

National Bank in regard to its attempt to lock up currency. Will not the effect of the three sixty-five bond scheme be this: that the Government itself will do what it sought to punish the Tenth National Bank for doing? Suppose a combination in Wall street should put \$10,000,000 or \$15,000,000 in a pool, take it to the Treasury and turn it into three sixty-five bonds, does not that contract at once the currency to that extent? Stocks go down, and then these speculators, when they have succeeded in getting Government and other stocks down low enough to suit them, take their three sixty-five bonds to the Treasury and change them into currency with which to buy stocks at low prices. Does not the Government thus aid them to tamper with the currency? And will not the effect—

Mr. KELLEY, (interrupting.) If the gentleman will allow me to answer his first three questions, I will then stay here with him alone and answer the rest, while the House can adjourn. [Laughter.]

Mr. SPEER. Is it in order to move that five thousand extra copies of these interrogatories be printed for the use of the House?

Several MEMBERS. Let us adjourn.

The motion to adjourn was agreed to; and (at four o'clock and ten minutes p. m.) the House adjourned until Monday next.

#### PETITIONS, ETC.

Petitions, memorials, &c., were introduced and referred under the rules as follows:

By Mr. BURCHARD: The petition of Samuel Stewart and other soldiers, for an act to equalize bounties to \$8.33 $\frac{1}{3}$  per month, to the Committee on Military Affairs.

By Mr. NIBLACK: The memorial of the State Board of Agriculture of Indiana, against the extension of certain patents, to the Committee on Patents.

By Mr. ROBINSON, of Ohio: The petition of W. B. Russell and others, asking for a modification of the stamp tax on drugs, to the Committee on Ways and Means.

By Mr. SMITH, of Virginia: The petition of J. B. Pointdexter, asking pension for services during the war of 1812, to the Committee on Pensions.

By Mr. SPEER: The petition of citizens of Huntingdon County, Virginia, asking that the duty on tea and coffee be not revived, to the Committee on Ways and Means.

By Mr. THORNBURGH: The petition of Gilbert Reed, for pension &c., to the Committee on Invalid Pensions.

#### IN SENATE.

MONDAY, January 26, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Secretary proceeded to read the Journal of Friday last.

Mr. MORTON. If there are no Senators desiring to hear the Journal read, I suggest that the reading be dispensed with.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the further reading of the Journal be dispensed with. The Chair hears no objection, and the reading is dispensed with.

#### REMOVAL OF POLITICAL DISABILITIES.

On motion of Mr. NORWOOD, by unanimous consent, the bill (S. No. 133) to relieve Thomas Hardeman, jr., of Georgia, of his political disabilities, was considered by the Senate, as in Committee of the Whole.

Mr. GORDON. I move to amend by inserting after "Georgia," in the fifth line, the words, "and William L. Cabell, of Dallas, Texas."

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.

The title was amended so as to read: "A bill to relieve Thomas Hardeman, jr., of Georgia, and William L. Cabell, of Texas, of their political disabilities."

Mr. EDMUNDS. I desire to enter a motion to reconsider the vote by which the bill was passed.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

#### PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a letter addressed to him by William A. Booth, president of the Importers' and Grocers' Board of Trade of the city of New York, containing a preamble and resolutions adopted by the board, asking for the adoption of certain amendments to the bankrupt law; which was referred to the Committee on Finance.

He also presented a letter from William A. Booth, president of the Importers' and Grocers' Board of Trade of the city of New York, transmitting a revision of commissioners' draught, prepared under the auspices of the board, containing a large number of suggestions of amendments to the laws in regard to collecting the customs; which was referred to the Committee on the Revision of the Laws.

Mr. FRELINGHUYSEN. I present the petition of Dr. David Mur-

ray, who left this country under a contract to attend to the educational interests of Japan; and of Horace Capron, formerly Commissioner of Agriculture, who left this country to attend to the agricultural interests of Japan; and of some 25 other citizens of the United States, and residents of Japan, representing that an indemnity was stipulated, by a convention of 1864, to be paid by the government of Japan to the United States for alleged damages suffered by American shipping at the Straits of Simonooski; that this indemnity proved to be largely in excess, so that after the liquidation of all claims properly chargeable against this fund a large unexpended balance remains in the possession of the United States, and that one-half of the indemnity yet remains to be paid by the government of Japan, and praying that the United States will remit the payment of the installments not yet paid by Japan, and will grant the unexpended balance now in the possession of the United States, with all the accrued interest, to Japan, to be used as a trust fund for the promotion of education in Japan.

In connection with this memorial, I have also a letter from Dr. Murray, stating that the ministers of Holland, England, and France, who are interested in this indemnity, have demanded that the second installment be paid, but that our minister has not made such demand, but has sent to the State Department for instructions; and also a letter from the minister of education in Japan stating that the Japanese government would be most happy to devote this fund to the purposes of international education. I move that this memorial and the letters be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. SARGENT. I present a letter from the Secretary of the Navy, it being a correction of a letter published in the book of revised estimates relating to appropriations; there being an error in the original that the sum of \$2,000,000 is named instead of \$1,500,000; and in the original the schedule letter referred to is omitted. I move that this letter be printed, and referred to the Committee on Appropriations.

The motion was agreed to.

Mr. SARGENT presented the memorial of the Legislature of California, praying for the restoration of certain lands to the public domains; which was referred to the Committee on Public Lands.

Mr. JOHNSTON presented the petition of H. H. Page and other citizens of Virginia, and the petition of George E. Pritchett and other citizens of Virginia, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which were ordered to lie on the table.

He also presented the memorial of 25 disabled veterans of the war of 1861, inmates of the National Military Home at Hampton, Virginia, asking Congress to pass a law equalizing the system of paying bounties, &c.; which was referred to the Committee on Pensions.

Mr. BOREMAN. I present a petition of a number of citizens of West Virginia, calling attention to the fact that one of the piers of the railroad bridge that spans the Ohio River at Steubenville is in a leaning condition and unsafe for railroad purposes, and asking that measures be taken to secure a safe transit for passengers and freight over the bridge, and also representing that it materially interferes with the free navigation of the river. I move that this petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. PRATT. I present the petition of William N. Denny, of Vincennes, Indiana, who represents that while holding a commission as captain in the Fifty-first Regiment Indiana Volunteers, and acting as major of that regiment, he was, on the 3d day of May, 1863, at Rome, Georgia, captured by the command of General Forrest and taken to Libby Prison, and detained there from the time of his capture until the 25th day of March, 1865, when he returned to his regiment, having made his escape; that his commission as major was received at his regiment on or about the 30th of June, 1863, but by reason of his capture and detention he was prevented from being mustered in as a major, in consequence of which his pay and emoluments as major have been retained by the War Department; that he received his pay as captain, but has not received the difference between the pay and emoluments of captain and major. He prays that an act may be passed by Congress authorizing and directing the War Department to allow and pay him the difference between the pay and emoluments of captain and major. I move the reference of this petition, together with the evidence accompanying it, to the Committee on Military Affairs.

The motion was agreed to.

Mr. HAMLIN presented the memorial of Jarvis Patten, grandson and heir and for the co-heirs of Robert Patten, deceased, praying to be indemnified for spoliations committed by the French prior to the year 1801; which was referred to the Committee on Foreign Relations.

Mr. RAMSEY presented a petition of citizens of Minnesota, praying for the establishment of a post-road from Redwood Falls to Springfield, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of citizens of Minnesota, praying for the establishment of a post-route between Anoka and Princeton, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented two petitions of citizens of Minnesota and Dakota, praying for the improvement of the navigation of the Red River of the North; which were referred to the Committee on Commerce.

Mr. SCOTT presented a petition of citizens of Lyeoming County, Pennsylvania, and a petition of citizens of Philadelphia, Pennsylvania, praying for the redemption or conversion of the legal-tender notes, by issuing therefor, at the option of the holder, bonds payable on demand in legal-tender notes and bearing interest at some fixed rate, and suggesting 3.65 per cent. per annum; which were referred to the Committee on Finance.

Mr. LOGAN presented a petition of the survivors of the war of 1846, 1847, and 1848, with Mexico, asking to be placed on an equality as to pensions with the survivors of the war of 1812; which was referred to the Committee on Pensions.

Mr. WRIGHT presented the petition of Rev. A. S. Wells and other clergymen and citizens of Jefferson County, Iowa, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic in its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. WINDOM presented a petition of citizens of Minnesota, praying to be protected in the possession of their pre-empted lands against the claim of the Winona and Saint Peter Railroad Company; which was referred to the Committee on Public Lands.

Mr. BAYARD presented the petition of Mrs. Annie Dorsey Reeves, of New Castle, Delaware, praying remuneration for the occupation of her property by United States officials; which was referred to the Committee on Claims.

He also presented resolutions of the Board of Trade of the city of Wilmington, Delaware, asking for an appropriation for the improvement of the harbor of Wilmington; which were referred to the Committee on Commerce.

Mr. CONKLING presented the petition of Andrew Wilson and other citizens of Brooklyn, New York, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was ordered to lie on the table.

He also presented the memorial of Seth Driggs, praying for the enforcement of his claim against the republic of Venezuela; which was referred to the Committee on Foreign Relations.

Mr. MORRILL, of Maine, presented a resolution of the Board of Trade of the city of Portland, Maine, remonstrating against the repeal of the bankrupt act and praying that the same be modified; which was referred to the Committee on the Judiciary.

Mr. SCHURZ presented the petition of August Mellon, praying to be allowed full pension and arrears of pension; which was referred to the Committee on Pensions.

#### REPEAL OF BANKRUPT LAW.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to which was referred the bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereof, and which was reported by the committee on the 5th instant, to report for the information of the Senate certain modifications and further amendments which, upon consideration and hearing criticisms upon the state of the law, we have thought it advisable to recommend; and I move that they be printed, and placed on the Calendar, with the bill.

The motion was agreed to.

#### LAND CLAIMS IN MISSOURI.

Mr. BOGY. I am directed by the Committee on Private Land Claims, to whom was referred the bill (H. R. No. 1221) to confirm certain land titles in the State of Missouri, to report it back without amendment and recommend its passage. This bill has passed the House, is now in the Senate, and has received the approbation of the committee; and as it is a local bill of very great importance to a large class of persons, who claim this property and who have been in possession of it for fifty years, believing their title to be perfect, (indeed, it may be perfect, but there is a doubt about it,) I should like to have the bill put on its passage immediately, and so move.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill.

The preamble recites that the Baron of Carondelet, governor-general of the Territory of Louisiana, did, on the 15th day of March, 1797, instruct Zeno Truedo, lieutenant-governor of the Territory, to place Moses Austin in possession of a league square of land at Mine à Breton, in that Territory; that Moses Austin did, in the year 1798, take possession of the land by moving upon it with his family, and did improve the same by building dwelling-house, blacksmith shop, furnace, and other improvements; that the lieutenant-governor did, on the 14th day of January, 1799, order Antone Lulard, surveyor in the Territory, to survey the land and put Austin legally in possession of the same, which survey, numbered fifty-two, containing seventy-one hundred and fifty-three arpents and three and two-thirds feet, was executed by Antone Lulard, and a certificate of the same filed by him in November, 1800; and that Don John Ventura Morales, then governor at New Orleans, did, in the year 1802, in the name of the King of Spain, grant to Moses Austin the lands so surveyed and located.

The bill proposes to release for the United States whatever title they have to said lands, now numbered 430 on the plat in the surveyor-general's office, and in townships 37 and 38, range 2 east, in the county of Washington, and State of Missouri, containing 7,153.32 arpents, (6,085.29 acres,) to the heirs, legal representatives, or assigns of Moses Austin, according to their respective interests therein. There is a

proviso that the act shall not affect nor impair the title which any settler or other person may have acquired adverse to the title of Moses Austin to any portion of this land.

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

Mr. SARGENT. I should like to have a further explanation of the bill before its passage. It recites that a land grant was made in Missouri of some six thousand acres in the last century, sometime in 1798, and that in 1800 it was perfected. Now, three-quarters of a century later, a bill comes in here to relinquish any title the United States may have to this land, saving the rights of the settlers who are upon it. I think it is worthy of explanation why so long a time has elapsed without this matter having been settled before; how many settlers there are on this land; and if the United States relinquishes any right which it may have, as the settlers can only claim through the United States, the United States title being gone, what protection or redress, or rather what form of action or in what tribunal, would the settlers have any rights which they may have protected? There are such settlers it may be assumed from the preamble of the bill, because they are mentioned, and it is said that their rights shall be protected. I believe it has been decided that a bare settler upon the public lands, under the pre-emption laws, has not a standing in any court—has not a sufficient connection with the title of the Government of the United States to be able to sue in his own right or to maintain an action in any United States tribunal whatever. If that is so, the proposition of the bill to protect them must be nugatory, because the very basis upon which their rights will stand is taken away, and that is the title of the Government of the United States.

I do not know that I shall object to the bill if it is satisfactorily explained; but it seems to me these points are worthy of the consideration of the Senate.

Mr. BOGY. I will explain the bill. The Senator from California misapprehends what I understand to be the law in a case of this kind. If settlers under the pre-emption laws have a right to this land, this bill does not affect their right, and they will have the power to assert their right in the courts.

Mr. SARGENT. I will inquire if the rights of these settlers have ripened into a patent from the Government of the United States?

Mr. BOGY. No, sir; I believe not.

Mr. SARGENT. If they have not that patent, I can show the Senator the decisions of the United States courts that short of that no right is conferred upon the settler which the United States may not take away from him or disregard. I will instance the case of the Yosemite grant. There had been a settler upon that grant for a dozen years before the United States conveyed it to the State of California, and that settler has ever since been endeavoring to secure his rights and has failed in all the courts, and has come to Congress, and Congress has not granted him any relief.

Mr. BOGY. That may be the law applicable to the grants of California, but the law in the State of Missouri is entirely different in regard to that. But be that as it may, I may state this fact; this grant was made, as stated in the preamble, in 1798, was surveyed in 1802, and has been in the possession of Moses Austin, and of those claiming under him, from that day to this. The claim was always believed to have been confirmed by the act of 1814. No lawyer in the State of Missouri had a doubt on that subject. I believe myself it was confirmed by that law. Yet a short time ago, within a year or two, the Commissioner of the General Land Office advanced the opinion that the act of 1814 did not embrace that concession, and therefore the title was not confirmed. This bill was introduced at the earnest solicitation of the entire body of the people who reside upon that land, as far as I know. There is no intention to deprive anybody of any right; but if there be any adverse right, if there be any person who claims adversely to this Spanish concession, that claim will be protected by this bill.

This bill passed both Houses of Congress at the last session and went to the President, but owing to the lateness of the hour at which it passed it was not signed. It is not intended to take anything from anybody. It is intended to quit persons who have been in possession of their property for seventy-six years, and who have claimed it in good faith. It has passed from A B to C D, as a complete title, from that day to this, and I believe, as a lawyer, the title is good; yet in that I may be mistaken. But we were careful to protect the rights of all adverse claimants, if any there be; and I know that according to the decisions in my State any person who has a pre-emption right, his right being anterior to the right which emanates now from Congress, would not be affected by this bill. If this be the origin of the title from the United States, a person claiming under the pre-emption act has an anterior right of which we cannot divest him, and his claim will be a legal one. That is the uniform decision in my State. And I state in my place here that I do not know a single person upon the entire claim who has an interest adverse to this bill. If there be one, I certainly am not aware of it.

The bill was passed.

Mr. BOGY. As a part of the same subject, I am directed by the Committee on Private Land Claims to report back the bill (S. No. 120) to confirm certain land titles in the State of Missouri and to move its indefinite postponement. This bill was introduced a few days ago by my colleague, [Mr. SCHURZ,] and relates to the same subject.

The bill was indefinitely postponed.

## THE DISTRICT GOVERNMENT.

Mr. ANTHONY. The Committee on Printing, to whom was referred a motion to print a petition of citizens of the District of Columbia, praying for the appointment of a joint select committee to inquire into the management of the affairs of the District, and especially of the board of public works, have instructed me to report it back and ask to be discharged from its further consideration. I believe my colleague on the committee [Mr. SAULSBURY] does not agree with the report. I call his attention to it.

Mr. SAULSBURY. I dissent from the report and desire that the memorial should be printed. A majority of the committee, however, think that it ought not to be printed. I will now simply say that I dissent from the report and hope the document will be printed.

Mr. ANTHONY. The reason why the committee report against printing the memorial is not on account of the character of the memorial, but because we uniformly object to printing memorials unless they come from large bodies. Memorials from the State Legislatures or from conventions called by order of the States are printed, as a matter of course; but the plan of printing all memorials offered would burden the office very much. It is also to be observed in regard to this particular memorial that there are certain very damaging allegations, charges of extravagance and corruption, made against public officers, and of course the proof of them is not in the memorial, although the petitioners allege that they have the proof. I have no reason to suppose that they have not, nor have I any reason to believe that they have; but it does not seem exactly right to print a memorial charging upon public officers damaging accusations unless there is some proof contained in the paper that makes the charge.

Mr. SAULSBURY. In desiring the publication of this memorial, I have no desire whatever to do anything that would be unpleasant to the gentlemen who are charged in the memorial with improper action. But it is a memorial in reference to a subject which we shall have to act upon. It is a memorial in reference to this District. We know that a claim will be presented at the present session of Congress for an appropriation of money to defray the expenses incurred by the board of public works of this District. This petition charges certain mismanagement in the affairs of the District by the board of public works. Now, I say that, according to my view, we ought to have all the information possible upon that subject before we vote for any appropriation. Here are gentlemen preferring a petition alleging mismanagement—I do not know to what extent they charge it, nor whether it is so much mismanagement as fraud—in the performance of duties intrusted to the board. They avow themselves ready to furnish the proof. I think, after the great complaint which has been made of the mismanagement of the affairs of this District by the board of public works, and especially as we shall be called upon to vote appropriations of money to defray the expenses which they have incurred, we ought to have in our possession everything that can give us information on this subject.

Mr. HOWE. Allow me to ask the Senator one question.

Mr. SAULSBURY. Certainly.

Mr. HOWE. The question is, what public, or private good, either, the Senator expects to subserve or promote by putting in print at the expense of the Treasury this petition or memorial, whichever it is?

Mr. SAULSBURY. I do not know that any public good would be subserved, further than that the information which it contains will be placed on the desks of Senators who will be called upon to vote supplies of money, and their minds might be directed by that to an investigation of the subject.

Mr. HOWE. Will the Senator allow me to ask him another question?

Mr. SAULSBURY. Yes, sir.

Mr. HOWE. The question is, whether he himself would be controlled or influenced in his vote upon any conceivable appropriation by such information as he could gather from this petition or any other petition?

Mr. SAULSBURY. Certainly, I would not be controlled by *ex parte* statements in relation to any vote which I was called upon to give; but I say that if this paper contains information which would cause me to investigate, if it specifies matters and directs my mind to certain specific matters to which it otherwise would not be directed, it is well enough that I should have the information, and it is well enough that the Senate should have the matter furnished, so that their minds may be induced to look at it.

I do not wish to do any injustice to the board of public works. I know nothing about their management of the affairs of this District except through rumor. Whether these rumors are true or false I do not profess to know; but as a Senator, called upon, as I shall be, to vote large appropriations of money to pay for work which they have done, I say it is my duty to investigate, to the full extent of the ability I possess, every allegation which is made; and before I cast my vote I desire to have all the information I can. If there has been mismanagement, misappropriation, of the public funds heretofore intrusted to their keeping, I should be the more chary about intrusting funds to their keeping hereafter.

I disclaim any intention or desire to do injustice to the board of public works, for I know nothing of the management of the affairs of this District except from common rumor; but I know that common rumor is rife that there has been great mismanagement of the public funds. I desired simply to make my statement that I was in favor of the printing of the memorial.

Mr. MORRILL, of Maine. What is the question before the Senate? The PRESIDENT *pro tempore*. Reports of committees are in order.

Mr. MORRILL, of Maine. Is there any question before the Senate?

Mr. ANTHONY. There is a motion to discharge the Committee on Printing from the further consideration of the motion to print this memorial. I agree fully with my colleague on the committee, that I am in favor of the most complete examination of all the allegations in the memorial by the proper committee—I suppose the Committee on the District of Columbia. But it has not been the habit to print memorials, and I do not think we ought to make an exception in favor of a memorial which makes very damaging charges without alleging any proof whatever.

Mr. THURMAN. I wish to say—

Mr. MORRILL, of Maine. Is there any question before the Senate?

The PRESIDENT *pro tempore*. The question is on discharging the Committee on Printing from the further consideration of the motion to print the memorial.

Mr. MORRILL, of Maine. Is that subject to debate?

The PRESIDENT *pro tempore*. It is.

Mr. THURMAN. I was very indifferent whether the memorial should be printed or not, although I thought at the time, and still think, that it ought to be printed for the information of the Senate, that each Senator might see for himself what were the charges against the District government and the persons who make them. It was said that it would be printed in the newspapers, and therefore that there was no necessity for our printing it. It is a very curious fact, I believe, that it has not been printed in a single newspaper in the District. If it has, it has escaped my observation; but it was not for the public but for the Senate itself that I desired to have it printed. But if the committee are opposed to printing it upon some general principle, I shall not complain of that. At the proper time I shall move the Senate for the appointment of a committee, in accordance with the prayer of the memorial, to submit to the Senate such evidence as may be furnished by the petitioners in support of their prayer. I do not propose doing so at this stage.

The PRESIDENT *pro tempore*. Is there objection to the committee being discharged from the further consideration of this motion? The Chair hears none, and the committee is discharged.

Mr. ANTHONY. The petition should be referred to the proper committee.

Mr. THURMAN. No; I do not want it referred now. I want it to lie on the table.

Mr. ANTHONY. I am content.

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

## BILLS INTRODUCED.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 376) granting pensions to certain soldiers and sailors of the war of 1846, with Mexico, and the widows of deceased soldiers and sailors; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. STEWART asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 377) in relation to the public lands in the State of Nevada; which was read twice by its title.

Mr. STEWART. This bill is in accordance with a proposition of the Legislature of the State of Nevada with reference to the public lands in that State. The resolutions of the Legislature were referred to the Committee on Public Lands at the last session, and I suppose are now on the files. I move that they be withdrawn from the files and referred, with the bill, to the Committee on Public Lands.

The motion was agreed to.

Mr. STEWART also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 379) for the relief of Nathan Cole, late captain Twenty-third Regiment Veteran Reserve Corps; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 380) to secure to the Episcopal Board of Missions the land in the White Earth Indian reservation in Minnesota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 381) to create an additional land district in the State of Oregon, to be called the Dalles land district; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 382) for the relief of William L. Adams, late collector of customs at Astoria, Oregon; which was read twice by its title, and referred to the Committee on Claims.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 383) to forfeit to the United States certain lands granted to the Placerville and Sacramento Valley Railroad Company to aid in constructing a railroad from the town of Folsom to the town of Placerville, State of California; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 384) for the benefit of the Louisville and Bardstown Turnpike Company; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL. I move that the bill (S. No. 183) to provide for a survey and estimate of cost for constructing locks and canals to remove obstructions to the navigation of the Columbia River, in the State of Oregon and in Washington Territory, which was introduced some time ago, and which is lying on the table, be referred to the Committee on Commerce.

The motion was agreed to.

#### STATIONERY-ROOM.

Mr. MORRILL, of Vermont. I offer the following resolution, and ask for its present consideration:

*Resolved.* That the Committee on Contingent Expenses be instructed to inquire into the expediency of excluding all articles from the stationery-room except paper, pens, pencils, ink, envelopes, and mucilage.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MORRILL, of Vermont. Mr. President, I should not have introduced this resolution but for the general scandal that seems to be circulating in almost every newspaper throughout the country in relation to the articles that are furnished to Senators from the stationery-room; and finding these charges indorsed in a paper so respectable as the Boston Daily Advertiser, I am induced to offer the resolution. For instance, the Daily Advertiser of January 13 contains a long article from which I will now read some extracts. After giving a list of the items as found in the report of the Secretary of the Senate, it proceeds to say:

Why these expenses augment from year to year may be discovered by a careful scrutiny of the items. It is because there is no limit to the class of articles that may be purchased for Senators and paid for by the Government, and that there is no limit to the expense incurred.

Every Senator knows that that statement is absolutely untrue. There is a limit, and has been a limit for many, many years, as to the articles that can be obtained by Senators. It is fixed by statute. They may go there and buy scissors, or buy paper, or buy ink, and it is charged to them; and it comes out of the sum that is allowed annually to each Senator.

Mr. WINDOM. What is the amount?

Mr. MORRILL, of Vermont. It is, for stationery and for newspapers, \$125 a year.

Mr. CONKLING. What sort of articles does that paper say that we get?

Mr. MORRILL, of Vermont. It mentions gold tooth-picks, wedding envelopes, card-cases, and a long list of articles.

I will say further, in response to the Senator from Minnesota, that if Senators do not take the articles, they take the balance in money that may be found their due out of the \$125. Now, I desire to call attention to the fact that the expenses charged in this long catalogue of items are for all articles furnished to maintain the entire Senate wing of the Capitol; for the Sergeant-at-Arms, for the Secretary of the Senate, for the engrossing clerks; and yet these items are all lumped together and then divided by the number of Senators; and that is often put forth as the amount which each Senator takes annually here at the Capitol for his own private use.

For instance, it says, "to what use could eighty-two pounds of sponge be put?" I am surprised that a paper usually so well informed as the Boston Daily Advertiser should not understand that a large amount of coarse sponge is used for the purpose of cleaning the marble stairways and the floors. It is a mere ordinary scrubbing article.

Then it says:

The days have gone, however, when it is deemed disgraceful for a Senator to accept from the Government a few dollars' worth of horse-car tickets to save the expense of a ride to the Capitol, and we cannot hope to make an impression there by any analysis of the Clerk's books.

Every Senator knows that that is an absolute fabrication made out of the whole cloth. No Senator ever receives a car-ticket. The only amount that is paid, if anything is paid, for carriage-hire in any way is paid out for the carrying of bills from the Capitol to the President by the proper committee, to be examined and signed by the President; and I think there is a carriage kept for that purpose. Certainly there ought to be one so kept. It is possible that that committee have used horse-car tickets; but I do not suppose it to be true that in any instance a horse-car ticket has ever been used by a Senator.

Mr. EDMUNDS. They are used by the messengers when on the business of the Senate.

Mr. MORRILL, of Vermont. Of course they are; and yet these charges, being published by a respectable paper, go into all the country press as absolute and incontrovertible facts; and the calumny grows from year to year. Therefore, sir, in order to crush out this fruitful source of scandal, I think it would be better that the stationery-room should supply absolutely the articles only that are required, as stationery, papers, pens, ink, &c.

Mr. MORRILL, of Maine. I ask the Senator if he understands that article to be an editorial?

Mr. MORRILL, of Vermont. It is an editorial.

Mr. MORRILL, of Maine. I ask the Senator further, whether he

understands it to be a fact that fancy goods of the style he speaks of, gold tooth-picks and the like, are kept in the stationery-room at all?

Mr. MORRILL, of Vermont. I never have examined, and do not know particularly what articles are kept there.

Mr. MORRILL, of Maine. Does the honorable Senator think it is a nice thing for us to spend our time in correcting these false allegations that appear in the press in different parts of the country and predicate our legislation upon them? I never had any gold tooth-pick, or any of these fancy goods, and I do not propose to be disturbed or moved from my propriety by the publication of any of these things that appear in the papers. The idea of our instructing a committee to investigate whether tooth-picks are sold below in the stationery-room! I suppose, as a matter of fact, if any gentleman chooses to send his clerk out into the street he can get one immediately, and I dare say he might employ the keeper of the stationery to do the same thing. But that any of these things are kept there for Senators at the public expense I do not suppose any one, who is not crazy or foolish enough to publish such a thing, believes; and I do not think it is worth while to instruct a committee to investigate on such a subject.

Mr. MORRILL, of Vermont. I have seen this floating scandal for a number of years, and I know of no way by which it can be extinguished except by stopping it at the source. Therefore, without being moved at all, so far as I am concerned personally, about it, I am in favor of having the stationery-room so conducted that it shall be impossible for us to be subjected to any more of this sort of scandal.

Mr. MORRILL, of Maine. But my friend, by his argument, is giving force to an implication that the thing does exist—that we do keep a fancy concern down stairs—when there is not one word of truth in it, as I believe.

Mr. HOWE. I agree with the Senator from Vermont in the purpose at which he aims. It would delight me beyond measure to have the stationery-room, or any other room in this Capitol, conducted in such a manner that it could not be lied about. [Laughter.] But I ask the Senator precisely how he would have that room conducted in order to secure that end?

Mr. MORRILL, of Vermont. I propose to do it by the resolution I have offered, to exclude from it everything except the articles of stationery mentioned.

Mr. HOWE. And will the Senator guarantee that it will not be lied about when it is trimmed down in that way?

Mr. MORRILL, of Vermont. Not at all.

Mr. HAMLIN. I am not sensitive in relation to this article, because I think I shall not be found as coming within the list of individuals who have made any of these purchases in any way, either directly or indirectly; but I think, for the papers that are disposed to publish the truth, it may be well to affirm here that each of us is, under the law, entitled to \$125 a year for stationery and newspapers, and it is a part of our compensation. If we use it all for these things, very well; if we do not, it is ours by law, and the balance is received by Senators. I may therefore receive the amount to which I am entitled to-day for my stationery; I may purchase my stationery elsewhere if I please, and when that money, which is my own, is in my own pocket, if I choose to convert it into tooth-picks, it is nobody's business; though I never do.

But I did not rise for that purpose. I rose for another purpose, and one which, I think, is of some importance and needs a contradiction to the country. I have not seen the article from which the Senator from Vermont has been reading; but my attention has been called to another statement, and probably it is a part of this very one, in which it is alleged as one of the wrongs of the Senate that the expenses of the Senate were, in round numbers, about \$500,000 for the year 1872, and \$1,000,000 for the year 1873. Now, whoever made that statement did have some ground to base it upon, and this was the ground: He took six months of the year 1872 on which to base the expenditures for 1872, and took the whole of the year 1873 on which to base the expenditures for 1873. That is all he had to do, and he did that by taking the report of our Secretary, because the law was changed, by which he was directed to make up his account ending with the fiscal year, instead of what had been done prior to that, ending with the 1st day of December. If the man who sought the authority and gave the information had looked at the Secretary's report, or had sought to tell the whole truth, he would have seen that the Secretary, in his report made in 1872, stated distinctly that it was for only six months, and that the expenditures were \$470,000. Then in the next report, as we can all see by reading, if he had taken the next report he would have seen that the report was for a full year. One covered a long and another a short session, and that also made a difference.

The statement has gone abroad that we doubled the expenses of this body between 1872 and 1873. The only foundation on earth for making that allegation was, simply taking the expenditures for half of one year on which to base the comparison. I have thought, sir, that it was well that I should make that statement. I do not know but that the same statement is made in the article which has been read.

Mr. MORRILL, of Vermont. It is.

Mr. HAMLIN. That is the truth of that; and I think from one you can judge of the truth of all, and from the falsehood of one you can judge of the falsehood of all.

The PRESIDENT *pro tempore*. The question is on the resolution. The resolution was agreed to.

## INTERRUPTION OF SPEAKERS.

Mr. MORRILL, of Vermont. I submit the following resolution:

*Resolved*, That the Committee on Rules be instructed to inquire into the expediency of reporting a rule for the adoption of the Senate, that it shall not be in order for any Senator to be interrupted while speaking, even with his own consent, unless interrupted on a point of order or to correct an erroneous statement of facts, or on account of some personal reference.

