is subject to the point of order, I concede, but on the other hand I believe it is eminently just and proper these circuit judges should have this provision for the payment of these expenses. There are certain circuit judges who are compelled to travel to that extent—I was about to say as to exhaust almost their entire salaries. This provision, therefore, is eminently just and proper, and I hope the gentleman from Indiana will withdraw his point of order.

Mr. HOLMAN. I do not think salaries ought to be increased in this way.

Mr. HISCOCK. It is not intended to increase the salaries of these circuit judges at all, but merely to provide for the payment of the expenses of these circuit judges in going to and returning from their courts.

Mr. HOLMAN. I think it is an objectionable method of increasing salaries. Our circuit judges, I believe, can not complain of their salaries, any of them. I think they receive ample compensation. I would be glad to withdraw my objection at the request of the gentleman from New York, but I can not do it. I believe these salaries are now as large as they should be. Even now they create discontent and dissatisfaction in our State courts on account of the magnitude of the salary in comparison with what is paid to the judges of the State courts.

The CHAIRMAN. The Chair sustains the point of order, and the paragraph is ruled out.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

To pay the legal representatives of Hon. J. T. Updegraff, deceased, late member of the Forty-seventh Congress and member-elect to the Forty-eighth Congress, \$6,000.

Mr. BROWNE. I move to strike out the last line, and I do so for the purpose of calling the attention of the committee for a few moments to this matter. There is provided by this bill payment to the representatives of deceased members of Congress in four instances.

Mr. HOLMAN. The Chair understands that the point of order is reserved.

The CHAIRMAN. The gentleman's point of order was sustained and the paragraph was ruled out.

Mr. BROWNE. I will raise the point of order to know what rule if any is to be established in these cases.

In the first place there is allowed to the legal representatives of Hon. J. T. Updegraff \$6,000. Not simply the balance of his salary for the unexpired term of the Forty-seventh Congress, but a sum in gross, \$6,000. When we pass to the next, to pay to the widow of Mr. Shadford, deceased, the committee simply allows so much as covers the unexpired term of his service as a member of this Congress. That is also true in the case of Hon. William M. Lowe. When we pass to the next case, that of Hon. J. Q. Smith, they simply allow the salary due up to the time of his death. First, we allow so much for the unexpired term; in another instance for the period of service up to the time of death; and in another case, not only for the unexpired term but for the term for which the member was elected and which has not yet commenced, we allow at least one year's salary of that new term.

It would be ungracious as a matter of course to raise a question on the impropriety of appropriations of this character. My own conviction is the Congress of the United States should in no case appropriate beyond the salary due at the time of death. When we have paid the funeral expenses and all that it seems to me justice or charity could not demand more.

My purpose is, Mr. Chairman, to know why it is there is this difference. My principal purpose was to inquire further in reference to the case of Mr. Orth. Godlove S. Orth died on the 15th of December, if I remember correctly, some three months before the expiration of his term, and this bill makes no appropriation in that case whatever. It makes no provision for what may be due him, and I do not know whether anything was due him at the time of his death, and it makes no appropriation for his unexpired term. Now, why are these discriminations made in this bill?

Mr. HOLMAN. Mr. Chairman, I had supposed that I rose in time when my colleague had addressed the Chair to inquire whether the point of order had been made upon this paragraph, wishing if it had not been to reserve it. The Chair replied to me that the point of order had been already disposed of, referring to a previous point of order. But I hope, inasmuch as I addressed the Chair with that intention, that the point of order will be considered as pending now.

Mr. HISCOCK. We all understand, Mr. Chairman, that a practice has grown up in this House of giving to the family or representatives of a deceased member, that is, a member-elect, one that has not been

sworn in but dies before Congress convenes, or if he dies after Congress assembles, who has not been able to attend and not sworn in, I say that the practice has grown up of giving to the heirs or representatives or somebody interested in the deceased the sum of \$6,000. I believe it is a custom absolutely pernicious, and I indorse every word that has been said by the gentleman from Indiana upon the subject. If I could believe that we could cure the evil for the future I would not care what was done with this provision. But I think in the last session of Congress we made provision for the heirs or representatives of two members. We gave them the same sum which is allowed here. I remember that some time ago, I think in the Forty-fifth or Forty-sixth Congress, a provision of this kind was made in favor of an eminent gentleman from the State of Texas. It is ungracious to object to a provision of this kind; and the Committee on Appropriations have reported it here because such has been the usage. And it seems to me that such having been the practice we should not in this instance at all events depart from it. If a provision could be put here into this bill for the future, serving notice on the future as it were, that this compensation will not be allowed hereafter, that, I think, would be wise. But I do not think that at this point we ought to make a discrimination. If some legislation could be ingrafted here or elsewhere that would be a declaration of what would be the policy of the Congress in future in reference to this matter I believe it would be entirely wise and proper. But in the absence of anything of that kind, and also because of the difficulty of any legislation that would bind a future Congress, I hope there will be no change made at present.

Now, in reference to the pay of Godlove S. Orth: The reason that provision is not made for that in this bill is because when the bill was reported I had not procured from the Sergeant-at-Arms the amount of pay then due to him. Where a member has been sworn in he is only entitled, by the practice prevailing, to the balance of his pay; and I now offer as an amendment, to come in after the close of line 1858, what I send to the desk.

The Clerk read as follows:

To pay Mary A. Orth, the widow of the late Hon. Godlove S. Orth, the amount of salary due him as a member of the Forty-seventh Congress, \$1,072.03.

Mr. HUMPHREY. Mr. Chairman, I desire to be heard for a moment in regard to this matter. It seems to me, in reply to what has been said by the gentleman from New York, chairman of the Committee on Appropriations, that we can not say to any future Congress that they shall not do this or that upon this particular subject. We can not do it for the reason that every case must be and should be governed by its own circumstances. And if we put in an amendment of the character he suggests it would be simply a notice to every member who comes here to Congress in the future that if he dies his family must not expect any gratuity from the Government, nor look for anything that has heretofore been granted in the shape of extra compensation at the hands of Congress. There are cases where this has been done without objection in the past. I recollect that in the Forty-sixth Congress we gave to the widow of a member of Congress from Texas, a distinguished member from that State, who died in the early part of the session, the amount of his salary for the whole period of his term in Congress. I have no doubt under these circumstances that it was gracious in Congress to do so, and not only gracious but right and proper. The same thing was done also with reference to the family of a gentleman from Iowa, who died under similar circumstances. It seems to me therefore, Mr. Chairman, that we should leave that matter just as it is, and not undertake to say what the next Congress or a future Congress shall do. No matter what legislation we may enact upon the subject there will be circumstances which must govern in every case and determine what is right and proper. I hope the gentleman from New York will not propose any such change as he has suggested.

Mr. BROWNE. If this custom is so eminently proper that Congress should continue to do this thing, it seems to me to be a little singular that it did not begin somewhat earlier in the history of this Government than the Forty-fifth Congress, for I believe that the first precedent in that direction was set in that Congress.

Now, I do not pretend to be so ungracious as to move to strike out a single one of these provisions of this bill; but I do desire to give notice to every one that if I should live to be in the next Congress and this question is then raised I shall move to give only such amount of pay as may be due at the time of the death of the member.

Mr. HOLMAN. I wish, Mr. Chairman, to make a statement in reference to the point of order.

I was watching the progress of this bill as it was read by the Clerk, and have a memorandum made in reference to this particular paragraph. My colleague [Mr. BROWNE] was on the floor and had already addressed the Chair before I rose to inquire whether the point of order was reserved. The Chair then replied that the point of order had been already disposed of, the Chair evidently supposing that I had referred to a point made to the preceding paragraph instead of this one.

I can only say, sir, I rose at the earliest moment that I was conscious this paragraph was pending, and I was giving attention to the reading of the bill. And yet when I made that inquiry my colleague was on the floor.

The CHAIRMAN. The Chair holds it his duty to recognize the

gentleman from Indiana on the point of order if he says he rose before the debate began, although the other gentleman may have been on the floor.

Mr. HOLMAN. My colleague had addressed the Chair before I made the inquiry. I rose instantly when he addressed the Chair to inquire if the point of order had been reserved. I was noticing the reading of the bill.

The CHAIRMAN. The Chair understood the gentleman from Indiana [Mr. HOLMAN] to ask what had become of the point of order, and therefore supposed he referred to a prior paragraph.

Mr. HOLMAN. No, sir; I had reference to this paragraph, and inquired whether the point of order had been reserved or not.

The CHAIRMAN. It is for the gentleman himself to say whether he rose in time before the debate commenced. If he says so the Chair is bound to accept his statement.

Mr. HOLMAN. I think I did. I rose to inquire if some other gentleman had made the point of order.

Under these circumstances, Mr. Chairman, I wish to submit the question of order, and I do it for the reason that if the point of order is made to this proposition and sustained by the Chair it will furnish the best guarantee which is possible that this will be the final disposition of this kind of legislation. I doubt the propriety of Congress appropriating money for services which have never been rendered; appropriating money to the widow of a person who has not rendered the public service for which the appropriation is proposed to be made.

I made the same point of order in the last Congress when the very first proposition of this kind came up, when I myself was present in the Committee of the Whole; but for reasons that it is not necessary to recount now, on account of the complicated condition of some questions which came before the House, and which appealed very strongly to a sense of the impropriety of pressing the point of order on one of these propositions, when another had been passed over unintentionally, that point of order was withdrawn. It was withdrawn for reasons which will be well remembered. I think it is very desirable that we should come to an understanding that the rule of the House which requires appropriations to be made in conformity to law is not to be waived by members of the House or the Committee of the Whole.

Mr. BUTTERWORTH and Mr. REAGAN rose.

The CHAIRMAN. The Chair begs gentlemen to wait one moment. The gentleman from Indiana [Mr. HOLMAN] does not quite distinctly state whether he rose for the purpose of making the point of order before the debate had begun.

Mr. HOLMAN. I rose for the purpose of making the point of order if my colleague had not made it; and the reason I did not make it was the statement of the Chair to which I have called attention.

The CHAIRMAN. The Chair upon that statement of the gentleman from Indiana will entertain the point of order.

The Chair desires further to say as to the action in the last session of Congress, when the present occupant was also in the Chair, he declined to take a responsibility which equally belonged to every member on the floor of the House, and if the point of order is insisted on in this case he will submit it to the determination of the Committee of the Whole.

Mr. BROWNE. I withdraw the *pro forma* amendment.

The CHAIRMAN. The Chair will first recognize the gentleman from Ohio [Mr. BUTTERWORTH] and then the gentleman from Texas [Mr. REAGAN].

Mr. BUTTERWORTH. I wish to say to my friend from Indiana [Mr. HOLMAN] that clearly the question was being debated when he rose and addressed the Chair. That he would have made the point of order if he had risen in time to do it, I have no doubt. But if I am not mistaken, and if my eye-sight is not in fault, the gentleman from Indiana [Mr. BROWNE] had addressed himself to the discussion of this question when my friend arose, probably for the purpose of making the point of order.

Mr. HOLMAN. That is true; I have so stated.

Mr. BUTTERWORTH. And that being true, it disposes of the question of order. In other words, the point can not be made after the discussion of the question has been begun. There is no doubt about that, and the gentleman from Indiana concedes that that is the case; and that being so, it must dispose of the point of order; or rather the point of order has not been made, or if made not made in time to warrant the Chair in entertaining it.

Now, I want to say one word touching the proposed appropriations. The committee follow in the wake of numerous precedents. An appropriation like to this was made, as has already been said, in the case of a gentleman from Texas, worthily and properly made. I believe another was made in the case of a gentleman from North Carolina, and in one or two other cases, and I heartily approve of the action of the House in those cases.