Mr. President, I am perhaps as guilty of the offense intended to be remedied by this resolution as any Senator, but I think it is a usage "more honored in the breach than the observance," and I desire to call the attention of the Committee on Rules to the subject.

Mr. MORTON. I suggest to my friend that the exceptions he makes in the resolution will certainly ruin the effect of it.

Mr. MORRILL, of Vermont. The Committee on Rules might strike out the exception.

The PRESIDENT *pro tempore*. The question is on the resolution.

Mr. EDMUNDS. It only asks an inquiry.

The resolution was considered by unanimous consent, and agreed to.

## PAPERS WITHDRAWN AND REFERRED.

Mr. SHERMAN. I move to take up the bill (H. R. No. 1382) authorizing coinage to be executed by the mints of the United States for foreign countries. I think it will only take the time that will be necessary to read it. It was reported the other day by the Committee on Finance.

Mr. PRATT. I have morning business.

Mr. SHERMAN. I thought the morning business was through.

Mr. PRATT. I wish to ask the sense of the Senate upon making the following order:

*Ordered*, That J. H. Russell be allowed to withdraw from the files his papers presented in support of his claim against the United States for the destruction of his steamboat, J. H. Russell, reported upon adversely May 15, 1872, upon condition of leaving copies of said papers on file: *Provided, however*, That his letter to the Secretary of War, dated August 5, 1867, shall not be withdrawn, nor the report made in the case.

This claimant has produced to me some additional evidence, not, as I think, very vital to the case; but I believe his idea is that he may make his claim good, possibly in the Court of Claims, and for that purpose he wishes to withdraw his evidence from the files of the Senate. The case was simply this: He presented a claim for the destruction of his steamboat, which was engaged in post trade on the Mississippi River. She was loaded with cotton at Vicksburgh, and was on her way down the river, when she was detained at Baton Rouge. She was first signaled at Baton Rouge, and not obeying the signal, a cannon was fired across the bow of his boat and he was compelled to round to and compelled to take on board a company of cavalry, with their equipments and stores. His further claim was that at that time confederates got on board with Greek fire and set fire to his boat, and that she was burned in consequence.

The ground of the committee's rejecting his claim was a letter furnished by the Secretary of War, written in August, 1867, which seemed to be entirely at variance with the affidavits that he came before Congress with. That letter to the Secretary of War showed that the boat was set on fire by a man employed on his boat, who had been employed for months, and the committee rejected the claim because of this variance. I do not know what may be the actual merits of the claim; but that he lost his boat is undoubtedly true. I have thought it proper to make this statement of facts for the purpose of ascertaining the sense of the Senate, whether it is proper to make the order in the qualified form in which I have drawn it.

Mr. EDMUNDS. The discrepancy is said to exist between the affidavits and the claimant's letter.

Mr. PRATT. Yes, sir.

Mr. EDMUNDS. The originals of both should be copied, and let him take the copies.

Mr. PRATT. Let it be made in that form; let the original affidavits with which he came before Congress be retained on file, and certified copies of those affidavits be furnished.

The order, as modified, was agreed to.

On motion of Mr. HOWE, it was—

*Ordered*, That the petition and papers of Nathan Cole be taken from the files and referred to the Committee on Military Affairs.

Mr. EDMUNDS. I move that the papers in the case of A. S. Lee, an applicant for a pension, be withdrawn from the files of the Senate and committed to the Committee on Pensions. The report was favorable, and the bill passed the Senate, but failed in the House for some reason that I do not know.

The papers were ordered to be withdrawn and referred.

Mr. FRELINGHUYSEN. I ask for an order authorizing William A. Griffin to take his petition and papers from the files and refer them to the Committee on Claims. In this case there was a favorable report, but it never was acted upon by Congress.

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

On motion of Mr. MORTON, it was

*Ordered*, That the Committee on Claims be discharged from the further consideration of the petition of Bright F. Hayes, and that it be referred to the Committee on the Judiciary.

On motion of Mr. KELLY, it was

*Ordered*, That the petition and papers of G. A. Henderson be taken from the files, and referred to the Committee on Claims.

On motion of Mr. KELLY, it was

*Ordered*, That the petition and papers of Charles B. Philips be taken from the files, and referred to the Committee on Claims.

## UNION PACIFIC RAILROAD.

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

*Resolved*, That the Secretary of the Interior be directed to furnish the Senate with copies of the annual reports of the Government directors of the Union Pacific Railroad for the years 1872 and 1873.

## COINAGE FOR FOREIGN COUNTRIES.

Mr. SHERMAN. I now ask that the bill which I mentioned a few moments ago be taken up and passed.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to proceed to the consideration of the bill (H. R. No. 1382) authorizing coinage to be executed at the mints of the United States for foreign countries.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes to make it lawful for coinage to be executed at the mints of the United States for any foreign country applying for the same, according to the legally prescribed standards and devices of such country, under such regulations as the Secretary of the Treasury may prescribe; and the charge is to be equal to the expenses thereof, including labor, materials, and use of machinery, to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury; but the manufacture of such coin is not to interfere with the required coinage of the United States.

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

## DEPUTY COMMISSIONER OF INTERNAL REVENUE.

Mr. WRIGHT. I reported back from the Committee on Civil Service and Retrenchment on Friday a bill to abolish the office of deputy commissioner of internal revenue, being House bill No. 1231. I move that the Senate proceed to the consideration of that bill now. I suppose there will be no objection to it.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider bill (H. R. No. 1231) to abolish the office of deputy commissioner of internal revenue.

It abolishes the office of deputy commissioner of internal revenue, made vacant by the death of General B. J. Sweet, and authorizes the Secretary of the Treasury, upon the recommendation of the Commissioner of Internal Revenue, to designate one of the two remaining deputy commissioners as first deputy commissioner, who shall perform the duties and be paid only the salary prescribed for the office of deputy commissioner hereby abolished.

Mr. SUMNER. I shall not propose any amendment to the bill; but I desire to say that I welcome it as a reform in the right direction. My only regret is that it does not go further, and abolish a great many other offices in the Internal Revenue Department, in regard to which I am assured by persons who are bound to know that such a reform can be properly and safely made. I am very sorry that there is hesitation. I have made one or two efforts in this Chamber in that direction which have not been received with favor, but I am none the less convinced that it is a direction in which the Senate ought to push forward.

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

## SENATOR FROM LOUISIANA.

Mr. MORTON. According to notice given last week—

Mr. McCREERY. Mr. President, I rise to a point of order.

The PRESIDENT *pro tempore*. The Senator from Kentucky will state his point of order.

Mr. McCREERY. The point of order is this: that I had the unanimous consent of the Senate to address them to-day at one o'clock on Louisiana affairs.

The PRESIDENT *pro tempore*. The Chair now announces that the morning hour has expired. There is no unfinished business before the Senate.

Mr. McCREERY. I move to take up the resolution of the Senator from Indiana in regard to Louisiana affairs.

Mr. MORTON. Mr. President—

The PRESIDENT *pro tempore*. The special order which would take precedence is the resolution from the Committee on Finance. Does the Senator from Kentucky make any motion?

Mr. MORTON. I had the floor, but it was taken from me by a point of order.

Mr. McCREERY. I move to take up the resolution of the Senator from Indiana, in order to address the Senate on Louisiana affairs, in pursuance of an appointment made some days since.

The PRESIDENT *pro tempore*. The Chair overrules the point of order.

Mr. THURMAN. Mr. President—

The PRESIDENT *pro tempore*. Will the Senator from Indiana yield to the Senator from Ohio?

Mr. MORTON. For an explanation.

Mr. THURMAN. If I am not mistaken the resolution of the Committee on Finance was postponed until to-morrow, Tuesday. It is not before the Senate. And that was done in order to allow the Senator from Kentucky to address the Senate to-day.

The PRESIDENT *pro tempore*. That is true; but that does not take from it its character as a special order. When there is no other business before the Senate, the first special order is in order.

Mr. THURMAN. Then the vote to postpone until Tuesday had no effect.

The PRESIDENT *pro tempore*. The Senator from Indiana has the floor.

Mr. MORTON. I move, according to notice given last week, that the Senate proceed to the consideration of the resolution to admit Mr. Pinchback to his seat on this floor as a Senator from Louisiana.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Senate now proceed to the consideration of the resolution introduced by himself in regard to seating Mr. Pinchback as a Senator from the State of Louisiana. Is there objection? The Chair hears none, and the resolution is before the Senate, and will be read.

Mr. MORTON. Before making the motion—

Mr. EDMUNDS. Let us hear it read.

Mr. HAMLIN. The resolution is now before the Senate, is it not?

The PRESIDENT *pro tempore*. It is.

Mr. HAMLIN. Then I ask the Senator from Indiana to allow me to submit a motion. I will not take up more than a single minute. It is an amendment to the resolution which I propose to submit.

Mr. STEVENSON. Mr. President, I rise to a question of order.

The PRESIDENT *pro tempore*. The Senator from Kentucky will state the point of order.

Mr. STEVENSON. When the question of Louisiana was up on a former occasion, my colleague [Mr. McCREERY] was entitled to the floor. It is now up, and I do not see how he can be deprived of the floor. When the question of Louisiana was last under discussion, I repeat, my colleague was recognized as entitled to the floor on that resolution; it is now before the Senate; and my question of order is that he cannot be deprived of his right, which he has patiently waited for for weeks, and to which, under the rules of the Senate, it seems to me he is entitled.

The PRESIDENT *pro tempore*. The Chair overrules the point of order. Had the Senate adjourned pending this resolution, the Senator from Kentucky would have been recognized by the Chair as entitled to the floor; but that is not the manner in which the resolution comes before the Senate. It is brought up to-day by the motion of the Senator from Indiana, who has the floor to make the motion and the floor to make his remarks upon the subject.

Mr. HAMLIN. I supposed everybody in the Senate was disposed to concede to the Senator from Kentucky the floor to-day. I understood him to have it. A mere suggestion from the Senator from Indiana, if he proposes to make it before the Senator from Kentucky proceeds with his speech, I suppose will not be disagreeable to the Senator himself. I want to offer an amendment to the resolution submitted by the Senator from Indiana.

The PRESIDENT *pro tempore*. Does the Senator yield to the Senator from Maine for that purpose?

Mr. MORTON. Yes, sir.

Mr. HAMLIN. I send up the amendment, and I will state in a word the reason for my amendment.

Mr. EDMUNDS. Let us have the whole thing read, the resolution and amendment.

The CHIEF CLERK. The resolution submitted by Mr. MORTON, on the 20th of January is as follows:

*Resolved*, That the credentials of the Hon. P. B. S. Pinchback be referred to the Committee on Privileges and Elections; that the committee have power to send for persons and papers, and be instructed to investigate the circumstances attending the election of said Pinchback to a seat in this body.

The amendment now submitted by Mr. HAMLIN is to strike out all after the word "resolved," and insert the following:

That P. B. S. Pinchback be permitted to take a seat in this body as a Senator from the State of Louisiana upon taking the proper oath, and that the Committee on Privileges and Elections proceed hereafter to consider the grounds on which his right to a seat is contested, and hereafter make report to the Senate thereon.

Mr. HAMLIN. I have drawn that amendment in the precise language of the resolution submitted by the Senator from Ohio [Mr. THURMAN] in the case of Mr. GOLDTHWAITE. I was myself at that period of time a member of the Committee on Privileges and Elections, and concurred in that resolution. I think it met the unanimous consent of the committee, and I believe the unanimous approval of the Senate. There is some wisdom in preserving a little of consistency in the manner of our proceedings. The argument then was that we could not deal with a Senator until he had become so by taking the oath of office. I have offered the amendment simply to conform to the practice of the Senate in that case, as a substitute for the resolution submitted by the Senator from Indiana. This is all I have to say.

Mr. MORTON. Mr. President, the amendment offered by the Senator from Maine would in its nature be a substitute for the original resolution, and for the motion I am about to make.

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) The Chair will state to the Senator from Indiana that, as he understands the question, the amendment proposed by the Senator from Maine is not now in order. The motion of the Senator from Indiana was to refer this resolution to the Committee on Privileges and Elections. That motion precedes a motion to amend, by the rules. The Chair therefore cannot at this time entertain the amendment of the Senator from Maine. The question is on the motion of the Senator from In-

diana, to commit the original resolution to the Committee on Privileges and Elections.

Mr. MORTON. The resolution read by the clerk was one of which I simply gave notice. That motion was not pending. I shall make the motion in a little different language from that employed by the resolution read by the Secretary.

The PRESIDING OFFICER. The Chair understands, then, that the Senator from Indiana did not submit that motion.

Mr. MORTON. I simply gave notice of it. I have now moved to take up the resolution.

The PRESIDING OFFICER. Then the amendment of the Senator from Maine to the original resolution would be in order, and it will be received.

Mr. MORTON. Before submitting the motion of which I gave notice, I desire very briefly, and I shall detain my friend from Kentucky a very short time, to state the status of the original resolution and to recapitulate the grounds upon which I place it, so that I may be understood in the action which I now propose to take.

I argued, on a former occasion, that the credentials of Mr. Pinchback being in regular form, he had a *prima facie* case and was entitled to be sworn in as a member, and to take his seat in this body; and that any question as to whether he was elected by a legal Legislature or whether he was duly elected must be considered afterward, if it be conceded that the credentials were signed by the governor of Louisiana. I read in support of that argument the following resolution offered in a recent case in this body by the Senator from Ohio, for the admission of Mr. GOLDTHWAITE, Senator from Alabama:

*Resolved*, That GEORGE GOLDTHWAITE be permitted to take a seat in this body as a Senator from the State of Alabama upon taking the proper oath; and that the Committee on Privileges and Elections proceed hereafter to consider the grounds on which his right to a seat is contested, and hereafter make a report to the Senate thereon.

I further read an extract from the speech of the author of the resolution, the Senator from Ohio, [Mr. THURMAN,] in the following words:

So far as GOLDTHWAITE was concerned, that report was unanimous on the part of the committee, as appears by the report itself, a copy of which I hold in my hand. It went upon the ground, which has been observed ever since this Government was formed, that the certificate of election of a Senator was *prima facie* evidence of his right to a seat, and sufficient until it was overthrown; that he was entitled on that *prima facie* case to his seat in that body, and if any one said he was not entitled to it the contestant was bound to overthrow that *prima facie* case by sufficient charges and sufficient testimony, but that in the mean time the Senator was entitled to his seat on his *prima facie* case.

There was not, and there is not, as I had occasion to observe then, after a most careful examination of all the precedents, a single case in the whole history of this Government in which that rule has been departed from.

I then argued that the only question was whether Kellogg, who signed these credentials, was and is governor of Louisiana. I urged in support of the position that we should accept him as governor of Louisiana that he had been in the undisputed possession of the office for now some twelve months, had been accepted as such by every department of the State government; that the State officers and county officers were acting upon commissions received from him; that he was recognized as governor of Louisiana by all the courts of that State, beginning with the supreme court, and all the subordinate courts; that he had been recognized as the governor of Louisiana by what purported to be the Legislature of Louisiana, had been by that Legislature declared duly elected; they had submitted their enactments to him and he had signed them or vetoed them as they met with the approval or disapproval of his judgment. I further showed that he had exercised without objection all the functions of governor for this long period. I further showed that he had been recognized as the governor of Louisiana by the President of the United States on various occasions by orders, by telegrams sent by the Attorney-General by the authority of the President, by a proclamation issued to the people of Louisiana, and by a message sent to the two Houses of Congress; that upon various occasions and in various ways he had been distinctly and conclusively recognized as the governor of Louisiana by the President. I further showed that the President was empowered to decide upon this question by virtue of the act of Congress of 1795 intended to carry out the express provision of the Constitution; that the authority of the President to make decision in this matter had been expressly recognized in the case of Luther vs. Borden, the celebrated case from Rhode Island, in which it was declared that under the Constitution and by the act of Congress, in any State where there were two contending governments and the President was called upon to preserve the peace or suppress insurrection or domestic violence, the President was authorized to decide, and must necessarily decide which was the lawful State government, and that the decision he might make in that case was binding upon the courts and was binding upon every department of this Government until it was reversed by an act of Congress; that the President in making that decision was executing an act of Congress and not exercising arbitrary authority upon his own part, and that his act was in that respect the act of the Government of the United States; that the propriety of his decision could not be called in question by either House alone, but could only be called in question and reversed by an act of Congress passed by both bodies in the form of a law under the fourth article of the Constitution.

I further showed that the President had recognized the Legislature of Louisiana in the same way; and that that recognition was binding in the same manner until it was reversed by an act of Congress.

I further showed that the supreme court of Louisiana had, on several occasions, upon questions properly before that court, decided that Kellogg was the governor of Louisiana; and that the Legislature that elected Pinchback was the lawful Legislature of Louisiana; that that Legislature had, without interruption, exercised the functions of a Legislature throughout the term; that it had passed some one hundred and nineteen laws; that those laws were enforced by the courts and recognized as the laws of Louisiana.

In conclusion, I presented the further consideration that this question involved a great fundamental principle, vital to the existence of our Government, which was that where a question arose under a State law or under a State constitution it was to be decided by State tribunals; and that the decision of the tribunals of the State upon questions arising under their own laws was binding not only upon the people of the State but upon the Government of the United States; that this was a necessary result from our form of Government; and that any alleged irregularity or, if you please, fraud in a State election in the election of a governor or of a State Legislature was cognizable and was determinable by the tribunals of the State, and when the State tribunals had passed upon such questions their decision was binding upon the Government of the United States; and that if the Government of the United States assumed the right to go behind the decision of the State tribunals to examine into a question arising in a State election under State laws; if it assumed the right to set aside a State government because of alleged frauds or irregularities in a purely State election, the assumption of such power was the end of the State governments and placed every State government in this Union at the will and caprice of the Government of the United States; and that State governments thereafter would exist only by sufferance. That was the ground upon which I placed the original motion.

Now, Mr. President, within a few days, and since that time, information has come to me of a character that I was not at liberty to overlook or to pass by, in effect charging Mr. Pinchback with improper conduct in connection with his election; which charges, if true, would, in my opinion, render it improper for him to have a seat upon this floor. Having due regard to my honor as a Senator, as the chairman of the committee charged with such investigations, and my duty to the Senate, I did not feel at liberty to withhold that information from the Senate and to proceed with the original resolution asking Mr. Pinchback to be seated. To have withheld that information from the Senate would have been an assumption upon my part of the right to determine the question that Mr. Pinchback should first be seated and the investigation made afterward. I thought I had no right myself to determine that question, and that it was my duty to bring it before the Senate and devolve upon the Senate the responsibility in regard to that question, as well as in regard to others, whether the Senate would seat Mr. Pinchback first and investigate him afterward, or would first investigate him and determine whether he was entitled to be seated afterward. I knew of no way of placing myself and of getting that question properly before the Senate, than by making the motion which I now send to the Chair:

*Resolved*, That the credentials of Hon. P. B. S. Pinchback be referred to the Committee on Privileges and Elections; that the committee have power to send for persons and papers, and be instructed to inquire into the conduct of said Pinchback in connection with said election.

The PRESIDING OFFICER, (Mr. THURMAN in the chair.) Does the Chair understand the Senator to modify his original resolution by substituting this for it?

Mr. MORTON. The other was simply a notice. It was not offered. I offer this.

The PRESIDING OFFICER. As a substitute for the first resolution?

Mr. MORTON. I suppose it is in the nature of a modification of the first resolution.

Mr. CARPENTER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Indiana yield the floor?

Mr. MORTON. Yes, sir.

Mr. CARPENTER. I thought the Senator was through.

Mr. MORTON. I intended to make another remark, but the Senator may go on.

Mr. CARPENTER. I will wait until the Senator concludes.

Mr. MORTON. I will yield the floor.

Mr. McCREERY. Mr. President—

Mr. CARPENTER. Will the Senator from Kentucky yield to me two minutes and a half?

Mr. McCREERY. I will yield to you one minute and a half. [Laughter.]

Mr. CARPENTER. Mr. President, before the resolution now presented is passed upon by the Senate, I desire to submit some remarks upon this whole case. It will be impossible for me to do so to-day, as I am suffering from a cold which makes it difficult for me to speak; but when other Senators have discussed the question, I will ask the Senate, as a matter of courtesy, to allow the matter to lie over until next Wednesday, when I shall be able to speak on the subject.

Mr. McCREERY. Mr. President, I have waited long and patiently for an opportunity to submit my views on Louisiana affairs. I do not know that I can advance a single thought with the slightest claim to originality or a suggestion worthy of the serious attention of this body. No gentleman present places a lower estimate on the value of my

utterances than I do myself. We are all equally interested in preserving and perpetuating our republican institutions; but as to the best method of accomplishing that great result, our views are as various and conflicting as though we were the advocates of opposing systems. But where honesty of purpose is mutually accorded, harsh epithets will not be applied to our adversaries, however erroneous we may regard their opinions. The good old-fashioned democracy of Jefferson and Jackson, who maintained the absolute sovereignty of the States and the people, whenever and wherever the same had not been delegated to the General Government, may sound as discordant in republican ears as their own radical and reckless disregard of State lines and State rights does in mine. I am glad that I have an opportunity of addressing the Senate to-day on Louisiana affairs. I know that I shall be entirely unable to do justice to the subject, or to meet the expectations of Senators, provided Senators have expectations.

The Senator from Indiana [Mr. MORTON] has supported his resolution by two speeches of more than his usual vigor, and I might despair of results, as far as I am concerned, did I not rest with abiding confidence upon the intelligence and integrity of the Senate when it comes to pass upon the facts involved in this controversy.

In these days of bare-faced impudence it is painful to contemplate the more than feminine modesty of the Senator's first proposition. [Laughter.]

The circumstances attending the Louisiana election and the inauguration of the Kellogg government were so novel, so extraordinary, and so revolutionary in their character, that they produced a shock which was felt from one extremity of the Union to the other. The blow had fallen upon Louisiana, it is true; but what was to save their own States if the same arm should be raised for their destruction? The Senate of the United States, about the middle of January following, responded to the general apprehension and the general alarm by instructing one of the ablest committees of the body to make the solemn inquiry whether there was any existing State government in Louisiana, and how and by whom it was constituted. That committee entered upon the investigation with a full sense of their responsibilities, and discharged their important duties in a manner worthy of all commendation. Witnesses were summoned from the remote corners of the Union, and held here for weeks at public expense. Records and constitutions, laws, letters, and telegrams, were passed in review, until a mass of oral and documentary evidence was collected which throws a perfect flood of light upon the affairs of Louisiana. But now, when the time has come for its use, the chairman of the committee, in very excess of modesty, assures us, in effect, that the contents of this volume are positively of less value than a legal technicality or a *prima facie* presumption. The work which he thus depreciates owes its existence to himself. I have too much respect for him to say that he reminds me of an unnatural father conspiring against the life of his child; but I will say that I go back in history nearly two thousand years before I find anything like a parallel to his humility and to his utter self-abnegation. [Laughter.] One of the greatest authors, as well as one of the purest and best men of antiquity, expired in the arms of his emperor, leaving, as a last injunction, that the work to which he was then giving the finishing touches should be burned after his death; but Augustus, who had heard the flowing numbers from the lips of the poet himself, wisely disregarded the dying request of his friend, and the song of "Arms and the man" is repeated in every land where literary merit is understood or appreciated; and as it is enshrined in the hearts, so would I, if I could, engrave the contents of this volume upon the memories of men, so that they should never be forgotten until some future Prescott or Bancroft shall arise to weave them into a chapter of American history, where they will remain forever. Let it rest in the libraries, public and private, side by side with the inspirations of the Roman bard, the one for the admiration of, and the other as a warning to, the human race.

I contend that it is too late to talk about *prima facie* presumptions after the proof has been heard. Whatever might have been the conclusion at the first view, or the first appearance, is of no consequence, as the facts are now before us. The evidence was taken to satisfy our minds as to the existence or non-existence of a State government in Louisiana, and how and by whom it was constituted; or it was taken for the entertainment and amusement of the Senator from Indiana. He relied on this testimony precisely as far as it answered his ends, and he must not complain if we follow his example.

The Senator was prodigal in his citation of authorities, and may have given undue prominence to his own course on other occasions; for neither the decisions of courts nor his own action, enlightened and patriotic as it may have been, can determine the matters now under consideration, for the simple and obvious reason that there never was an analogous case to this on the American continent, or any other continent under the sun. We may make a precedent, but there are no precedents for us to follow.

The second proposition urged by the Senator was hypothetical: that if Kellogg is governor of Louisiana, that is an end of the argument. Now, if Kellogg received a majority of the votes cast, so ascertained by a fair canvass of the official returns, and was legally and constitutionally inaugurated, then he is governor of Louisiana; but if he received a minority of the vote cast, and without any canvass of the official returns was inaugurated by the lawless proceedings of a Federal judge backed by the Army of the United States, then I hold

he is not governor, but an intruder, and liable to a prosecution under the intrusion acts of Louisiana.

The Senator from Indiana has said much about the Legislature of Louisiana; but I have the authority of four honored members of this body, one of whom sits before me, [Mr. CARPENTER,] for stating that there is not, and never has been, a quorum of both houses who had any pretense of having been elected to their seats; and as I have their report in my hands, I will answer what has been said about State-rights by reading a single sentence from it:

For the United States to interfere in a State election, and, by the employment of troops, set up a governor and Legislature without a shadow of right, and then to refuse redress of the wrong upon the ground that to grant relief would be interfering with the rights of the State, is a proposition difficult to utter with a grave countenance.

The third point to which I will direct attention was a glowing tribute in the Senator's first speech to the Kellogg government. Never having had my attention called to the superior excellences of that institution I was taken completely by surprise, and that surprise was increased from the circumstance that the defense was in advance of the attack. It is a fact, I believe, that those who are most enamored of the Kellogg administration live very remote from its influence. It looks best when it is so far away that you cannot see it at all. [Laughter.] But the idea was purely speculative and fanciful, and demands no serious reply at my hands. If in the terrible ordeal through which the people of Louisiana are passing it gives them any comfort to know that the Senator from Indiana appreciates and admires the peculiar civil polity under which they are living, I sympathize too deeply in their misfortunes to desire for a single instant to deprive them of that melancholy satisfaction. [Laughter.]

The fourth point assumed by the honorable Senator was that the decision of the supreme court of Louisiana is final. No one knows better than himself that this statement is subject to several important qualifications. To render such decision final, or to give it any binding force upon any one, it is essential that the court should have jurisdiction, that the parties in interest should be served with process, and that the judgment to be valid must decide the matters in issue; and all beyond that is surplage and utterly worthless in that or any other cause. Tried by this test the cases cited by the Senator, so far as the merits of this controversy are concerned, are wholly and entirely without authority.

The returning boards of Louisiana were at law. The amount involved was too small for either of them to take the case to the Supreme Court; then could the intervention of a third party give jurisdiction where there was confessedly none before? If this is true, it is manifest to my mind that the judgments of every justice of the peace in the country might be brought up by the *legèrdemain* of intervention for the revision of the Supreme Court of the United States. It is worthy of remark that after A. P. Field, by his petition for intervention and appeal, got the case before the court, he was wholly ignored, as he was bound to be, in the judgment, which simply decided that Lynch and his associates were the legal returning board. If such a decision, rendered under such circumstances, is not an absolute nullity, then remove all limitation to the jurisdiction of courts and allow them to roam at will over the entire field of contention, deciding everything or nothing according to their sovereign pleasure.

Morgan and Kennard had a contest for a seat on the supreme bench of Louisiana. Each of these gentlemen had a commission, and Morgan had been confirmed by the senate, while Kennard was in possession of the office. But that possession availed him nothing. He was tried under a rule returnable in twenty-four hours; the same time was allowed for appeal, returnable to the supreme court in two days, there to have preference over all other causes, and to be tried immediately. The speed of Justice Kennard through the courts reminds us more of the old Indian pastime of running the gauntlet, with a lick or a kick at every step, than of the gravity and deliberation of a judicial proceeding. In five days after the passage of the act authorizing this summary process, a justice of the supreme court was divested of his official robes. The caption of the law shows that it was passed for the sole purpose of regulating proceedings in "contestation between persons claiming a judicial office." It prescribed a mode and a manner of reaching a result unknown to the law; but it was a mode and a manner designed and intended to settle judicial contests, and for nothing else. Could a proceeding under this statute affect title to real estate or personal property? Could a governor, a lieutenant-governor, a member of the Legislature, a constable, or a policeman be tried under its provisions? Few lawyers here or elsewhere will answer in the affirmative; and yet in this contest between Morgan and Kennard the court not only decides the issue in the cause, but it pretends to decide who is governor, and passes upon the rights of nearly three hundred men, who claimed to be members-elect to the Legislature. If any man contends for jurisdiction under the statute, was the governor, or any member of the Legislature, served with a rule twenty-four hours in advance of the judgment? Can a man be deprived of his rights without a day or an hour's notice?

These were the cases cited by the Senator from Indiana. So far as they support the Kellogg government, I submit they are nullities. I have referred to them very briefly and very imperfectly, but sufficiently, I hope, to induce Senators to read the able dissenting opinion of Justice Wiley, as well as the conclusive argument embodied in

the report, and the logical and forcible views of the great lawyer of Illinois, Judge Trumbull, who was at that time an honored member of this body.

It seems to me that the Senator from Indiana made an important omission in his citation of authorities. The supreme court of Louisiana managed, in some way or other, prior to the 12th day of December, 1872, and before any case had been presented for their adjudication, to give an opinion, or to intimate an opinion, on the interesting questions involved in this discussion. Whether it was done in private consultation or in open court does not appear; it may have been on the street corners or at the hotels; but it is nevertheless true that on that day James F. Casey, the collector of the port of New Orleans, informed the President, "The supreme court is known to be in sympathy with the republican State government." Casey spoke advisedly, and would have been incapable of misleading the President on a matter of such vital moment. This shows that the supreme court of Louisiana decided, or intimated a decision, in favor of the Kellogg government before it was a government; and, as we have seen, it has been at it, "in season and out of season," ever since.

The Senator from Indiana attempted to sustain his four propositions by argument. I shall attempt to overthrow them by facts. In the conclusion of his address he seemed to intimate that he had sufficient testimony in reserve to crush any foe who might be rash enough to meet him in the field of debate. If he has such an amount of evidence in reserve, as chairman of the Committee on Privileges and Elections he should have laid it on our table and saved us from his destructive assaults. I have no fear, however, of his masked battery. I have a duty to perform, and I shall discharge it to the best of my ability with such lights as I have before me. If I am slain at his first fire I shall fall in defense of the sacred rights of a downtrodden but generous people, who will remember with gratitude even the feeble effort which I may make in their behalf.

Having made these references to the able speech of the Senator from Indiana I shall attempt to present some reflections from a different standpoint. I shall endeavor to ascertain whether it has been established by competent testimony, or by any testimony at all, that the fifteenth article of amendment to the Constitution of the United States was violated in the Louisiana election; whether W. Pitt Kellogg was chosen governor by the suffrages of the people, and whether he was inaugurated in pursuance of law or in defiance of law. I do not desire to invoke support nor provoke opposition from partisan considerations. The gravest question that ever engaged the attention of the American Senate is presented for our deliberation, and the record we leave will live when we are gone.

A sentiment has found a lodgment in the public mind that there is at this time a wide-spread demoralization pervading all classes of the community. Nor is there a very decided disposition even to make this body an honorable exception. Such a sentiment, whether well founded or not, is calculated to work irreparable injury. Confidence gives way to distrust; commerce is checked by the disappearance of circulation; the arm of industry is paralyzed lest there should be no adequate reward; and society, shaken to its foundations, bewildered and amazed, reels along stupefied by the stunning reports of bursting banks and toppling fortunes and the general financial crash. Just emerging from scenes like these, it will inspire the people with renewed hope if they shall see the Senate of the United States rising above the influences of party, and deciding great questions upon the principles of even-handed justice. There was a period in our history when the proceedings of this body were regarded with lively interest and with profound admiration; and if we fail, as fail we must, to attain to the height of their eloquence and their genius, we may at least emulate their example in point of patriotic devotion to principle. There cannot be a very considerable number in any community who would rejoice at the perpetration of a wrong, and an opportunity is here presented of meeting the views of those who incline to the right.

The examination and cross-examination of witnesses have placed the facts before us. The feelings of gentlemen who occupied the stand were not spared, but they were sifted and sounded until, if the truth was in them, it was brought forth. To give an illustration of the searching character of this examination, I will simply state that the distinguished chairman of the committee asked Hon. Samuel Armstead if he could read, and that, too, with a full knowledge of the fact that he had received a large majority of the votes cast in Louisiana for the responsible position of secretary of state! That was a nice question to address to an eminent divine and a Christian politician, whose sound theology and practical statesmanship had been appreciated and indorsed by the great State of Louisiana! [Laughter.] Would that Senator have propounded such an interrogatory to the archbishop of Canterbury, or Gladstone, or any of the great lights of the Church or Parliament of England; and, if not, then why propound so humiliating an interrogatory to an American secretary of state? [Laughter.]

The entire record before us covers nearly twelve hundred pages; and instead of complaining of its length, I would desire that it was still more comprehensive. I regret that the opportunity was not given to the President and to his law adviser to answer a few questions touching the limitations of power: Whether the powers not delegated to the General Government were reserved to the States and the people, respectively, or were they bestowed *ex gratia* upon the President? Has the Federal court universal and absolute jurisdiction of



all questions pertaining and belonging to the States, and in case that tribunal is guilty of flagrant usurpation, is it the duty of the Executive, with the Army and the Navy, to maintain and uphold that usurpation? It would be instructive to the people to know whether this Administration ascribes to them intelligence and capacity sufficient to elect their own officers and manage their own internal affairs, or is it deemed more advisable that the Federal court should have a controlling supervisory power, correcting their errors and overruling their action by its mandates and decrees, and securing them in the perpetual enjoyment of the benefits and blessings of a carpet-bag ascendancy enforced at the point of the bayonet?

The fifteenth article of amendment to the Constitution of the United States provides that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude," and that "the Congress shall have power to enforce this article by appropriate legislation." Now, I cannot very clearly perceive what legislation was or could be required to enforce this article in the Constitution. It was the paramount law of the land, and anything in conflict with it, whether Federal, State, or territorial, was null and void. But on the 31st day of May, 1870, Congress did pass a law, the twenty-third section of which provides—

That where any person shall be defeated for any office, except presidential elector, or Representative or Delegate in Congress, or member of a State Legislature, he may institute proceedings in the circuit or district court of the United States to recover possession of such office in cases where it shall appear that the sole question touching the title to such office arises out of a denial of the right to vote to citizens who so offered to vote on account of race, color, or previous condition of servitude.

Whether this section of the statute is constitutional or not I will not stop to consider. In trying to efface all distinctions on account of race and color, a jurisdiction is established to redress the wrongs of the black man, which is closed against the white man who has sustained precisely the same injustice. And to make the discrimination still more clear and emphatic, denial of suffrage to black men may defeat an election, while a similar denial to white men is followed by no such consequences. This is incompatible with that perfect equality before the law which radical orators have made the text for their discourses for so many years.

I have cited this clause of the Constitution, and the substance of the twenty-third section of the act of 1870, because, if there is a shadow of foundation for the extraordinary assumptions of the Federal court in Louisiana, the unsubstantial claim rests on these provisions, and without their support it must fall to the ground. I would ask Senators to bear them in mind during the progress of my remarks.

The campaign of 1872 opened most auspiciously for those who were making a common effort to overthrow the republican party in the State of Louisiana. The sun of Austerlitz was not more inspiring to the armies of France than were their own high hopes as they raised the banner of equal rights and gathered around it in their own defense. The claims of kindred and of home, as well as of the great law of self-preservation, appealed to them to stand up like men in what might be their last struggle to save their native land, their altars, and their firesides, from the injustice, the spoliation, and the insatiate rapacity of the adventurers and carpet-baggers who were driving commerce from their cities and production from their fields.

Democrats and liberal republicans, forgetful of past differences, rallied under the same standard, and fused their forces for the coming strife. No despondency chilled their ardor, and no gloomy forebodings clouded their prospects. With firm faith in the justice of their cause, they resolved to win a glorious victory; and they did win it by a majority of many thousands.

On the contrary, the republican party, inflamed by dissensions, and exasperated by two conventions, one held at Baton Rouge and the other at New Orleans, with a couple of tickets in the field, fiercer in their assaults upon each other than ever they had been upon their old opponents, was shorn of its strength even before the contest had begun. Some of their shrewdest politicians left the State after the nomination and never returned until after the election. But the "old guard," the office-holders, only grew desperate in misfortune, and resolved to attest their fidelity by inaugurating a campaign which in the pageantry and pomp and pride and circumstance of its appointments should surpass anything that ever floated on the waters or rolled on wheels. [Laughter.] The marshal of Louisiana charters a steamboat, and, after taking on a cargo of speakers and whisky-barrels, committee-men, bacon, hams, and other choice edibles, he cuts his cable, raises his flag, and steams gallantly up the Mississippi River. It was a glorious sight to witness the calm, intrepid step of Marshal Packard, as he paced the quarter-deck of that vessel, surrounded by tapsters and flunkies, speakers and committee-men! At the landings, before the walk-planks were fairly adjusted, hundreds of negroes, of either sex and all ages, rushed pell-mell into the boat, looking on all sides and inquiring, "Where do you keep your cages?" Then came the grand reception, which was of that spontaneous, swelling, gushing character, only practiced by high-pressure politicians in very doubtful districts. [Laughter.] After an elegant collation, presided over with the ease and dignity acquired in high official position, the orators are led out; but from some cause or other which has never been very clearly explained their most impassioned appeals produced little or no effect upon their hearers. Perhaps the dark

mass were more impressed with the novelty of the contrivance than with any line of argument that could be addressed to their understandings, for a boat-load of orators had never before appeared on those waters. Perhaps the bar-room and the rostrum were too close together. At any rate, the enterprise was ruinously expensive; and besides, each day's experience made it more and more manifest that the prospective glory which cheered them at the outset might in the end culminate in scenes of disorder, debauchery, and licentiousness, surpassing those described by Gibbon in his history of the Decline and Fall of the Roman Empire. [Laughter.] The craft began to wear a piratical appearance; the orators looked more like buccaneers than statesmen as their fiery eyeballs glared wildly under their shaggy brows. [Laughter.] Marshal Packard made land at Vidalia, a little village in the parish of Concordia; and after taking a short retrospect of the canvass as far as it had gone, he realized the desperate and utterly hopeless condition of affairs. But, instead of giving way to useless regrets, his creative genius, rising with the emergency, devised a plan which in strategic force is probably without an equal. Sitting by the Father of Waters, with his eyes resting on the lofty bluffs on the opposite bank, and reflecting on the danger of procrastination, he then and there resolved to abandon his fleet, and to make one of those flank movements that in modern warfare so frequently decide the fate of armies and of nations. His measures were taken with such prudence and circumspection that very few of the orators, perhaps not over a score, were aware of his intention until his departure. On the morning of the 5th day of October Marshal Packard was descending the Mississippi River. Why this unexpected, this sudden and abrupt change in his tactics? It was thirty days until the election; and yet he is willing to leave the impression on our minds that he was gifted with foreknowledge, and that from some casual observations here and there he came to the deliberate conclusion that a tremendous amount of fraud would be practiced at the coming election, and that to circumvent this fraud he was hastening with all speed to New Orleans. When he arrives at that city he takes no rest until he has prepared thirty thousand affidavits in four distinct forms to meet the different varieties of fraud which in his opinion would then be most prevalent. [Laughter.] When we reflect on the toils and dangers through which he had passed, and upon the agitated and perturbed condition of his mind, it is scarcely a matter of surprise that neither one of the four forms touched or in any way referred to the sole question which could affect the official returns of the election. [Laughter.] He certainly had not the statute before his eyes at the time, for he is undoubtedly too shrewd a politician to have applied such labor and expense without any prospect of advancing his cause.

Let us stop a moment and inquire whether it was simply a love of fair sailing, or some other motive, which prompted Marshal Packard to understand a month in advance the precise specific frauds which would be perpetrated at the election. Does he scorn fraud because it is fraud, or does he tolerate it on his own side, and only despise it when it comes in aid of his opponents? Was he aware, or did he believe, that there were 6,000 fraudulent votes cast in a single parish in 1870, and did he hold his peace until the fact was drawn from him in this examination; or did he send forth the Army and Navy of the United States to hunt down the guilty perpetrators and bring them to justice? No fraud upon your adversary can be stupendous enough to arouse your virtuous indignation for a single instant; but on the other hand a conjecture, a surmise, a suspicion, is sufficient ground to lead to the preparation of thirty thousand blank affidavits to be placed in the hands of irresponsible, unprincipled officials, who sally out under the direction of defeated candidates, with their money in pocket, to obtain, by bribery or perjury, the statements required. A man whose sense of justice determines the right or the wrong of an action by its injurious or its beneficial consequences to himself or his party may be listened to with many grains of allowance.

Marshal Packard appears to have labored under a strange delusion; his fears led him greatly to exaggerate the democratic strength and to underestimate his own. He, no doubt honestly, believed that it would require the amount of thirty thousand affidavits to show a republican majority, whereas half the number would have done, and he might have saved the expense of the balance.

From the day on which Marshal Packard made up his mind that the election could not be carried by steam and left his crew at Vidalia, the campaign underwent a radical change. That magnificent propeller which had borne them so triumphantly over the waves was tied to a stake; those orators who had made her fore-castle quiver under the thunders of their eloquence wandered forth singly or in pairs, seeking such precarious subsistence as they might find in the practice or in the detection of fraud. [Laughter.] Some of them may have crossed over to Natchez, in the State of Mississippi; some may have returned to their homes and friends at the North; but it is almost certain that the great body of them continued to labor for the success of the republican party in Louisiana. But the machinery of the campaign had been revolutionized; it was now conducted for the most part on the basis of rumors and reports. Men were flitting hither and thither on horseback, on foot, and in carriages, and wherever they went the public mind was filled with apprehension. One man had heard a pistol-shot; another had seen a knife brandished; another had heard a man say something—all of which was held to be conclusive evidence that a fair election was impossible, and that the negroes were

to be defrauded in registration and intimidated and swindled at the polls. Even John Lynch, seated comfortably behind a pair of dashing trotters, drove furiously through two parishes for a whole week hunting the registrar. He became satisfied that there was a settled plan to defeat a fair registration, and he sought the governor to tell him what he thought of such proceedings. The testimony of Mr. Lynch appears to warrant the belief that the registrar was probably making, if not as active, still a more efficient search for him; for that officer sent a messenger to him at New Orleans to say that if he would indicate a time at which he could be found in his own parish and his own house he would call and register him. Mr. Lynch indicated the hour of two, and leaving the city to return to his home in another parish, he met the registrar on the way, and right there, in the middle of the big road, the office was opened and Mr. Lynch was registered on the spot. General McMillen failed to vote after presenting himself at the polls, and went away quite incensed at the officer, because, as he supposed, his papers had not been prepared; but he afterward ascertained that the registrar had not only made out his papers, but took them to the voting place and left them with a person to be delivered to the general on his arrival; but before he met that person, General McMillen had got mad and gone off. Now, Lynch and McMillen seem to have been opposed in their political views, and in either case it would be a harsh judgment which would condemn the registrar. So that instead of there having been a settled plan to hinder and obstruct registration, there seems to have been a settled purpose to make it as general as possible, whether the parties interested desired it or not. To open an office on the highway to accommodate one gentleman, and to hunt up another with a view of delivering his certificate, are instances of official courtesy which might be commended to those enjoying even higher position. And yet there was probably more written and more spoken about these two cases than about any other twenty-seven instances in the State.

The election in Louisiana came off on the 4th day of November, 1872, and was probably the most orderly, quiet, and fair election that has been held in that State for many years. The registration was more general, and the vote cast was larger by twenty thousand, than it had ever been before. The election of the McEnery ticket by a very decided majority was almost universally conceded, and the charge of fraud had little support outside of the fact that in many of the parishes there was a considerable increase in the democratic and a corresponding decrease in the republican strength. Where it was reversed—where the radicals increased in strength—I have heard no imputation of fraud. To establish such a criterion as this might suit the views and purposes of office-holders, as it would perpetuate their power, but it would be a deadly blow to the opposition. The great victories in Ohio, New York, and Oregon would pass for naught, as a simple reference to the last presidential election would show that those States had gone for Grant. The facts brought out in the evidence clearly demonstrate that the radical ticket failed to receive the united support of those who had previously co-operated with that party. The republican senators holding over were about equally divided, and two-thirds of the fusion ticket were made up of those who had heretofore acted with the radicals.

Marshal Packard assumes that every colored man is a republican, and says that it was notorious that almost in every instance they voted the ticket just as it was printed for them and given to them by the party leaders. If this is true, it shows not only the efficiency of the drill, but the utmost docility on the part of the rank and file. But it will be borne in mind that Marshal Packard, in his canvass, went no further to the northwest than Alexandria; while Sheridan and Armistead, who traveled and spoke through that region, testify to a strong fusion sentiment among the colored population; and their reports are sustained by the official returns from that section. But if comparisons are urged between the last election and the one before it, honest republicans will not forget to deduct a large percentage from the vote of 1870 on account of the frauds then perpetrated by the radical party. They will not forget that high republican authority estimates those frauds at six thousand in a single parish.

Witnesses have animadverted in strong terms upon the reduced vote of Natchitoches. But seven thousand of its population were embraced in the new parishes of Red River and Vernon, which were formed from part of its territory. Marshal Packard mentions the circumstance as if it was a peculiar and intolerable hardship that black men had to travel from a large radius to vote at Natchitoches. I wonder if it ever occurred to his mind that white men had to travel from precisely the same radius. But in order that you may have a clear conception of the real difficulties and embarrassments that the negroes had to surmount to reach the polls, I will read a brief extract from his testimony, which may be found on page 963:

The difficulty is that they have to follow the river, which is exceedingly crooked, so that a distance which appears to be six miles on the map may be twenty or forty miles, in some instances, as the river bends right around, comes back to almost the same place.

If Marshal Packard may be relied on, Red River is the crookedest stream in the world, and the patriots who dwell upon its banks, whatever may be their proficiency in political science, have certainly made small progress in their geographical researches. [Laughter.] But to apprehend this difficulty the more readily, you will imagine an immense curve in the river, forty miles around and four miles across. You will place an open poll at the upper end of this curve, and a set-

tlement of forty black men at the lower end. These black men, according to the evidence, must of necessity approach that voting place by way of the river. It is a long journey, and one day's preparation is required; another day is occupied in making the tedious circuit; one day is spent in the election, another in the return, and still another in resting and recruiting themselves after the labors and fatigues of the trip. Here is a loss of five days for each man, or an aggregate loss of two hundred days going and returning from the election! Do not ask me if white men were subject to the same inconvenience. Of course not; they took the direct route, cast their ballots, and got home before dinner-time. [Laughter.]

Now, it is perfectly obvious to any sensible man that this river ought to be straightened. It is too crooked and too winding in its course to give the colored men that easy access to their franchises which should be enjoyed by every citizen. If he must follow a river, give him a straight river. [Laughter.]

This witness intimated that the voting places were sometimes thirty-five or forty miles apart; but as there was one in Natchitoches, about the center of the parish, besides three or four others scattered around, and as the parish was only about fifty miles long, it took tremendous bends in rivers and wide circuits in travel to give the narrative that harmony and consistency which an upright deponent imparts to his testimony.

The witnesses have spoken somewhat of the threats and intimidations which were employed to defeat a fair election by the people. I shall make a brief reference to two instances which appear to be the best established. Stokes was supervisor of registration in the parish of Terre Bonne; and from the day upon which he entered on his duties he seems to have been pursued by a gang of worthless, drunken blacks and whites, sometimes trying to force him to open his business in the night-time, and then endeavoring by threats to make him remove his office to another place; and at another time they actually compelled him to suspend registration. He says it would be impossible to give all the instances of interference, violence, insult, and attempted intimidation; but by the exercise of patience and forbearance he continued his labors until his work was done. He appointed fifteen voting places, so as to have them convenient to all, and selected the commissioners from each party, so as to leave no just ground of complaint. When the commissioners brought in the returns, in their presence, and in the presence of the United States supervisor and others, he proceeded to count the vote; but when he had opened and counted eight boxes a band of several hundred armed negroes, accompanied by women bearing cans of oil and bundles of hay, broke into his office, threatening to kill him and to burn the town. The terrified citizens urged him to leave the parish, and he did so, believing it was the only way to save his own life and prevent a disgraceful and bloody riot.

The town of Plaquemine, in the parish of Iberville, was held for three days and nights by an armed band of near five hundred negroes; the ballot-boxes were taken by force from the commissioners, their legal custodians, and carried by these men to Plaquemine. There the scenes of disorder and threats of violence were so great that the houses were closed, business suspended, and the commissioners of election in a body refused to have anything to do with counting the vote. Tharp, the supervisor of registration, was so far intimidated that he performed the work alone, hedged in by the crowd, who boldly declared that he must count or die, and that death would be the consequence in case the result varied from what they felt assured it ought to be!

On the Sabbath before the election a minister of the gospel ventured to urge his congregation to avoid any demonstration of violence or intimidation, and for this he was threatened with the free use of coal oil and matches; and colored men who simply avowed a determination to cast an independent vote, or to vote as they liked, were politely informed that before it was done with some of their throats would be cut. The outrages perpetrated in that parish are established by the sworn statements of more than fifty persons, old and young, white and black. And where were those apostles of freedom whose pious souls are moved by the slightest invasion of right? Where was Marshal Packard with his troops when armed ruffians for three days held high carnival in the neighboring city of Plaquemine? Or did the cause justify the deed? And did the Lynch board find in these circumstances a single fact which induced them to question the legality of the election in that parish?

But the witnesses are agreed that in the main the election in Louisiana was fair. Some of them put in exceptions and limitations; but as a rule, that is the conclusion. It was, probably, as free from fraud as any election will be which is held under the especial auspices of the Federal Government. There were upward of six hundred deputy marshals in New Orleans, and perhaps as many as two hundred in the rest of the State. How many troops these officials commanded must be left to conjecture. It is only certain that they were furnished in every instance where the requisition was made for them, and it is a lamentable fact that where they most abounded there the fraud-hunters were most successful. In proof of this I refer to Plaquemines, Bossier, Rapides, and Caddo Parishes.

Let us now briefly consider the action of the returning board. At the second meeting Herron, who was secretary of state, was removed from that office as well as from his position on the board, and his place assigned, by an executive order, to Jack Wharton, who appeared immediately and was qualified. Herron proves, by himself and John

Lynch, that before he left the room he made a motion, which was carried by his own vote and that of Lynch, to appoint Longstreet and Hawkins to fill the two vacancies on the board. On the contrary, it is established by the testimony of about six gentlemen, as respectable as themselves, that no such motion was made and carried. But if it is conceded that such action was had, I cannot very clearly perceive how it could in any way improve his position. He was out of office at the time; his successor had been qualified; and neither his proposition nor his vote had any more force and effect than if submitted by any other private citizen. Nor did it belong to Herron to raise any question touching even the regularity of Wharton's appointment. The governor removed Bovee and gave the place to Herron, and the same governor removed Herron and gave the place to Wharton. Bovee was the officer elected by the people; Herron was the mere creature of executive favor; and the power that could depose the first could without difficulty displace the second. So that Herron had less than nothing to complain of, and having enjoyed the honors and emoluments of office for a season, he should have retired with alacrity to the walks of private life.

The tenacity with which men cling to official position is understood in a measure by the members of this body; but the experience of mankind affords no example comparable to the unyielding and desperate resolution with which the Lynch board grasped and held their places. If Longstreet had planted his standard as firmly on the soil of East Tennessee as he has placed his foot on this little office in Louisiana, the representatives of the States and the people, instead of assembling in these halls for the discussion of national affairs, might have been drifting to that "undiscovered country, from whose bourn no traveler returns." And I will ask the question, whether it were better that we had gone down together in one common ruin, leaving a name in the world, or to be destroyed by piecemeal, State after State—to be stricken down by the hand of violence, or by the more insidious and fatal force of unauthorized judicial construction, until the darkness of despotism shall spread over the land? I would rather meet death in any form than to witness its certain indications at the extremities, and watch its stealthy approach as it creeps from joint to joint, paralyzing, withering, and killing as it goes, until all the faculties of mind and body slowly sink under its influence.

On the third day after the rupture in the returning board, W. Pitt Kellogg filed his bill in equity in the Federal court of Louisiana, and about three weeks after that C. Caesar Antoine filed his bill of complaint in the same court. These proceedings seem to have been instituted to perpetuate testimony to be used in sustaining such suit or suits as might be necessary to vindicate the claims of these petitioners to the offices of governor and lieutenant-governor of that Commonwealth. The lieutenant strikes a higher note than his superior. He seems inclined to restrain all terrestrial beings who could in any way hinder or impede his march to power. I have tried in vain to ascertain the precise number of those included in his sweeping injunction, but having no reliable information as to the strength of the police force of New Orleans I am left completely at a loss. I feel safe, however, in hazarding the opinion that the entire number will not exceed twenty-five hundred or three thousand.

The mandates and decrees in these cases appear to be very extraordinary and illogical departures from the petitions themselves. Under the new code in Kentucky, the edge has been taken from the demurrer as a weapon of defense, as the plaintiff may amend at will where there is or where there is not a defect. The old practitioners on this account held the code in derision, and one of them remarked that he had seen an action brought for fraud in a horse swap, which, after a variety of amendments, terminated in a judgment to settle a dead man's estate and to make a *pro rata* distribution of his assets among his creditors. [Laughter.] That lawyer used to enjoy his little joke; but how could he have contained himself if some one had given him the outlines of the case at bar, where a Federal judge upon a bill to perpetuate testimony, which had never been amended at all, entered a decree upsetting the civil administration of a State by armed intervention and inducting men into office who had been notoriously and overwhelmingly defeated? If it were not the most serious matter in the world, it would be the grandest farce that was ever enacted on any stage.

I venerate the legal profession. From the assemblage at Runnymede, where the great charter was extorted from a tyrannical and wicked king, to the Congress at Philadelphia, which put forth our own immortal Declaration, and for ages before and afterward the lawyer has led the vanguard in the cause of civil and religious liberty. He has framed the jurisprudence of England and given us the Constitution of the United States. When we look back upon the long line who, by their wisdom, learning, and integrity, have built up and established our system—upon Blackstone, Mansfield, and Hardwicke, in England, and upon Marshall, Taney, and Chase, in America, we cannot avoid a profound regret that Judge Durell had not familiarized himself, at least to some extent, with their teachings. In that event he might not have discolored the judicial ermine with the large black spot which he has left ineffaceably fixed upon it, and he might have saved the chairman of the committee from the mournful but imperative duty of denouncing his action, which he has done in his "views submitted," as "gross usurpation," a judgment which will receive the sanction of the profession throughout the world.

On the night of the 5th of December, 1872, about the hour of eleven,

in the presence of solicitors for complainants and surrounded by his guards, Judge Durell, by a private note—for I can call it nothing else, it had no mark of judicial process upon it—ordered the marshal of Louisiana forthwith to take possession of the state-house; and three hours afterward Captain Jackson, with his batteries and his soldiers, held that position. I will not charge that the President was conniving at this flagrant and lawless usurpation, but I will say that there was a remarkable coincidence between the action of the court and the opportune arrival of the troops; such a coincidence as would fasten a suspicion of guilt upon any man less cautious in his exercise of power and less particular in his observance of law. The committee in their report say the Federal court had no more right to seize the state-house than to seize this Capitol, and I adopt the sentiment.

The labors of Judge Durell at this critical period appear to have been perfectly herculean. The called session of the Legislature was to meet on the 9th, and he had no time to lose. He was engaged until near midnight on the 5th with his military order for the seizure of the state-house. On the 6th he filed a voluminous opinion in the Kellogg case, deciding that Longstreet and his associates were the legal returning board; and on the 7th he issued an order enjoining more than one hundred men from participating in the organization of the senate and house of representatives, and restraining the rest of the human family, or a good part of them, from aiding, abetting, or assisting, in any way whatever. I might paraphrase the language of the committee and say that he had no more right to interfere in the organization of that Legislature than to assume to direct the proceedings of this body; but instead of that I will say that if there ever was a judge upon earth who made such a record for himself in the space of three days, his name is lost to history and has faded forever from the memory of men. During the progress of, and for a long time after, these fearfully perilous political military exercises, he was closely guarded, night and day, sleeping and waking. Whether they were afraid that he would be killed or stolen does not appear; but when in repose they stood near him, and when he walked—which he sometimes did in the early morning or the cool of the evening—they followed him. Marshal Packard, in his evidence, seems to have been as solicitous to save the judge's feelings as he had previously been to shield him from danger; for he says he does not think that the judge knew that he was guarded "hardly any of the time." As the guards occupied a room adjoining his own, and trailed him wherever he went, it is difficult to understand how he was ignorant of their presence; for if he opened a door in his house, or looked over his shoulder on the street, he was bound to see them; but perhaps the judge was not given to opening doors, and perhaps he never looked behind.

Society is strangely and wonderfully organized, and the transitions from savage to civilized life and from paganism to Christianity render it impossible for us to determine to what extent we may yet be the subjects of old delusions and old superstitions. The ancients translated their heroes and sages to the stars, and worshipped them among the heavenly hosts. Whether we have inherited a sort of inward faith in the divinity of human nature, or to whatever cause you may assign it, there is a large proportion of every community who, while they may not justify, will palliate and extenuate every offense. An unseen hand scattered fragrance over the grave of Nero; and from that day to this there has been no offender, great or small, as to whose guilt or innocence there was not conflict of opinion. "He must have had strong provocation," "He was insane," or "Some aberration or hallucination clouded his intellect, or he could not have done the deed"—these, and a thousand other things, are surmised merely in mitigation. But in the case before us the door is rudely closed against friendly conjecture by the desperate energy with which Marshal Packard swears that Judge Durell was not drunk when he signed the order. [Laughter.]

I have already spoken of the wonderful tenacity with which the Lynch board clung to their offices. Bovee was clearly ineligible under the law, as he was a candidate, and by turning to page 219 of the evidence you will see that he signs the certificate of his own election. But that was a trifling circumstance compared with the other difficulties under which they labored. At the suit of Warmoth, that board was enjoined from any action whatever, and at the suit of Armstead it was restrained from canvassing any except the official returns; and both these injunctions from the State court were undissolved and in full force throughout their action in the premises. More than that; a law was approved on the 20th day of November, 1872, abolishing their offices altogether. Two valid injunctions, backed by the positive provisions of a repealing statute, would have presented a formidable obstacle to ordinary men; but Longstreet's military experience taught him that a judge without jurisdiction, when backed by the Army of the United States, would be irresistible in the conflict. [Laughter.] Immediately after the approval of the law to which I have referred as abolishing all former boards, the De Feriet board was appointed, and the conclusion cannot be avoided that their returns are entitled to full credit, and that McEnery and his associates were legally, fairly, and constitutionally elected.

But I will continue the review, which I had commenced, of the proceedings of the Longstreet board, only premising that I will not consume one-tenth of the time which it would require to search out all the strange irregularities with which they abound, but only calling attention to a few of the more important facts. There was not an official return before this board, not one signed by a State officer,

and no witness was sworn, examined, and cross-examined before them. How was it possible, under such circumstances, to arrive at any just result? By what light were they guided in their deliberations? Bovee says they were slightly influenced by statements not under oath, and letters, and one thing and another. This looks more encouraging; it begins to look like business; but as I do not wish to consume time, I will give you Bovee's account of their mode of procedure in working up the vote of a single parish; and as it is short I will take that of La Fourche:

By the CHAIRMAN:

Q. Lafourche, William Murrell, and John Bibolet?

A. We had the same character of reports from that parish; page 128 of the President's message refers particularly to it.

Q. What was the general character of it?

A. A number of persons appeared to have voted twice; some who voted were under age. The affidavits showed, or at least a certain number it was shown had been voted twice.

Q. Did you throw out the votes?

A. No, sir.

Q. Did you make a deduction of those illegal votes?

A. Yes, sir; and added those that were refused who had the right to vote.

Q. That is, you counted some affidavits?

A. Yes, sir.

Q. Did you have the affidavits?

A. We had the affidavits of the Federal supervisor, showing the state of things that existed there.

Q. You mean his statement?

A. Yes, sir; also his affidavit.

Q. Was it upon his affidavit that you counted certain votes?

A. Yes, sir. I think that portion of the President's message shows exactly the character of it.

Q. Did you count those votes on the affidavit of the supervisor, or did you have the affidavits of the men who did not get to vote?

A. On the affidavit of the supervisor, based on the evidence of the affidavits themselves.

Q. Did you have those affidavits?

A. No, sir; not the particular affidavits. I think they were taken in a body.

Q. How many votes did you count on the supervisor's affidavit?

A. There were from 30 to 50. I do not remember exactly.

Q. How many did you reject on his affidavit for being under age, &c.?

A. I think we rejected in all about 60 or 70.

Q. And counted 40 or 50?

A. Yes, sir.

Q. Making a difference of 150 votes?

A. Yes, sir.

Q. That gave this man a majority?

A. Yes, sir.

The key that unlocks this riddle may be found in the last sentence: "That gave this man a majority." What he says of "affidavits in a body" is very liable to be misunderstood and misconstrued. He evidently does not refer to a number of affidavits attached together, nor does he refer to a single affidavit bearing the names of many affiants, but it is altogether more likely that the reference is to an abstract or certificate from Woolfley, the clerk of the Federal court and chief supervisor of Louisiana, who, though in nowise connected with the returning board, seems to have held the affidavits, and, consequently, the balance of power in his hands. But that which creates the most surprise is that a Federal officer should have been able to discriminate with such remarkable accuracy, and with such slight opportunities of observation, concerning the ages of those who were momentarily in his presence. Does the fifteenth article of amendment of the Constitution provide for anything of that sort? It does not; but something must be done to give that "man a majority."

A revolution was effected in the parish of Tangipahoa in a manner so strange, that I shall advert to it for a moment. A man by the name of Barkdull was sent there to take proof of fraud. He passed over the parish twice, making inquiries wherever he went, and came to the conclusion that the election had been fair. But Wands, who was the defeated candidate for the Legislature, told him "That would not do; that will defeat us." They started out together, and as they could find no one who had been wrongfully deprived of suffrage, Wands gave him two hundred and fifty names of persons who, as far as his investigations went, had voted already. Wands sent for a newspaper reporter by the name of Richardson, who made affidavit that the colored people were so intimidated that they would not come out; a fact of which the colored people themselves were entirely ignorant. Wands also procured the reluctant signatures of an old hotel-keeper and two Germans and another man to similar affidavits. The old man said, "I will sign the paper, but Mr. Wands promised me the post-office; and I want you to see that I get the appointment." These were the affidavits accompanying the report of intimidation, and freighted, as I contend, with two hundred and fifty votes to be counted in fraud of the rights of the opposition and in manifest and palpable violation of law.