I trust this House will not awaken suddenly to a sense of the necessity for pinching economy and draw the line just here. It occurs to me it is quite enough to do at this time what my friend from Indiana [Mr. BROWNE] suggests; that is, to give notice—and he will be a member of the next House—that hereafter every proposition of this kind will be antagonized. That is a fair notice. But to draw the line here and now is to discriminate against cases which are in the line of pre-

cedent and thoroughly worthy, and which have been favorably considered by the committee and reported to the House.

Mr. DUNN. Is that intended to discourage members from dying?

Mr. BUTTERWORTH. It may or may not have that effect; but if they die they will die with notice that their estates will not be generously dealt with by their fellow-members of Congress. I submit to the House, if they vote on the point of order, although I am satisfied, as I have stated, that the point of order is not really pending, this is not the time and occasion, and these are not the cases—the case of my late colleague from Ohio and others—in which this House should draw the line and have our economy “prick the sides of our intent” in this work of unjust discrimination.

One word more. It has been said there is a difference in these cases. A line is drawn between members elected to the next Congress and those who are not.

Mr. BROWNE. Not exactly; in the case of Mr. Smith we allow so much of the salary as had been earned up to the time of his death.

Mr. BUTTERWORTH. I do not know that there is any difference in the cases submitted; there was no intention to make any distinction between the cases.

Mr. BLOUNT. How about the case of Mr. Herron, of Louisiana?

Mr. BUTTERWORTH. If there was any omission I am willing to correct it. It was not the fault of the committee, for whenever their attention was called to the matter they were ready to do in the one case just as they would do in another.

Mr. KING. I have in my hand a proposition in relation to Mr. Herron, of Louisiana.

Mr. BROWNE. That relates to the next Congress.

The CHAIRMAN. In regard to the point of order, the Chair will state that he understood the gentleman from Indiana [Mr. HOLMAN] to rise after the gentleman from Indiana in front of the Chair [Mr. BROWNE] had commenced to speak. But the gentleman from Indiana [Mr. HOLMAN], who knows better than the Chair, says that he rose before the debate had commenced to make the point of order.

Mr. HOLMAN. My recollection of an event occurring so recently is that my colleague [Mr. BROWNE] had addressed the Chair.

The CHAIRMAN. Had he done more than merely address the Chair; had he spoken in debate?

Mr. HOLMAN. My impression is somewhat fixed from the fact that I had the bill before me, following the reading of the Clerk, and had intended to make the point of order on this and some other provisions of the bill.

Mr. HUMPHREY. One moment.

The CHAIRMAN. The gentleman will allow the gentleman from Indiana [Mr. HOLMAN] to complete his statement.

Mr. HUMPHREY. But I desire to state one thing in that connection.

Mr. HOLMAN. Let me finish my statement.

Mr. HUMPHREY. I want to say that when the amendment was proposed by the gentleman from New York [Mr. HISCOCK] I spoke on the amendment, and General BROWNE, of Indiana, followed me, and the point was not raised until General BROWNE had spoken.

Mr. HOLMAN. If the gentleman from Wisconsin [Mr. HUMPHREY] preceded General BROWNE—

Mr. HUMPHREY. I did.

Mr. HOLMAN. I think the gentleman must be mistaken in that.

Mr. HUMPHREY. The gentleman from New York [Mr. HISCOCK] offered the amendment. I was recognized by the Chair and spoke on that amendment. Then General BROWNE followed me, and no point of order was raised until General BROWNE spoke.

Mr. McMILLIN. The gentleman from Indiana [Mr. BROWNE] spoke twice. The gentleman from Wisconsin [Mr. HUMPHREY] did precede him at one time, but not on the other occasion.

The CHAIRMAN. The gentleman from Indiana in front of the Chair [Mr. BROWNE] was the first gentleman who rose.

Mr. HOLMAN. And when my colleague [Mr. BROWNE] rose and addressed the Chair I at once rose and inquired whether he reserved the point of order on the proposition, and the Chair answered in the manner stated, and I took my seat. I rose at the usual time, in the usual manner, and with the usual promptness, to make the point of order if my colleague had not made it.

The CHAIRMAN. On that statement the Chair will regard the point of order as having been made in time. The Chair will now hear the gentleman from Texas [Mr. REAGAN] on the point of order.

Mr. REAGAN. On the point of order I desire to say that the law as it now stands provides for the compensation and mileage of members of Congress; that is subsisting law. Whoever is elected to Congress is entitled to the compensation and mileage provided by existing law.

That being so, it seems to me that a point of order can not be taken against this proposition, unless it be that it proposes to make provision for payment of a term of service not expired. It seems to me, however, that the fact that the law provides for the compensation and mileage of members is sufficient to give us jurisdiction of the subject, so as to entitle Congress legitimately and rightly on an appropriation bill like this to make provision for payment to the estates of persons who we may believe were entitled to compensation.

That is all I have to say on the point of order, and it seems to me it is sufficient.

Mr. BROWNE. Will the gentleman permit me to ask him a question on the point of order?

Mr. REAGAN. Certainly.

Mr. BROWNE. Do I understand the gentleman to say that Congress may appropriate for the payment of one who has never been a member of Congress, simply one who has been elected but who died before his official term began?

Mr. REAGAN. I can not answer the question in direct terms. He who is elected by the voice of the people, who is entitled to the certificate of election, and who received it, or only failed to receive it on account of his death, is a member of Congress under the Constitution and the laws. It does not become necessary that he shall take the oath of office in order to become a member. He is a member by force of his election, and draws his pay before he takes the oath of office, draws it up to the time when he takes the oath of office, as every member here has done.

Mr. BROWNE. Does the gentleman insist in the case of Hon. J. T. Updegraff, for instance, that he was ever a member of the Forty-eighth Congress, a Congress which has not yet begun and can not commence until after the 4th of March next?

Mr. REAGAN. I think the gentleman understands me to say just this: If Dr. Updegraff was elected a member of the Forty-eighth Congress he comes under the provision of law providing for his compensation and mileage. When the time shall begin for the commencement of his service that mileage and compensation would accrue to him; and Congress may now, it seems to me, without waiting until the next session—because I take it there could be no doubt about it then—Congress may now provide for the pay which had he lived would have been awarded to him at the commencement of the session of Congress.

The CHAIRMAN. After the statement of the gentleman from Indiana [Mr. HOLMAN] the Chair thinks he is bound to entertain the point of order. As already intimated, the Chair thinks it his duty to submit that point of order to the committee and will not take upon himself to decide a matter which may concern each member of the House and can be decided by the members.

Mr. BLOUNT. Mr. Chairman—

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. BLOUNT. I propose to come about as near to it as any gentleman here has done.

The CHAIRMAN. The Chair has been rather dilatory in having the point of order stated, but it is now before the committee.

Mr. BLOUNT. From the current of the debate here I suppose that the practice of the House in the past will have very much to do with the conclusion of certain gentlemen as to whether or not it is proper to put such a provision as this on an appropriation bill.

The gentleman from New York [Mr. HISCOCK] is incorrect when he says that it has been always the usage to provide for the payment of salaries which would have become due to members of Congress had they been sworn in, had they not died—to provide for the payment of their legal representatives in case of their death. In that the gentleman is mistaken.

The first case that ever occurred of that kind was the case of Mr. Schleicher, of Texas. I think that since then there has only been one other case of the kind; if I mistake not it was the case of Mr. Clark, from Iowa. In the last Congress an effort was made to do the same thing for Mr. Farr, of New Hampshire; but the same feeling which is now shown here, that it was wrong to do such a thing, manifested itself then. There was a concession in the case of Mr. Farr, and we did not vote the full amount of his salary for the Congress to which he had been elected. We could not refuse to pay something after the precedent we had made in other cases; but Congress refused to pay the salary for the full term.

Notwithstanding that action of the last House we find several propositions here to pay the families of gentlemen who were elected to Congress and who by reason of death were not sworn in. We find several such cases in this bill, and we are notified that a number of others are to come. My friend from Louisiana [Mr. KING] very properly says that he proposes to submit a proposition to pay the family of Mr. Heron, of Louisiana, just as is done in a number of other cases contained in the bill, and rightly so if this is to be the policy of Congress from now on.

I trust, Mr. Chairman, we shall insert in this bill a provision that hereafter it shall not be lawful to make payments to the legal representatives of deceased members of Congress under such circumstances. I know it may be said that such a provision will not bind succeeding Congresses. The same thing was said with reference to the provision limiting the compensation to be allowed the parties in contested-election cases. These allowances had grown to such an enormous sum that Congress found it necessary to put into an appropriation bill a provision that no contestant should thereafter be paid for his expenses a greater amount than \$2,000. The result has been that from the time of its enactment that provision has been respected by succeeding Congresses.

It has been argued here by the gentleman from Texas [Mr. REAGAN] that an allowance of this kind to the family of a member-elect is perfectly legal. He says that under the circumstances the person is under

the Constitution a member of the next Congress; and that this allowance may legitimately be made on an appropriation bill. If the gentleman is correct, then a general provision of law in this connection will relieve us of difficulty hereafter. We may follow in the present case the precedents urged upon us; but a provision of that kind placed upon the statute-book will in future restrain any Committee on Appropriations from reporting such a provision. I think we ought now to adopt such a proposition, without waiting until the next Congress. The very same difficulties will occur again and again forever if we wait until appeals in particular cases are made to us. I desire to have read an amendment which I would like to propose in this connection.

Mr. REAGAN. I do not object to my friend's discussing the question, but of course no amendment is yet in order, as the question of order is still pending.

Mr. BLOUNT. I do not expect the amendment to be acted on now; I know it is not now in order; but I ask that it may be read for information.

The CHAIRMAN. If there be no objection, the proposed amendment will be read as a part of the gentleman's remarks.

The Clerk read as follows:

Provided, That hereafter when any member-elect of Congress may die before qualification as a member of the Congress to which he was elected, his heirs, widow, or legal representatives shall not be entitled to or allowed the salary or any part of the salary to which he would have been entitled if he had continued in life.

Mr. TOWNSHEND, of Illinois. Is not that the present law?

Mr. ATKINS. Mr. Chairman, I do not agree with the gentleman from Texas [Mr. REAGAN] as to the law of this case. I think that a member of Congress, under the law, is not entitled to draw his salary until after the beginning of the term for which he is elected. The law provides that he shall draw his salary monthly; he is not entitled to it until the expiration of the month. Under the law he draws his salary month by month during the whole term.

Mr. TURNER, of Kentucky. That is the practice, too.

Mr. ATKINS. It is not only the law, but as suggested to me it is the practice. Now, as the member if alive would not be entitled to the salary, how are his legal representatives entitled to it when he is dead? How can they be entitled after his death to that which he would not be entitled to receive if living? It seems to me this ought to settle the question.

I am familiar with the manner in which legislation of this kind has been ingrafted upon the statute-books. I confess it is a delicate subject to talk about; and I do not wish to utter any words in opposition to this appropriation; but that is not the question. The gentleman from Indiana has made a point of order, and I think he has made it correctly. I do not believe there is any law for this appropriation.

I know well how the precedent which has been referred to—the case of Mr. Schleicher—originated. Mr. Schleicher died just at the close of the term. It was understood that he was without means. He was a man of great personal popularity in the House. He had a very large family, to whom the universal sympathy of members was accorded. Thus, when the proposition was made to allow to his family the entire salary for the term for which he had been chosen, the House adopted it. After the provision had gone to the Senate, the sum was in the conference committee cut down to \$6,000 upon the suggestion of Senator ALLISON, a member of that committee. That precedent led immediately to a similar allowance to the family of Mr. Rush Clark, who died during the Forty-fifth Congress, having been re-elected to the Forty-sixth. As a matter of course, he having been a member on the other side, the same amount—\$6,000—which had been accorded to the family of Mr. Schleicher, a Representative on this side, was allowed to the family of Mr. Clark. Then Mr. Farr, of New Hampshire, died and these precedents were urged in favor of a similar allowance to his family. Then Mr. Fernando Wood died before the term for which he had been chosen in the Forty-seventh Congress began, and \$6,000 were voted to the family of Mr. Wood.