But notwithstanding the satisfactory character of the proof, there was an unexpected difficulty in the way. About 1,380 votes had been cast in the parish, and the published estimate of one vote to five souls showed that it only contained about 1,580; so that, to use a phrase current in Louisiana, it would not "hold" the two hundred and fifty names reported by Barkdull. The difficulty was serious, but not insurmountable. By a deduction of 150 or 160 votes from the democratic and an addition of a similar number to the republican candidates the end was attained, with fifty votes to be transferred to the account of profit and loss. This was a most adroit and skillful maneuver, but it was nevertheless required to give that "man a majority."

I might say something about Henry E. Robinson, who, as deputy marshal, decided at the polls that men without registration papers should vote, a matter he had no more right to decide upon than you or I, and even less, if possible, as he decided it in the teeth of the law. As United States commissioner, he appointed deputies to assist him in collecting evidence of fraud, but as he only returned about four hundred and fifty affidavits, and as from his evidence he seems to be a very young man, I will pass him by in silence.

From Rapides one thousand affidavits were counted, although the difference between the registered and the polled vote was less than that number.

In the parishes of Bossier and Natchitoches, where more than 3,000 votes were polled, and where McEnery had a clear majority of nearly 1,100, every vote cast was ignored, and more than twenty-three hundred affidavits were counted for Kellogg, besides reversing the representation in the Legislature. Wherever the parish of Bossier occurs in the returns of the Lynch board, you will see 1,159 votes for the republicans, and where Natchitoches occurs you will see 1,206 for the same ticket, and none for the opposition. There was no scratching there; nothing counted save affidavits. No wonder that the Senator from Indiana desired that this evidence should be buried forever from his sight.

From Caddo Parish one hundred and fifty affidavits were triplicates, and sometimes there were four copies by the same party, at the same time, in the same handwriting, and with the same names of persons.

But of all the men who made or lost reputation in this hunt after fraud, the name of Theodore Jaques stands pre-eminent. In company with Judge Prescott, he embarked for the parish of Plaquemines on a steam-launch belonging to the Government, and there is no telling how much of the people's money has been expended in defrauding them of their rights. These enterprising citizens, after a short voyage, attended, I am sorry to say, with no fatal disaster, returned to New Orleans with thirteen hundred and fourteen affidavits, one of which was signed by the party who made it; three hundred bore authorized signatures, if you could call it so, obtained as they were; and one thousand and thirteen were palpable, downright forgeries; the names having been taken from poll-books or somewhere else, and no one knowing whether the parties were dead or alive. Judge Prescott signed the certificates in blank, which greatly facilitated the operation. Among the men of straw who figured in these affidavits, old John Doe was not forgotten; but fresh as he was a thousand years ago, and still the patron of litigation and strife, he seems to have voted the regular national republican ticket. [Laughter on the floor and in the galleries.]

The PRESIDENT *pro tempore*. The Chair will remind persons occupying seats in the gallery that any manifestation of approbation or disapprobation is in violation of the rule of the Senate; and if the rule be again violated, the Chair will order the galleries to be cleared. The Chair will also request persons on the floor standing in the rear of the railing to find seats provided for their accommodation in the Senate Chamber.

Mr. MCCREERY. But the dramatic part of the performance had not come yet. Jaques, loaded down with his spoils, was approaching the board. Bovee saw him first and sprang to meet him in the hall, exclaiming in rapture, "Jaques, you are a hell of a fellow!" Jaques might have returned the compliment, for it was so intended; but he was a little nettled at the remark, as it implied that he had done his utmost, and he meant to give a most emphatic contradiction to any such disparaging inference. Then, drawing himself up, with that lofty air of indifference which great men assume when speaking of their most renowned achievements, he carelessly observed, "George, if you want a few more, I can get you some by ten o'clock in the morning." Jaques had artfully held back two hundred and fifty or so, to meet precisely such a contingency as this; and Bovee, perceiving at a glance that he had made a sad blunder, laughed it off, and afterward occasionally would make the jocular inquiry, "If Plaquemines had done voting yet?" But that retort of Jaques, although it was treated as a piece of pleasantry at the time, left a sting behind. It was entirely too familiar, in the first place, and then it almost asserted that the pretended gravity of their proceedings was little better than a ridiculous farce. The prudence and circumspection of Prescott were in marked contrast with the vaporing bluster of Jaques, and he was appointed parish judge of Plaquemines; while the conceited braggart fell a victim to his unbridled loquacity, and got nothing at all. I said he got nothing; but he did receive \$105 from one of the candidates, as well as some promises that he should be reinstated in the custom-house.

But why multiply instances when John Lynch stated on his examination that they did not count, but estimated, the vote on the basis of what they thought it ought to have been, and when Bovee declares boldly under oath that they were determined to have the Legislature? Men actuated by such motives would never fail to arrive at a conclusion satisfactory to themselves. In order to give their proceedings some shade or semblance of official sanction, Bovee pretended, and said on oath that as United States commissioner in the parish of Saint James, he kept a tally-list just like the clerk, when the returns showed that he only kept the votes polled for the republican candidates. To the important question whether any of the affidavits stated that the parties had been denied the right to vote on account of race, color, or previous condition of servitude, John Lynch answered, "Yes,

sir; quite a number of them." Four pages afterward, in the same examination, and to the same interrogatory, he makes what might be termed an evasive answer, still implying that at least a portion of them contained the statement, when in truth and in fact there was no reference to race, color, or previous condition in any affidavit from beginning to end. I do not intend to impute falsehood to Mr. Lynch, for it is highly probable that he never saw one of the affidavits except those brought in by Jaques, the clerk of the Federal court holding the balance; but I emphasize the facts, because they make void, and worse than void, the legal proceedings by which Kellogg and company were invested with offices which by every principle of right and of law belonged to McEnery and his associates.

The Senator from Indiana said, if I understood him correctly, he had never seen a man who thought McMillen ought to be admitted to a seat on this floor. I do not suppose that he made a very diligent search for that man.

Let us pause for a moment and consider some of the marvelous results brought about by the strange proceedings of the Lynch board. A man occupies the executive chair who was defeated by thousands. Members are sitting in the house of representatives simply because they were the only ones who put in claims for the seats. And concerning the senate, I will read the official returns from six consecutive districts, and see if any man here can guess in a single instance to whom the Lynch board awarded the certificates. In the nineteenth district Graham got 1,511 votes, Hodge 938, and Greene 719, with 37 scattering. It would look to be not probable, but I think the Lynch board awarded the certificate in that case to Greene, who got the smallest number of votes. In the twentieth district, McDonald received 4,178, and Blackburn 2,466 votes. Blackburn got the certificate of the Lynch board there.

Mr. WEST. Will the Senator be kind enough to state the page he is reading from?

Mr. MCCREERY. I am reading from the returns of the DeFeriet board, pages 295 and 296.

In the twenty-first senatorial district Leonard received 1,863 votes, and William Harper 1,498. Harper, I think, got the certificate of the Lynch board. In the twenty-second district C. J. C. Puckett received 3,821 votes, and Raford Blunt 1,503 votes. Blunt got the certificate. In the twenty-third district White received 2,680 votes, and Kelso 1,169 votes. Kelso got the certificate. In the twenty-fourth senatorial district Hawkes received 620 votes, Kelly 1,274, and Alexander 741. Alexander, I believe, got the certificate of the Lynch board. I am willing that these facts should rest upon the minds of Senators, without one word of comment.

Much has been said in the various reports about government, and the committee make their acknowledgments to President Lincoln for the best definition of a republican government in the English tongue—"a government of the people, by the people, for the people." Without the slightest disposition to disparage that President in any particular, I can say that I do not regard that as any definition of a representative republican government like our own at all. It is a good definition of a pure democracy, where the masses of the people assemble and participate in legislation; but the representative feature in our system is omitted altogether. Whether Lincoln and the committee were right or wrong is a matter of little consequence, as he was never called upon to define, and never did define, the institution inaugurated by Judge Durell in the State of Louisiana; but if he had been elected governor of Illinois by eight or ten thousand majority, and a Federal judge, backed by the Army of the United States, and proceeding upon immaterial and forged affidavits, had installed his opponent, then there would have been a definition given which would have been read and understood by the world.

The fourth section of the fourth article of the Constitution provides that the United States shall guarantee to every State in this Union a republican form of government. The future is employed, showing that there was no limitation as to time, but that the obligation, as well as the right secured, should coexist with the Government itself. It is a solemn and perpetual guarantee that the States and the people of the States shall not be disturbed in their republican institutions. Whether the enemy rise within or invade from abroad, he may receive no quarter if he come to assail that which the organic law has declared shall be inviolate forever.

What, then, is a republic or a republican form of government? Noah Webster says it is "a state in which the sovereign power is exercised by representatives elected by the people;" or, to vary the phraseology to a negative so as to render its application more direct to the matter in hand, a state in which the sovereign power is exercised by persons not elected by the people is not a republic. This derivation of power from the people by their own election is an essential requisite, whether the word is taken in its primary sense of common affairs, or in its more general acceptance among us. But the chairman of the committee seems, without argument, to take it for granted that Louisiana has a republican form of government. If he understands the word "form" to mean show without substance, empty outside appearance, trivial conventional ceremony, then he is right; but if it means a mode of construction, a mode of organization, a system involving a regular harmonious union of principles, which it does mean when applied to government, then he is wrong. To say that a thing must be done for the sake of form or ceremony, implies, in my judgment, that it had better not be done at all. It

was in no such sense that the word found its way into the Constitution. It would have been too light for the scales that weighed the words that went into that instrument. Instead of a snare and a delusion, it was intended to be a substantial guarantee of a substantial right—a right which no President even, much less a subaltern, should ever strike down or destroy. But there is also a form of government which is unrestrained by and regardless of constitution and law, having no respect for either, and that is the pure, genuine article of unadulterated despotism; and the Kellogg government in its form or mode of organization is either republican or despotic.

The chairman of the committee, in his views accompanying the report, says that "the Government of the United States is not a Don Quixote, going forth to hunt up and redress all the wrongs that may be inflicted upon the people in any part of the country." If this is true, I tell you in all seriousness and in all candor you will have to put up your Rosinante. In the bounds of your party you can certainly find some place-hunting Sancho Panza who will take charge of him. Is he to go rearing, pitching, and prancing, with no bridle to check him in his wild career, trampling under his rough-shod feet all the guarantees which give us a home in a free land? If he is not stopped at once and punished for his fantastic judicial performances the sails of many a windmill will be furled before the frosts of November, 1876, shall descend upon us.

Mr. SHERMAN. Unless some Senator desires to speak upon the resolution, following the suggestion of the Senator occupying the chair, I now move that this matter be postponed until Wednesday next.

Mr. MORTON. I hope not. A Senator present has expressed his purpose to speak.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the subject now under consideration be laid over until Wednesday next. The motion was agreed to.

#### THE CURRENCY—SPECIE PAYMENTS.

Mr. SHERMAN. I now move that the Senate resume the consideration of the resolution reported by the Committee on Finance. The motion was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 971) to forfeit to the United States certain lands granted to the Placerville and Sacramento Valley Railroad Company to aid in constructing a railroad from the town of Folsom to the town of Placerville, in the State of California; and

A bill (H. R. 1168) to amend the act entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana," approved June 5, 1872.

The message also announced that the House had passed the bill (S. No. 61) providing for busts of the late Chief Justice Roger Brooke Taney and of Salmon Portland Chase, to be placed in the Supreme Court Room of the United States.

#### ENROLLED BILLS.

The message also announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. No. 795) making appropriations to pay for reporting the debates and proceedings of Congress; and

A bill (H. R. No. 1213) to provide for the purchase of fire-extinguishers for the Capitol building.

#### EXECUTIVE SESSION.

Mr. ROBERTSON. Several executive messages have been received from the President. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and seventeen minutes spent in executive session the doors were reopened, and (at four o'clock and fifteen minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

MONDAY, January 26, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Saturday last was read and approved.

#### ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour begins at three minutes after twelve o'clock.

#### PRINTING OF BILLS.

During the call of the States for the introduction of bills, &c.,

The SPEAKER said: Under the obvious construction which the House gave last week to the rule concerning the printing of bills and joint resolutions introduced for reference, they will all be printed unless the member introducing requests that it be not done, as nine-tenths of them are asked to be printed, anyway.

## CURRENCY.

Mr. BURLEIGH introduced a bill (H. R. No. 1408) to redeem legal-tender notes, and regulate and establish the currency of the United States; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

## JAMES M. HAGAR.

Mr. FRYE introduced a bill (H. R. No. 1409) for the relief of James M. Hagar, of Richmond, Maine; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

## CLERKS IN SPRINGFIELD ARMORY.

Mr. DAWES introduced a bill (H. R. No. 1410) to fix the salaries of the clerks at the United States armory in Springfield, Massachusetts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## POST NO. 38, GRAND ARMY OF THE REPUBLIC.

Mr. WILLIAMS, of Massachusetts, introduced a bill (H. R. No. 1411) to donate seven condemned cannon and twenty-eight cannon-balls to Post No. 38, of the Grand Army of the Republic, of Cambridge, Massachusetts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## PROVIDENCE RIVER, RHODE ISLAND.

Mr. EAMES introduced a bill (H. R. No. 1412) making an appropriation for improvements in Providence River, Rhode Island; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## MRS. HANNAH W. SUMNER.

Mr. DUELL introduced a bill (H. R. No. 1413) to increase the pension of Mrs. Hannah W. Sumner, widow of Major-General Edwin V. Sumner, who died March 21, 1863, while in command of the Department of the West; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## SUSAN BENNETT.

Mr. PERRY introduced a bill (H. R. No. 1414) granting a pension to Susan Bennett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## DEWIGHT DESILVA.

Mr. PLATT, of New York, introduced a bill (H. R. No. 1415) for the relief of Dwight Desilva, of Deposit, New York; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## W. L. ROBINSON.

Mr. SMART introduced a bill (H. R. No. 1416) to reimburse W. L. Robinson, postmaster at Galesville, New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

## PUBLIC BUILDING, BROOKLYN, NEW YORK.

Mr. SCHUMAKER, of New York, introduced a bill (H. R. No. 1417) to authorize the Secretary of the Treasury to condemn a site for a public building in the city of Brooklyn; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

## CENTENNIAL CELEBRATION.

Mr. WARD, of New Jersey, presented the following concurrent resolutions of the Legislature of the State of New Jersey; which were read, referred to the Select Committee on the Centennial Celebration and the Proposed National Census of 1875, and ordered to be printed:

Whereas the Congress of the United States has, by an act passed in 1871, provided for the celebration of the one hundredth anniversary of American Independence, in the city of Philadelphia, and the President of the United States has by proclamation invited the attention of all nations to this celebration; and whereas it is absolutely essential to the success of this proposed celebration that a considerable sum of money should be promptly raised: Therefore,

*Resolved, (the house of assembly concurring,)* That we request the Senators and Representatives in Congress from New Jersey to vote for such an appropriation as shall enable those having the matter in charge to discharge the duties devolved upon them in accordance with the requirements of the occasion.

*Resolved.* That a copy of this preamble and resolution be forwarded to each of our Senators and Representatives in Congress.

## REAR-ADMIRAL B. F. SANDS.

Mr. SCOFIELD introduced a bill (H. R. No. 1418) to retain Rear-Admiral B. F. Sands upon the active list of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

## PENSIONS FOR SERVICES IN THE MEXICAN WAR.

Mr. NEGLEY introduced a bill (H. R. No. 1419) granting pensions to certain soldiers and sailors of the war of 1846 with Mexico, and the widows of deceased soldiers and sailors; which was read a first and second time, referred to the Committee on Invalid Pensions, and, with accompanying papers, ordered to be printed.

## CHARLES HOFFMAN.

Mr. McJUNKIN introduced a bill (H. R. No. 1420) for the relief of Charles Hoffman, late a second lieutenant of infantry in Company E of the Seventy-eighth Regiment of Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## MRS. CAROLINE DUNCAN.

Mr. MAGEE introduced a bill (H. R. No. 1421) to place the name of Mrs. Caroline Duncan on the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## PROMOTIONS IN MARINE CORPS.

Mr. ARCHER introduced a bill (H. R. No. 1422) to regulate promotions in the staff of the Marine Corps; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

## MARY LOGSDON.

Mr. LOWNDES introduced a bill (H. R. No. 1423) granting a pension to Mary Logsdon, widow of Joseph Logsdon, deceased, of Maryland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## EXCHEQUER.

Mr. PLATT, of Virginia, introduced a bill (H. R. No. 1424) for the establishment of an exchequer; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

## BANKRUPTCY.

Mr. SMITH, of Virginia, introduced a bill (H. R. No. 1425) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## SAMUEL P. GAUSE.

Mr. WADDELL introduced a bill (H. R. No. 1426) for the relief of Samuel P. Gause, of Wilmington, North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## DAVID A. TELFAIR.

Mr. SMITH, of North Carolina, introduced a bill (H. R. No. 1427) to remove the disabilities of David A. Telfair, of North Carolina; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## ANSON B. SAINS.

Mr. VANCE introduced a bill (H. R. No. 1428) for the relief of Anson B. Sains; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## SITE FOR MILITARY PURPOSES.

Mr. YOUNG, of Georgia, introduced a bill (H. R. No. 1429) to authorize the purchase of a site for military purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## SURVEY OF OCONEE RIVER, GEORGIA.

Mr. COOK introduced a bill (H. R. No. 1430) asking an appropriation for the survey of Oconee River, in the State of Georgia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## JASPER N. MARTIN.

Mr. BELL introduced a bill (H. R. No. 1431) granting a pension to Jasper N. Martin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## VALINA HUTCHISON.

Mr. BELL also introduced a bill (H. R. No. 1432) granting a pension to Valina Hutchison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## WESLEY JONES.

Mr. BELL also introduced a bill (H. R. No. 1433) granting a pension to Wesley Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## ELIZABETH WOODS.

Mr. BELL also introduced a bill (H. R. No. 1434) for the relief of Elizabeth Woods; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

## ALABAMA LAND CLAIMS.

Mr. HAYS presented a joint resolution of the Legislature of the State of Alabama instructing her Senators and Representatives in Congress to use their influence to secure to the State the amount due from the United States on account of the claim of 5 per cent. on the lands within the State taken up by land warrants and used by the United States; which was referred to the Committee on the Public Lands, and ordered to be printed.

## PAYMENT OF PENSIONS.

Mr. SLOSS introduced a bill (H. R. No. 1435) to provide for the payment of pensions through the postmasters; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## REVERTED LAND GRANTS.

Mr. SLOSS also introduced a bill (H. R. No. 1436) to perfect the title to certain lands, heretofore granted to the State of Alabama to aid in the construction of certain railroads in said State, which had reverted to the United States by reason of said railroads not being completed within the time prescribed by law, in the actual settlers on said land after the same had reverted to the United States, and before the enactment of any law renewing and reviving said grants; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

## HOMESTEADS.

Mr. CALDWELL introduced a bill (H. R. No. 1437) to allow actual settlers on homesteads to make final affidavit before any officers legally authorized to administer oaths; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

## EMILY PHILLIPS.

Mr. BUNDY introduced a bill (H. R. No. 1438) granting a pension to Emily Phillips, widow of Martin Phillips; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## JOHN FOLGER.

Mr. SPRAGUE introduced a bill (H. R. No. 1439) granting a pension to John Folger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## SAMUEL TAYLOR.

Mr. SOUTHARD introduced a bill (H. R. No. 1440) to place the name of Samuel Taylor on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## PAY OF MEMBERS.

Mr. GUNCKEL introduced a bill (H. R. No. 1441) to repeal so much of the act of March 3, 1873, as provides that Representatives and Delegates elect to Congress may receive their compensation monthly from the beginning of their term until the beginning of the first session of Congress; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## NATIONAL CEMETERIES.

Mr. GUNCKEL also introduced a bill (H. R. No. 1442) to amend an act to establish and protect national cemeteries, approved February 22, 1867, so as to make the provision of said act, and all acts amendatory thereto, applicable to the cemeteries of the National Home for Disabled Volunteer Soldiers, and to include soldiers who have been, or may hereafter be, buried therein; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## HIRAM H. EGLESTON.

Mr. BERRY introduced a bill (H. R. No. 1443) for the relief of Hiram H. Eggleston; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## RESOLUTIONS OF TENNESSEE LEGISLATURE.

Mr. BUTLER, of Tennessee. I present joint resolutions of the Thirty-eighth General Assembly of the State of Tennessee, which I ask to be read, and as they are read I will move the proper reference.

## INTERNATIONAL WEATHER REPORTS.

The Clerk read as follows:

*Resolved by the General Assembly of the State of Tennessee,* That our Senators and Representatives in Congress are hereby requested to use their influence in securing such an appropriation by the Congress of the United States for establishing an international system of crop and weather reports, with branches in each State, with a view of guarding and protecting the agricultural interest against the combinations of speculators, as may render said system thoroughly national and international, and worthy alike of the Government and people of the United States.

*Resolved,* That a copy of the foregoing joint resolution, duly certified, be presented to our Senators and Representatives in Congress with the least avoidable delay.

Adopted February 8, 1873.

W. S. McGAUGHEY,  
*Speaker of the House of Representatives.*  
A. T. LACEY,  
*Speaker of the Senate.*

Approved February 17, 1873.

JNO. C. BROWN,  
*Governor.*

Mr. BUTLER, of Tennessee. I move that it be referred to the Committee on Appropriations, and ordered to be printed.

The motion was agreed to.

## THE MEXICAN WAR AND INDIAN WAR OF 1836.

The Clerk next read as follows:

Whereas, as a testimonial of the esteem and grateful recollection in which this nation holds those who have imperiled their lives in her cause, as a sacred duty

which she owes the survivors of the war with Mexico and the Indian war of 1836, and in view of the fact that those who fought at Monterey, Buena Vista, and Molino del Rey, and in the Indian war of 1836, have, as yet, not received that return which their services demanded: Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That our Senators and Representatives in Congress be requested to ask the national Congress to place the names of the survivors of the war against Mexico, and the Indian war of 1836, upon the pension-roll of the Government on an equal footing with those of 1812-15.

*Be it further resolved,* That a copy of this preamble and accompanying resolution be sent to our Senators and Representatives in Congress.

Adopted February 8, 1873.

W. S. McGAUGHEY,  
*Speaker of the House of Representatives.*  
A. T. LACEY,  
*Speaker of the Senate.*

Approved February 17, 1873.

JNO. C. BROWN,  
*Governor.*

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

## CENTENNIAL EXHIBITION.

The Clerk next read as follows:

Whereas the Congress of the United States, by an act approved March 3, 1871, has provided for celebrating the one hundredth anniversary of American Independence, by an international exposition of American and foreign arts, products, and manufactures, to be held, under the auspices of the Government of the United States, in the city of Philadelphia, commencing in April and ending in October, in the year 1876; and whereas, by a subsequent act, approved June 1, 1872, an act of incorporation was passed by Congress looking to the formation of a joint-stock company with a capital stock of \$10,000,000, whereby to provide means adequate for said exhibition; and whereas the apportionment of stock for Tennessee, under said act of incorporation, is much larger than the financial condition of our people may justify them in subscribing; and whereas the mode of raising funds for celebrating the hundredth anniversary of American Independence by joint-stock subscription necessarily tends to convert a great national occasion into a mere money-getting speculation, is inconsistent with the patriotic memories it is intended to commemorate, and utterly unworthy of the people whose liberty it is designed to fitly immortalize: Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That our Senators be instructed, and our Representatives requested, to propose, advocate, and sustain by their votes such an appropriation by Congress for said centennial exhibition as may be necessary to make said proposed celebration thoroughly national and international, and worthy alike of the Government and people of the United States: *Provided,* That said appropriation shall not be given in aid of any corporation for that purpose.

*Resolved,* That a copy of the foregoing joint resolution, duly certified, be forwarded to our Senators and Representatives in Congress, with the least avoidable delay.

Adopted February 25, 1873.

A. T. LACEY,  
*Speaker of the Senate.*  
W. S. McGAUGHEY,  
*Speaker of the House of Representatives.*

Approved March 8, 1873.

JNO. C. BROWN,  
*Governor.*

The resolutions were referred to the Committee on the Centennial Celebration and the Proposed National Census of 1875, and ordered to be printed.

## CHEAP TRANSPORTATION.

The Clerk next read as follows:

Whereas the governor of this State, in accordance with a resolution passed by a general convention held at Cincinnati, February 20, 1872, to consider means necessary to secure from the Government such action as would render the Ohio River and its tributaries, and the Tennessee and Cumberland Rivers, reliable, commodious, and cheap transportation highways—demanded by the people of the West—did, in joint action with the governors of the States of Illinois, Indiana, Ohio, Kentucky, Tennessee, West Virginia, and Pennsylvania, create and appoint five commissioners to act in harmony and conjunction with a similar number of commissioners of the other named States, to the end that a board of commissioners should exist, through whom and by whose exertions the Government of the United States should, with the least possible delay, enter upon the work of making the Ohio and its tributaries, especially the Tennessee and Cumberland Rivers, all that is required to meet the wants of the internal commerce of the country for inland navigation; and whereas the seven States represented by this commission, and the seven other great States bordering on the Mississippi Valley, contain quite one-half of the whole population of the nation; produce quite 60 per cent. of the farm products of the country; to whom cheap transportation is a necessity, and an urgent need; and whereas in consequence of the high rates for railroad transportation, the cost of farm products is enormously enhanced to the consumer, increasing the cost of the skilled labor necessary to the development of the mineral resources of the country without any direct or indirect benefit to the laborer himself; destroying the profits of the agriculturist, and thus impairing the value of farm labor, to the depression of wages for agricultural labor, and the discouragement of capital from embarking in agricultural development; and whereas the present as well as the future interest of this and other States is injured by reason of the want of cheap transportation, the development of their resources delayed, and the field for agricultural recompense impoverished; and whereas it is the duty of the legislators of the nation to create all such facilities of a public character as will give its people cheap food, its population a demand for well-paid labor, and the nation all that political power and public prosperity that may arise or can be produced through an active, broad development of its resources: Therefore,

*Resolved,* That we consider the improvement of our water lines as indispensable to the production of cheap transportation; as a powerful stimulant to the creation of manufactured as well as agricultural products, and as the means of furnishing the necessities of life at a low rate to the consumer.

*Resolved,* That while mindful of the importance of increased railroad transportation, and the duty of the encouragement thereof, yet in view of the rapid growth of the nation, and the cheapness with which large quantities of freight can be moved on water, we declare that it is essential to the interest of the people of the whole nation that our internal river navigation should receive the immediate attention of our General Government; and any money set apart to place the Ohio, Tennessee, and Cumberland Rivers in a reliable, commodious, and navigable condition is not only a wise appropriation of public money, but one that the agricultural population of the whole West demands.

*Resolved,* That the seven States of the Ohio Valley, containing tenfold the amount of those minerals and manufacturing resources which have given Great Britain her past political and financial power, and having one-third the population of the na-

tion, producing two-fifths of all the farm products of the country, and having paid into the Treasury of the nation, under the internal-revenue laws, one-third of the sum thus collected, are but insisting upon an indefeasible right in asking that the Government of the United States shall expend upon the Ohio, Tennessee, and Cumberland Rivers, and other tributaries, such sums as will render their immense mineral resources remunerative to the States and the nation, and give to so large a proportion of the entire nation, which produces so great a share of the food of the whole people, and has paid so heavy a proportion of the governmental expenses and its debts, such ample internal water transportation as the rivers of those States can be made to afford and is demanded by the wants of their internal commerce.

*Resolved*, That we recognize the authority of the joint commission created by the joint action of the governors of the Ohio Valley States, and we hereby indorse their action to secure adequate and proper appropriations by the Government of the United States in behalf of this great public enterprise committed to their charge.

*Resolved*, To the more fully giving countenance and the support of this State, that we hereby instruct our Senators to aid them by action in the Senate of the United States, and hereby earnestly request our Representatives of the various districts of this State to give the request of this joint board of commissioners their combined, hearty, and earnest support.

*Resolved*, That the governor of this State is hereby instructed to forward a copy of these preambles and resolutions to each Senator and Representative of this State. Adopted February 21, 1873.

A. T. LACEY,  
*Speaker of the Senate.*  
W. S. MCGAUGHEY,  
*Speaker of the House of Representatives.*

Approved March 7, 1873.

JNO. C. BROWN,  
*Governor.*

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

#### STRAWBERRY PLAINS HIGH SCHOOL.

Mr. THORNBURGH introduced a bill (H. R. No. 1444) for the relief of the Strawberry Plains High School, East Tennessee; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

W. H. EDWARDS.

Mr. THORNBURGH also introduced a bill (H. R. No. 1445) to reinstate W. H. Edwards on the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAHAM SMITH.

Mr. HARRISON introduced a bill (H. R. No. 1446) for the relief of Abraham Smith, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALFRED FLY.

Mr. WHITTHORNE introduced a bill (H. R. No. 1447) for the relief of Alfred Fly, of Stewart County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### SOLDIERS OF SEMINOLE AND FLORIDA WARS.

Mr. ATKINS introduced a bill (H. R. No. 1448) granting pensions to the soldiers of the Seminole and Florida wars; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### COLLECTION OF DUTIES ON MERCHANDISE.

Mr. MAYNARD introduced a bill (H. R. No. 1449) to facilitate the collection of duties on merchandise imported into the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

#### MISSION OF SAINT JAMES.

Mr. PACKARD introduced a bill (H. R. No. 1450) for the relief of the Mission of Saint James in Washington Territory; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

GEORGE W. REYNOLDS.

Mr. PACKARD also introduced a bill (H. R. No. 1451) granting a pension to George W. Reynolds; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMOLDS LLOYD.

Mr. ORTH. I am requested by my colleague, Mr. CASON, who has been called home by illness in his family, to present for him several bills. The first is a bill (H. R. No. 1452) for the relief of Emolds Lloyd, Montgomery County, Indiana.

The bill was received, read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARGARET J. BOYD, ET AL.

Mr. ORTH (also for Mr. CASON) introduced a bill (H. R. No. 1453) granting a pension to Margaret J. Boyd, Rachel D. McIlvaine, and William L. McIlvaine; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COLONEL WILLIAM C. KISE.

Mr. ORTH (also for Mr. CASON) introduced a bill (H. R. No. 1454) granting a pension to Colonel William C. Kise; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. C. HANNUM.

Mr. ORTH (also for Mr. CASON) introduced a bill (H. R. No. 1455)

for the relief of J. C. Hannum, late postmaster at Delphi, Indiana; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MRS. MARY J. ORR.

Mr. ORTH also introduced a bill (H. R. No. 1456) for the relief of Mrs. Mary J. Orr, widow of Hon. James L. Orr, late envoy extraordinary and minister plenipotentiary to Russia; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

#### NATIONAL CURRENCY.

Mr. ORTH. I have on my desk, and shall introduce under the rules, petitions numerously signed by citizens of forty-two counties of my State, asking for the passage of a law by Congress known as the "Indiana plan of financial relief;" and in accordance with the prayer of said petitioners I now introduce the bill which I send to the Clerk's desk, and which I ask to have printed and referred to the Committee on Banking and Currency.

The bill (H. R. No. 1457) to provide a national currency, for the redemption thereof in coin, and for the redemption of circulating notes heretofore issued by or under the authority of the United States, was read a first and second time, and, with accompanying papers, referred to the Committee on Banking and Currency.

#### BUREAU OF LABOR.

Mr. SHANKS introduced a bill (H. R. No. 1458) establishing a Bureau of Labor, providing for the appointment of a commissioner thereof, and defining his duties; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

#### LAND GRANTS IN INDIAN TERRITORY.

Mr. SHANKS also introduced a bill (H. R. No. 1459) repealing acts and parts of acts granting lands and certain privileges in the Indian Territory to railroad companies; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

#### UNITED STATES DISTRICT COURT IN THE INDIAN COUNTRY.

Mr. SHANKS also introduced a bill (H. R. No. 1460) establishing a United States district court in the Indian country; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### SHIP-CANAL.

Mr. SHANKS also introduced a bill (H. R. No. 1461) for a survey by Army and Navy engineers of a ship-canal from Lake Michigan to the Mississippi River at or near Cairo, Illinois; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

#### REPEAL OF AN ACT.

Mr. WILSON, of Indiana, introduced a bill (H. R. No. 1462) to repeal the fourteenth section of the act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1871," approved July 15, 1870; which was read a first and second time, and, with an accompanying memorial, referred to the Committee on the Judiciary, and ordered to be printed.

#### PACIFIC RAILROAD.

Mr. WILSON, of Indiana, also introduced a bill (H. R. No. 1463) adding to the fifteenth section of the act approved July 20, 1864, in relation to the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### DISBURSING OFFICERS.

Mr. WILLIAMS, of Indiana, introduced a bill (H. R. No. 1464) in relation to disbursing officers of the United States and United States depositaries with reference to public moneys; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

#### ERIE LOCK.

Mr. HUNTER introduced a bill (H. R. No. 1465) for the relief of Erie Lock; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### AMOS LASWELL.

Mr. HOLMAN introduced a bill (H. R. No. 1466) for the relief of Amos Laswell, of Indiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### SUGAR-BEET SEED.

Mr. BURCHARD introduced a bill (H. R. No. 1467) to provide for the importation of sugar-beet seed free of duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

#### SMITH & MATTHEWS.

Mr. HAWLEY, of Illinois, introduced a bill (H. R. No. 1468) for the relief of Smith & Matthews; which was read a first and second time, referred to the Committee on Ways and Means, and, with accompanying papers, ordered to be printed.



## JOSEPH H. MOULTON.

Mr. FORT introduced a bill (H. R. No. 1469) for the relief of Joseph H. Moulton, a volunteer soldier of the Forty-seventh Regiment Illinois Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## AGRICULTURAL REPORT.

Mr. FORT also introduced a bill (H. R. No. 1470) to provide for the publication of the last agricultural report; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

## MISSISSIPPI RIVER AND HARBORS.

Mr. MORRISON introduced a bill (H. R. No. 1471) to preserve existing landing places upon, and compensate owners of property taken or damaged in improving, the Mississippi River and harbors; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## HEIRS OF JONATHAN HAINES.

Mr. McNULTA introduced a bill (H. R. No. 1472) for the relief of the heirs of Jonathan Haines, deceased; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

## PEKIN ALCOHOL MANUFACTURING COMPANY.

Mr. McNULTA also introduced a bill (H. R. No. 1473) for the relief of the Pekin Alcohol Manufacturing Company; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

## MARY SINCLAIR.

Mr. HYDE introduced a bill (H. R. No. 1474) granting a pension to Mary Sinclair, widow of Francis B. Sinclair, late a pensioner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## EASTERN AND WESTERN TRANSPORTATION COMPANY.

Mr. BLAND introduced a bill (H. R. No. 1475) to incorporate the Eastern and Western Transportation Company; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

## SWAMP LANDS IN MISSOURI.

Mr. BLAND also introduced a bill (H. R. No. 1476) to confirm to the State of Missouri the swamp lands selected therein as such, and withheld from market in consequence thereof; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

## PUBLIC WORKS OF IMPROVEMENT.

Mr. STONE introduced a bill (H. R. No. 1477) to facilitate the execution of and to protect certain public works of improvement; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## REFUNDING OF DUTIES.

Mr. WALDRON introduced a bill (H. R. No. 1478) to authorize the Secretary of the Treasury to refund certain duties collected without authority of law; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

## RUSH VALLEY MILITARY RESERVATION.

Mr. BURROWS introduced a bill (H. R. No. 1479) to restore the Rush Valley military reservation in Utah Territory to the public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

## ENCOURAGEMENT OF MANUFACTURES.

Mr. FIELD introduced a bill (H. R. No. 1480) to encourage manufactures, and for other purposes; which was read a first and second time, referred to the Committee on Manufactures, and ordered to be printed.

## JOHN HALEY.

Mr. FIELD also introduced a bill (H. R. No. 1481) granting a pension to John Haley, of Detroit, late corporal Company G, Fifteenth Regiment Michigan Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## STAMPS ON BANK-CHECKS, ETC.

Mr. FIELD also introduced a bill (H. R. No. 1482) to increase the revenue from imports, and to repeal the stamp tax on bank-checks, druggists' goods, and friction matches; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

## CONDEMNING PROPERTY FOR USE OF GOVERNMENT.

Mr. WILLIAMS, of Michigan, introduced a bill (H. R. No. 1483) to authorize proceedings to condemn property for the use of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## PUBLIC BUILDINGS AT KEY WEST.

Mr. WALLS presented a joint resolution of the Legislature of the State of Florida, requesting their delegation in Congress to use their

efforts to secure an appropriation for the erection of public buildings at Key West, Florida; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

## PROTECTION OF FRONTIER OF TEXAS.

Mr. MILLS introduced a bill (H. R. No. 1484) authorizing the Secretary of War to accept the services of a regiment of mounted men for the protection of the frontier of Texas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## DESTRUCTION OF STORE-HOUSE AND GOODS IN TEXAS.

Mr. MILLS also introduced a bill (H. R. No. 1485) directing the Secretary of War to detail an officer of the Army to go to Freestone County, Texas, and investigate the burning of the store-house and goods of L. R. Worthom, alleged to have been done by soldiers since the war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## TROOPS IN THE SOUTHERN STATES.

Mr. MILLS also introduced a bill (H. R. No. 1486) authorizing and directing the Secretary of War to remove all troops in the Southern States to the frontier of Texas, for the protection of the people against Indians; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## REPEAL OF BANKING ASSOCIATIONS.

Mr. MILLS also introduced a bill (H. R. No. 1487) to repeal all laws authorizing the formation of associations of persons for the purpose of banking; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

## ROBERT SUTHERLAND.

Mr. MCCRARY introduced a bill (H. R. No. 1488) for the relief of Robert Sutherland; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## FREE IMPORTATION OF MACHINERY.

Mr. MCCRARY also introduced a bill (H. R. No. 1489) to provide for the importation free of duty of certain machinery; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

## DAVENPORT DOWNS.

Mr. MCCRARY also introduced a bill (H. R. No. 1490) granting a pension to Davenport Downs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## WILMINGTON AND MANCHESTER RAILROAD.

Mr. LOUGHRIDGE introduced a bill (H. R. No. 1491) for the relief of the Wilmington and Manchester Railroad; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

## JAMES H. DUFFES.

Mr. WILSON, of Iowa, introduced a bill (H. R. No. 1492) to reimburse James H. Duffes, of Malcom, Iowa, for stamps stolen from his office; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

## CIRCUIT COURTS.

Mr. WILSON, of Iowa, also introduced a bill (H. R. No. 1493) relating to the jurisdiction of the circuit courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## JOHN S. DICKSON.

Mr. RUSK introduced a bill (H. R. No. 1494) for the relief of John S. Dickson, late captain of paroled prisoners; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## LANDS IN SHEBOYGAN, WISCONSIN.

Mr. ELDREDGE introduced a bill (H. R. No. 1495) relating to the disposition of certain lands to be reclaimed in sections 14, 23, and 26, in township 16 north, of range 20, in the county of Sheboygan, in the State of Wisconsin; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

## SURVEY AND SALE OF PUBLIC LANDS.

Mr. PAGE introduced a bill (H. R. No. 1496) explanatory of the act entitled "An act to reduce the expenses of the survey and sale of the public lands in the United States;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

## CONTRACTS FOR SERVILE LABOR.

Mr. LUTTRELL introduced a bill (H. R. No. 1497) to prohibit contracts for servile labor; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

## RAILROAD LAND GRANTS IN CALIFORNIA.

Mr. LUTTRELL also presented the following concurrent resolution of the Legislature of the State of California, asking for the restoration to the public domain of certain lands reserved for railroad purposes in said State; which was read in full, and referred to the Committee on the Public Lands:

Whereas on the 13th day of July, A. D. 1866, Congress passed an act entitled "An act granting aid in the construction of a railroad and telegraph line from the town of Folsom to the city of Placerville, in the State of California," in pursuance of which act all the odd-numbered sections within twenty miles of the line of said railroad were withdrawn by letter of the Commissioner of the General Land Office, dated August 29, 1867, from "sale or location, pre-emption or homestead entries;" and whereas by the terms of said act it is provided that in case of failure to commence said railroad within one year from the passage of said act, or of failure to complete the whole of said railroad by the 4th day of July, A. D. 1869, that the title to all of said lands should revert to the United States; and whereas since the passage of said act said railroad has not been completed, nor has any portion of the same been constructed for more than six years last past, nor since the passage of the act of Congress making the grant; and whereas by letter dated November 22, A. D. 1869, the Commissioner of the General Land Office decided that said grant could not be restored to the public domain without further legislation by Congress: Therefore be it

*Resolved by the senate, (the assembly concurring.)* That our Senators be instructed and our Representatives in Congress be requested, to introduce and use their influence to procure the passage of such joint resolution or act of Congress as may be necessary to secure the immediate restoration to the public domain of all lands withdrawn for the purpose of aiding the construction of said railroad.

*Resolved,* That his excellency the governor be, and he is hereby, requested to forward a duly certified copy of these resolutions to each of our Senators and Representatives in Congress.

R. PACHECO,  
*President of the Senate.*  
MORRIS M. ESTEE,  
*Speaker of the Assembly.*

Mr. PAGE. I presume that my colleague, [Mr. LUTTRELL,]—  
The SPEAKER. No debate is in order during the morning hour of Monday. The resolution is referred to the Committee on the Public Lands.

MRS. MARY A. M'COMB.

Mr. DUNNELL introduced a bill (H. R. No. 1498) for the relief of Mrs. Mary A. McComb; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

J. FRANK M'DOWELL.

Mr. LOWE introduced a bill (H. R. No. 1499) for the relief of J. Frank McDowell, late postmaster at Columbus, Kansas; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

#### COLORADO IRRIGATION AND LAND COMPANY.

Mr. COBB, of Kansas, (by request,) introduced a bill (H. R. No. 1500) to incorporate the Colorado Canal Irrigation and Land Company, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. COBB, of Kansas. Mr. Speaker, I have introduced this bill by request, not meaning to indorse its provisions.

#### METHODIST EPISCOPAL CHURCH, CHARLESTON, WEST VIRGINIA.

Mr. HEREFORD introduced a bill (H. R. No. 1501) for the relief of the Methodist Episcopal church, Charleston, Kanawha County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### TAXATION OF RAILROAD LANDS.

Mr. CROUNSE introduced a bill (H. R. No. 1502) declaring lands heretofore granted to certain railroad companies subject to State taxation; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

#### AGNES AND MARIA DE LEON.

Mr. ELKINS introduced a bill (H. R. No. 1503) granting relief to Agnes and Maria De Leon, heirs of Rebecca L. De Leon, for rent of house occupied by United States troops; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

#### ALEXANDER DUVALL.

Mr. ELKINS also introduced a bill (H. R. No. 1504) for the relief of Alexander Duvall, for property destroyed at Fort Stanton, New Mexico, by United States troops; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### WAR CLAIMS OF NEW MEXICO.

Mr. ELKINS also introduced a bill (H. R. No. 1505) authorizing the Secretary of War to ascertain and report the amount necessarily expended by the Territory of New Mexico in organizing, equipping, and maintaining the militia forces during the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### WALLA WALLA AND COLUMBIA RAILROAD.

Mr. McFADDEN introduced a bill (H. R. No. 1506) to amend an act entitled "An act granting the right of way to the Walla Walla and Columbia Railroad Company, and for other purposes;" which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

#### ADDITIONAL LAND DISTRICT IN COLORADO.

Mr. CHAFFEE introduced a bill (H. R. No. 1507) to create an additional land district in the Territory of Colorado; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

#### CAPTAIN SETH BONNEY.

Mr. ARMSTRONG introduced a bill (H. R. No. 1508) to restore Captain Seth Bonney to his former rank in the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### HOLY CROSS MISSION, DAKOTA.

Mr. ARMSTRONG also introduced a bill (H. R. No. 1509) for the relief of Holy Cross Mission in the Territory of Dakota; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### CRIMES UNDER POSTAL LAWS.

Mr. ARMSTRONG also introduced a bill (H. R. No. 1510) to provide for the punishment of certain crimes under postal laws; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

#### BREVET COMMISSIONS, INDIAN WARFARE.

Mr. McCORMICK introduced a bill (H. R. No. 1511) allowing brevet commissions for distinguished services in Indian warfare; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### SUPREME COURT OF ARIZONA.

Mr. McCORMICK also introduced a bill (H. R. No. 1512) supplemental to an act to provide for holding adjourned terms of the supreme court of Arizona Territory, approved December 24, 1872; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

#### SHOSHONE AND BANNOCK TRIBES OF INDIANS.

Mr. STEELE introduced a bill (H. R. No. 1513) confirming articles of agreement with the Shoshone and Bannock tribes of Indians, and directing the Secretary of the Interior to carry the same into effect, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

#### DISTRICT FIRE-ALARM TELEGRAPH.

Mr. CHIPMAN introduced a bill (H. R. No. 1514) to aid in the construction of a fire-alarm telegraph in the District of Columbia; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

#### GUSTAVUS F. JOCKNICK.

Mr. CHIPMAN also introduced a bill (H. R. No. 1515) for the relief of Gustavus F. Jocknick; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

#### ELIZA A. FLAMANT.

Mr. CHIPMAN also introduced a bill (H. R. No. 1516) for the relief of Eliza A. Flamant; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### JOHN F. SMITH.

Mr. CHIPMAN also introduced a bill (H. R. No. 1517) for the relief of John F. Smith; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

#### PRIVATE LAND CLAIMS.

Mr. CHIPMAN also introduced a bill (H. R. No. 1518) to provide for ascertaining and settling private land claims in certain States and Territories; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

The SPEAKER. The Chair will now hear bills introduced for reference by gentlemen who were not in their seats when their States were called.

#### MATTHEW O'BRIEN, ETC.

Mr. HUNTON introduced a bill (H. R. No. 1519) for the relief of Matthew O'Brien, Moses Lackey, and Daniel Miner; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### THOMAS M'BRIDE.

Mr. LOFLAND introduced a bill (H. R. No. 1520) for the relief of Thomas McBride; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

#### CLERKS OF COMMANDANTS.

Mr. LOFLAND also introduced a bill (H. R. No. 1521) in relation to clerks of commandants of the navy-yards of the United States; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

#### LEWIS GOODWIN.

Mr. COBB, of North Carolina, introduced a bill (H. R. No. 1522) for the relief of Lewis Goodwin, late keeper of the light-vessel at Brant Island Shoal, in the State of North Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

#### W. S. M'COMB.

Mr. BLOUNT introduced a bill (H. R. No. 1523) for the relief of W. S. McComb, of the State of Georgia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## LOUISA ROSS.

Mr. STANDEFORD introduced a bill (H. R. No. 1524) for the relief of Louisa Ross, widow of Dr. Frederick Ross; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## WIDOW OF COLONEL G. A. LOOMIS.

Mr. KELLOGG, by unanimous consent, introduced a bill (H. R. No. 1525) granting a pension to the widow of Colonel Gustavus A. Loomis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## DESTITUTE IN ALABAMA.

Mr. HAYS, by unanimous consent, introduced a joint resolution (H. R. No. 44) providing for furnishing Army rations to the destitute in certain localities of Alabama; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

## WELLS'S PATENT FOR HAT-BODIES.

Mr. RANDALL. I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the bodies of two petitions which I have presented at the desk, one from hat manufacturers and the other from journeymen hatters.

Mr. KILLINGER. I object.

Mr. RANDALL. Let the gentleman listen and then strike. I say that I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a petition from the hatters and another from the journeymen hatters of Philadelphia against the extension of the Wells patent for forming hat-bodies.

Mr. KILLINGER. I object to the printing.

Mr. RANDALL. Then I move to suspend the rules.

The SPEAKER. The Chair cannot recognize the gentleman for that purpose at present.

## HENRY L. CAKE.

Mr. KILLINGER, by unanimous consent, introduced a bill (H. R. No. 1526) for the relief of Henry L. Cake; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

## JOHN F. PORTEOUS.

Mr. RANSIER, by unanimous consent, introduced a bill (H. R. No. 1527) for the relief of John F. Porteous, of the State of South Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

## EDWIN C. M'TUREOUS.

Mr. RANSIER also, by unanimous consent, introduced a bill (H. R. No. 1528) for the relief of Edwin C. McTureous, of the State of South Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

## HENRY M'KEE.

Mr. RANSIER also, by unanimous consent, introduced a bill (H. R. No. 1529) for the relief of Henry McKee, of the State of South Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

## DEPOSITS IN NATIONAL BANKS.

Mr. G. F. HOAR, by unanimous consent, introduced a bill (H. R. No. 1530) to prevent the payment of interest on deposits in national banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

## LIGHT-HOUSE OFF SOLOMON'S LUMP.

Mr. SENER, by unanimous consent, introduced a bill (H. R. No. 1531) to establish a light-house off Solomon's Lump, in Kedge's Strait, between Tangier's Sound and Chesapeake Bay; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## NEABSCO CREEK.

Mr. SENER also, by unanimous consent, introduced a bill (H. R. No. 1532) making an appropriation for the improvement of Neabasco Creek and Harbor, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## PATENT RIGHTS.

Mr. MYERS, by unanimous consent, introduced a bill (H. R. No. 1533) to except the interest of an original inventor in any patent or patent right from the operation of the provisions of the fourteenth section of the bankrupt act; which was read a first and second time.

Mr. MYERS. I move that the bill be referred to the Committee on the Judiciary.

Mr. CONGER. Should not this bill go to the Committee on Patents? That committee is considering the fourteenth section of the bankrupt act.

Mr. MYERS. I would be glad to have the bill go to the Committee on Patents, and would be satisfied with the result of their consideration. The matter of the bankrupt law, however, is before the Judiciary Committee, and this is an amendment to the bankrupt act.

Mr. CONGER. Under those circumstances I shall not insist on the bill going to the Patent Committee.

The bill was referred to the Committee on the Judiciary, and ordered to be printed.

## LYDIA A. BURNHAM.

Mr. SMALL, by unanimous consent, introduced a bill (H. R. No. 1534) granting a pension to Lydia A. Burnham; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

## REBECCA C. REMICK.

Mr. SMALL also, by unanimous consent, introduced a bill (H. R. No. 1535) granting a pension to Rebecca C. Remick; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

## LOCATION OF A BANK.

Mr. HENDEE, by unanimous consent, introduced a bill (H. R. No. 1536) to authorize the Irasburgh National Bank of Orleans to change its location and name; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

## WATER ROUTES.

Mr. MCCRARY, by unanimous consent, presented a memorial on the subject of the water routes, from the American Cheap Transportation Convention; which was referred to the Committee on Railways and Canals, and ordered to be printed.

## REGISTRY OF A VESSEL.

Mr. MERRIAM, by unanimous consent, introduced a bill (H. R. No. 1537) authorizing the Secretary of the Treasury to issue a certificate of registry and enrollment to the schooner Almira, and to change the name to Minnie Davis; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## REFUNDING OF CUSTOMS DUTIES.

Mr. MERRIAM also, by unanimous consent, introduced a bill (H. R. No. 1538) restricting the refunding of customs duties; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

## EARLES CARTER.

Mr. MERRIAM also, by unanimous consent, introduced a bill (H. R. No. 1539) granting a pension to Earles Carter, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

## PAY OF OFFICERS OF THE UNITED STATES.

Mr. MERRIAM also, by unanimous consent, introduced a bill (H. R. No. 1540) to prevent officers of the United States from receiving, or being paid, any money beyond their fixed salaries; which was read a first and second time.

Mr. MERRIAM. I ask that the bill be referred to the Committee on Appropriations.

The SPEAKER. Why does the gentleman desire to have it referred to the Committee on Appropriations? It belongs to the Committee on Military Affairs.

Mr. MERRIAM. No, sir; it is to fix the salaries of officials.

The SPEAKER. Then it ought to go to the Committee on the Civil Service. The Committee on Appropriations have no jurisdiction over it.

Mr. MERRIAM. Well; let it go there.

The bill was referred to the Committee on Reform in the Civil Service, and ordered to be printed.

## HEIRS OF REAR-ADMIRAL DAHLGREN.

Mr. KELLEY, by unanimous consent, introduced a bill (H. R. No. 1541) for the relief of the heirs of Rear-Admiral Dahlgren, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

## JOHN C. CUNNINGHAM.

Mr. LOWE, by unanimous consent, introduced a bill (H. R. No. 1542) for the relief of John C. Cunningham, of Fort Gibson, Indian Territory, for supplies furnished certain Indians; which was read a first and second time.

Mr. LOWE. I ask that the bill be referred to the Committee on Indian Affairs, and printed.

The SPEAKER. It belongs to the Committee on Claims.

Mr. LOWE. I would like to have it go to the Committee on Indian Affairs.

The SPEAKER. The Chair does not think it belongs there; but it is for the House to decide to which committee it shall be referred.

Mr. LOWE. I do not care to insist.

The SPEAKER. It should go to the Committee on Claims, evidently.

The bill was referred to the Committee on Claims, and ordered to be printed.

## PAYMASTER GEORGE PLUNKETT.

Mr. BUTLER, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 1543) to enable the President of the United States to revoke the acceptance of the resignation of Paymaster George Plunkett; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## ESTATE OF J. M. MICOW.

Mr. RAPIER, by unanimous consent, introduced a bill (H. R. No.

1544) for the relief of the estate of J. M. Micow, of the State of Alabama; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

#### COLLECTION DISTRICTS, NORTH CAROLINA.

Mr. STOWELL, by unanimous consent, introduced a bill (H. R. No. 1545) to amend an act entitled "An act relative to collection districts in North Carolina," approved February 25, 1867; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

#### MINERAL RESOURCES OF THE UNITED STATES.

Mr. WILBUR, by unanimous consent, introduced a bill (H. R. No. 1546) to amend an act approved March 1, 1873, amendatory of an act entitled "An act to promote the development of the mineral resources of the United States," passed May 10, 1872; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

#### MACHINE FOR MOLDING SHELL.

Mr. MACDOUGALL, by unanimous consent, introduced a bill (H. R. No. 1547) for the extension of the patent known as Ward's improved machine for molding shell; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

#### TOUISSANT MESPLIE.

Mr. SHANKS, by unanimous consent, introduced a bill (H. R. No. 1548) for the relief of Touissant Mesplie; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

#### OFFICERS OF INDIANA VOLUNTEERS.

Mr. PHILLIPS, by unanimous consent, introduced a bill (H. R. No. 1549) for the relief of the officers of the Fourth and Fifth Indiana Regiments; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

#### IMPROVEMENT OF MISSISSIPPI AND ILLINOIS RIVERS.

Mr. BARRERE, by unanimous consent, presented a memorial of the Fulton County, Illinois, Farmers' Association, asking for immediate appropriations to improve the Mississippi and Illinois Rivers; which was referred to the Committee on Commerce, and ordered to be printed.

#### ORDER OF BUSINESS.

Mr. BECK. I desire to move a suspension of the rules in order to bring before the House for consideration at this time a concurrent resolution.

Mr. RANDALL. Before that is done I desire consent to present a memorial from certain manufacturers of tacks in Philadelphia, against the renewal of certain patents. I do not ask that the memorial be read, but as it is short I ask that the body of it be printed in the RECORD.

Mr. KILLINGER. I object.

Mr. RANDALL. Then I move that the rules be suspended for the purpose.

The SPEAKER. The gentleman from Kentucky [Mr. BECK] has the floor for a motion to suspend the rules.

#### CENTENNIAL EXPOSITION.

Mr. BECK. I move that the rules be suspended in order to bring before the House for consideration at this time the concurrent resolution which I send to the Clerk to be read.

The Clerk read as follows:

Whereas the House of Representatives, on the 21st day of January, 1874, passed a resolution requesting the President to extend, in the name of the United States, a cordial invitation to the governments of other nations to take part in the international exposition to be held at Philadelphia, under the auspices of the Government of the United States, in the year 1876; and whereas it is important to the success of said exposition that the industries of all nations shall be represented, and that every proper inducement should be held out to them, and their inventors, artisans, mechanics, manufacturers, and merchants, to bring and exhibit their goods, wares, and merchandise with as little trouble and expense as possible: Therefore,

*Be it resolved by the House of Representatives, (the Senate concurring.)* That the President be requested to inform the governments of all nations with which the United States shall have diplomatic intercourse that all articles brought from foreign countries for exhibition at said exposition under the regulations thereof shall be admitted into the United States free of duty, and when such articles have been exhibited, and are withdrawn, in accordance with the rules of the exposition applicable to domestic articles on exhibition, they may be sold or re-exported upon the same terms as like articles produced in the United States may be sold or exported.

Mr. DAWES. I would inquire of the gentleman if he proposes to change existing laws; for if he does, then this resolution is not in the proper form. A concurrent resolution will not have that effect.

Mr. BECK. It is intended to admit all such articles free of duty.

Mr. BURCHARD. Then it should be a joint resolution.

Mr. BECK. I will modify it in that respect, and make it a joint resolution.

Mr. KASSON. Did I understand the resolution rightly to provide that these articles, having been introduced free of duty, may be sold at the close of the exposition, without paying duty?

Mr. BECK. That is the object.

Mr. KASSON. Without limitation of the amount introduced?

Mr. BECK. Nothing can be brought in except such as the commissioners allow.

Mr. KASSON. But these commissioners are not under the control, in that respect, of any law of Congress.

Mr. BECK. I want this resolution brought before the House for consideration, when, of course, it will be subject to any amendments that may be deemed proper.

Mr. DAWES. There is a standing law that all articles brought into the United States for the purpose of exhibition only can be admitted and taken back free of duty.

Mr. KASSON. I think this resolution should be referred to a committee.

Mr. HAWLEY, of Connecticut. If it is to be referred, I desire to have another bill referred with it.

Mr. BECK. I object to that; I want only to bring this before the House for consideration.

Mr. DAWES. The preamble says "it is important to the success of said exposition." I like that.

Mr. COX. We want to see how Pennsylvania will vote on free trade. That is the point.

Mr. RANDALL. We will show you.

The SPEAKER. The Committee on Elections are entitled to the floor on the West Virginia cases. If this motion to suspend the rules shall prevail, and this resolution is brought before the House for consideration at this time, of course it would be before the House until disposed of, to the exclusion of all other business.

Mr. BECK. I do not desire to take up the time of the House. I will change my motion—to suspend the rules and pass this joint resolution.

Mr. CONGER. I ask the gentleman to put in the word "productions" after "merchandise." Goods, wares, and merchandise do not embrace all the productions of a country.

Mr. BUTLER, of Massachusetts. I would suggest as an amendment, that no person shall exhibit over five hundred tons of any one article. [Laughter.]

Mr. HAWLEY, of Connecticut. I ask to have my bill read.

Mr. RANDALL. Let us dispose of this first.

Mr. NEGLEY. Do I understand the gentleman from Kentucky to refuse to allow any amendments?

Mr. COX. I object to debate.

The question was upon seconding the motion to suspend the rules. Tellers were ordered; and Mr. BECK and Mr. KASSON were appointed.

The House divided; and the tellers reported that there were—ayes 54, noes 102.

So the motion to suspend the rules was not seconded.

#### DISTRICT OF COLUMBIA.

Mr. POLAND. I move that the rules be suspended, and the following resolution adopted:

*Resolved,* That the Committee on the Judiciary be instructed to inquire and report to this House the legal relations between the Federal Government and the local government of the District of Columbia, and the extent and character of the mutual obligations in regard to municipal expenses; and further to inquire and report whether some accurately defined basis of expenditure cannot be prescribed and maintained by law.

Mr. RANDALL. That merely proposes an expenditure of more money by the Government for this District.

Mr. HOLMAN. I hope the resolution will not be adopted.

The question being on seconding the motion to suspend the rules,

Mr. RANDALL called for tellers.

Tellers were ordered; and Mr. POLAND and Mr. RANDALL were appointed.

The House divided; and the tellers reported—ayes 120, noes not counted.

So the motion to suspend the rules was seconded.

The question then recurring on agreeing to the motion to suspend the rules,

Mr. HOLMAN called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 152, nays 71, not voting 63; as follows:

YEAS—Messrs. Albright, Archer, Ashe, Barnum, Bass, Begole, Bell, Berry, Biery, Bromberg, Buckner, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick K. Butler, Cessna, Amos Clark, jr., Clayton, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Cook, Corwin, Cotton, Crooke, Cronse, Crutchfield, Curtis, Davis, Dawes, Duell, Dummell, Durham, Eames, Eldredge, Elliott, Farwell, Field, Fort, Freeman, Frye, Garfield, Gooch, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Herndon, E. Rockwood Hoar, George F. Hoar, Hooper, Hoskins, Houghton, Hunter, Hunton, Hurlbut, Hyde, Hynes, Kelley, Kellogg, Kendall, Lamar, Lampont, Lawrence, Leach, Lofland, Lowe, Lowndes, Lynch, Alexander S. McDill, MacDougall, McJunkin, McNulta, Mellish, Merriam, Milliken, Mitchell, Monroe, Moore, Myers, Negley, Niblack, Nunn, O'Neill, Orr, Packard, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phillips, James H. Platt, jr., Thomas C. Platt, Poland, Ransier, Rawls, Rice, Richmond, Robbins, Ellis H. Roberts, Ross, Rusk, Henry B. Saylor, John G. Schumaker, Isaac W. Scudder, Sener, Shanks, Sheldon, Sherwood, Sloss, Small, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Standeford, Stephens, St. John, Strait, Strawbridge, Swann, Taylor, Thomas, Thornburgh, Townsend, Tyner, Vance, Wallace, Marcus L. Ward, Wheeler, White, Whitehouse, Whiteley, Wilber, George Willard, Charles G. Williams, William Williams, William B. Williams, Jeremiah M. Wilson, and Woodworth—152.