A MEMBER. And Mr. O'Connor.

Mr. ATKINS. Oh, no; the family of Mr. O'Connor drew only \$4,637.13—it is not stated for what.

Mr. HAMMOND, of Georgia. They did not get anything on account of his salary for the Forty-seventh Congress. The amount which the gentleman has stated was for the Forty-sixth Congress.

Mr. ATKINS. I believe the fact was as the gentleman from Georgia suggests, that Mr. O'Connor's family received only the salary for the unexpired term.

Now, this allowance has been made in the case of two Democratic members and two Republican members, \$6,000 having been allowed in each case. So far as I am concerned, I am willing to vote this amount to the family of Mr. Updegraff. But if you agree to his you must make a similar allowance in the case of Mr. Herron, who has died since being elected a Representative from Louisiana in the Forty-eighth Congress. So far as the whole appropriation is concerned there is not a particle of law for any of it. It is simply, of course, the sympathy of the House. That is all there is of it.

Mr. HUMPHREY. That is where we get all of our law; from the Committee on Appropriations. There is nothing else which gets through the House.

Mr. REAGAN. I should like to say a word to the committee on the point of order.

The CHAIRMAN. The Chair thinks proper indulgence on the point of order has been granted.

Mr. HOLMAN. I have not been heard on the point of order.

The CHAIRMAN. The gentleman will be recognized.

Mr. HOLMAN. If the proposition is correct, then the legal representatives of J. T. Updegraff are entitled to pay for the entire term of the Forty-eighth Congress. That is clear beyond question. It is clear the gentleman from Texas [Mr. REAGAN] would not attempt to go that far. I submit Congress has no right to make appropriation of money except for service to the United States. That implied constitutional limit must be recognized by every gentleman. While there is no specific limit in that instrument it inevitably follows when you come to the question of service to the Government and compensation for it you can not appropriate money out of the public Treasury except for some benefit to be derived by the Government, but here there is no compensation for it. And here there is no pretense of any. It is proposed to pay the legal representatives of Dr. Updegraff for services which he can never render and for a Congress of which he can never be a member.

Permit me to say an additional word. This is a matter of personal concern to each member of the House. It is one of those cases which go home to our hearts and sympathies. It concerns each one of us as a member of Congress. Now, can we afford as a matter of personal sympathy, can we afford under the oath we have taken, for that is the only basis of our action, to gratify that honorable and humane action by taking money out of the public Treasury? Can we afford to do it? I do not think we can.

Mr. REAGAN. I ask the House to hear me for a moment only in relation to the proposition made by the gentleman from Indiana that we can not pay out of the Treasury for services not rendered. As a complete answer to his statement let me say that every member of this Congress and every one who has been a member of Congress since the present law has been in existence has been paid for services he has not rendered from the beginning of the term for which he was elected up to the day on which he took his seat and was sworn in.

Mr. HOLMAN. Does not the member in contemplation of law represent his constituents during the term for which he was elected?

Mr. REAGAN. Certainly, in contemplation of law he is a member of Congress from the day he was elected, and it is presumed he is all the time engaged in preparing himself for the discharge of his duties. He goes through the labor and expense of his election and holds himself ready to respond to any call. I have only said this, Mr. Chairman, to show that the statement of the gentleman from Indiana [Mr. HOLMAN] could not be accepted in its whole extent.

The CHAIRMAN. The Chair will state the case to the committee arising on the paragraph to pay the legal representatives of Dr. Updegraff. It is admitted a part of this is in lieu of the compensation he would be entitled to if he had entered on the term of the Forty-eighth Congress. Provision is made by law for a member-elect before he is sworn into office to draw his pay from the beginning of the term for which he is elected. The Chair would have no difficulty so far as he is entered upon that term.

The Chair desires simply to say, as a member of the House and as the occupant of the chair too, as he does not desire to shirk responsibility in submitting the question to the committee, that he does distinctly believe there is no warrant of law upon which this can be paid so far as the uncommenced term of the deceased member is concerned. But there is a question upon which there has been precedents, and as it is immediately within the province of the House the Chair submits it to the committee. Those who believe the paragraph is in order will vote "ay," and those who do not believe it is in order will vote "no."

The committee divided; and there were—ayes 60, noes 37.

Mr. HOLMAN. I think there should be a division.

Mr. ATHERTON. I make the point of no quorum.

The CHAIRMAN appointed Mr. HOLMAN and Mr. BUTTERWORTH as tellers.

The committee again divided; and the tellers reported—ayes 100, noes 48.

So the paragraph was decided to be in order.

Mr. BLOUNT. Let the Clerk now read my amendment as modified. The Clerk read as follows:

Provided, That hereafter if any member-elect of Congress may die before the beginning of the term for which he is elected his heirs, widow, or legal representatives shall not be entitled to or allowed any salary or part of salary to which he would have been entitled if he had continued in life.

Mr. RANDALL. I make the point of order against that proposition. I want each individual case that comes before Congress to be governed by the circumstances surrounding it; and let each Congress for itself determine what shall be done.

Mr. BLOUNT. If the matter is to be discussed upon its merits I am quite willing to meet the gentleman from Pennsylvania upon that point. What I want to stop is to break up, if it be possible, this practice which we all know has begun to take a permanent hold in this House, and which we can not justify, of paying out compensation in such cases as this where no service has been rendered.

Mr. RANDALL. Let me say, Mr. Chairman, that I have never in any instance given a vote for such an appropriation of money as is contemplated in these paragraphs of the pending bill that I did not feel I was given an entirely proper vote, and if the opportunity was given to me to-day I would not take back any vote I have ever given in that particular. [Applause.]

Mr. BLOUNT. I do not remember how I may have voted in the past; but I do know, sir, that there are propositions not authorized by law which come in on appropriation bills, and will continue to come, making such payments, unless it is promptly checked. And it seems to me no gentleman can fairly consider that we can properly make such provision for the families of the deceased members as we have been doing.

The CHAIRMAN. The Chair thinks this is new legislation.

Mr. HISCOCK. Let me suggest to the gentleman from Pennsylvania that as this is a question which involves one of the perquisites of members, perhaps it had better go to the House for a vote.

Mr. BLOUNT. Just as we did previously.

Mr. RANDALL. I have no objection to taking a vote in the House on the proposition just passed.

Mr. RYAN. This proposition is so clearly out of order that it is hardly necessary to go through the formality of a vote upon it. The committee has already decided it.

Mr. WILSON. Let every Congress control its own action in this respect.

Several members addressed the Chair.

The CHAIRMAN. The Chair begs that gentlemen will preserve order. No business can be transacted while gentlemen are occupying the floor in this manner. The Chair will ask the gentleman from Pennsylvania if he insists upon the point of order?

Mr. RANDALL. I have stated that I had no objection to a vote in the House upon the proposition just passed.

Mr. HISCOCK. I think we ought to have a vote on this, as it involves to some extent our compensation, or is what might be called one of the perquisites of members.

The CHAIRMAN. The Chair will decide that this being new legislation, and not coming within the rule—

Mr. BLOUNT. I understand the gentleman from Pennsylvania to withdraw the point of order.

The CHAIRMAN. The Chair will ask the gentleman from Pennsylvania if he insists upon the point of order?

Mr. RANDALL. I have not withdrawn it. I said that I had no objection to a vote in the House on the last case; I referred to the Updegraff clause of the bill, and if I did not so express it I should have said so. But I did not withdraw the point of order.

The CHAIRMAN. That remains in the bill. This is a proposition that looks to new legislation.

Mr. RANDALL. It is practically the existing law now.

Mr. BLOUNT. Then why do you object to it?

The CHAIRMAN. The Chair decides that it is out of order.

Mr. ROBERTSON. I desire to offer an amendment—

The CHAIRMAN. The Chair wishes to inquire first of the gentleman in charge of the bill if he did not offer an amendment, which is pending, in reference to the unpaid portion of the salary of Mr. Orth?

Mr. HISCOCK. I will not offer it to this bill; it belongs properly to the deficiency bill.

The CHAIRMAN. The Chair will then recognize the gentleman from Louisiana.

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

The Clerk read as follows:

To pay the legal representatives of Hon. Andrew S. Herron, elected to the Forty-eighth Congress from the sixth district of Louisiana, the sum of \$5,000.

Mr. ATHERTON. I make the point of order upon that. I understand he had not entered upon his duties.

Mr. WILSON. Was he a member-elect?

Mr. ROBERTSON. Yes; and died in three weeks after the election.

Mr. ATHERTON. I insist that under the ruling of the Chair, as he had not entered upon the duties of his office, that this amendment is out of order.

The CHAIRMAN. The Chair must follow the decision already made in committee; and the point of order being again made, will submit this also to the committee.

Mr. ROBERTSON. I thought it had been already decided that it was admissible by a vote of the committee.

Mr. WILSON. That has been settled by the House, Mr. Chairman.

The CHAIRMAN. The Chair will ask the gentleman from Louisiana if this relates to a gentleman who was not a member of the present Congress, but simply elected to the Forty-eighth Congress?

Mr. ROBERTSON. He was elected a member of the Forty-eighth Congress.

The CHAIRMAN. But not of the Forty-seventh?

Mr. ROBERTSON. No, sir.

The CHAIRMAN. In the previous clause on which the committee divided the member for whose representatives provision was made had been elected to both Congresses and died while in office. The Chair

therefore submits to the Committee of the Whole that this is a new form of the question.

Mr. ROBERTSON. It is not the same sum. I put it here at \$5,000, which would be his salary for one year.

Mr. STEELE. Let the Forty-eighth Congress take care of that.

Mr. FLOWER. Mr. Chairman, if I read sections 40 and 41 of the Revised Statutes aright, I think a man must die in order to get his \$5,000 salary legally.

The CHAIRMAN. The Chair must insist upon gentlemen confining themselves closely to the point of order at this late date in the session.

Mr. FLOWER. I shall do so. I desire to call attention to these two sections, which are as follows:

Sec. 40. The Secretary of the Senate and Sergeant-at-Arms of the House, respectively, shall deduct from the monthly payments of each Member or Delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family.

Sec. 41. When any Member or Delegate withdraws from his seat and does not return before the adjournment of Congress, he shall, in addition to the sum deducted for each day, forfeit a sum equal to the amount which would have been allowed by law for his traveling expenses in returning home; and such sum shall be deducted from his compensation, unless the withdrawal is with the leave of the Senate or House of Representatives, respectively.

You must die, therefore, to get the salary legally, because it will be seen that unless you are present here or assign as a reason for absence the sickness of yourself or family the disbursing officers are directed by law to deduct your salary for the time you are absent. But who ever heard of their doing it? I am opposed to this kind of appropriations. The money we are called upon to vote away by this amendment is not ours, but a trust fund belonging to our constituents, some of whom are poorer and needier than those to be benefited by this proposition. I can not vote for it.

The CHAIRMAN. The Chair will submit to the committee the point made by the gentleman from New York along with the point of order.

Mr. ATHERTON. I understood the Chair to state to the House that the only reason the other question was submitted to the House was because the member having died in office the case raised a question that might go to the House; but if it was a case where he had not entered upon the duties of his office at all it was clear that kind of a case was obnoxious to the rule. Now, if that were so, should not the Chair decide the question and let the House take the responsibility of determining the question upon an appeal from the decision of the Chair, that it is in order to make this appropriation in the case of a man who was simply elected to an office and who, by reason of death, had been cut off from the privilege of rendering any duty for which he could be paid? Why is it that the Chair should submit a question of that kind to the House? Is it not so clear that no lawyer ought to risk his reputation by voting on such a point of order?

Mr. KING and Mr. REAGAN rose.

The CHAIRMAN. The Chair will state the question, and deems no further debate on the point of order necessary.

Mr. REAGAN. I desire to reply to the argument made by the gentleman from Ohio.

The CHAIRMAN. The committee will come to order. It is impossible for the Chair to hear any individual when so many are talking. The gentleman from Texas will be heard on the point of order.

Mr. REAGAN. I desire to say only a word on the point of order in answer to the argument submitted by the gentleman from Ohio [Mr. ATHERTON], which I understand sustains in a general way the statement made by the Chair to the House.

I understand Mr. Herron was not a member of the Forty-seventh Congress while Dr. Updegraff was a member of the Forty-seventh Congress. Now, to ascertain how much virtue and merit there is in that distinction I call the attention of the gentleman from Ohio to the fact that though Dr. Updegraff was a member of the Forty-seventh Congress this item must have included a portion of the money that would have been due to him for the Forty-eighth Congress. For at the time of his death three-fourths of his two years of service in the Forty-seventh Congress had expired and no \$6,000 could have been due him. While he is described here as a member of the Forty-seventh Congress he in fact is paid as a member of the Forty-eighth. That is all that is proposed in the case of Mr. Herron. If the allowance was right in the one case it can not be wrong in the other.

The CHAIRMAN. The Chair now desires to submit to the committee the question—

Mr. CANNON. I want to say a word on the point of order, and will only detain the House a moment.

Mr. KING. Mr. Chairman, I was on my feet before the gentleman from Illinois. I have again and again asked the Chair to hear me on the point of order.

Mr. CANNON. I only want to say a word.

The CHAIRMAN. The gentleman from Louisiana [Mr. KING], it is true, claimed the floor when the gentleman from Texas [Mr. REAGAN] was endeavoring to get a hearing. The Chair will recognize the gentleman from Louisiana when the gentleman from Illinois shall have concluded.

Mr. HISCOCK. I think it fair on so important a question to alternate in the matter of recognition between the sides.

Mr. ATHERTON. Do I understand that side to be in favor of the Herron claim?

Mr. CANNON. I do not know that death pays much respect to sides, so far as that is concerned.

I did not vote on the point of order a few moments ago; and I do not know any reason why the committee should have held the clause to be in order except that some years ago, when Mr. Schleicher, of Texas, died, a man in poor circumstances and a member of Congress when he died, and also a member-elect of the incoming Congress, the precedent was set under the impulse of personal sympathy of giving his representatives \$6,000 or \$7,000. Perhaps that precedent has been followed. But I do not know of any case where a Congress has gone forward and made this allowance for a member of a succeeding Congress.

Gentlemen say there is no reason why they should not do so. Well, after all has been said there is no reason in law why either should have been done. And it occurs to me that it is perhaps better to stop and let the incoming Congress take the responsibility of appropriating to the representatives of its own deceased members.

Mr. ATKINS. In the very case the gentleman cites Congress did that very thing—in the case of the representatives of Mr. Schleicher.

Mr. RYAN. He was a member of the preceding Congress.

Mr. CANNON. In other words, gentlemen say, because impelled by sympathy, we should go on and establish a dozen other bad precedents.

The CHAIRMAN. The gentleman from Louisiana [Mr. KING] is recognized on the point of order.

Mr. KING. I wish to address my remarks to the point of order. The Chair ruled a moment ago the proposition was to combine the payment of the unpaid balance of salary of the deceased member from Ohio for the Forty-seventh Congress with the payment of salary for a year to come. This side of the House, so far as I am aware, certainly understood that to be the situation; and on that understanding I governed my action, believing that if the proposition was voted upon, and if the point of order was determined in favor of the proposition, it would cover both cases.

Now, the Chair undertakes to divide and separate the questions, and say this is a new proposition entirely, instead of treating it as one proposition, when one-half of it has been settled by the House. I say it is not fair so to do. This proposition should be considered as having been combined with the other, and as having been settled by the last vote of the Committee of the Whole.

The CHAIRMAN. The Chair will state the question to the committee.

Mr. ROBERTSON. Before the question is taken I submit it has been already decided by the House; because it is clear that although Dr. Updegraff was a member of the Forty-seventh Congress this distinctly provides for the payment of his salary as a member-elect to the Forty-eighth Congress.

It is true that while both propositions were submitted, it was distinctly enunciated by the Chair, I think, that although there could be no question whatever raised as to the payment of the unexpired balance due Dr. Updegraff as a member of the Forty-seventh Congress, the whole question was submitted to the Committee of the Whole, including the proposition that he should be paid as a member of the Forty-eighth Congress.

The CHAIRMAN. There need be no confusion at all on the two points. The gentleman confuses what the Chair said in his capacity as a member of the House, which was that he did not desire to avoid any responsibility upon whatever should be ruled in order by the Committee of the Whole. The Chair, of course, could take no notice whatever of the amount of the old salary of Mr. Updegraff which had not been drawn and the amount which was included for the new term. There was a gross sum given to a man who was a member of this Congress, with a recital of the fact that he was a member-elect of the next Congress. The Committee of the Whole decided that such a proposition was in order.

The reason why the Chair does not accept that decision of the committee as applying to this case is that the proposition is one wholly to the compensation of a gentleman who was elected to the next Congress and who was not a member of this Congress at all. The Chair will ask the Clerk to again read the amendment.

The Clerk read as follows:

To pay the legal representatives of Hon. Andrew Herron, member-elect of the Forty-eighth Congress from the sixth district of Louisiana, the sum of \$5,000.

The CHAIRMAN. The Chair therefore takes the same course in this case as he took in the other, and will submit the question to the committee under the right reserved to the Chair in such cases. The question is, Will the committee receive the proposed amendment as in order on this bill?

The question was taken; and upon a division there were—ayes 36, noes 39.

Mr. KING. I call for tellers.

Mr. REAGAN. No quorum has voted.

Tellers were ordered; and Mr. BROWNE and Mr. ROBERTSON were appointed.

The committee again divided; and the tellers reported that there were—ayes 62, noes 61.

So (no further count being called for) the amendment was received.

The question was then taken upon the amendment; and it was adopted.

Mr. HISCOCK. I move as an amendment, to come in after line 1858, that which I send to the Clerk's desk.

The Clerk read as follows:

To pay Mary A. Orth, the widow of the late Hon. Godlove S. Orth, the amount of salary due him as a member of the Forty-seventh Congress, \$1,072.03.

Mr. MILLER. I desire to inquire of the Chair if we are still amending the paragraph ending with line 1858?

The CHAIRMAN. The next paragraph has not yet been reached.

The amendment offered by Mr. HISCOCK was agreed to.

Mr. MILLER. I now move to strike out the paragraph as amended.

Mr. HISCOCK. I make a point of order against that motion. These propositions which have been voted into the bill are all separate paragraphs.

The CHAIRMAN. The motion is to strike out what has been inserted and also the original paragraph in the bill.

Mr. HISCOCK. They are entirely distinct propositions.

Mr. REAGAN. They are distinct and separate paragraphs.

The CHAIRMAN. The Chair entertains the motion as in order.

Mr. REAGAN. The rule is to consider this bill by paragraphs, and these are all independent paragraphs.

The CHAIRMAN. But the amendments which have been adopted are amendments to the pending paragraph of the bill.

Mr. MILLER. I have no objection to paying the balance of the salary due any member from the time of his death until the close of the Forty-seventh Congress. But I am opposed to the principle of having the Forty-seventh Congress pay the salary of any one for any portion of the Congress to commence on the 4th day of March, 1883.

This House does not know who will be the members of the Forty-eighth Congress. This House does not know whether Jonathan T. Updegraff or Andrew Herron of Louisiana were elected members of that Congress or not. We might upon the same principle appropriate \$5,000 to any person.

I want to know who can tell me that the seat of Mr. Herron, of Louisiana, may not be contested by some person in the next Congress, in the same manner as Mr. MACKEY, from South Carolina, contested the seat of Mr. O'Connor.

Mr. KING. There is no contest in this case.

Mr. MILLER. And if it should be decided that he was not elected to the Forty-eighth Congress why should we pay him any salary?

It is a matter that this House does not know anything about. The very moment we commence to make appropriations to pay persons elected to future Congresses we set a precedent that ought not to be established. And if this House does it it will have to do it by the votes of a majority of a quorum.

Mr. WILSON. In reply to the gentleman from Pennsylvania—Many MEMBERS on both sides of the Hall. Vote! Vote!

The CHAIRMAN. The committee has heard one gentleman in favor of the proposed motion to strike out, and the Chair will recognize the gentleman from West Virginia [Mr. WILSON] to speak in opposition to it.

Mr. WILSON. In reply to the position taken by the gentleman from Pennsylvania [Mr. MILLER] that this Congress has no power over this subject—and the legal question is all I desire to say anything about—I have heard to-day for the first time that this Congress can not provide for the salaries of members of the succeeding Congress.

This Congress possesses the legal authority and power to say when the salaries of members of the next Congress shall be paid, and how much they shall be paid. It is an honorable practice, a humane practice, begun years ago, to appropriate a portion if not the whole of the salary of deceased member for the benefit of his family; and I hope that the humanity and propriety of members of this House will never lead them to depart from that practice.

The question was taken upon the motion of Mr. MILLER to strike out the paragraph and all amendments thereto; and upon a division there were—ayes 48, noes 71.

Mr. MILLER. No quorum has voted.

Tellers were ordered; and Mr. MILLER and Mr. WILSON were appointed.

The committee again divided; and the tellers reported—ayes 68, noes 85.

So the motion of Mr. MILLER was not agreed to.

The Committee of the Whole rose informally.

MESSAGE FROM THE PRESIDENT.

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 announced that the President had approved and signed the bill (H. R. 1052) in relation to the Japanese indemnity fund.

SUNDAY CIVIL APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session.

The Clerk read as follows:

To pay the widow of the late Hon. James Q. Smith his salary as a member of the Forty-seventh Congress, to the date of his death, with mileage and stationery, \$6,425.18, less any sum that may have been paid on account.

Mr. McLANE, of Maryland. I move to amend by inserting after the paragraph last read the provision which I send to the desk.

The Clerk read as follows:

To convert the rooms adjoining the old Hall of Representatives, excepting the rooms occupied as the document and stationery rooms, together with the rooms and passages connected with them in the gallery story, including the gallery itself and the space over the entablature of the colonnade at the south end of the hall, to the use of the library of the House of Representatives, and make the same to connect with the Library of Congress through the document-room, \$10,000.

Mr. McLANE, of Maryland. Mr. Chairman, by expending of \$10,000 the House library, the little room upstairs back of the clock, can be carried to the entablature and through the gallery of the old Hall into the adjoining room, thus providing space for nearly 150,000 volumes, all that we can ever want for the House library. We now have for the accommodation of the House library, as members will recollect, only the little room opening from the east side of this Hall and the small room opening upon the same floor as the gallery. The books belonging to the House library are for the most part packed away in boxes down in dark rooms. With this proposed expenditure we can, as I have said, afford space for 150,000 volumes; and we can have adjoining the stationery and document rooms at least two very nice library-rooms. There is already a communicating door between the document-room and the Congressional Library. Thus we shall have the House library in communication, through the document-room, with the Congressional Library. I believe that the amendment has the concurrence of the Committee on Appropriations.

The amendment was agreed to.

Mr. HOUSE. I move to amend by inserting after the amendment last adopted the provision which I send to the desk.

The Clerk read as follows:

To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual and session rolls on the 3d day of March, 1883, one month's extra pay, at the compensation then paid them by law, which sum shall be immediately available.

Mr. HISCOCK. I make a point of order against this amendment.

Mr. WILSON. I desire to ask the chairman of the Committee on Appropriations whether a similar amendment has not been offered at the close of almost every Congress?

Mr. HISCOCK. I do not know.

Mr. WILSON. I will ask the gentleman from Tennessee [Mr. ATKINS] that question. I believe an appropriation of this kind is an honorable custom which ought to be followed by us.

The CHAIRMAN. The Chair will state that a proposition of this kind was presented at the last session, when the present occupant of the Chair was presiding; and he then stated that in a matter affecting so directly the officers and usages of the House, he would not take upon himself the responsibility of deciding the question of order, but would submit it to the committee.