NAYS—Messrs. Atkins, Beck, Bland, Blount, Bowen, Bright, Brown, Buffinton, Burchard, Caldwell, Cannon, John B. Clark, jr., Freeman Clarke, Clements, Clymer, Conger, Cox, Creamer, Crittenden, Crossland, Danford, Donnan, Foster, Gunckel, Hamilton, Henry R. Harris, John T. Harris, Hereford, Holman, Kasson, Killinger, Knapp, Lawson, Loughridge, Luttrell, Magee, Marshall, Martin, James W. McDill, McLean, Morrison, Neal, O'Brien, Orth, Hosea W. Parker, Phelps, Pierce, Pratt, Rainey, Randall, James C. Robinson, James W. Robinson, Milton Saylor, Sheats,

Lazarus D. Shoemaker, Smart, John Q. Smith, Southard, Speer, Sprague, Stone, Storm, Waddell, Jasper D. Ward, Wells, Whitthorne, Charles W. Willard, Willie, James Wilson, Wolfe, and Pierce M. B. Young—71.

NOT VOTING—Messrs. Adams, Albert, Arthur, Averill, Banning, Barber, Barrere, Barry, Bradley, Cain, Cason, Crocker, Darrall, DeWitt, Dobbins, Eden, Giddings, Glover, Hancock, Hatcher, Hathorn, Hersey, Howe, Hubbell, Jewett, Lamson, Lansing, Lewis, Maynard, McCrary, McKee, Mills, Morey, Nesmith, Niles, Packer, Pike, Potter, Purman, Rapier, Ray, Read, William R. Roberts, Sawyer, Scofield, Henry J. Scudder, Sessions, George L. Smith, Snyder, Stanard, Starkweather, Stowell, Sypher, Todd, Tremain, Waldron, Walls, Whitehead, John M. S. Williams, Ephraim K. Wilson, Wood, Woodford, and John D. Young—63.

So (two-thirds voting in favor thereof) the rules were suspended, and the resolution was adopted.

During the roll-call the following announcements were made:

Mr. ATKINS. I wish to announce that the gentleman from Kentucky, Mr. YOUNG, is detained at his room by sickness.

Mr. KELLOGG. My colleague, Mr. STARKWEATHER, is absent on account of sickness in his family.

The result of the vote was announced as above stated.

#### REMOVAL OF FLATHEAD AND OTHER INDIANS.

Mr. CLYMER. I move to suspend the rules to enable me to report from the Committee on the Public Lands, and the House to pass, the bill (H. R. No. 1168) to amend the act entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana," approved June 5, 1872.

The bill was read. It provides in the first section that the time of sale and payment of pre-empted lands in the Bitter Root Valley, in the Territory of Montana, shall be extended for the period of two years from the expiration of the time allotted in the act entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana," approved June 5, 1872. The second section extends the benefit of the homestead act to all the settlers on the lands who may desire to take advantage of the same.

Mr. CLYMER. I ask the indulgence of the House that I may make a brief statement.

The SPEAKER. The Chair hears no objection.

Mr. CLYMER. On June 5, 1872, an act of Congress was approved for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana, to the general reservation. The act further provided that those Indians who chose to remain in that valley should have the right first to pre-empt their lands. Subsequently it was provided that not more than fifteen townships of the land should be surveyed, opened, and sold to actual settlers, those on the ground having the right first to pay for and retain the lands then occupied by them, Congress giving them twenty-one months from the date of settlement or passage of the act in which to make payment. It was required that a list of the Indians and the lands that they had selected should be first filed in the proper department. By reason of a disagreement between the Indian agent and the Indian Commissioner, this duty was not performed until about the 4th of December, 1873, thereby leaving the settlers in the valley only about three months in which to make payment as required by law, though the intention of Congress was that they should have twenty-one months for that purpose. It was presumed that the settlement with the Indians could be made in two, three, or four months, leaving about one year and a half in which the settlers could file their proofs and make their payments; but by reason of the disagreement between the agent and the Indian Commissioner, as I have stated, the time of settlement with the Indians was so greatly delayed that now the settlers have only three months left in which to secure the benefits intended to be conferred by the act of June 5, 1872.

The object of this bill is to give them an extension of time in which to make their proofs and payment; and the necessity for it is based on these grounds: first, that the distance from this settlement to the nearest land office is almost two hundred miles, rendering it nearly impossible for the settlers at this season of the year to attend to the matter, even if they had the means to do so; secondly, that by reason of their great distance from civilization, or from any market, there is no sale for their crops, so that, as I am informed, wheat is to-day selling in that region at twenty-five cents a bushel. Their other products bring no greater relative return; and it is evident that if, between this and the 5th day of March next, when the act of 1872 expires by limitation, these settlers are required to make payments for their lands, they must either raise money to do so at such usurious rates as will entirely consume the little means they have, or that, being unable to pay the money, they must lose their rights intended to be secured under the provisions of the original bill. It is a matter of simple justice to these people. Time is pressing, and I pray Congress may, in its good pleasure, promptly pass this bill, in order to relieve them, and thus do an act of simple justice.

Mr. HALE, of New York. Let me ask the gentleman from Pennsylvania whether the matter has been considered by any committee of this House?

Mr. CLYMER. I intended to state that I was instructed unanimously by the Committee on the Public Lands to report this bill, and move that it be put on its passage.

Mr. HALE, of New York. Is it recommended by the Committee on the Public Lands of this House?

Mr. CLYMER. Yes, sir.

The SPEAKER. The gentleman from Pennsylvania moves that the

bill which has been read may be passed under a suspension of the rules. Is there a second?

Mr. SHANKS. I wish to ask the gentleman from Pennsylvania this question: Inasmuch as you open the homesteads to settlers in that valley, I would like to know whether the bill ought not to date back so as to cover the homesteads of all settlers, and not allow the first settlers to come in under the provision of this bill and compel them to pay for lands, while it allows others to come in without paying? Will the gentleman state whether his bill does cover that point?

Mr. CLYMER. The Committee on the Public Lands were of the opinion that it did cover that point.

Mr. SHANKS. Is it the judgment of the committee that it covers the case I have referred to? The Indians have remained in this Bitter Root Valley, and I think it entirely proper to change the provision of the original bill so that all the settlers may have the benefit of homesteads. The intention was that those who took up their claims under the provision of the bill should make payment on the removal of the Indians; but as the Indians are not removed, I think all the settlers ought to have the same privilege; and I believe the statute ought to be clear on that point.

Mr. CLYMER. I ask to have the second section of the bill again read, so there may be no misapprehension on the subject.

The second section of the bill was again read.

Mr. CLYMER. I think that covers the point raised by the gentleman from Indiana.

The SPEAKER. The gentleman from Pennsylvania moves that the bill be passed under a suspension of the rules. Is there a second?

The motion was seconded.

The rules were suspended and the bill was passed, two-thirds voting in favor thereof.

#### BUSTS OF CHIEF JUSTICES TANEY AND CHASE.

Mr. FRYE. I move that the rules be suspended, so as to discharge the Committee of the Whole from the further consideration of the bill (S. No. 61) providing for busts of the late Chief Justice Roger Brooke Taney and of Salmon Portland Chase, to be placed in the Supreme Court Room of the United States, and put it on its passage.

The SPEAKER. The bill will be read.

The Clerk read the bill, as follows:

A bill providing for busts of the late Chief Justice Roger Brooke Taney and of Salmon Portland Chase, to be placed in the Supreme Court Room of the United States.

*Be it enacted, &c.*, That the Joint Committee of the two Houses of Congress on the Library be, and they are hereby, authorized to procure and place in the room of the Supreme Court of the United States busts of the late Chief Justice Roger Brooke Taney and of the late Salmon Portland Chase.

SEC. 2. That for the purpose of carrying this act into effect the sum of \$2,500, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. The question is on the gentleman's motion to suspend the rules, so as to discharge the Committee of the Whole from the further consideration of the bill, to bring it before the House and pass it. Is there a second to that motion?

Mr. WILLIAMS, of Massachusetts. I call for a division on seconding the motion, so that we may see who are in favor of passing this bill before the civil-rights bill is passed.

The House divided; and there were—ayes 117, noes 4.

So the motion was seconded.

Mr. MELLISH. Is an amendment in order?

The SPEAKER. It is not.

The rules were then suspended; and the Committee of the Whole was discharged from the further consideration of the bill, and it was passed, two-thirds voting in favor thereof.

#### IMPORTATION OF ARTICLES FOR CENTENNIAL EXHIBITION.

Mr. HAWLEY, of Connecticut. Mr. Speaker, I move to suspend the rules, and put on its passage a bill (H. R. No. 1550) to admit free of duty articles intended for the international exhibition of 1876.

The SPEAKER. The bill will be read.

The Clerk read as follows:

*Be it enacted &c.*, That all articles which shall be imported *bona fide* for exhibition at the international exhibition to be held in the city of Philadelphia, in the year 1876, shall be admitted without the payment of duty or of customs fees or charges, under such regulations as the Secretary of the Treasury may prescribe: *Provided*, All such articles as shall be sold in the United States or withdrawn for consumption at any time after said importation shall be subject to the duties, if any, imposed on like articles by the revenue laws in force at the date of the importation.

Mr. HAWLEY, of Connecticut. I am willing to consent to the reference of that bill to the Committee on Ways and Means.

Mr. KASSON. Is this vote on the passage of the bill?

The SPEAKER. It is on seconding the motion for a suspension of the rules.

Mr. HAWLEY, of Connecticut. I consent to a reference of the bill to the Committee on Ways and Means.

The SPEAKER. Then the gentleman does not introduce the bill for a suspension of the rules and passing it?

Mr. HAWLEY, of Connecticut. I change my motion, and consent to a reference.

The SPEAKER. That requires unanimous consent.

There was no objection; and the bill, having been twice read, was referred to the Committee on Ways and Means.

## EXPENSES OF UNITED STATES LOANS.

Mr. GARFIELD. I offer the following resolution:

*Resolved*, That the rules be so suspended that the following section shall be in order as a portion of the text of the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the next fiscal year, namely: Sec. —. That the acts and parts of acts which authorize permanent, indefinite appropriations to defray the expenses of loans, Treasury notes, or other paper issues of the United States, be, and the same are hereby, repealed; and hereafter the Secretary of the Treasury shall annually submit to the House of Representatives detailed estimates of the appropriations required to defray such expenses.

The motion to suspend the rules was seconded; the rules were suspended, (two-thirds voting therefor,) and the resolution was adopted.

## CUSTOM-HOUSE EMPLOYÉS.

Mr. GARFIELD. I also move that the rules be suspended, and the following preamble and resolution be adopted.

The Clerk read as follows:

Whereas it is desirable that all expenditures of the Government shall, as far as practicable, be made in pursuance of annual appropriations made by Congress after a full exhibit of the necessity for the same: Therefore

*Resolved*, That the Committee on Ways and Means be directed to inquire into the expediency of so amending the laws relating to the expenses of collecting customs duties as to fix the number and rate of compensation of all persons employed in that branch of the service, and to require that said expenses be provided for by appropriations made annually, on estimates submitted to Congress by the Secretary of the Treasury, and that said committee have power to send for persons and papers.

Mr. HOLMAN. Does the gentleman also propose to make that the subject of an appropriation bill?

Mr. GARFIELD. I do; whenever we get a report, to know what we will put into it.

Mr. RANDALL. I would suggest an amendment to the gentleman's resolution, by the insertion of the words "and also the internal revenue."

Mr. GARFIELD. That is already appropriated for in the annual bill.

Mr. RANDALL. Not entirely.

The motion to suspend the rules was seconded, the rules were suspended, (two-thirds voting therefor,) and the resolution was adopted.

## WELLS'S PATENT FOR HAT-BODIES.

Mr. RANDALL. I move that the rules be suspended and that the House order to be printed in the CONGRESSIONAL RECORD, with one name attached to each paper, the remonstrance of hatters of Philadelphia, and the remonstrance of journeymen hatters of Philadelphia, against the extension of Wells's patent for forming hat-bodies.

Mr. KILLINGER. I call for a count on seconding the motion for suspending the rules.

The House divided; and there were—ayes 94, noes 8.

No further count was demanded.

So the motion was seconded, and the rules were suspended, (two-thirds voting therefor,) and the order was made.

Mr. RANDALL. I ask that the memorials be referred to the Committee on Patents.

There was no objection; and it was so ordered.

Mr. BUTLER, of Massachusetts. I present a similar petition, which I do not ask to have printed, as the order for printing has been made on the motion of the gentleman, [Mr. RANDALL.]

The remonstrances ordered to be printed in the RECORD are as follows:

To the honorable House of Representatives and Senate of the United States:

Remonstrance against the extension of Henry A. Wells's patents of April 25, 1846, reissued 1860, 1862, and 1868, extended by the Commissioner of Patents, and by an act of Congress approved March 4, 1867, extended for a further term of seven years, said Wells's patent being for improvements in machinery for making hat-bodies.

The following facts are respectfully submitted for the consideration of your honorable bodies:

1. The H. A. Wells patents have already been extended by the Commissioner of Patents for seven years, and also by act of Congress for the same period, and a most complete monopoly has been enjoyed for twenty-eight years.

2. The representative of Henry A. Wells, with full knowledge of the value of the patent, after its extension by the Commissioner of Patents, voluntarily sold it to H. A. Burr for \$27,500, and has no right to complain of insufficient remuneration, and if she was deceived as to its value, it was by the same monopolists who now seek this extension, and by whom she is again to be deceived.

3. The public paid, during the first term of fourteen years, to the owners of this patent for forming hat-bodies, over and above the expense of making, the sum of \$3,383,673, and they have paid about 70 per cent. as much more during the seven years' extension by the Commissioner of Patents, making over \$5,000,000 in twenty-one years, and during the last seven years of extension granted by your honorable body they have paid at least \$2,800,000, making \$7,800,000 as the tax already paid by the public to the owners of this patent, in twenty-eight years.

4. The real applicants for the extension now sought for at the hands of Congress are not the widow and children of H. A. Wells, but the same monopolists to whom every extension has been assigned, and who have already taxed the public as above stated.

5. The last application for extension was privately presented to the Senate at the last moment of its session, and hurriedly acted upon, so as to intentionally prevent the great hat-manufacturing interest from hearing of it.

6. The Supreme Court of the United States have decided that these patents were illegally reissued, and the said owners never have had them corrected, but they have, by deception, induced your honorable bodies to sanction and extend these illegal grants for seven years. The owners of this patent are still not satisfied, but seek in the present application to induce Congress to extend these reissued and illegal grants for another term of seven years.

The remonstrants, in behalf of the hat-making interest, which represents many millions of dollars, respectfully ask that a reasonable opportunity may be afforded to them to establish the above and other important facts before your committee touching these questions.

D. P. CUBBERLEY and others.

To the members of the Senate and House of Representatives in Congress assembled:

We would humbly remonstrate against the further extension of the patent for forming hat-bodies, which was originally granted to Henry A. Wells, under date of April 25, 1846, and extended by an act of Congress, March 3, 1867, in form of "a bill granting relief to Mrs. Eliza Wells." We beg to remonstrate for the reasons herein set forth:

1. We cannot earn such wages with the hat-bodies prepared by the machines under the Wells patent as we can on work prepared by other machines.

2. Being dependent upon our daily toil for the support of our families, we do not feel that we and our families should be made to contribute to the support of the person seeking a further extension of this patent, as we have reason to believe she is far from want.

3. As the hat business of the country is almost entirely a local trade, we have employment for only about eight months in the year. If this patent is not further extended by you, the price of hats will be so reduced that there will be a large export trade that will give us employment nearly or quite all the year.

Earning our bread by the sweat of our brow, we beg you to listen to our prayer and relieve us from the burden that has long been imposed upon us, by refusing to grant a further extension of said patent.

CYRUS THACHER, and others.

PHILADELPHIA, December 27, 1873.

## WASHINGTON AND GEORGETOWN RAILROAD COMPANY.

Mr. KILLINGER. I move that the rules be suspended and the following resolution adopted:

*Resolved*, That the Committee on the District of Columbia be, and they are hereby, instructed to inquire what additional legislation is necessary to secure the comfort and convenience of passengers traveling on the cars of the Washington and Georgetown Railroad Company, and that they be authorized to report to the House at any time by bill or otherwise.

The motion for suspending the rules was seconded, the rules were suspended, (two-thirds voting therefor,) and the resolution was adopted.

## ORDER OF BUSINESS.

Mr. HOLMAN. Would calling the regular order bring up the contested-election case?

The SPEAKER. On Monday there is no regular order, except suspension of the rules.

## FORFEITURE OF RAILROAD GRANT.

Mr. PAGE. I move that the rules be suspended and that the Committee on the Public Lands, to whom was referred the bill (H. R. No. 971) to forfeit to the United States certain lands granted to the Placerville and Sacramento Valley Railroad Company to aid in constructing a railroad from the town of Folsom to the town of Placerville, in the State of California, be discharged from the further consideration of the same, and that the bill be passed.

The bill was read. It provides that all lands which were granted by Congress in the year 1866 to the Placerville and Sacramento Valley Railroad Company to aid in constructing a railroad from the town of Folsom to the town of Placerville, in the State of California, and which have not been patented by the United States to said company under said grant, which has expired by limitation, may be declared forfeited to the United States, and that these lands shall hereafter be disposed of as other public lands of the United States.

Mr. HEREFORD. The Committee on the Public Lands desire to be permitted to report this bill, and that it shall be passed under a suspension of the rules. I ask the indulgence of the House for one moment while I state very briefly the facts.

In July, 1866, Congress passed an act donating to the Placerville and Sacramento Valley Railroad Company certain lands to aid in the construction of that road. By the terms of the act the road was to be commenced in one year from the date of the approval of the act by the President, and was to be completed by July 4, 1869. These were part of the provisions of the act making the grant, and if they were not complied with the lands were to revert. Accompanying the report of the committee is a letter from the Commissioner of the General Land Office, in which he says that none of the provisions of the original grant have been complied with; and it is deemed desirable that these lands should now be forfeited to the United States, so that they can be entered like other public lands of the United States.

Mr. HOLMAN. I desire to ask a question of the gentleman from West Virginia who has reported this bill.

Mr. PAGE. I would like to make a few remarks in explanation of the bill.

Mr. YOUNG, of Georgia. I object to debate.

Mr. BUTLER, of Massachusetts. Well, I think we ought not to pass a bill forfeiting men's rights without some discussion. I do not know a word about this case, but I do not think the principle a right one.

Mr. HOLMAN. O, the bill is all right.

Mr. YOUNG, of Georgia. I object to debate.

Mr. PAGE. I do not propose to debate. I only ask five minutes to explain what the bill is.

Mr. YOUNG, of Georgia. Well, sir, I withdraw the objection.

Mr. PAGE. The gentleman from West Virginia [Mr. HEREFORD] who reported the bill has stated exactly the status of the bill. In 1866 the Congress of the United States granted to the Placerville and Sacramento Valley Railroad Company certain lands to aid in constructing a railroad from the town of Folsom to the town of Placerville. The company were to receive certain sections of land provided they completed the road by the 4th of July, 1869. There has not been any of that railroad built since the passage of the bill. The lands are withdrawn from public entry, and the people now demand that lands which have been forfeited over five years to the Government of the

United States shall be received back by the Government, that they may be opened up to homestead and pre-emption entry. I do not believe there is a gentleman in this House who desires to place himself in opposition to the Government of the United States receiving back what belongs to it.

Mr. BUTLER, of Massachusetts. I certainly do not desire to put myself on record in that way, but I thought it dangerous, without debate, to pass a measure of this sort. I have since been informed that the bill has received the unanimous indorsement of the Committee on the Public Lands, and that being the case, I have so much faith in that committee that I shall break my custom and waive all objection.

Mr. HOLMAN. I wish to make one inquiry of the gentleman from West Virginia. For the first time the House seems to be informed that, in the judgment of the Committee on the Public Lands, it is necessary when a forfeiture has occurred in a case of this kind that forfeiture should be declared by act of Congress. I wish to ask the gentleman from West Virginia if that is the interpretation given to these grants, and, if so, whether his committee does not design reporting a general bill, declaring all grants heretofore made, in relation to which the conditions have not been fulfilled, forfeited?

Mr. HEREFORD. I can only say—

Mr. PAGE. I object to further debate.

Mr. COX. I would like to ask one question.

The SPEAKER. The gentleman from California has objected to debate.

Mr. COX. Well; I will not vote for a bill which may have a negative pregnant in it. Have any of these lands been patented to the company?

Mr. HEREFORD. Not one single acre. The committee had before them a letter from the Commissioner of the Land-Office, stating that no one single provision of the bill granting the lands had been complied with, and that not one mile of the road had been built.

Mr. COX. Well, then, the bill is all right.

The question was taken on seconding the motion to suspend the rules, and (two-thirds voting in favor thereof) the rules were suspended, and the bill was passed.

#### SUPERVISOR OF INTERNAL REVENUE.

Mr. YOUNG, of Georgia, by unanimous consent, submitted the following resolution, which was read, considered, and agreed to:

*Resolved*, That the Committee on Ways and Means be directed to inquire whether any necessity exists for the continuation of the office of supervisor of internal revenue, and whether the duties of said office cannot be performed by the collectors of internal revenue in the various collection districts.

#### THE SANDERSON HOUSE.

Mr. BUNDY. I move that the rules be suspended for the adoption of the following resolution:

*Resolved*, That the Committee on Public Buildings and Grounds be requested to report to this House why it is that the Sanderson House, standing near the southeast corner of the Capitol, is permitted to remain blooming and lone, while all the other buildings and structures heretofore standing on the land purchased by the Government for enlarging the public grounds have been removed. "Why is this thus?"

[Laughter.]

The question was put on seconding the motion to suspend the rules; and on a division there were—ayes 41, noes not counted.

So the motion to suspend the rules was not seconded.

#### SHAREHOLDERS IN NATIONAL BANKS.

Mr. BUCKNER. I move that the rules be suspended, and that the following resolution be adopted:

*Resolved*, That the Secretary of the Treasury be directed to inform this House what members of the present Congress, if any, at the date of the last report made by the president or cashier of national banking associations, in pursuance of the provisions of the act establishing said banking associations, approved June 3, 1864, were shareholders in said national banking associations, the number of shares held by each, the residence of said shareholders, and the place where the business of said banking associations, respectively, is transacted.

The question was put on seconding the motion to suspend the rules, and no quorum voted.

Mr. SPEER. The officer called on has no means of furnishing this information.

Tellers were ordered; and Mr. BUCKNER and Mr. EAMES were appointed.

The House divided; and the tellers reported—ayes 78, noes 77.

So there was a second.

The question recurred on the motion to suspend the rules, and pass the resolution.

Mr. BUCKNER. On that question, I call for the yeas and nays.

The yeas and nays were ordered; fifty members voting therefor.

The question was taken; and there were—yeas 146, nays 98, not voting 43; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barber, Barere, Bass, Beck, Begole, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Bundy, Burchard, Burleigh, Benjamin F. Butler, Cain, Caldwell, Cannon, John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Coburn, Comingo, Cotton, Cox, Crittenden, Crossland, Curtis, Darrall, Davis, Durham, Eldredge, Field, Fort, Freeman, Giddings, Hancock, Henry R. Harris, John T. Harris, Hatcher, Havens, John B. Hawley, Hays, Hendee, Hereford, Herndon, Holman, Hunter, Hunton, Hurlbut, Hyde, Hynes, Kasson, Kendall, Knapp, Lamson, Lawson, Leach, Lewis, Luttrell, Lynch, Magee, Marshall, Martin, McCrary, Alexander S. McDill, McLean, McNulta, Mellish, Merriam, Milliken, Mills, Monroe, Moore, Morrison, Neal, Nesmith, Niblack, O'Brien, Orr, Orth, Hosea W. Parker, Isaac C. Parker,

Pratt, Randall, Rawls, Ray, Read, Richmond, Robbins, James C. Robinson, James W. Robinson, Ross, Rusk, Henry B. Saylor, Milton Saylor, John G. Schumaker, Scofield, Sener, Shanks, Sheets, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloss, Small, H. Boardman Smith, J. Amble Smith, John Q. Smith, Southard, Sprague, Standeford Stone, Storm, Strait, Sypher, Taylor, Thornburgh, Todd, Tyner, Vance, Jasper D. Ward, Marcus L. Ward, White, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Charles G. Williams, Willie, Ephraim K. Wilson, James Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodworth, and Pierce M. B. Young—147.

NAYS—Messrs. Albert, Barnum, Biery, Bradley, Buffinton, Roderick R. Butler, Cessna, Amos Clark, jr., Freeman Clarke, Clayton, Conger, Cook, Corwin, Creamer, Crooke, Cronse, Crutchfield, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Elliott, Farwell, Foster, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Harmer, Benjamin W. Harris, Harrison, Joseph R. Hawley, Gorry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hooper, Houghton, Hubbell, Kelley, Kellogg, Killinger, Lampert, Lansing, Lofland, Loughridge, Lowndes, Maynard, James W. McDill, MacDougall, McJunkin, Morey, Myers, Negley, O'Neill, Packard, Page, Parsons, Poland, Pendleton, Perry, Phelps, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Purman, Rainey, Ransier, Rice, Ellis H. Roberts, Sawyer, Isaac W. Scudder, Sessions, Smart, A. Herr Smith, William A. Smith, Speer, St. John, Strawbridge, Swann, Thomas, Townsend, Waddell, Waldron, Wallace, Wheeler, Whiteley, Wilber, George Willard, John M. S. Williams, William Williams, and William B. Williams—98.

NOT VOTING—Messrs. Albright, Averill, Barry, Burrows, Cason, Clinton L. Cobb, Crocker, Danford, DeWitt, Eden, Glover, Hathorn, Hersey, Hoskins, Howe, Jewett, Lamar, Lawrence, Lowe, McKee, Mitchell, Niles, Numm, Packer, Phillips, Pike, Potter, Rapier, William R. Roberts, Henry J. Scudder, George L. Smith, Snyder, Stanard, Starkweather, Stephens, Stowell, Tremain, Walls, Wells, Woodford, and John D. Young—41.

So (two-thirds not voting in the affirmative) the rules were not suspended.

During the call of the roll,

Mr. SPEER said, when his name was called: Although I hold no national-bank stock, I vote "no."

Mr. POLAND. I desire to make a parliamentary inquiry. I am a stockholder in a national bank and president and director of one. Is it proper that I should vote on this resolution?

The SPEAKER. The Chair could not rule that the gentleman had not that right.

Mr. POLAND. Then I vote "no." [Laughter.]

Mr. MAYNARD. Perhaps I ought to say that I am neither a stockholder, nor president, director, or other officer of a national bank, and I vote "no."

Before the result of the vote was announced,

Mr. MAYNARD said: Allow me to suggest to the mover of this resolution that its phraseology would include Senators as well as members of the House. It would be well, by general consent, to limit it in its terms to members of the House.

Mr. STORM. I object.

The result of the vote was announced as above recorded.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed, without amendments, bills of the House of the following titles:

A bill (H. R. No. 1231) to abolish the office of deputy commissioner of internal revenue; and

A bill (H. R. No. 1332) authorizing coinage to be executed at the mints of the United States for foreign countries.

The message further announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, bills of the House of the following titles:

A bill (H. R. No. 798) to establish certain post-routes; and

A bill (H. R. No. 1221) to confirm certain land titles in the State of Missouri.

#### ORDER OF BUSINESS.

Mr. SMITH, of New York. I desire to call up the West Virginia election cases.

Mr. KELLOGG. I desire to move to suspend the rules and adopt the following resolution:

*Resolved*, That every member of this House is hereby ordered to send to the Speaker's table a true and perfect inventory of all real and personal estate by him owned at the date of the passage of this resolution, with a detailed statement of the time and manner in which he acquired the same.

Mr. ELDRIDGE. Would it be in order to move to amend that resolution?

The SPEAKER. It is not before the House unless the gentleman from New York [Mr. SMITH] yields the floor for the purpose.

Mr. SMITH, of New York. I do not yield for that purpose; I desire to call up the West Virginia election cases.

The SPEAKER. The gentleman cannot maintain those cases before the House except by a suspension of the rules.

Mr. SMITH, of New York. Then I make that motion.

The motion to suspend the rules was seconded, and (two-thirds voting in favor thereof) it was adopted.

#### FABBRI & CHAUNCEY.

Mr. COX, by unanimous consent, introduced a bill (H. R. No. 1551) for the relief of Fabbri & Chauncey, of New York City; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

#### WEST VIRGINIA ELECTION CASES.

The House, under a suspension of the rules, then proceeded to the consideration of the report of the Committee on Elections upon the contested-election cases from West Virginia.

Mr. CROSSLAND. Mr. Speaker, it is unfortunate for me to be com-

pelled to speak on the question under consideration in the waning hours of this "devil's day," as congressional Mondays have been, not inappropriately, styled. I am embarrassed by the consciousness that I have come to glean in a field where the reapers who have gone before me have left little of anything valuable or useful to be gathered. The arguments have been so exhaustive, and in my judgment so conclusive, as to leave me a burnt district of discussion to travel over. Having patiently and carefully investigated the question, as a member of the Committee on Elections, I desire to briefly present to the House the reasons that impelled me to concur in the majority report, and to support the resolutions they offer.

It seems to me, sir, that when the question is divested of the technicalities and learned subtleties that have been thrown around it, and tested in the light of common sense and by the ordinary rules of interpretation, the solution is plain and easy. The question presented is to me anomalous. In 1872 two elections for Representatives to Congress were held in the State of West Virginia: one in the month of August, at which Mr. Davis and Mr. Hagans received a majority of the votes cast in the first and second districts, and they are here claiming that they were then legally elected to represent their respective districts, and asserting their right to seats on this floor. Another election was held on the fourth Thursday in October following, at which Mr. Wilson and Mr. Martin received a majority of the votes cast in said districts, and they are here claiming that they were legally elected on that day, and are entitled to seats. And the only question for the House to determine is, which was the legally appointed day for the congressional election to occur; either the election in August was legal and that in October illegal, or *vice versa*.

The fourth section of the first article of the Constitution of the United States directs as follows:

That the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof.

What is meant by the "time" required to be prescribed? Evidently that a day shall be fixed upon and set apart for that election. Why is a certain fixed day required to be prescribed? That all the people shall have notice there is to be but one day fixed, and that must be fixed so that no doubt will be left as to the time when the people shall assemble and elect a man to fill this important office.

The Legislature of the State is the only body in the State that is authorized by the Constitution to prescribe the times and places for holding congressional elections, and the Legislature of each State is commanded to discharge this duty. Now let us see if the Legislature of West Virginia has complied with this imperative requirement of the Constitution. We find that in 1869 they enacted the following statute:

SECTION 1. The general elections for State, district, county, and township officers and members of the Legislature shall be held on the fourth Thursday of October.

SEC. 2. At the said elections, in every year, there shall be elected delegates to the Legislature and one senator for every senatorial district. And in the year 1870, and every second year thereafter, a governor, secretary of state, treasurer, auditor, and attorney-general of the State, a prosecuting attorney, surveyor of lands, recorder, and the number of assessors prescribed by law, and a Representative in the Congress of the United States, for the term beginning on the 4th day of March next after the election, for every congressional district.

The first section fixes or prescribes a *time*, a day, the fourth Thursday in October; and the second section provides that at said election, *i. e.* the election to be held on the fourth Thursday in October, 1870, and every second year thereafter, the election for Representatives in Congress shall be held. Thus the Legislature with the Constitution of the United States before it, and each member sworn to support that Constitution, complied with the plain requirement and prescribed a day certain, leaving no room for a doubt about it. The people understood this law, and in 1870, on the fourth Thursday in October, they assembled at their voting places and elected Messrs. Hereford, McGrew, and one of the contestants, Mr. John J. Davis, to represent them in the Forty-Second Congress.