Mr. HISCOCK. I would like to inquire of those who may remember the facts whether this is the usual provision.

Mr. VALENTINE. It is.

Mr. KENNA. It has been adopted on many occasions, I know.

Mr. HISCOCK. I will say this, let the provision be omitted from this bill, and if it is in accordance with custom I will see that it is placed upon the deficiency bill.

Mr. HOUSE. It is the usual provision.

Mr. WILSON. Let it go on this bill.

Mr. McMILLIN. The custom, I believe, has been to give one month's extra pay to session employés, although last year this additional compensation was extended also to annual employés.

Mr. HISCOCK. Whatever is customary we will provide for on the deficiency bill.

Mr. KENNA. I will state to the gentleman from New York that this is the bill upon which similar provision has been heretofore made.

Mr. WILSON. This is a very proper place for the proposition, and I hope it will be adopted.

Mr. HOUSE. I wish to understand whether the gentleman from New York stated that he would report a provision of this kind upon the deficiency bill.

Mr. HISCOCK. I say that we will report upon the deficiency bill the usual provision, whatever it is. If this is the usual provision, we will report this.

Mr. KENNA. A provision exactly similar to this was adopted upon this bill at the last session.

Mr. HISCOCK. If it is customary, we will report it upon the deficiency bill.

Mr. HOUSE. Why not let it go on this bill?

Mr. HISCOCK. Because I desire to look into the matter.

Mr. HOUSE. I must insist on my amendment.

Mr. BLACKBURN. I wish to say, Mr. Chairman, that at the last session of Congress, on my motion, a proviso similar to this was put on the sundry civil appropriation bill.

Mr. TOWNSHEND, of Illinois. Precisely like this.

Mr. BLACKBURN. Yes, precisely the same. The difference between this and the customary resolution or amendment is that this carries the annual employés of the House as well as those borne on the session rolls. This is precisely the amendment I moved to the sundry civil bill at the last session of Congress. If you will take what the Chairman suggested a moment ago as the customary amendment then you will not get what this resolution embraces, for this takes those borne on the session rolls and on the annual rolls. That precedent was established by the amendment I offered to the sundry civil bill at the last session of Congress. Here is where we put it, and here in my judgment is where it ought to be inserted.

Mr. HISCOCK. I will consent to its going on the deficiency bill.

Mr. TOWNSHEND, of Illinois. It does not belong to the deficiency bill.

Mr. HISCOCK. I should like to have the amendment again read. The amendment was again read.

Mr. ATKINS. I desire to call the attention of my colleague from Tennessee to the suggestion that he include in his amendment the session employés of the Senate.

Mr. VALENTINE. Let each body take care of its own employés.

Mr. BLACKBURN. I wish simply to read the provision from the sundry civil bill of last session as it became law.

The CHAIRMAN. Gentlemen must confine themselves to the discussion of the point of order.

Mr. BLACKBURN. I simply ask to read the provision of the sundry civil bill for the current fiscal year:

To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual and sessions rolls on the 15th day of June, 1882, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

That, I believe, has been copied *verbatim* by the amendment of the gentleman from Tennessee.

Mr. HOUSE. Precisely. It was also adopted in the Forty-sixth Congress.

Mr. CANNON. I am for the amendment; but it is not germane to this bill. Its place is in the deficiency bill. This provides for the service of next year. The deficiency bill is yet to be reported, and this properly belongs in that bill. I consider, therefore, the point of order to be well taken.

The CHAIRMAN. The Chair perhaps may in view of the precedents decline to sustain the point of order. On the main question of the point of order, however, the Chair again submits it to the committee for its decision. The question is, Shall the provision be considered as in order?

Mr. HOLMAN. I desire to say a word on the point of order.

Mr. TOWNSHEND, of Illinois. Let me remind my friend from Indiana of the fact that this same provision was put into the sundry civil appropriation bill in the Forty-sixth Congress at the instance of the present Speaker of the House of Representatives. There is, therefore, more than one precedent for it.

Mr. HOLMAN. So far as the history of this proposed legislation is concerned, I wish to say the practice of paying a month's additional compensation is of recent origin. There is no law for it, and my recollection is it does not go beyond the Forty-fifth Congress. Furthermore, it has been confined heretofore, according to my memory, to the first session of a Congress upon the ground the session employés are employed for quite a long period and have a large amount of business to do, and therefore such a provision for the long session is not unreasonable. That is the argument heretofore used for granting such extra month's pay during the long session of Congress. When the annual employés of Congress are only employed for a period of three months, it is now proposed by this amendment, as I understand it, to give them an additional month's pay, for this applies to the annual employés as well as to the session employés.

Mr. McMILLIN. It applies to both.

Mr. HOLMAN. Yes; I understand that it applies to both. It applies, then, to the best paid employés of the Government as all know, and to those who are employed for only a period of three months at this short session. That is the proposition to give them an extra month's pay. Point to any instance where this has been done as to the regular employés of this House for a short session. It has been done during the long session on account of the large amount of work done. It is now proposed to adopt a new rule and apply it to the short session. So far as my memory extends, Mr. Chairman, this is without precedent.

So, Mr. Chairman, there can be no pretense that there is either law or precedent for this, if I am correct. I certainly have not been able to find any, and I do not think any has been cited by the gentleman from Tennessee.

The CHAIRMAN. Does the gentleman from Indiana say that there is no precedent for the payment of this extra compensation at the close of a short session of Congress?

Mr. HOLMAN. My recollection is that it has been confined entirely to the Forty-fifth Congress and since, and even then to the long session instead of the short session.

The CHAIRMAN. The Chair remembers that there used to be an extra percentage allowed. If there has been no precedent the Chair

will take the responsibility of ruling upon the question; but declines to rule where the House has set a precedent, and prefers to submit the matter to the judgment of the committee.

Mr. HOUSE. Mr. Chairman, in the short session of the Forty-sixth Congress, if I am not entirely mistaken, a resolution in all respects similar to this was passed, and included also both classes of employés. I think that will be found to be the case on examination.

The CHAIRMAN. The Chair will submit the question to the committee: Shall the motion of the gentleman from Tennessee be held to be in order?

The question was taken.

Mr. HOLMAN. I demand a division.

The committee divided; and there were—ayes 71, noes 48.

Mr. HOLMAN. No quorum has voted.

Mr. HISCOCK. I hope the gentleman from Indiana will not make that point now; let us get through with the bill.

Mr. HOLMAN. With the understanding that we can have a yeas-and-nay vote on this in the House I will not insist upon it.

Mr. HISCOCK. You would be entitled to a vote in the House, this being an amendment to the bill, if you have a sufficient number to call the yeas and nays.

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

Mr. HOLMAN. I withdraw it.

The CHAIRMAN. The point of order being withdrawn, the motion is ruled by the committee to be in order and the Chair will submit the question to the House.

The question is now upon agreeing to the amendment of the gentleman from Tennessee, which has been read.

The amendment was agreed to.

Mr. KLOTZ. I now wish to offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "annual" add the word "semi-annual."

Mr. HISCOCK. I make the point of order upon that. That is certainly a change of existing law.

Mr. KLOTZ. Let it be read in connection with the amendment just agreed to.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Insert after the word "annual" the word "semi-annual;" so that it will read if amended:

"Borne on the annual, semi-annual, and session rolls."

Mr. BROWNE. I would like to hear the gentleman from New York make the distinction between the point of order upon this and the point of order upon the preceding proposition.

The CHAIRMAN. The Chair will take the responsibility of ruling upon the point of order if there be no precedent. If there is the Chair desires to have it stated.

Mr. HISCOCK. There is no precedent so far as I know.

The CHAIRMAN. There being none the Chair rules it out of order.

Mr. CANNON. I offer the amendment which I send to the desk, to be inserted at the proper place in the bill.

The Clerk read as follows:

For additional expenses of the folding-room to January 1, 1884, namely:

"For rent of building, \$500; feed for horse, \$120; salary of driver, \$300; salary of night-watchman, \$450; repairs, \$50; in all, \$1,420."

The amendment was agreed to.

Mr. BISBEE. I offer an amendment.

The Clerk read as follows:

To pay Hon. JOHN R. LYNCH \$2,800, the balance of his expenses incurred as contest for a seat in the Forty-seventh Congress.

Mr. HISCOCK. I must make the point of order against that amendment.

The CHAIRMAN. Does the gentleman from Florida desire to be heard upon the point of order?

Mr. BISBEE. For a moment.

Mr. Chairman, the amount named in that amendment is the excess of the expenditures incurred by Mr. LYNCH over the amount allowed him in conducting his contest for a seat to a successful termination in this Congress. Now, sir, this committee have instructed the Chair that a proposition to give, if you please, by way of gratuity, a sum to the widow or legal representatives of members-elect to the next Congress is in order. There was no law for it, but the committee have instructed the Chair that such a proposition was in order. We have an act of Congress authorizing election contests. We have an act of Congress fixing the amount that shall be paid to officers taking testimony, fixing the sum that shall be paid to witnesses and for their mileage and per diem. Mr. LYNCH has incurred these expenses legitimately in prosecuting his case to obtain a seat in this House.

Mr. WILSON. What evidence have you?

Mr. BISBEE. I am aware that there was smuggled into the sundry civil bill of the Forty-fifth Congress a limitation upon the expenses of contestants to \$2,000, and I am aware that strictly under that law this amendment would be subject to a point of order. But I submit this amendment hoping the committee will agree to it, for the reason that

this committee has already determined that it is in order to pay a given sum of money to the widow or to the heirs of a gentleman that never was a member of Congress at all; and I submit that a gentleman who has prosecuted his case to success and obtained his seat and has expended all that he is worth to do it, is as much entitled to the sympathy of this committee as the widow or the heirs of a deceased member elected to a future Congress. I suggest, sir, that the point of order at least should be submitted to the committee.

The CHAIRMAN. The Chair sees nothing in the way of a precedent here to require him to submit the question of order to the committee. It does not involve the same matter as the point of order in the former cases. The Chair understands the gentleman to concede that the amendment is subject to the point of order. The Chair rules it out of order.

The Clerk read the last paragraph of the bill, lines 1875 to 1882, as follows:

To pay Frederick W. Steigelman, being the difference between his salary at \$1,000, and that of a messenger at \$1,200 per annum, from July 1, 1882, to June 30, 1883, \$200, the same to be immediately available; but this appropriation shall not be construed as an increase of said salary.

Mr. WISE, of Virginia. I send up an amendment which I ask the Clerk to read.

Mr. HOLMAN. I reserve the point of order on the paragraph.

Mr. BROWNE. I want to make a point of order on this before any amendment is offered or discussion begins.

The CHAIRMAN. The Chair is trying to recognize the gentleman from Virginia [Mr. WISE] to offer an amendment. The gentleman from Indiana on the right [Mr. HOLMAN] rose to make a point of order on the last clause of the bill. Did the Chair understand the gentleman from Indiana correctly?

Mr. HOLMAN. I do not press the point of order.

The CHAIRMAN. Then the Chair recognizes the gentleman from Virginia [Mr. WISE], whose amendment will now be read.

The Clerk read as follows:

After line 1882, insert the following:

"And to pay E. D. Fitch, being the difference between his salary as a folder at \$720 and that of a clerk in the folding-room at \$1,200 per annum, from May 4, 1882, to March 4, 1883, \$400, the same to be immediately available."

Mr. BROWNE. I make the point of order on that amendment that it changes existing law, increases salary, and is not in the direction of economy.

Mr. WISE, of Virginia. Does the gentleman make the point of order on the amendment or on the clause?

Mr. BROWNE. On both.

Mr. WISE, of Virginia. I hope the gentleman from Indiana will withdraw the point of order.

Mr. BROWNE. I might withdraw it but for the fact that there are about one hundred and fifty similar amendments to be pressed if that is admitted.

Mr. COX, of New York. I want to know if that amendment is connected with the last clause of the bill?

The CHAIRMAN. The amendment is to make payment to another person. The Chair does not understand that the amendment rests on existing law, and sustains the point of order.

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

The Clerk read as follows:

After line 1882 add the following:

"And the members of the Capitol Police, each one month's extra pay."

Mr. HISCOCK. I make the point of order on that amendment.

Mr. KLOTZ. This House has agreed to give a month's extra pay to the sessional employés and the annual employés. If there is any equity in giving a month's extra pay to either of those classes, and if such an appropriation is in order simply because there is one precedent for it away back, then this also is in order. This class of employés are as certainly deserving as the other class. While the others serve three months, get a month's extra pay and then go home for six months at a time, these gentlemen work day and night on Sundays and week days. Now, if the point of order can be made against those men or if equity is against them it certainly must be against the others also. I have no objection to the appropriation made for the others, but I say it is right and just when you do give money away you should give it to these deserving men as well as to the other class of employés. There is no more deserving class than these men who stand up Sundays and week days, night and day, watching the Capitol in storm, rain, and sunshine. If the extra compensation is right in the one case it is right in the other also.

The CHAIRMAN. The argument of the gentleman from Pennsylvania is on the merits. The Chair is bound to sustain the point of order in the absence of precedent.

Mr. KLOTZ. I suggest that the Chair submit the point of order to the Committee of the Whole, so as to give both an equal chance.

The CHAIRMAN. The Chair would do that if there were precedents in this case as well as in the other.

Mr. KLOTZ. I hope the Chair will submit it to the House. It is the House which makes the law. The Chair submitted the point of order in the other case of the members' pay, and if the House could make a law in that case it should do so now, for the poor as well as the rich.

The CHAIRMAN. The Chair does not differ with the gentleman from Pennsylvania as to the relative merits of his proposition.

Mr. KLOTZ. To test the sense of the Committee of the Whole I appeal from the decision of the Chair.

The CHAIRMAN. The Chair decides the amendment is not in order, from which decision the gentleman from Pennsylvania [Mr. KLOTZ] appeals. The Chair submits the question: Shall the decision of the Chair stand as the judgment of the committee?

The question being taken, the decision of the Chair was sustained.

Mr. HISCOCK. I ask consent to recur to a previous part of the bill, that I may move an amendment, to come in after line 1036, on page 43.

There was no objection.

The Clerk read the proposed amendment, as follows:

After line 1036 insert:

"For building the sea-wall on the west side and southeastern portion of Governor's Island, New York Harbor, \$15,000, the same to be immediately available."

Mr. KLOTZ. Point of order! No precedent. [Laughter.]

Mr. HOLMAN. Reserving the point of order, I ask the gentleman from New York to state the facts.

Mr. HISCOCK. The facts are these: In the last appropriation act we provided a certain sum of money for this work. My associates on the committee will remember the earnest appeal made for it by General Hancock who took the trouble to come to Washington to see us.

Mr. ATKINS. Will this sum complete it?

Mr. HISCOCK. It will.

The CHAIRMAN. This is the continuation of a work in progress. The amendment was agreed to.

Mr. HISCOCK. I also ask to recur to a previous part of the bill and to offer an amendment to come in after line 315 on page 14.

The Clerk read the proposed amendment, as follows:

That it shall be the duty of the Light-House Board to apply the money herein appropriated other than for surveys as far as can be without detriment to the interests of the Government by contract. Where work can not be done or materials purchased by contract without injury to the public interest it may be prosecuted by hired labor and materials purchased in open market.

Mr. HOLMAN. I wish to reserve the question of order until I hear the first part of the proposition read again.

The first portion of the amendment was again read.

Mr. HISCOCK. I will say that this is the same provision that was in the bill for the current year. It was put in as new legislation with a view, as far as possible, to enable materials for this work to be purchased in open market. Since this bill has been prepared and reported to the House, I have received a letter from the Secretary of the Treasury asking that a similar provision be put in this bill.

The amendment was agreed to.

Mr. HISCOCK. I am going now to ask a favor of the committee. The motion which I propose to submit will be subject to a point of order, but I trust no point of order will be made. I ask unanimous consent to move an amendment to this bill to give \$900 to James C. Courts, the assistant clerk of the Committee on Appropriations.

Mr. KLOTZ. I make a point of order on that amendment.

The CHAIRMAN. The Chair must sustain the point of order.

Mr. CASWELL. I now ask to return to page 58 of the bill for the purpose of offering an amendment which I send to the Clerk's desk in lieu of the amendment which I submitted some time since.

The Clerk read as follows:

That the modification of the treaty and the agreement made with the Sioux Indians under the act making appropriations for the sundry civil expenses of the Government, approved August 7, 1882, is hereby approved, and the sum of \$200,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated to enable the Secretary of the Interior to enter upon the execution of said treaty: *Provided*, That the rights of way, depot grounds, including such grounds for bridges, shops, and buildings, as the railroad companies have already selected and paid for, under agreement with said Indians, by and with the consent of the Secretary of the Interior, not exceeding in extent the rights granted to railway companies by the general laws touching the same, are reserved to said companies, and the lands actually necessary for the site of the bridges and approaches thereto on the Missouri River, which have been selected, surveyed, and paid for under such contracts, are reserved according to those contracts; and the money, amounting to \$17,110, so paid to the Secretary of the Interior for the benefit of said Indians for the said rights of way and grounds as above expressed, shall remain the money of said Indians.

Mr. HOLMAN. I wish for a moment at any rate to reserve the point of order on that amendment until I can have read at the Clerk's desk, with the permission of the Chair, an addition which I desire to have made to the amendment.

The Clerk read as follows:

But nothing in the foregoing provision shall impair the provisions in the act of the last session of this Congress above referred to authorizing the treaty and agreement with the said Indians for the cession of land to the United States, under which said land has been ceded to the United States, touching the disposition of the said land by the United States to actual settlers only, under the provision of the homestead laws, except only as to said rights of way and the land named as incident thereto above enumerated.

Mr. CASWELL. I have no objection to that amendment.

The CHAIRMAN. If there be no objection, the amendment to the amendment will be regarded as adopted.

There was no objection.

Mr. ATKINS. I move to amend by striking out "\$200,000" and inserting "\$250,000." I do that for the reason that the amount named in the amendment is not sufficient to pay one-half of what will be required under the legislation of Congress.

My own judgment is that the law providing for the payment of these Indians ought to carry the entire sum. It will require over \$500,000 to carry out the agreement with these Indians.

Mr. LE FEVRE. It will take \$600,000.

Mr. ATKINS. It will take \$520,000 to pay for the 26,000 head of cattle, and then it will require \$300,000 in addition to that, making over \$800,000 in all.

Mr. RYAN. Not under this treaty.

Mr. ATKINS. Not under this treaty?

Mr. RYAN. Under a former treaty.

Mr. ATKINS. My colleague on the Committee on Appropriations [Mr. RYAN] informs me that it is under a former treaty. It makes no difference whether it is under this treaty or under a former treaty; this money must be paid to the Indians. Why then piece it out by separate appropriations of \$100,000 or \$200,000? I say that if you are going to make an appropriation for this purpose you ought in all fairness to make such an appropriation as will be worth something. You ought to finish it up, and not piecemeal it out for three or four or five years, if that is the policy.

Mr. HISCOCK. The great point in reference to this item, so far as the Government is concerned, is the ratification of this treaty. If gentlemen will look at the law they will discover that the ratification of the treaty by Congress is a condition precedent to everything else. Congress must approve the treaty.

Now, we are in this case doing the unusual thing of not only approving the treaty but of appropriating a portion of the money necessary to carry it out. On consultation with the Secretary of the Interior on this subject he said that what he wanted was an approval of the treaty, and that he could get along with an appropriation of \$100,000. It was after this conference and at his suggestion that the sum of \$100,000 was put in the bill.

I have no sort of doubt but what, so far as the interest of the Indians themselves is concerned, it is better that the appropriation should be kept down. It never has been the policy of the Government in treating with Indian tribes to pay them the consideration for their lands under treaties with them as you would pay whites. They are the wards of the nation, and this money is to be held and expended for their benefit.

I believe that nothing which we could do would be more unwise than to provide for the payment of this whole sum over to them immediately. We want to pay it to them as fast as they are settled and become, as it were, homesteaders on their reservation; and this sum of \$200,000 will be ample for that purpose.

The question was taken upon the amendment of Mr. ATKINS to the amendment offered by Mr. CASWELL, and it was not agreed to upon a division—ayes 50, noes 85.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Wisconsin [Mr. CASWELL].

Mr. RANDALL. I move *pro forma* to amend the amendment by striking out the last word. I wish to say that while the point of order as to the propriety of confirming an Indian treaty upon an appropriation bill has been waived, yet there are matters in connection with this subject of which the House should be made aware. The first we heard of this question in the House was on yesterday. This morning I received a communication from a gentleman residing in the city of Philadelphia in whom I have full and absolute confidence. I desire that the Clerk may read his communication, so that the House may be fully apprised of some of the difficulties presented in connection with this proposition.

The Clerk read as follows:

It is, I suppose, inevitable that the report of the commission appointed to treat with the Sioux in the matter, and the agreements entered into by them with certain chiefs, be adopted in the main. I am told that the whites in the vicinity are most urgent and anxious for the reduction of the Sioux reserve. Railroad communication with Deadwood must be secured sooner or later. I believe, however, that this report should be adopted only with certain modifications.

First. By it the situation of the Santee Sioux is imperiled.

The object of the Sioux commission is to divide the present great Sioux reserve, which is now occupied by all the Sioux tribes as tenants in common, into reservations to be held separately by the several tribes. To effect this each tribe has at the solicitation of the commission relinquished its claim to an undivided part of the present reserve and obtains in consideration of this a reservation set apart for it as a tribe. Each tribe has done this, with one exception, the Santees. They, while relinquishing their right to an undivided part of the great reserve, have had no portion set apart for their use. This is, I presume, due to the fact that they at present occupy, as they have done for some years past, land set apart for them by executive order in the northeast corner of Nebraska. We know from personal observation as well as from the testimony of others that the Santees are the most industrious and civilized of all the Sioux. They are extensively and successfully farming the land they now occupy. They have considerable property in houses, barns, &c., and were for years of most material service to the whites by standing between them and the wilder Indians on the north.

As you know, under act 6 of the treaty of 1888, these Santee Indians can take claims, obtain patents for land so taken, and they become on the acquisition of such patents citizens of the United States. The first patent under this treaty has recently been granted by the General Land Office under a decision of the Secretary of the Interior, and other Indians are ready to avail themselves of their opportunity to get title in this way. But this process is necessarily an exceedingly slow one. Some Indians have not yet taken claims; others have not occupied them a sufficient time or made the prescribed improvements; others, again, can not yet afford even the small expense of obtaining a patent.

Meanwhile they only occupy their Nebraska land on the uncertain sufferance of a Presidential order, and by relinquishing at the instance of this commission

their certain rights in the Sioux reserve are in danger of being absolutely homeless. Their danger is increased from the fact that, as I am told, the neighboring whites are anxious for the land and are convinced of the uncertainty of the Indian tenure. It seems, therefore, of the highest importance that the executive order setting apart this Nebraska land should be confirmed by Congress. I would therefore suggest that a clause giving to the Santee Sioux absolutely the land held by them in Nebraska under executive order be incorporated in the proposed bill or that a separate bill be prepared to that effect.

Second. Proper provision should be made for reimbursing individual Indians for loss of property sustained by removal. The report of the commission seems to contemplate only a general payment for land. The comparatively civilized Indian gets no damages for loss of property, receiving like the unsettled Indian the regular compensation for the cession of uncultivated land.

Third. I also call your attention to the fact that act 12 of the treaty of 1868 provides that "no treaty for the cession of any part or portion of the reservation therein described shall be of any validity against said Indians unless signed by at least three-fourths of all the adult male Indians occupying or interested in the same." The report of the commission shows that this consent has not been obtained. It is of course a matter of opinion whether, if it is desirable or inevitable the proposed division of the reservation be effected, any notice should be taken of this violation of the original treaty.