But, sir, for some reason this plain requirement of the act of the Legislature was departed from, and an election for Congress was held in August, 1872; and, as before said, two gentlemen, Messrs. Davis and Hagans, claim seats here under that election. No one denies that the Legislature had the exclusive power to prescribe the time for the congressional election to be held; but those who seek to maintain the August election argue that the Legislature did not fix a day, but an event or occasion, and that a constitutional convention could alter or change this event or occasion, and that the constitutional convention in the schedule did in fact alter or change the event or occasion from October to August. This argument reminds me of Tony Lumpkin's riddle, "What is that that goes round the house and round the house and never touches the house?" I believe Tony never explained. Here is an argument that goes round the question and round the question but never touches it. And I believe I can aptly illustrate the force of the argument by another quotation from Tony, in his description of the route he led his mother the night she ran away with her niece and the jewels: "First, I took them down Feather-bed Lane, where they stuck fast in the mud; then I rattled them crack over the stones on Up and Down Hill; I then introduced them to the gibbet in Crack-skull Common, and from that by a circumbendibus I fairly landed them in the horse-pond at the bottom of the garden." Gentlemen admit that the Legislature only could prescribe the time. The enactment that I have read shows that the Legislature did fix a day, but gentlemen argue an occasion was fixed, and by this circumbendibus

attempt to establish the validity of the August election. Surely the Constitution never intended that a legally prescribed day for this important election should be altered in this roundabout way.

Mr. Speaker, does the House understand that this August congressional election, that gentlemen contend was fixed by the constitutional convention, was held on the same day that that constitution was submitted to the people of West Virginia for ratification or rejection? It was not adopted until it was ratified by the votes of the people on that day. And can it be claimed that a provision of that constitution or schedule prescribed a time for holding a congressional election as required by the Constitution of the United States? What does "prescribed" mean? Why, nothing else than to fix a day before, so that the people could have notice before of the day of the election. Suppose the constitution had been rejected, what would have become of the congressional election which we are told was authorized by that constitution? Would not "the bottom have fallen out of it?" And would these gentlemen have appeared here to claim seats under it?

It has been argued here that although the fourth Thursday in October was the day legally prescribed, that because the votes polled on that day were not as numerous as at the August election, that the gentlemen elected in October ought to be denied their seats, and all hands sent back to West Virginia for a new election. It is true that the vote for Congress in the first district was larger at the August than at the October election, but in the second district the vote at the October election was more than double the number cast at the August election, and the argument loses its force. But one of the days is the legal time and day for the election. And the candidates voted for and elected on that day are entitled to seats here, whether the votes cast were numerous or few. If the election is held on a day prescribed by law, and five thousand votes are given and ten thousand voters refrain from voting, the election is nevertheless valid.

It is certainly a new doctrine in this country that if a large number of citizens entitled to vote stay at home and acquiesce in the choice made by those who do go out and vote, that this will invalidate an election. There is no law compelling citizens to vote, and no penalty for non-voting.

I have been a little astonished to hear members on the other side talk so feelingly in favor of State rights, the sovereignty of the States, &c.—that the rights of the States will be forever destroyed if we fail to establish the validity of the election that they claim was held under authority of a constitutional convention. The doctrine of "State rights" is my political idol; but does not the State exercise this "right" by the action of its Legislature; and are not the rights which are properly in the care of the Legislature as safe as they would be if exercised by a convention? But no "State-rights" man ever claimed that the States could exercise "rights" which were expressly delegated to the General Government. Let us maintain and enjoy the reserved rights of the States, and exercise the powers not delegated, and the "rights" will be safe.

This right to prescribe the time for a congressional election had been given to the Federal Government and by it conferred on the Legislatures of the States; and a convention can neither prescribe a time nor repeal nor alter a time prescribed by the Legislature. And gentlemen who have perhaps not investigated the question closely have heard some of the arguments which have come from the gentlemen on the other side about what that new constitution of West Virginia, and especially what the schedule, said on the subject of congressional elections; and, if so, you will be astonished when I tell you that the constitutional convention of West Virginia refrained from saying one word or writing one line of direction in respect to the congressional election. They understood their duty better. They knew they had no power. They knew the power had been expressly conferred upon the Legislature, and that the convention had no authority or power to say a word on the subject.

Mr. WILSON, of Indiana. If the Committee on Elections had not been so very much divided in regard to this case, I might not perhaps have given myself a great deal of trouble to have examined into its merits. But finding such a diversity of opinion among the members of that committee, I felt that it was my duty to look into this question with some care for the purpose of guiding myself with regard to the vote that I am called upon to cast with reference to this matter. Now it is proposed by the majority of the committee to seat the gentlemen who were voted for and received a majority of the votes cast on the fourth Thursday of October, and as a matter of course, before these gentlemen can be seated, it will be necessary to show that provision had been made by law for an election on that day. If there was no provision of law by virtue of which an election could be held on that day in October, then it necessarily follows that these gentlemen cannot be seated, and the majority report of this committee cannot be sustained. Before I had looked into this question particularly I had the impression in my mind, from what I had heard about the House, that that was the legal day for the election. But upon looking into the question I have been compelled to change my opinion upon that subject. Now, I think it is susceptible of absolute demonstration that there was no law under which an election for members of Congress could be held on that day in October. Prior to the adoption of the new constitution there were two provisions of the code on that subject. They have been repeated heretofore so often that I am almost ashamed to allude to them again. But I beg the attention of the House now to this point.



The first section of the law of 1869 provides that—

The general elections for State, district, county, and township officers, and members of the Legislature, shall be held on the fourth Thursday of October.

Then the second section provides that at the said elections members of Congress shall be elected. Now, thus stood the law prior to the adoption of the new constitution. When the new constitution went into effect, which was on the 22d day of August, 1872, it abrogated every law that was not in harmony with its provisions. That the House may see that there is no question about that, I ask gentlemen to look at the constitution itself, and they will find the provision there that all laws not inconsistent with this constitution are continued in force, and all laws that are not in harmony with the provisions of the constitution are abrogated.

Now, the constitution provided that, after its enactment, the general elections should be held at a different time from the fourth Thursday in October; and this law authorizing the election to be held on the fourth Thursday of October was inconsistent with this constitution, and therefore was abrogated by the constitution.

Mr. SMITH, of New York. Will the gentleman from Indiana allow me to ask him a question?

Mr. WILSON, of Indiana. I believe I will. I yield to the gentleman for a question.

Mr. SMITH, of New York. Did the new constitution abrogate that part of section 1 which required district officers to be elected on the fourth Thursday of October? The new constitution does not allude to district officers.

Mr. WILSON, of Indiana. I have read the report of the chairman of the Committee on Elections two or three times, with some care and some solicitude, for the purpose of arriving at the truth with regard to this case. And I confess it seems to me that he refines a little too much upon this subject of district officers. But it would take up a great deal more time than I propose to occupy in this discussion to go into an investigation of that question.

Now, sir, the point I make, and I simply wish to state it, is this: The first section provides that the general election shall be held on the fourth Thursday in October; the second section provides that the congressional election shall be held on that same day, at the time of the general election. But then the new constitution provides a different day. Now, when the new constitution provides a different day, then the first section is inconsistent with the new constitution, and is entirely abrogated or repealed, and consequently the fourth Thursday of October was not the day on which a legal election could be held. Now, it seems to me, if that is so, a simple statement of it is enough, without an argument, and consequently the majority report of the committee cannot be sustained.

Now, the next question is this: Can these gentlemen, who are claiming seats here by virtue of the election of the 22d of August, be seated by the House? Let us look at it for a moment. It has been said, and said correctly, that the Constitution of the United States requires that the time for holding the congressional elections shall be fixed by the Legislature; and it has been argued over and over again that the Legislature did not fix the 22d of August as the time, and that therefore no election could properly be held on that day. Now, let us see if that is a fact. I said a moment ago that the general election was to be held originally on the fourth Thursday of October, and the second section provided that at that general election the congressional election should take place. In other words, that whenever a general election was held in the State of West Virginia for State officers, that should be the time for holding the election for members of Congress.

Mr. LAWRENCE. It was the event.

Mr. WILSON, of Indiana. You may call it an event, occasion, time, what you will. The Legislature of the State of West Virginia simply say in this law that when a general election is held in the State of West Virginia, then you shall elect members of Congress. I do not care whether you call it an event, time, occasion, or what not, that is the whole point. As the law stood prior to the adoption of the new constitution, that day was to be the fourth Thursday in October, and the Legislature had said that when that general election was held the congressional election should take place. Does the Constitution of the United States provide that the Legislature shall fix the time of holding a general election? No, sir; that is a matter that rests with the people of the State; and when they get together in their delegate capacity to make a new constitution, they have a right, either by the terms of that constitution or by the schedule submitting it to the people, to fix the time of the general election.

The people, acting through their delegates, did fix a time for holding the general election; but the Legislature had formerly said that the time for holding the election for members of Congress should be when the general election was held. Therefore the Legislature did fix the time. They fixed whatever time was the time of the general election, and no matter by what process the people fixed the time of the general election, this act of the Legislature was continued in force by the very terms of the new constitution. The people, through their delegates, fixed the time for holding the general election; and it was necessary for them to do so. Here were the people of the State of West Virginia about to adopt a new constitution; they were fixing up the machinery of their government; they were making an organic law, to which all the laws of the State were to conform.

Now that constitution, by its terms, was to take effect on the morning of the 22d day of August, if adopted. If they had not provided

for electing all the officers of the State, if they had not made provision for a general election on that day, what would they have had? They would have had the frame of a government, but none of the machinery necessary to carry it into operation; they would have had a government without officers; and therefore it was necessary that the delegates who framed that constitution should submit a proposition to the people to elect officers at the same time that they voted on the constitution, to the end that the government might be put in harmonious operation at once. They, therefore, properly declared that they would elect on that same day all the State officers.

"O, but," gentlemen say, "the term 'general election' is not used here." Well, I admit it is not; nor is it necessary that it should be. Provision was made for electing all their officers; and that is a general election, whether designated by that phrase or not.

Mr. MELLISH. I would ask the gentleman this question: At what exact point of time did the new constitution go into effect?

Mr. WILSON, of Indiana. On the morning of the 22d of August.

Mr. MELLISH. Before or after the polls closed?

Mr. LAWRENCE. The new constitution of West Virginia, when ratified by the vote of the people on the fourth Thursday of August, became operative and in force from the first moment of that day, just as a bill passed by Congress takes effect from the first moment of the day of its approval by the President. There are some exceptions to this rule, as has been decided by the Supreme Court at its present term, but they are not applicable to the question now in controversy.

The old constitution did not, in terms, attempt to interfere with this principle of law which disregards fractions of days.

So far as the old constitution attempted to prohibit a retrospective effect for the new one, it was *ultra vires*, upon the principle stated on page 263, note 259 to article 5 of the amendments to the Constitution, found in Paschal's Annotated Constitution, that one legislative body cannot bind a later one having equal power.

Mr. BUTLER, of Massachusetts. It was expressly provided that it should go into effect on that day, if adopted.

Mr. WILSON, of Indiana. That is not the point I wished to make. We cannot split hairs on questions of this kind. We have to look at the question, not as special pleaders, but we have to look at the whole scope of the case. The people of West Virginia were about to put into operation a new government, and they had to have officers of that government, and they had a right to determine who should be those officers. They fixed the time to hold the election of those officers, and when they had fixed the time for that general election then the act of the Legislature attached to it and fixed the time when members of Congress should be elected. That is the whole point in the question before us. Therefore, when gentlemen say that the Legislature is required to fix the time, it is perfectly palpable to my mind that they did fix the time for members of Congress to be elected. But the Legislature was not bound to fix the time when this general election should be held. The people through their delegates fixed the time for the general election; the Legislature fixed that as the time for the election of members of Congress. I believe that is all I care to say upon this subject now.

Mr. SPEER. I do not desire to speak this evening; but the gentleman from Maryland [Mr. WILSON] does, and therefore I yield to him.

#### WEST VIRGINIA CONTESTED ELECTIONS.

Mr. WILSON, of Maryland. Mr. Speaker, if the questions growing out of this West Virginia controversy were those of ordinary legislation I would not presume to say one word to a wearied House upon such a stale and threadbare subject. But these cases involve the settlement of most valued and valuable rights on the part of claimants to seats in this House, as well as the great fundamental right of a whole people to be represented on this floor by men selected according to the provisions of law; and those rights being submitted to our decision as judges, it is our solemn duty patiently to examine and impartially to decide the questions involved. For this reason, and also because I am compelled to differ from the majority of those on this side of the House, I beg permission briefly to state the grounds of my conviction.

The first two sections of chapter 3 of the code of West Virginia are in these words:

1. The general election of State, district, county, and township officers, and members of the Legislature, shall be held on the fourth Thursday of October.

2. At the said elections in every year there shall be elected delegates to the Legislature, and one senator for every senatorial district. And in the year 1870, and every second year thereafter, a governor, secretary of state, treasurer, auditor, and attorney-general for the State; a prosecuting attorney, surveyor of lands, recorder, and the number of assessors prescribed by law, and a Representative to the Congress of the United States, for the term beginning on the 4th day of March next after the election, for every congressional district; and in the year 1870, and every fourth year thereafter, a judge of the supreme court of appeals for the State, and a clerk of the circuit court, and a sheriff for every county; and in the year 1874, and every sixth year thereafter, a judge for every circuit.

Article 4, section 7, of the new constitution of West Virginia, ratified by popular vote on the 22d August, 1872, is in these words:

The general elections of State and county officers, and members of the Legislature, shall be held on the second Tuesday of October, until otherwise provided by law.

The constitutional convention adopted a schedule, of which sections 3 and 7 are as follows:

SEC. 3. The officers authorized by existing laws to conduct general elections shall cause elections to be held at the several places for voting established by law in each county, on the fourth Thursday of August, 1872, at which elections the votes of all

persons qualified to vote under the existing constitution, and offering to vote, shall be taken upon the question of ratifying or rejecting this constitution and schedule.

SEC. 7. On the same day, and under the superintendence of the officers who shall conduct the election for determining the ratification or rejection of the constitution and schedule, elections shall be held at the several places of voting in each county for senators and members of the house of delegates, and all officers, executive, judicial, county, or district, required by this constitution to be elected by the people.

The section of the old constitution on elections is identical with the first section of the code, the words "district" and "township" omitted.

Every member of this House who cares to know must be now fully informed as to all the facts, as well as legal and constitutional provisions, out of which this controversy springs. I shall, therefore, proceed at once to the argument.

Our starting-point is, of course, that provision of the Federal Constitution which declares that—

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof.

It will be thus seen that the question is not the power of a State Legislature or convention over a State election, but what is or what is not a fulfillment of a mandate of the Federal Constitution by a State Legislature with respect to the election of members of Congress.

In order to answer this question, it is absolutely necessary to know the meaning of the terms used. What is it "to prescribe?" We are told its primitive meaning, from its composition in the original language, of "writing beforehand" is too narrow. Take, then, its derivative and secondary meaning, as applied by lexicographers peculiarly to law-makers, of "laying down authoritatively for direction," or "giving as a rule of action." These definitions or any others which have ever been given to the word necessarily imply that to prescribe the time for an election is to fix it by some prospective legislation, not conditionally or contingently, but absolutely and with certainty. Otherwise, how can it be a "regulation" (as this clause in the Constitution just quoted in part calls it) for the government of the citizens? A rule of action adopted subsequently to the act to be controlled by it is very like an absurdity in terms.

Now, sir, it is urged that the convention which met in West Virginia in 1872 prescribed the 22d of August of that year as the day of general election, and that thereby the election of Congressmen was attracted to that day, and that the claimants then having received majorities of votes were duly elected. This we deny. We contend that the convention did not even intend to prescribe the 22d of August as the day of a general election in the sense in which that phrase is used in the code, and even if they did they have utterly failed in their intention.

The question is not how many officials were on that day to be elected, but with what object and for what purpose an election is directed by the convention to be held on that day, and in what sense the word "election" is used by the convention in giving that direction. The code speaks of a general election that is to take place every year for such officers as the constitution and laws required to be elected by the whole people of the State; but although in 1839 a very meager list was to be elected, while in 1870 the ballots of the electors were darkened with a motley crowd of candidates, one was as much a general election as the other. Why? Because each was the regular annual day when the officers required by the constitution and laws to be voted for should be chosen by the people, without regard to the number to be elected.

The idea of a general election day is of a periodical return, when the demand of the laws for new officers is to be supplied. Such is the sense in which the words are used in the code, beyond all question. Such is the sense in which the words are used in the old and new constitutions of West Virginia. And I have never seen any constitution or law in which the words were used in a different meaning.

But the convention of 1872, carefully avoiding the use of the phrase with reference to the 22d of August, manifestly employ the word "election" in their schedule in a very different sense. They first use it with reference to the election to be held on that day upon the constitution and schedule, which every one will concede to have been purely special, although to be conducted by the officers whose duty it was to hold general elections under the old constitution. On the same day, and under the same officers, the electors were directed by the schedule to vote for all officers required by the new constitution to be elected by the people.

The object here, beyond all dispute, was special—to insure, if that instrument should be adopted, that the officers necessary to put it into operation should be at the same time chosen. But it was not only special in object, but also in the important circumstance of time. Probably no other election will ever again be held throughout that State on the anniversary of that same day. It was not only special in object and time, but also in manner. It was held concurrently with an election upon the new constitution, out of which it grew and upon which it literally hung. Beyond all reasonable doubt, such another election will never again occur in that State.

Not only in object, time, and manner, but also with respect to the mode of its authorization, was this election exceptional and special. It was literally a law unto itself. The convention, without assuming to make it an absolute and unconditional election, left it to the people on that day voting to determine whether the candidates receiving

majorities of votes should be the substances or the shadows of officers. Not only in object, time, manner, and law was this election special, but also with respect to its results. In one event, it should be fruitless; in another, it would result in a larger tenure of office than under any other election on the future general election day by that constitution provided. Thus in every possible feature of a general election day was this 22d of August deficient, except that of the large number of candidates, which we have seen is not, in the meaning of the code, a necessary characteristic.

Moreover, Mr. Speaker, if the convention intended that the 22d of August should be in its technical sense a day of general election, with a view to the effect it would have to draw to it the congressional election, as contended for, it is inconceivable why they did not so designate it. It was the height of bungling absurdity not only to avoid so calling it, but to actually contrast it with a general election day, by specially directing that the machinery of such a general election should be set in motion on that occasion. If it was a general election, that machinery was, as a matter of course, its legitimate concomitant. And the convention not only contrasts the 22d of August with a general election, but by applying that phrase specifically in the body of the constitution to a periodical, annual election, such in all respects as that mentioned in the code, they plainly evidenced that they fully had in mind the broad difference between the special election for officers, once for all ordered by them on the 22d of August, and the general election, which the new constitution, if adopted, would require to be held on the second Tuesday of every October till otherwise provided.

But if the convention meant to make the 22d of August a day of general election, and thus to attract to it the election of Representatives in Congress, we contend they have utterly failed in their intention; because the provision in the code and the act of the convention, taken together, would not be a compliance with the mandate of the Federal Constitution, that the legislative power shall prescribe the time for such election. We deny that the convention of 1872 ordained any election of officers on the 22d of August, by virtue of its own authority. And we deny that any authority or power ordered any election of officers at all on that day, till it was past and become a part of recorded time.

That convention did prescribe the 22d of August for an election upon the new constitution; and that was the only election which they proposed should be absolutely and unconditionally conclusive. That body did, it is true, in a schedule appended to the constitution, direct that, upon the same day when that instrument should be voted upon, the electors should vote for certain officers described in said schedule; but whether this voting should be an election or not, indisputably depended not upon the fiat of the convention, but upon the vote of the people adopting or rejecting that instrument. If the majority should vote yea, it should be an election of officers; if nay, it should be little better than child's play.

But in the nature of things it could not be determined whether an election at all had been held, except upon the constitution itself, till every vote was cast and the polls were closed on that day; and it could not be in any sense known whether an election of officers had been held, till the votes upon the constitution had been counted, and the aggregate for and against it had been ascertained; and this all-important fact could not be officially known till the governor had issued his proclamation, declaring the constitution adopted or rejected. Thus, for days after the 22d of August, it could not be known whether an election, in law or in fact, had occurred or not. And when the constitution was proclaimed, the election of officers on that day could only be made legal and effective by causing the vote of the people to relate back and embrace the whole of the 22d of August.

A legal fiction alone—for such is the doctrine of relation—could avail to make the voting of the people on that day an election under a constitution which has not yet been adopted. Surely the day of an election so prescribed, not by any positive and absolute previous legislation or appointment, but by the retroactive force of a popular vote, in its very nature doubtful and contingent, cannot be a fulfillment of the requirement of the Federal Constitution, that the time of the election of Representatives shall be prescribed—beforehand fixed—by the Legislature.

In this case the time was not really fixed till after the election was over. The voters did not and could not know when they were voting whether they were surely voting for members of Congress or not. They did not and could not know, after they had voted, whether they had really voted for such officials or not. Thousands of them, whilst casting ballots professing to be for a Representative in Congress, on the same paper voted that the whole thing should be a nullity. The candidate himself did not know, when he was soliciting votes, whether even thousands of majority would elect him. It might all be a waste of labor, wherein the man who was most triumphantly elected might still be most disastrously defeated. All, on such a day, was doubt, uncertainty, contingency, and confusion.

Now, all these anomalous proceedings may have been allowable as to West Virginia officials, for the people of that State are sovereign over all matters of internal legislation, except so far as restrained by the Federal Constitution. The convention and people of West Virginia may have been potent enough to make her citizens live under two distinct constitutions during the same day, or, rather, to place them in the odd predicament of not knowing to what constitution

they were for the time being subject; and they may have been competent to elect their own State officers by the aid of legal fictions, and at an election which was only such by virtue of the vote then and there polled; but surely it requires the widest latitude of construction to transform such proceedings into a compliance with the constitutional command that the Legislature shall prescribe, shall fix beforehand, the time for a congressional election. If such an election can be made to depend on such a contingency it could have been made to depend upon any number or kind of contingencies, and a State Legislature could have at any time nullified this important power and duty by the very mode of its execution.

We are therefore forced to conclude that the 22d day of August was not, and was not intended to be, fixed as the day for the election of members of Congress, and that none were on that day legally elected.

But the artificial doctrines of relation and of the non-recognition of fractions of a day have been invoked to sustain a tottering cause. The very attempt to impress these legal fictions into use is a concession that no previous actual legislation fixed the 22d of August as the day of a congressional election at all, and that its supporters must have the aid of maxims which will help them to consider certain things as done before they were done, and as true in law when they were not true in fact. Surely it requires no argument to show that these maxims are grossly misapplied.

The simple inquiry is, was the 22d of August, in a constitutional sense, prescribed as the day of election for members of Congress? To answer that the time was prescribed at the close of the polls on that day, and made to relate back to the beginning, or that it was prescribed during the latter part of the day and must be considered as done at the beginning, because the law knows no fraction of a day, is to trifle with the subject, and, moreover, to ignore the clear exception to their own maxim, that when the question is as to which of two events actually occurred first, the law not only takes cognizance of fractions, but of the minutest subdivisions of a day.

But the binding force of precedents has been urged to support the right of a convention to make an election of Representatives not only concurrent with, but dependent upon, a vote on a constitution submitted by said convention to the people. Again and again, but in vain, have the supporters of the proposition been asked to produce a single instance of a State in the Union whose Legislature, bound by the constitutional injunction to prescribe a time for such election, has thus loosely and perfunctorily performed its duty.

But from certain Territories or provincialized States their precedents are drawn. In Territories which have been preparing to leave their condition of pupillage and enter upon the full manhood of States, and while still remaining under the broad and sweeping powers of Congress over such political fledgelings, cases have been sought analogous to the one now under consideration. Whenever such an election has been held in a Territory, or in a State stripped, by the strong arm of military power, of its sovereign rights, it has all been done under an enabling act, or ratified under the act admitting such Territory into the Union.

In the case of a Territory the whole proceedings were begun and ended under those provisions of the Federal Constitution which vest in Congress the power to make all needful rules and regulations respecting the territory of the United States, and to admit new States into the Union. There is no need to impress into the case that terrible doctrine of necessity, which threatens to prove the rapid consumption of all legitimate and healthy constitutional laws.

The powers alluded to are surely broad enough to enable Congress to ratify any act prior to admission, which might have been irregular or abnormal in a State already represented in Congress. The power to admit a new State surely implies the power to ratify all that the people of a Territory may have done before admission to enable it to take its proper place among its compeers. Such cases are different in circumstances and in constitutional rules controlling them from this West Virginia case, where the simple inquiry is, whether the Legislature of a State in the Union has done its constitutional duty.

And as for those Southern States which have been subjected to the harsh processes of reconstruction, I hope, in common fairness, that no one will quote what was then done as a precedent for legitimate constitutional construction. Born, as was acknowledged, out of the necessities of the case; springing from the undefined and undefinable war powers of the Government over conquered States held as subjugated territory; carried into effect through the agency of the military power, which made the sword to write the lists of voters, and to guard the approaches to the ballot-boxes, these reconstruction measures, whatever may have been their merits or demerits as political expedients, can legitimately be quoted as precedents for nothing but the worthlessness of paper constitutions.

Surely, precedents drawn from military departments cannot be of higher authority than those taken from Territories, which, before and since bleeding Kansas, have been left free to frame their own institutions in their own way. More especially, I should think, those gentlemen in this House who heard "the great commoner" from Pennsylvania, then the leader of the republican phalanx here, declare in no very reverent manner the simple truth that "he was worse than a fool who supposed they were pretending to act within the limits of the Constitution" in passing these reconstruction laws, can hardly without a smile hear them quoted as precedents in any serious con-

stitutional argument. If they can, I will only say that in the political as well as in the moral world, "*Facilis descensus Avernus.*"

And now I will say a few words about the October election, as to which I am compelled to differ from most of my friends on this side of the House. Although I think the argument is not so utterly conclusive against the October election, and although I am anxious to vote for validating one of them, so as to settle this vexed question forever, yet I cannot bring myself to believe that the Legislature of West Virginia ever intended that the fourth Thursday of October should continue to be the day of congressional election after it ceased to be a day for the general election.

Now, what is the point to be elicited by this discussion? Beyond question, it must be the intention of that Legislature in enacting the first and second sections of the third chapter of the code, and nothing else. It is not what they had the right to do, but what they did. It is not fair or legitimate, as I think, to form an *a priori* theory of their constitutionality, based upon a refined and recondit process of reasoning not suggesting itself to the general mind, and then to deduce the conclusion that they did not mean to do a certain thing, because so to infer "would be to assume that they neither did nor intended to do their duty."

But how are we to ascertain their intention? First, by examining the language employed, and then the circumstances surrounding the law-givers. The question is, to what do the words "at the said elections," in the said second section of the third chapter of the code, most naturally and properly refer in the preceding first section? The phrase implies that some sort of an election has just been named. Is it of a peculiar kind? Yes; it is a remarkable event in the history of the year—a general election. The time of it, the fourth Thursday of October, gives it no distinctive character; but the general character of it distinguishes the day from all others in the year.

Now, let me ask any unbiased mind, do the words "at the said elections" most naturally refer to this noteworthy and unique event, or to the simple and by no means singular circumstance of the day named? Surely the event is the principal thing specified, and the day is the mere incident; so that, if any competent authority should simply change the event to another day, everything which is made dependent in the second section upon the words "at the said elections" will follow such event to such new day. And that this is the plain and natural construction is, I think, evidenced by this consideration, that if the Legislature had possessed the power, and had exercised it, to change the day of the general election in the fewest and simplest words, that new day would have instantly attracted to it the election of every officer named in the said second section of chapter 3 of the code, members of Congress not excepted. No one will deny this, for just such legislation in other States has often had just such effect.

The answer attempted is that the Legislature would have had the power to pass such an act so far as a congressional election is concerned, which a convention has not; and therefore it might well be conceded to have such an effect. The reply is palpable. The right to enact may limit the effect of a law, but it cannot so modify the plain meaning of words that what is the manifest meaning of words when there is a power conceded shall be tortured into the precisely opposite meaning when the power is denied, particularly when the denial of the power is even now ably combated by hosts of lawyers, and based upon subtle distinctions lately raised, and probably never suggested to the mind of the lawgiver at all.

Such being the intention of the Legislature, as derived from their language, what light do the circumstances surrounding the Legislature shed upon these sections of the code? Why, sir, the learned and able lawyers who contend that the words "at the said elections" do not refer to the event of the general election, but are pinned down to the fourth Thursday of October, even after the general election is transferred by a new constitution to another day, most strangely forget that the Legislature had no more power than you or I had to disassociate a single State or county officer named in that second section from the event of the general election.

The old constitution established the event of the general election, fixed it on the fourth Thursday of October, and ordained what officers should be thereat elected. A new constitution alone could transfer that general election to a new day; and it should exercise such power. The framers of the code fully knew that all the officials named in the second section, who were creatures of State law, would march straight with the event to the new day for a renewal of official life. How can it be said, then, with the faintest show of reason, that the code does not mean by the words "at the said elections" to connect the election of the State and county officers enumerated in the said second section inseparably with the event of a general election, when its framers were as helpless as babes to effect any other result?

The meaning of the words could not be plainer if it had been said "at the said general election and inseparably therefrom." But if such is and must be the meaning of the words with regard to senators, delegates, governor, treasurer, attorney-general, and every other official named in the second section, except the Representative in Congress, who will say that such Representative, placed as he is in the very center of the list, and included as he is in identically the same language, is not intended to be embraced in precisely the same category?

The able gentleman from Mississippi [Mr. LAMAR] laid great stress on the fact that the phrase "at the general election" was used to introduce the fourth and other sections of the third chapter of the code; whereas the words "at the said elections" were employed to begin the second section. He himself has furnished us with one good reason. The third section is interjected between the first two sections (which we are now discussing) and the others, and prescribes for a different election and another day. Hence the use of the phrase "at the said elections," to introduce the fourth section, would have been indefinite and misleading. But the gentleman yields the whole point when he concedes that "if the compilers of the code had intended that the congressional election should hinge on the general State election they would have used the words 'at the general election' to introduce the second section." We have shown that such was their meaning, because it could not be anything else; and that, it would seem, is an end of the question.

The Legislature knew, too, as historical facts, that the election of members of Congress had always been made in that State coincident with the event of a general election; that it was the policy of the State, from economic and other considerations, to avoid a multiplicity of elections; and that it had been long the custom of the parent State to make the election of Congressmen coincident and ambulatory with some other event. To cause the election of Congressmen to follow the general election was to them natural, reasonable, and politic; and not, in spirit at least, new legislation. They had not enjoyed the benefit of the truly able and original arguments against the constitutionality of such legislation to which we have listened, and which, profound as they are, will probably not be able to convert a majority of this House; and we cannot, therefore, suppose that their intentions in enacting said first and second sections of the code were much influenced by such subtleties.

If, then, Mr. Speaker, it was and must have been the intention of the code to make the election of Representatives follow the general election, and if the new constitution of 1872 has repealed the fourth Thursday of October as the day of the general election, as it most surely has done, the election of Congressmen then held was without legislative sanction and void. If the convention of 1872 had only pre-empted its bungling device of electing officers on the 22d of August, and had permitted these officers to be chosen on the second Tuesday of October, the new general election day, then we do not believe that the gentlemen from New York, Pennsylvania, and Mississippi would have ever directed any of their heavy artillery against those of us who advocate the intention of the Legislature to change the congressional election with the event of the general election; but we believe that members of this House would have been then elected, and have taken their seats on this floor without challenge or dissent from anybody. It would have been generally conceded that the code itself fixed such election on the second Tuesday of October as the new day; and all these old-fashioned weapons, labeled "repugnant laws," and "repeals by implication," and such like, would have been left to rust in the armories of our knights of the law.

The only argument, Mr. Speaker, against my construction of the meaning of the code which it remains for me to notice is the novel and ingenious one so strongly urged by the learned and fair-minded chairman of the Election Committee. He insists that the election of Representatives has been absolutely provided for in the first section of the third chapter of the code, under the term of "district officers."

Ingenious and original as is this view, we cannot concur in it; for it is the application to members of this House of a descriptive name, such as was never before and probably never will be again, bestowed upon them. They are Federal officials, named in the Constitution itself "Representatives in Congress." It can hardly be supposed that the Legislature intended to christen them with a new name, merely from the accidental circumstance of their being elected by people living within certain districts of the State. I might believe they intended so to do if they in so many words declared it; but I cannot be induced to refer to the gentleman now on this floor from that State as "the district officer from West Virginia," by any intricate or artificial process of reasoning such as that the chairman of the committee so ingeniously employs. I must believe that, as all the other generic names used in the said first section, "State," "county," and "township," refer to West Virginia officers proper, so also does the term "district" apply solely to circuit judges, who were really State officers, because each of them might have been required to do circuit duty in any other circuit than the one in which he was elected; but being so elected by the people of a limited district, the code denominates him a district officer, so as to provide a generic name that would include him, if the name of State officer did not. It was only a new term, introduced out of abundant caution.

I believe then, Mr. Speaker, that neither the fourth Thursday of August nor of October was the legal day for an election of Representatives in the State of West Virginia, and that neither set of claimants is entitled to a seat on this floor. The intention of the code being to make the election of Representatives follow the event of the general election, and the second Tuesday of October being the new general election day, that surely would have been the day prescribed by the code for the election of members of this House, if a general election had then occurred. If the event of a general election did not, from any cause, happen on that day, it is by no means a clear logical sequence that Representatives should not have been then chosen. If

the fourth Thursday of October had not been repealed as the day for a general election in West Virginia, but from some temporary cause had only been pre-empted as the day for the election of State officers, the argument of the majority of the committee, grounded upon the legal presumption of the Legislature's intention to do its whole constitutional duty, and to provide a time absolutely for the election of Congressmen, would have had great force toward establishing the election held on that day.

It might have been said, with a logic difficult to evade, that although the Legislature intended to make the election of members of this House concurrent with the event of the general election of State officers, yet the fact that the two events were intended to be concurrent does not prove that the former was intended to be rendered absolutely dependent upon the latter. Every event has in it an element of time. If the principal event of the general election fails, the time remains. In obedience to their duty, under the paramount law of the land, the Legislature might make the election of Congressmen concurrent with, but not dependent upon, the event of a general election.

It is a fair presumption, then, that if the event should fail, they intended that the election of Congressmen should occur at the time fixed for the event. But both the event and the time were repealed so far as the fourth Thursday of October is concerned, and the second Tuesday of the same month substituted as the day of the general election. And to this day is applicable all the wealth of reasoning which the committee have lavished on the fourth Thursday.

But, Mr. Speaker, whatever may be the true conclusion in the case, drawn by labored reasoning from the premises, we cannot shut our eyes to the fact that the most serious question, the gravest doubt exists, what day, if any, was legally prescribed for the election of Congressmen in West Virginia during the year 1872. When this question was discussed here in December, as well as now, the widest and most radical differences of opinion prevailed; and no man can now tell, unless party drill is applied, how the House will decide these cases. When able lawyers here and in West Virginia, after mature deliberation, have disagreed, and now differ as to which was the legal day, if either was, all must concede that it is a question far above the general mind, and by which it must be utterly befogged. Beyond question, too, this doubt and uncertainty either caused tens of thousands of electors to absent themselves from the polls, or, if present, to refuse to vote for Representatives in Congress.

It is impossible for mortal man to say what would have been the result in a single district at either election if no questions of this kind had been raised on the subject. The people did not and could not know what the law was, and did not and could not vote intelligently in the premises. They had a right to know. It was the duty of the law-maker to give them a reasonable assurance on this vital point. It was a right guaranteed to them by the paramount law of the land. It will not do to say that every man is bound to know the law. These old legal maxims, intended to control men with respect to all the multitudinous rights of personal property, and having their origin away back in the dim and distant past, when popular rights scarcely existed, much less were protected, have no place when we come to consider the safeguards of the elective franchise and of the great modern fundamental right of representation.

This is not the case of a man, or a party of men, against a man or a company of men about some rights of person or property, in which one side pleads ignorance of the law, and desires to escape from the effects of any acts or laches based upon such alleged ignorance. In such a case a thousand reasons might be given for denying such a plea which would be inappropriate here. It was the right of every citizen of West Virginia to know in 1872, with all reasonable certainty and in advance of the time, what was to be the day when he should be called upon to discharge the momentous duty of selecting his Representative in this Hall, who should speak for him upon all the grave matters of finance and taxation, peace and war. If that day was not definitely prescribed and properly promulgated, so that the citizen could know when he should discharge his duty and exercise his privilege, it was at one and the same time a breach of the rights of every man, woman, and child in the State. It was not only a surprise but a wholesale fraud upon the voters, perpetrated by the law-givers themselves, only less glaring than if they had neglected even the attempt to prescribe the time.

Why, sir, nearly one-half of the electors of the State were at the polls in August and did not vote for Congressmen. Less than one-fourth of them attended and voted in October. We have the clearest evidence that this refusal upon the part of voters resulted from their inability to ascertain with any reasonable certainty what day, if any, the Legislature had prescribed for the election.

No case could be devised more flagrant than this, to demonstrate the absurdity of recognizing such a prescription of the time of an election as that which the people of West Virginia had in 1872. In one district, before the August election, both parties met in convention, and both agreed August was not the time, and adjourned without making a nomination. Just before the 22d of August, a member of one of these conventions sprung himself on the people, had his name put on the ballots of such voters as he could induce to vote for him, and having received not a tithe of the votes cast in the same district upon the constitution, comes here and claims a seat as duly elected. To call this a discreditable trick is to deal very tenderly with it.

And if the August election is sustained, this man will be admitted in spite of all the doubts of law and the most damning facts. On the other hand, another man was beaten in August upon a full poll, brought out by the vote on the constitution, and being again a candidate in October, was elected by not much over the tenth of the voters of his district, none others scarcely having voted at all. And yet this man will be admitted if the October election is validated. Such monstrous results would not have arisen if the Legislature had done its full constitutional duty, and properly prescribed the time with reasonable clearness and certainty.

And finally, Mr. Speaker, we may not have, as it is said, any precedents in the books for such a case. If so, it is because the circumstances are novel and peculiar. But now that they have arisen, if we fail to recommit these cases to the Committee on Elections, with a view to having them sent back to the people of West Virginia, so that they may have the essential requisite of a proper notice of the time, place, and manner of electing their Representatives in this House, we shall fail to discharge toward them what I conceive to be a plain and imperative duty.

Mr. SPEER. As it is about time to adjourn I will yield for that purpose.

The SPEAKER. Does the Chair understand that the gentleman from Maryland [Mr. WILSON] has been speaking in the time of the gentleman from Pennsylvania, [Mr. SPEER?]

Mr. SPEER. Not at all; it was not so understood by the committee.

The SPEAKER. The gentleman from Massachusetts [Mr. BUTLER] will take the fractional remainder of the hour of the gentleman from Maryland, [Mr. WILSON,] after which the gentleman from Pennsylvania will be next recognized.

#### POSTAL-CAR CLERKS AND EMPLOYÉS.

Mr. WILLIAMS, of Massachusetts. I ask unanimous consent to submit for adoption the following resolution:

*Resolved*, That the Postmaster-General be directed to report to the House the number of postal car clerks and employés now employed on the lines between Washington and New York, New York and Boston, between New York, Albany, Buffalo, and Suspension Bridge; the gross amount of their annual compensation; the amount paid for the transportation of the mail on said lines, and what additional compensation the railroads demand for this service; also the number of daily express trains on each of said routes; the reduction in expense and acceleration of the service that can be effected by the withdrawal of the postal cars from the said routes and substituting a more frequent service by dispatching the mails on the express and local trains running, or that may hereafter be run on said routes.

Mr. KELLOGG. I object to the adoption of the resolution. Let it be referred to the Committee on the Post-Office and Post-Roads.

Mr. WILLIAMS, of Massachusetts. Very well; I will not object. The resolution was referred accordingly.

#### DUTY ON HOPS.

Mr. HAZELTON, of Wisconsin, by unanimous consent, introduced a bill (H. R. No. 1552) to increase the duties on hops imported into this country; which was read a first and second time, referred, with the accompanying memorial, to the Committee on Ways and Means, and ordered to be printed.

#### PREVENTION OF FRAUD IN IMPORTATION.

Mr. BUTLER, of Massachusetts, by unanimous consent, introduced resolutions relating to the prevention of fraud in importing foreign goods; which was referred to the Committee on Ways and Means.

#### TREADWELL S. AYRES.

Mr. DUNNELL, by unanimous consent, reported back from the Committee on Claims the petition and papers of Treadwell S. Ayres, claiming compensation for occupation and use of building by the Army at Memphis; and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on War Claims.

The motion was agreed to.

#### WILLIAM M. CHENAULT.

Mr. COBB, of Kansas, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

*Resolved*, That the Secretary of War be directed to transmit to this House copies of the papers on file in his Department relative to the claim of the heirs of the late William M. Chenault, of Missouri, for property taken by the Government.

#### APPROPRIATIONS.

Mr. LAWRENCE, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on the Rules:

*Resolved*, That the Committee on the Rules be, and are hereby, instructed to inquire into the expediency of amending the rules so that appropriation bills may provide for a reduction in the number and pay of officers, and that amendments for such purpose may also be in order.

#### DEBATE ON ADJOURNMENT.

Mr. COBURN, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on the Rules:

*Resolved*, That the forty-fourth rule be so amended that the motion to fix the day to which the House shall adjourn may be debatable.

#### OFFICIAL STAMPS FOR POSTMASTERS.

Mr. PLATT, of New York. I ask unanimous consent to submit for adoption the following resolution:

*Resolved*, That the Postmaster-General be, and he hereby is, requested to furnish to the House of Representatives a list of postmasters furnished with stamps for official use, and the amount to each, since July 1, 1873.

Mr. KELLOGG. Let that be referred to the Committee on the Post-Office and Post-Roads.

Mr. PLATT, of New York. Very well.

The resolution was referred accordingly.

#### CHIPPEWA INDIANS IN MICHIGAN.

Mr. HUBBELL, by unanimous consent, introduced a bill (H. R. No. 1553) for the relief of the L'Anse and Vieux de Sert bands of Chippewa Indians in the State of Michigan; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

#### REMISSION OF DUTIES ON A CHIME OF BELLS.

Mr. ELLIOTT, by unanimous consent, introduced a bill (H. R. No. 1554) authorizing the Secretary of the Treasury to remit the duties paid on a chime of bells imported for the Protestant Episcopal church of the parish of Saint Michael, in Charleston, in the State of South Carolina; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

#### SPAIN—FLORIDA.

Mr. COX. I ask unanimous consent to submit for adoption the following resolution:

*Resolved*, That the Secretary of State be requested, if not incompatible with public interests, to communicate to the House of Representatives the recent correspondence relating to the ninth article of the treaty of 1819, between the United States and Spain, respecting Florida.

Mr. HOLMAN. Under the rule that resolution should be referred to a committee.

Mr. BUTLER, of Massachusetts. I object to it.

Mr. COX. It has nothing to do with the late Spanish difficulty.

Mr. BUTLER, of Massachusetts. I understand the resolution; let it go to the Committee on Foreign Affairs.

Mr. COX. The subject is before the committee, and we want the papers.

The motion was not received.

#### PAYMENT OF FEMALE NURSES.

Mr. LOFLAND, by unanimous consent, introduced a bill (H. R. No. 1555) to provide for the payment of female nurses during the war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### TAX ON MANUFACTURED TOBACCO.

Mr. WHITEHEAD. I ask unanimous consent to submit the following resolution, for reference to the Committee on Manufactures:

*Resolved*, That the Committee on Manufactures be directed to inquire into, and report whether, the tax on manufactured tobacco and the mode of its collection have operated to decrease the number of factories and laborers engaged in its manufacture in the United States and to increase the manufacture in foreign countries.

The SPEAKER. This subject belongs to the Committee on Ways and Means, and the resolution will be so referred.

#### TREASURY CONTRACTS FOR RECOVERY OF MONEY, ETC.

Mr. FOSTER. I ask unanimous consent for the adoption of the resolution which I send to the desk.

The Clerk read as follows:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to transmit to this House copies of all contracts made by the Treasury Department, under authority to him given in the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," approved May 8, 1872, in the following words, viz:

"And from and after the passage of this act the Secretary of the Treasury shall have power to employ not more than three persons to assist the proper officers of the Government in discovering and collecting any money belonging to the United States, whenever the same shall be withheld by any person or corporation, upon such terms and conditions as he shall deem best for the interests of the United States; but no compensation shall be paid to such persons except out of the money and property so secured; and no person shall be employed under the provisions of this clause who shall not have fully set forth in a written statement, under oath, addressed to the Secretary of the Treasury, the character of the claim out of which he proposes to recover, or assist in recovering, moneys for the United States, the laws by the violation of which the same have been withheld, and the name of the person, firm, or corporation having thus withheld such moneys; and if any person so employed shall receive, or attempt to receive, any money or other consideration from any person, firm, or corporation, alleged thus to have withheld money from the United States, except in pursuance of the written contract made in relation thereto with the Secretary of the Treasury, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$1,000, or imprisoned not less than two years, or both, in the discretion of any court of the United States having jurisdiction; and the person so employed shall be required to make report of his proceedings under such contract at any time when required to do so by the Secretary of the Treasury."

Mr. KELLOGG. Let the resolution be referred.

Mr. FOSTER. It is all right,

Mr. KELLOGG. I must object to it unless it be referred.

Mr. FOSTER. Very well; let it go to the Committee on Ways and Means.

The SPEAKER. If there be no objection, it will be so referred.

There was no objection.

#### POST-ROUTES.

Mr. STOWELL. The bill (H. R. No. 798) to establish certain post-routes has come back from the Senate with certain amendments. I ask unanimous consent that the amendments be concurred in. The bill contains no legislation whatever.

Mr. HOLMAN. I trust that this bill may be allowed to go over until to-morrow.

Mr. RANDALL. It had better be referred to the Committee on the Post-Office and Post-Roads; there may be some things in it that ought to be examined.

The SPEAKER. If there be no objection, the bill will be so referred. There was no objection.

EDWARD P. JOHNSON.

Mr. ALBRIGHT. I ask unanimous consent that the bill (H. R. No. 421) for the relief of Edward P. Johnson, upon which an adverse report was made by the Committee on Military Affairs, be committed to that committee, that they may examine additional papers in reference to the matter.

The SPEAKER. If there be no objection, the bill will be recommended.

There was no objection.

And then, on motion of Mr. BURCHARD, (at four o'clock and fifty minutes p. m.,) the House adjourned.

#### PETITIONS, ETC.

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

By Mr. ARMSTRONG: The petition of citizens of Northern Dakota, for the organization of a new territory north of the forty-sixth parallel of latitude, to the Committee on Territories.

Also, the petition of citizens of Dakota Territory, for a modification of the law to encourage forest planting on western prairies, to the Committee on the Public Lands.

By Mr. BARNUM: The remonstrance of Henry D. Fox and others, hat manufacturers, of Connecticut, against any further extension of the patent granted to Henry A. Wells, April 25, 1846, for improvements in machinery for making hat-bodies, to the Committee on Patents.

By Mr. BLAINE: The petition of Lincoln W. Tibbetts, for compensation for services rendered the Government in 1860-'61, to the Committee on Claims.

By Mr. BRADLEY: The petition of citizens of Gratiot County, Michigan, for change of a post-route, to the Committee on the Post-Office and Post-Roads.

By Mr. BROWN: The petition of William L. Berry, of Kentucky, for indemnification for the destruction of his distillery by a mob in 1871, to the Committee on Claims.

By Mr. BUCKNER: The petition of Horatio S. Chalmers, for the payment of the French spoliation claims, to the Committee on Foreign Affairs.

Also, the petition of druggists, of Saint Charles, Missouri, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

By Mr. BUTLER, of Massachusetts: The petition of Eugene Beebe, of New York, for the passage of a law authorizing the issue of two hundred millions of United States notes redeemable in coin on the 1st of January, 1885, to the Committee on Banking and Currency.

Also, the memorial of Seth Driggs, claimant under the treaty with Venezuela, for relief, to the Committee on Foreign Affairs.

Also, the remonstrance of Brown & Wilcox and others, manufacturers, wholesale dealers, and retailers of hats in the city of Boston, against the extension of the Wells patent, to the Committee on Patents.

Also, several petitions of citizens of Massachusetts, for the appointment of a commission of inquiry concerning the liquor traffic, to the Committee on the Judiciary.

By Mr. CHAFFEE: Several petitions of citizens of Colorado Territory, for the passage of an act to enable the people of Colorado Territory to form a State government and be admitted to the Union, to the Committee on Territories.

Also, several petitions from citizens of Colorado Territory, asking that the branch mint at Denver be put upon a coinage basis, to the Committee on Coinage, Weights, and Measures.

Also, petitions of members of the bar of Colorado Territory, for the appointment of two additional judges in said Territory, to the Committee on the Judiciary.

By Mr. CHIPMAN: The petition of Mary Ann Eaton, for a pension, to the Committee on Invalid Pensions.

By Mr. CLARK, of Missouri: The petition of J. & R. H. Porter, for the payment of an award made by the Third Auditor, May 10, 1861, for oxen, mules, and wagons impressed by Colonel Albert S. Johnston, in command of United States forces, on the way to Utah Territory, to the Committee on the Judiciary.

By Mr. CLAYTON: Resolutions of the Legislature of California, in relation to public lands granted in aid of the construction of a railroad and telegraph line from Folsom to Placerville, in California, to the Committee on Public Lands.

Also, the petition of citizens of Del Norte County, California, for the improvement of Crescent Harbor, to the Committee on Commerce.

By Mr. COBB, of North Carolina: The petition of Emille Lepage, surviving partner of the firm of Lepage & Brothers, for compensation for twenty-five bales of cotton, to the Committee on War Claims.

By Mr. COBURN: A communication from Hon. W. W. Belknap, Secretary of War, inclosing draught of a bill authorizing the issue of tobacco

to enlisted men of the Army, as a component part of the Army ration, to the Committee on Military Affairs.

By Mr. CONGER: The memorial of William Wickersham, in behalf of patentees in the United States, to the Committee on Patents.

By Mr. COX: Several remonstrances of hat manufacturers in New York City and in New Jersey, against the extension of the Wells patent, to the Committee on Patents.

By Mr. DARRALL: The petition of citizens of Iberville Parish, Louisiana, for the payment of the claim of the Southern Methodist publishing house at Nashville, Tennessee, to the Committee on War Claims.

By Mr. DUELL: Several remonstrances of citizens of Onondaga County, New York, against the restoration of duties on tea and coffee, to the Committee on Ways and Means.

By Mr. FARWELL: The remonstrance of hat manufacturers of Chicago, Illinois, against the extension of the Wells patent, to the Committee on Patents.

By Mr. FRYE: The petition of citizens of Carroll County, New Hampshire, and of Oxford County, Maine, for the establishment of a post-route from Conway, New Hampshire, by the way of Eaton, to Brownfield Center, Maine, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Jarvis Patten, of Bath, Maine, for the payment of the French spoliation claims, to the Committee on the Judiciary.

By Mr. HATCHER: The petition of citizens of Missouri, for the establishment of certain post-routes, to the Committee on the Post-Office and Post-Roads.

By Mr. HAWLEY, of Connecticut: The petition of hat manufacturers of Hartford, Connecticut, against the extension of the Wells patent, to the Committee on Patents.

By Mr. HENDEE: The petition of John N. Reed, for relief, to the Committee on Claims.

By Mr. HYDE: The petition of Mary Sinclair, for a pension, to the Committee on Invalid Pensions.

By Mr. HYNES: The petition of Jackson Case, for relief, to the Committee on Military Affairs.

By Mr. KELLOGG: The petition of Grace B. Peck, widow of Captain Elisha Peck, for the difference of pay between that drawn as a commander in the Navy by her late husband and that of captain, to the Committee on Naval Affairs.

By Mr. LAWRENCE: The petition of druggists of Piqua, Ohio, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

By Mr. LOUGHRIDGE: The petition of John Box, for relief, to the Committee on Claims.

By Mr. LOWE: Papers relating to the claim of Spencer & Mead, for supplies furnished the Kansas Indians, to the Committee on Indian Affairs.

By Mr. LUTTRELL: The petition of citizens of California, for a post-route from Mendocino to Ukiah City, California, to the Committee on the Post-Office and Post-Roads.

By Mr. LYNCH: The petition of citizens of East Pascagoula, Mississippi, for the improvement of the mouth of the Pascagoula River, to the Committee on Commerce.

By Mr. MCFADDEN: Several petitions from citizens of Washington Territory, for the removal of obstructions from Skaget River, to the Committee on Commerce.

Also, the petition of citizens of Washington Territory, for the construction of a military wagon-road from Walla Walla to Puget Sound, to the Committee on Military Affairs.

Also, the memorial of the Legislative Assembly of the Territory of Washington, for the construction of a wagon-road from Cathlamet to Boisford Prairie, to the Committee on Military Affairs.

Also, the memorial of the Legislative Assembly of the Territory of Washington, for the removal of obstructions in the Columbia River, to the Committee on Commerce.

Also, the memorial of the Legislative Assembly of the Territory of Washington, praying that certain streams and sloughs in Snohomish County may be declared navigable, to the Committee on Commerce.

Also, the memorial of the Legislative Assembly of the Territory of Washington, praying for the establishment of a land office at Port Townsend, to the Committee on the Public Lands.

Also, the memorial of the Legislative Assembly of the Territory of Washington, for the improvement of the south fork of Lewis River, to the Committee on Commerce.

Also, the memorial of the Legislative Assembly of the Territory of Washington, for the establishment of a mail-route from Seattle to Wallula, to the Committee on the Post-Office and Post-Roads.

Also, the memorial of the Legislative Assembly of the Territory of Washington, in relation to vacating the Government reservation at Port Angeles, to the Committee on the Public Lands.

Also, the memorial of the Legislative Assembly of the Territory of Washington, for the removal of obstructions from the Skaget and Noot-Saak Rivers, to the Committee on Commerce.

Also, the memorial of the Legislative Assembly of the Territory of Washington, in relation to the annexation of a portion of Idaho Territory, to the Committee on the Territories.

Also, the memorial of the Legislative Assembly of the Territory of Washington, in relation to a military road from Fort Walla Walla to Puget Sound, to the Committee on Military Affairs.

Also, the memorial of the Legislative Assembly of the Territory of Washington, for the removal of obstructions from the Chehalis River, to the Committee on Commerce.

Also, the memorial of the Legislative Assembly of the Territory of Washington, praying Congress to grant to William Romaine exclusive privilege to construct a boom for logs in the Snohomish River, to the Committee on Commerce.

By Mr. NEAL: The petition of the First National Bank of Greenfield, Ohio, for the payment of \$4,000 in lieu of that amount of legal-tender notes destroyed by fire, to the Committee on Claims.

By Mr. NEGLEY: The petition of Charles B. Madden, for relief, to the Committee on Military Affairs.

By Mr. O'NEILL: The petition of William B. Thomas, late collector of customs at Philadelphia, for reimbursement of certain moneys paid by him into the United States Treasury, to the Committee on Ways and Means.

Also, the petition of citizens of Philadelphia, for the redemption of United States notes by issue of bonds payable on demand in legal-tender notes, to the Committee on Banking and Currency.

By Mr. ORTH: The petition of William A. W. Daly, for relief, to the Committee on Military Affairs.

Also, petition praying for the passage of a law by Congress, known as the "Indiana plan of financial relief," from the following counties of Indiana, to wit: 1,707 citizens of Marion County; 140 of Decatur; 74 of Jackson; 199 of Howard; 253 of Clinton; 116 of Clark; 345 of Madison; 222 of Fayette; 199 of Clay; 124 of Vanderburgh; 28 of Elkhart; 58 of Park; 64 of Montgomery; 158 of Boone; 85 of Putnam; 68 of Floyd; 48 of Gibson; 37 of Miami; 24 of Knox; 20 of Newton; 30 of Randolph; 51 of Delaware; 63 of Rush; 27 of Noble; 28 of Posey; 42 of Greene; 7 of Lawrence; 1 of Morgan; 217 of Fulton; 73 of Marshall; 33 of Spencer; 14 of Hendricks; 24 of Porter; 24 of Jefferson; 30 of Huntington; 26 of Tippecanoe; 30 of Daviess; 24 of Steuben; 22 of Franklin; 20 of Crawford; 87 of Lake; 91 of Morgan; 91 of Tipton; 28 of Dubois; and 42 of Benton, to the Committee on Banking and Currency.

By Mr. PARKER, of New Hampshire: The petition of Charles H. Carpenter and others, for the removal of the National Bank at Pittsfield, New Hampshire, to Manchester, to the Committee on Banking and Currency.

By Mr. PARSONS: The petition of S. N. Goodale, for relief, to the Committee on Claims.

Also, the remonstrance of hat manufacturers of Cleveland, Ohio, against the extension of the Wells patent, to the Committee on Patents.

By Mr. PIERCE: The petition of Clarissa D. Swain, for a pension, to the Committee on Invalid Pensions.

Also, the petition of the Union Temple church, of Boston, Massachusetts, signed by Rev. George C. Lorimer, pastor, and other officers, for the appointment of a commission of inquiry concerning the liquor traffic, to the Committee on the Judiciary.

By Mr. READ: The petition of Thomas J. Dews, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Sarah Cully, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. ROSS: Resolutions of the Lumbermen's Exchange of Williamsport, Pennsylvania, in favor of the issue of bonds convertible and convertible into legal-tender notes, to the Committee on Banking and Currency.

Also, the petition of citizens of Lycoming County, Pennsylvania, of similar import, to the Committee on Banking and Currency.

By Mr. RUSK: The petition of citizens of Wisconsin, for additional duty on hops, to the Committee on Ways and Means.

Also, the petition of the Prescott Grange, patrons of husbandry, for the improvement of the Mississippi, Fox, and Wisconsin Rivers, to the Committee on Commerce.

By Mr. SAYLER, of Ohio: The remonstrance of wholesale hatters of Cincinnati, against the extension of the Wells patent, to the Committee on Patents.

By Mr. SENNER: The petition of John W. and Thomas G. Elliott, for relief, with accompanying papers, to the Committee on War Claims.

By Mr. SHEATS: The petition of the Board of Trade of Mobile, Alabama, for the improvement of Mobile Bay, to the Committee on Commerce.

By Mr. SHELDON: The petition of Eliza E. Hebert, for relief, to the Committee on War Claims.

By Mr. SOUTHARD: The petition of Anthony Diss, for relief, to the Committee on Invalid Pensions.

Also, the petition of Joel D. Mosgrove, for relief, to the Committee on Military Affairs.

By Mr. STANDEFORD: The petition of Sallie Rivers, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. TOWNSEND: The petition of citizens of Pennsylvania, for the appointment of a commission of inquiry concerning the liquor traffic, to the Committee on the Judiciary.

By Mr. TYNER: The petition of De Witt C. Chipman, for relief, to the Committee on Claims.

By Mr. WADDELL: The petition of citizens of Cumberland County, North Carolina, for the payment of the claim of the Southern Methodist publishing house at Nashville, Tennessee, to the Committee on War Claims.

Also, the petition of citizens of Moore County, North Carolina, of similar import, to the Committee on War Claims.

By Mr. WELLS: The remonstrance of hat manufacturers of Saint Louis, against the extension of the Wells patent, to the Committee on Patents.

By Mr. WHEELER: The petition of F. T. Heath and others, druggists, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

By Mr. WHITEHEAD: A paper relating to the establishment of a post-route in Virginia, to the Committee on the Post-Office and Post-Roads.

By Mr. WILBER: The petition of George A. Lamb, for relief, to the Committee on War Claims.

By Mr. WILLARD, of Vermont: The petition of John H. Lander-ville, for a pension, to the Committee on Invalid Pensions.

By Mr. WILLIAMS, of Massachusetts: The petition of Isabella L. Nichols, of Watertown, Massachusetts, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. WILSON, of Iowa: A paper relating to the establishment of a post-route in Iowa, to the Committee on the Post-Office and Post-Roads.

## IN SENATE.

TUESDAY, January 27, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

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

### EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report from the Secretary of War, communicating, in obedience to law, information in regard to a contract for the care of transient paupers in Providence Hospital, in the city of Washington; which was ordered to lie on the table and be printed.

### ENROLLED BILLS SIGNED.

The PRESIDENT of the Senate *pro tempore* signed the following enrolled bills, which had previously received the signature of the Speaker of the House of Representatives:

A bill (H. R. No. 795) making appropriations to pay for reporting the debates and proceedings of Congress; and

A bill (H. R. No. 1218) to provide for the purchase of fire-extinguishers for the Capitol building.

### HOUSE BILLS REFERRED.

The bill (H. R. No. 971) to forfeit to the United States certain lands granted to the Placerville and Sacramento Valley Railroad Company, to aid in constructing a railroad from the town of Folsom to the town of Placerville, in the State of California, and the bill (H. R. No. 1168) to amend the act entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana," approved June 5, 1872, were severally read twice by their titles, and referred to the Committee on Public Lands.

### COMMITTEE SERVICE.

Mr. STEVENSON. I move that the Chair be authorized to fill the vacancy upon the Committee on Enrolled Bills.

The motion was agreed to; and the President *pro tempore* appointed Mr. KELLY.

### PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented three petitions of citizens of the United States who were soldiers in the late war, or are the heirs of such, praying to be granted one hundred and sixty acres of land, for the equalization of bounties, and for the amendment of the pension laws; which were referred to the Committee on Pensions.

Mr. THURMAN. I hold in my hand several petitions of the same character as those presented by the President of the Senate. I ought to observe, perhaps, in reference to one, or rather two of these petitions, a thing that has been noticed very frequently in petitions presented to this body, that nearly or quite all of the signatures to the petition are in the same handwriting. I do not feel at liberty, however, to refuse to present the petitions on that account, coming to me as they do from a responsible source, a respectable gentleman, who I do not think would attempt to impose upon the Senate; but really the practice is calculated to lead to very great abuse. I have again and again, several times at this session of the Senate been called upon to present to the Senate petitions, every signature of which was in the same handwriting. I do not know, unless the Senate make some rule upon the subject, that the evil can be corrected. When these petitions come to us from respectable persons, we feel bound to present them. I send these petitions to the Clerk, and move their reference to the Committee on Pensions.

The motion was agreed to.

Mr. THURMAN. I also present to the Senate the petition of W. W. Corcoran, George W. Riggs, John B. Claggett, W. Gunton, Marshall Brown, Joseph B. Bryan, S. J. Bowen, A. E. Perry, and a number of others of the largest property-holders in this District, praying that the investigation asked for in the petition presented the other day,