Fourth. Act 12 of the treaty of 1868 provides that "no cession by the tribe shall be understood or construed in such manner as to deprive without his consent any individual member of the tribe of his rights to any tract of land selected by him, as provided in act 6 of this treaty." Sufficient provision for the fulfillment of this clause does not seem to have been made in the agreement reported by the commission.

Fifth. The agreement also seems to contemplate a loss by all the bands treated with of the privileges and compensation coming to them under the treaty on its non-fulfillment by one band. This is manifestly unjust and impolitic. The bill should be so worded as to negative such a construction.

HENRY S. PANCOAST.

During the reading of the foregoing letter, when Mr. RANDALL's time had expired,

Mr. FLOWER obtained the floor and said: I yield my time to the gentleman from Pennsylvania [Mr. RANDALL], that the reading of this paper may be finished.

The reading was then resumed and concluded.

Mr. VALENTINE. For the purpose of curing a difficulty to which the correspondent of the gentleman from Pennsylvania [Mr. RANDALL] has referred I offer the amendment which I send to the desk to come in as a further proviso to the amendment of the gentleman from Wisconsin [Mr. CASWELL].

The Clerk read as follows:

That all selections of land in severalty heretofore made by the Santee Sioux on their reservation in the State of Nebraska be, and the same are hereby, confirmed; and the Secretary of the Interior shall allot in severalty to said Santee Indians not yet having made selections a quantity of land from said reservation in accordance with the provisions of the treaty of April 29, 1868, to be selected by such Indians as are by the provisions of said treaty entitled thereto; and the provisions of sections 6 and 7 of an act to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, approved August 7, 1882, are hereby extended to said Santee Sioux Indians.

Mr. RANDALL. The gentleman from Nebraska [Mr. VALENTINE] understands this subject so much better than I do that I am quite content to accept his suggestion in connection therewith.

Mr. VALENTINE. If the Committee of the Whole desires an explanation of this amendment, I shall be very glad to give it.

Mr. RANDALL. I do not.

Mr. CASWELL. I trust that we may have order, and that the gentleman from Nebraska will explain this proposition.

Mr. VALENTINE. Mr. Chairman, the Santee Sioux are a small band of Indians who are a party to this treaty. They are more civilized than any other of the bands who are parties to it, and have been placed by executive order on a small reservation in the northern part of Nebraska. They have no rights there under any law or treaty. They are farmers, living upon the land in severalty, and there is no desire on the part of citizens of Nebraska to oust them. This provision, if adopted, will give them in severalty the lands where they now reside—their farms and their homes.

The amendment of Mr. VALENTINE was agreed to.

Mr. STEELE. I submit as an additional proviso the amendment which I send to the desk.

The Clerk read as follows:

Provided, That the sum of \$39,102.16, or so much thereof as may be found by the Secretary of the Interior to be due them, is hereby appropriated to reimburse the Miami Indians of Indiana for money improperly paid out of money equitably due to said Indians.

Mr. HISCOCK. I make a point of order upon this amendment that it is not germane and is new legislation.

The CHAIRMAN. The Chair regards the proposition as not germane to the pending amendment.

Mr. STEELE. Upon the point of order I wish to say that this amendment proposes merely to carry out a treaty stipulation. The treaty with these Indians was made in 1849. In 1859 some sixty-nine Indians not belonging to that tribe were taken on the rolls and money was paid to them. In 1867 the Secretary of the Interior discovered that there had been a mistake in this respect. Under the treaty stipulation only Indians named in the treaty were entitled to participate in the fund; but Indians not named in the treaty had been taken on the rolls, and the fact of their not belonging there was not discovered until 1867. Then the Secretary of the Interior dropped these Indians from the rolls, but did not reimburse the tribe for the money thus improperly paid out.

This amendment, Mr. Chairman, provides only to pay them just the amount that the Secretary of the Interior finds to be due them by rea-

son of that wrongful payment out of their funds, that payment having been made under a false application of the law. The amendment itself is to correct that error when the amount shall be ascertained and to enable the Department to carry out the provisions of the treaty with them; or, in other words, to pay them what is due to them properly under the terms of the treaty and to pay the Indians named in that treaty.

The CHAIRMAN. The Chair regards this as more in the nature of a claim under the treaty than for the execution of it. If it arises under the regulations or terms of a treaty, a provision making an appropriation to carry out that stipulation with the Indians, the Chair thinks, would properly come in on the Indian appropriation bill.

Mr. STEELE. But the Secretary of the Interior decides that he can not right the wrong which has been committed upon these Indians in the payment of this fund unless he has legislation to warrant it. And only such amount will be paid as is actually found due on investigation.

Mr. RYAN. I suggest to the gentleman from Indiana that he offer his amendment as an independent proposition. It is not germane to the pending amendment.

The CHAIRMAN. The Chair is clearly of that opinion.

Mr. STEELE. Then I will withdraw it for the present.

Mr. HOLMAN. Now, Mr. Chairman, upon the pending proposition—

The CHAIRMAN. Debate is exhausted upon the pending amendment. The question is on agreeing to the amendment as amended.

Mr. HOLMAN. I move to strike out the last word for the purpose of being heard very briefly. This measure upon which the committee is now called to vote is one of great importance, and may be not only important to the immediate locality affected, but to the country at large; and I am exceedingly anxious that the committee shall understand the effect of these provisions, as they concern the rights here confirmed to these railroad companies, before voting upon it.

It is very unfortunate that we should have been called upon to legislate upon a matter of so much importance as this in the hurried manner in which we are compelled to legislate under the five-minute rule upon an appropriation bill. It is very unfortunate. There should have been more time for careful consideration and deliberation. We are not fully informed as to the nature of the contracts entered into between the Sioux Indians, or the Secretary of the Interior on their behalf, and the railway corporations. The provision is as nearly in conformity to the terms of the agreement as the gentleman having charge of that particular branch of the subject has been able to indicate. And believing myself that this right of way to the railway companies was ultimately inevitable and that the treaty under all of the circumstances is as fair as could probably be drawn in the interest of the Government and of the Indians themselves, I see no reason why the proposition should not be adopted. Yet I think it extremely improbable that every gentleman here has been able to understand the provisions of that amendment from hearing it read at the desk, or its effect; and therefore I ask for order while the entire proposition is again read as it now stands amended, so that every member of the committee may see for himself exactly what it refers to.

The amendment as amended was again read.

The CHAIRMAN. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

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

To pay James C. Courts, assistant clerk of the Committee on Appropriations, for additional compensation, \$900.

The amendment was agreed to.

The CHAIRMAN. The Clerk has now concluded the reading of the bill.

Mr. STEELE. Is it now in order to offer the amendment which I offered some time ago, but withdrew at the suggestion of the gentleman from Kansas?

The CHAIRMAN. The Chair will now entertain the amendment, which the Clerk will report.

The Clerk read as follows:

At the beginning of line 1395, on page 58 of the bill, insert:

"Provided, That the sum of \$39,102.16, or so much thereof as may be found by the Secretary of the Interior to be due them, is hereby appropriated to reimburse the Miami Indians, of Indiana, for money improperly paid out of money equitably due to said Indians."

Mr. HISCOCK. I make the point of order upon that.

Mr. BAYNE. Withhold the point order and let us have an explanation of the amendment.

Mr. STEELE. I have already made an explanation, but will say again—

Mr. HISCOCK. It has been once explained already. I hope the gentleman from Pennsylvania will not insist upon having another explanation.

Mr. STEELE. I am perfectly willing to come to a vote on this amendment if the committee understands what it is.

The CHAIRMAN. The point of order is made against it by the gentleman from New York. The Chair will hear the gentleman briefly on the point of order.

Mr. HISCOCK. The matter has been pending in this House in the nature of a claim, and a bill of similar character was considered in the Forty-sixth Congress. It has been existing in that way for years, and I supposed that Mr. Baker, a former member from Indiana, had settled the whole matter up. I am compelled to make the point of order on it.

Mr. STEELE. I beg to state in reply to what has been said by the gentleman from New York that a final payment was to be made to these Indians in 1880, but in making that settlement they did not take into account the money which had been improperly paid out of the fund which was due to them in that year. This money was paid improperly out of the funds belonging to the Indians. The object of this amendment is simply to reimburse the Indians for that money which, as I have said, was improperly paid out, and only in the event that the Secretary of the Interior upon examination of the case finds that it is properly due them under the treaty stipulation.

The CHAIRMAN. The difficulty with the Chair of course is in the uncertainty as to the condition of this matter. If it is a direct obligation resulting from a treaty, and undisputed, it is in continuance of a public work, and the amendment is in order. But if it is a disputed claim against the Government the Chair would not be justified in recognizing it upon this bill.

Mr. STEELE. I state in reply to that that they required receipts in full to be signed by those Indians; and they took advantage of the ignorance of the Indians and got them to sign.

Mr. HISCOCK. The amendment is the same as a bill now pending before the House.

The CHAIRMAN. If that be the fact that is enough to sustain the point of order.

Mr. STEELE. I would like to see the bill. I have here a letter from the Secretary of the Interior showing what is due to those Indians.

The CHAIRMAN. The Chair, with the consent of the gentleman from New York [Mr. HISCOCK], will submit the question to a vote or will rule on the point of order.

Mr. HISCOCK. I ask for a decision of the Chair.

The CHAIRMAN. The Chair finds nothing in the amendment itself which makes it in order if the facts are disputed.

Mr. STEELE. I have here the letter of the Secretary of the Interior.

Mr. HISCOCK. That shows there is a dispute about it.

The CHAIRMAN. The Chair does not think the amendment is in order and sustains the point of order.

Some time subsequently, when the committee had risen and the Speaker had resumed the chair,

Mr. STEELE said: I ask leave to have printed in the RECORD a letter from the Secretary of the Interior corroborating my statement, except so far as regards the amount covering attorneys' fees and that paid to agents. That is covered by a separate letter, which I do not care to print.

There being no objection, the letter was ordered to be printed in the RECORD. It is as follows:

INTERIOR DEPARTMENT, OFFICE OF INDIAN AFFAIRS,
Washington, February 21, 1883.

SIR: In reply to the request contained in your indorsement of 1st instant, referring to me a communication from Mr. Samuel McClure, of Marion, Indiana, dated 27th ultimo, that you be informed if the books in this office bear out the statements of Mr. McClure, and also as to what amount was returned to the Treasury Department by Special Agent Cowgill of the funds lately placed in his hands to be paid to the Miami Indians, I have to say that the records in this office show that in compliance with the act of June 12, 1858, sixty-eight persons were added to the roll of Miamies of Indiana and allowed to participate in the annuity payment for that year, and they also appear to have been paid back annuity for the years 1846 to 1857, inclusive, which back annuity amounted to \$34,000.16.

These sixty-eight (if none died) and their increase probably shared in all subsequent annuity payments to the Miamies up to and including that for the year 1867. But prior to the payment for 1868, in accordance with a decision of the Attorney-General, one hundred and nineteen persons were dropped from the roll. These one hundred and nineteen, in all probability, comprised all of the original sixty-eight then alive and their increase, and no doubt also some additions through marriages, births, &c.

The records in this office of such payments made ten or fifteen years ago are so imperfect that I am unable at present to trace forward on the rolls the original sixty-eight, or to trace backward the one hundred and nineteen finally dropped, so as to inform you of the exact amount drawn by each of these so-called "bogus Indians," or to say with certainty that the total amount as stated by Mr. McClure is correct. That information can probably be obtained from the Treasury Department.

If it is your wish to call the attention of Congress to this matter, with the view of having those whose funds you believe have been misappropriated reimbursed, I would suggest that a reasonable sum might be appropriated for that purpose, with a provision attached that before payment is made it will be the duty of a properly qualified agent to ascertain the exact amount of the Miami funds which may have been improperly disbursed by the Government, and to submit a report of the same for the approval of the Department.

The amount returned by Special Agent Cowgill of the Miami funds lately placed in his hands for disbursement was \$695.78, due to Wah-zaw-pe-aw, alias James Lewis Goodbo, whom Agent Cowgill says he could not find.

Mr. McClure's letter and an accompanying paper are herewith returned.

Very respectfully,

H. PRICE, Commissioner.

HON. GEORGE W. STEELE,
House of Representatives.

Mr. HISCOCK. I now move that the committee rise and report the bill with the amendments.

Mr. MAGINNIS. One moment. The other day I sent up an amend-

ment to the desk accompanied by certain correspondence. The chairman of the Committee on Appropriations tells me he has not had time to examine it. I therefore do not desire to press it in connection with this bill, and withdraw the amendment.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. KASSON reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes, and had directed him to report the same with sundry amendments.

The SPEAKER. The question is first on concurring in the amendments recommended by the committee.

Mr. HISCOCK. I demand the previous question on the bill and amendments.

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

The SPEAKER. The gentleman will state it.

Mr. MILLER. Is it in order for me now to demand a separate vote on one amendment?

The SPEAKER. The gentleman's right to demand a separate vote will not be precluded by the ordering of the previous question.

The previous question was ordered.

Mr. HISCOCK moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question is now on concurring in the amendments. The gentleman from Pennsylvania [Mr. MILLER] states that he desires a separate vote on an amendment, which he will indicate.

Mr. MILLER. I ask for a separate vote on an amendment paying one year's salary to the representatives of a person purporting to have been elected from one of the Louisiana districts, Mr. Andrew Herron.

Mr. RANDALL. Does not the whole amendment come in as an entirety?

The SPEAKER. The amendment on which the gentleman from Pennsylvania desires a vote is a separate amendment.

Mr. MILLER. It was adopted as a separate amendment and is not connected with any other paragraph.

Mr. HOUSE. Will that vote include the payment to the representatives of Dr. Updegraff of his salary in the Forty-eighth Congress?

The SPEAKER. That is a separate matter.

Mr. HOUSE. If it does not I demand the yeas and nays upon that. The SPEAKER. The Chair desires to inquire whether the gentleman from Tennessee refers to an amendment to the bill on which he desires a separate vote, or whether he does not refer to a paragraph of the original bill? If it be a portion of the original bill, then a separate vote can not be asked upon it.

Mr. HOUSE. I understand that the chairman of the Committee of the Whole ruled that this proposition to pay the representatives of Herron was an amendment to the Updegraff paragraph.

The SPEAKER. That is a separate amendment, but the Updegraff clause is a part of the original bill.

Mr. HOLMAN. I ask for a separate vote on the amendment adopted by the Committee of the Whole increasing the cost of the survey of the public lands; also on the amendment adopted to the bill paying an additional compensation of one month's pay to the employees of the House.

The SPEAKER. On those three different amendments separate votes will be taken. If there is no objection the Chair will first submit to the House the question of agreeing to all the amendments reported by the Committee of the Whole except the three indicated—one by the gentleman from Pennsylvania [Mr. MILLER], and two by the gentleman from Indiana [Mr. HOLMAN]. The question is on agreeing to these amendments.

Mr. BUTTERWORTH. I desire to make a parliamentary inquiry. Do I understand that where a proposition is a part of the original bill a separate vote can be had upon it?

The SPEAKER. A separate vote can not be had upon that.

Mr. BUTTERWORTH. I understand that is the object of my friend from Pennsylvania [Mr. MILLER].

The SPEAKER. No, sir; the gentleman from Pennsylvania demands a separate vote on an amendment to the bill.

The amendments of the Committee of the Whole, with the exceptions indicated, were concurred in.

Mr. HISCOCK moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Clerk will report the first amendment on which a separate vote is asked.

Mr. HISCOCK. Before that is done I ask unanimous consent that the order that the House shall take a recess at half past 5 until half past 7 be rescinded for to-day.

Mr. RANDALL. You want to finish this bill to-night?

Mr. HISCOCK. We want to finish it to-night without a recess, and have no evening session.

Mr. RANDALL. That is right.

Mr. THOMPSON, of Kentucky. I object.

Mr. RANDALL. I suggest that the gentleman from New York should ask unanimous consent to extend the period for taking a recess.

Mr. HISCOCK. All I want to do is to have this bill passed without having an evening session.

Mr. WHITE. What will be the order of business for this evening?

The SPEAKER. The Chair is unable to state. The order of business is the bill now under consideration until it is disposed of.

Mr. HISCOCK. I will ask the gentleman from Kentucky [Mr. THOMPSON] if he insists on his objection to my request.

Mr. THOMPSON, of Kentucky. I do.

The SPEAKER. The Clerk will report the first amendment upon which a separate vote is demanded.

The Clerk read as follows:

After the words "section lines," in line 1349 of the bill, insert the following: "Or where for any cause not provided for by law, in Oregon and Washington Territory, he is unable to get the necessary surveys made at the rates aforesaid, he may allow a sum not exceeding \$12 per linear mile for standard lines, \$10 for township lines, and \$6 for section lines."

The question was taken upon the amendment; and it was agreed to upon a division—ayes 83, noes 67.

The next amendment on which a separate vote was asked was to insert the following paragraph:

To pay the legal representatives of Hon. Andrew S. Herron, a member-elect to the Forty-eighth Congress from the sixth district of Louisiana, the sum of \$5,000.

Mr. HISCOCK. Before the question is put on that amendment I desire to ask if it is in order to move that the House now adjourn.

The SPEAKER. That motion will be in order.

Mr. HISCOCK. Then I make the motion.

The question was taken on the motion to adjourn; and upon a division there were—ayes 105, noes 25.

Before the result of this vote was announced,

Mr. THOMPSON, of Kentucky, called for tellers.

The question was taken upon ordering tellers; and there were 20 in the affirmative.

So (the affirmative not being one-fifth of a quorum) tellers were not ordered.

Mr. HISCOCK. I ask the gentleman from Kentucky [Mr. THOMPSON] if he will now withdraw his objection to vacating the order for an evening session, and let us finish this bill?

Mr. THOMPSON, of Kentucky. I am willing to have this bill finished this afternoon if we can have a session this evening.

ORDER OF BUSINESS.

Several MEMBERS. Regular order.

The SPEAKER. The regular order is the announcement of the vote on the motion that the House now adjourn. Before announcing the result of that vote the Chair will submit an Executive communication and personal requests of members.

FRENCH CABLE COMPANY.

The SPEAKER laid before the House the following message from the President of the United States; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives of the United States of America:

With reference to my message of the 12th ultimo on the same subject, I transmit herewith a further report of the Secretary of State, furnishing additional papers received since the date of his former report, in response to a resolution of the House of Representatives of July 5, 1882, calling for any information in the possession of the Department of State in reference to any changes or modifications of the stipulations which the French Cable Company made with this Government.

EXECUTIVE MANSION, Washington, February 23, 1882.

POSTAL REGULATIONS.

Mr. LACEY, by unanimous consent, from the Committee on the Post-Office and Post-Roads reported, as a substitute for House bill No. 7612, a bill (H. R. 7635) to amend section 3829 of the Revised Statutes; which was read a first and second time, placed on the House Calendar, and, with the accompanying report, ordered to be printed.

CHINESE IMMIGRATION.

Mr. CASSIDY. I ask unanimous consent to present at this time a memorial of the Legislature of the State of Nevada with reference to the attempted nullification of the Chinese restriction act, and that it be referred—

Several Members objected, and called for the regular order.

The SPEAKER. Objection being made, the memorial will be referred through the petition-box.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CABELL, for one week, on account of sickness.

LEAVE TO PRINT.

Mr. ROBERTSON asked and obtained leave to print in the RECORD some remarks prepared by him on the bill (H. R. 7563) for the more effectually suppressing and preventing of lotteries by prohibiting the transmission through the mails of publications containing lottery advertisements. [See Appendix.]

And then the result of the vote on the motion of Mr. HISCOCK was announced; and accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

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

By Mr. CASSIDY: Memorial of the Legislature of Nevada, with reference to the nullification of the Chinese restriction act—to the Committee on Education and Labor.

By Mr. G. R. DAVIS: The resolutions adopted by the Chicago Board of Trade, recommending passage of the joint resolution providing for repeal of article 11 of the amendments to the Constitution and for legal enforcement of State contracts—to the Committee on the Judiciary.

By Mr. DUNNELL: Memorial of the Legislature of Minnesota, asking for adjustment of land grants to the State—to the Committee on the Public Lands.

By Mr. GEDDES: The petition of Hon. R. McKilley and 138 others, citizens of Wyandot County, Ohio, for allowance of pension to L. A. Gromley—to the Committee on Invalid Pensions.

Also, the petition of Sion S. Bass Post, No. 40, Grand Army of the Republic, Department of Indiana, asking that a pension be granted to the widow of Major George W. Stough—to the same committee.

By Mr. H. S. HARRIS: The resolutions of the New York Chamber of Commerce; the petition of John Potter, and others, ship-owners of Bath, Maine, and of James W. Elwell & Co. and others, ship-owners and shipping merchants of New York, protesting against section 13 of the bill pending relating to American merchant marine—severally to the Committee on Commerce.

By Mr. MOORE: The petition of freedmen of the Chickasaw Nation, asking that they shall be entitled to all the rights, privileges, and immunities of native citizens—to the Committee on Indian Affairs.

By Mr. RANNEY: The petition of Francis Morandi & Son and others, protesting against the extension of Fisk & Billings's patents—to the Committee on Patents.

By Mr. VANCE: The petition of W. G. Bowman and 31 others, citizens of North Carolina, asking that Wiley G. Woody be restored to the pension-roll—to the Committee on Invalid Pensions.

The following memorials and petitions relating to tariff legislation were presented and referred to the Committee on Ways and Means:

By Mr. CANDLER: Of C. F. Hovey & Co. and others, merchants of Boston, Massachusetts.

By Mr. S. S. COX: Of Tiffany & Co. and others, of New York.

By Mr. ERRETT: Of resolutions adopted at a meeting of citizens of Homestead, Pennsylvania.

By Mr. URNER: Of L. Richardson and 31 others, of David Hollinger and 46 others, of McMillin Brothers and 67 others, of Joseph Wombley and 25 others, of John Chambers and 16 others, of John Beinlaw and 7 others, of Charles Murray and 51 others, of R. D. Rees and 8 others, and of C. H. Wiltig and 20 others, citizens of Alleghany and Garrett Counties, Maryland.

By Mr. WILLITS: Of the lumbermen of Oceana County, Michigan.

SENATE.

SATURDAY, February 24, 1883.

The Senate met at 10 o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

JAMES G. FAIR, a Senator from the State of Nevada, appeared in his seat to-day.

The Principal Legislative Clerk proceeded to read the Journal of yesterday's proceedings, and after having read for some time,

Mr. GARLAND. As there is a good deal of Journal to be read, unless some one desires it, I ask that the further reading be dispensed with.

The PRESIDENT *pro tempore*. Is there objection?

Mr. EDMUND. Yes, Mr. President; I want to hear the Journal read through.

The Principal Legislative Clerk resumed and concluded the reading of the Journal of yesterday's proceedings.

COMMITTEE ON POST-OFFICES AND POST-ROADS.

Mr. HILL. I ask permission of the Senate that the Committee on Post-Offices and Post-Roads may have leave to sit during the sessions of the Senate.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Colorado [Mr. HILL]? The Chair hears none, and leave is granted.

PETITIONS AND MEMORIALS.

Mr. VOORHEES. I present a preamble and resolution adopted a few days ago by the Amalgamated Association of the Iron and Steel Workers of the United States assembled in public meeting in the city of Terre Haute, Indiana. I ask that it be read. It is not long.