

sit it out with him, but if he has no objection I suggest that we had better adjourn.

Mr. PRATT. I have no objection.

Mr. THURMAN. Then I move that the Senate adjourn.

Mr. LEWIS. I hope the Senate will not adjourn. We shall never get another chance to vote for this bill if we adjourn now.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate do now adjourn.

Mr. COOPER and Mr. DAVIS called for the yeas and nays; and they were ordered.

The yeas and nays were taken.

Mr. SPENCER. On this question I am paired with the Senator from Ohio, [Mr. SHERMAN.] If he were here he would vote "yea," and I should vote "nay."

Mr. HAMILTON, of Maryland. On this question I am paired with the Senator from Vermont, [Mr. EDMUNDS.] He would vote "yea," and I should vote "nay."

Mr. RANSOM. I desire to state that on this bill the Senator from Wisconsin [Mr. CARPENTER] and the Senator from Delaware [Mr. BAYARD] are paired. Mr. BAYARD would vote for the bill, and Mr. CARPENTER against it.

Mr. SPENCER. I desire to make a statement in reference to myself and the Senator from Ohio, [Mr. SHERMAN.] If he were here he would vote against the bill, and I would vote for it.

Mr. ANTHONY. I hope the vote will be announced, and we can have these explanations to-morrow morning.

The result was announced—yeas 27, nays 21; as follows:

YEAS—Messrs. Allison, Anthony, Boreman, Boutwell, Chandler, Clayton, Conover, Ferry of Michigan, Frelighuysen, Hager, Hamlin, Hitchcock, Jones, McCreery, Morrill of Maine, Morrill of Vermont, Oglesby, Pease, Pratt, Ramsey, Sargent, Scott, Thurman, Washburn, West, Windom, and Wright—47.

NAYS—Messrs. Alcorn, Bogy, Cooper, Davis, Dennis, Fenton, Flanagan, Goldthwaite, Gordon, Hamilton of Texas, Johnston, Kelly, Lewis, Merrimon, Norwood, Patterson, Ransom, Robertson, Saulsbury, Stevenson, and Tipton—21.

ABSENT—Messrs. Bayard, Brownlow, Buckingham, Cameron, Carpenter, Conkling, Cragin, Dorsey, Edmunds, Ferry of Connecticut, Gilbert, Hamilton of Maryland, Harvey, Howe, Ingalls, Logan, Mitchell, Morton, Schurz, Sherman, Spencer Sprague, Stewart, Stockton, and Wadleigh—25.

So the motion was agreed to; and (at eleven o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 19, 1874.

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

The Clerk proceeded to read the Journal of yesterday.

Mr. HOLMAN. I move that the further reading of the Journal be dispensed with.

The motion was agreed to.

REPORT ON TRANSPORTATION.

Mr. DONNAN, from the Committee on Printing, submitted the following concurrent resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed six thousand copies of the report, with appendix and evidence, of the Select Committee of the Senate on Transportation to the Sea-board, four thousand of which shall be for the use of the House of Representatives, and two thousand for the use of the Senate.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. DONNAN also, from the same committee, reported the following resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives, (the Senate concurring.) That there shall be printed twenty thousand copies of the report of the Commissioner of Education, five thousand of which number shall be for the use of the Commissioner, five thousand for the use of the Senate, and ten thousand for the use of the House of Representatives.

REPORT ON FISH AND FISHERIES.

Mr. DONNAN also, from the same committee, reported the following concurrent resolution of the Senate; which was read, considered, and concurred in:

Resolved, (the House of Representatives concurring.) That Spencer F. Baird, United States Commissioner of Fish and Fisheries, be authorized to have the engravings for his report executed under the direction of the Joint Committee on Public Printing.

STATISTICAL ATLAS.

Mr. DONNAN also, from the same committee, reported the following resolution:

Resolved by the House of Representatives, (the Senate concurring.) That the three thousand copies of the Statistical Atlas of the United States, based on the results of the ninth census, now being compiled by Francis A. Walker, the publication of which is provided for by the act of March 3, 1873, shall be distributed for public and official use as follows: Twenty-five copies for the President; six hundred copies for the Senate; one thousand two hundred copies for the House of Representatives; two hundred and twenty-five copies for the State Department, and for transmission to United States legations and the more important consulates abroad, and to the legations of foreign governments in Washington; seventy-five copies for the Treasury Department; forty copies for the War Department; twenty-five copies for the Navy Department; twenty-five copies for the Department of Justice; twenty-five copies for the Department of Agriculture; six hundred copies

for the Department of the Interior for its use and distribution among the executives of the several States, State libraries, and libraries and literary institutions; sixty copies for the Library of Congress, and one hundred copies for Francis A. Walker.

Mr. DONNAN. I will state to the House that the printing of this document was ordered by the last Congress but no provision was made for its distribution.

The resolution was agreed to.

REPORT ON MINING STATISTICS.

Mr. DONNAN, from the Committee on Printing, reported the following concurrent resolution:

Resolved by the House of Representatives, (the Senate concurring.) That of the report of R. W. Raymond on mining statistics, with the accompanying engravings, there be printed three thousand copies for the House of Representatives, two thousand for the Senate, one thousand copies for the Treasury Department, and one thousand copies for the commissioner.

Mr. HOLMAN. It seems to me that we are running into a very unusual expense to the Treasury for these plates. I think I have not known for many years the publication of so many plates as are now recommended by the Committee on Printing. It will be attended with a great deal of expense.

Mr. DONNAN. This was recommended by the committee two or three months ago, and was in the hands of one of my colleagues on the committee to be reported. He is absent and I have reported it.

Mr. HOLMAN. Unless we are to adopt some mode of distributing these documents to the country which will be more certain than by this mode, I do not think we should adopt this resolution.

Mr. DONNAN. It is the usual publication, and two thousand less copies.

Mr. HOLMAN. I think we are going into a great expense. The resolution was adopted.

PRINTING OF DEBATES.

Mr. DONNAN, from the Committee on Printing, reported a joint resolution (H. R. No. 112) in regard to printing the debates of Congress.

The resolution upon which the committee acted was as follows:

Resolved, That the Committee on Printing be, and they are hereby, directed to inquire into the cost of reporting and printing the debates of Congress, as the work is now being done; whether it was not more acceptably and economically done by the proprietors of the Globe; whether the permanent establishment of the work at the Government Printing Office will not involve large expenditures for facilities for its prosecution, and to report by bill or otherwise as early a day as practicable.

The joint resolution accompanying the report was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congressional Printer be, and he is hereby, directed to keep a separate and exact account in detail of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, including specific statements of the cost of all machinery and material which may have been or shall be used for the publication of said RECORD, commencing with its first publication at the Government Printing Office, and that he shall publish the amounts thus yearly expended in his next succeeding annual report, and each succeeding report, separately from the other disbursements of his office.

Mr. DONNAN. I desire briefly to call the attention of the House to the conclusions of the committee. In regard to the reporting of the debates, the system of which has been changed, and which until the very recent action of the two Houses materially reduced the expense, it has by the action of the two Houses within the last ten days been so arranged as to make the cost of reporting precisely what it was for the last Congress. In regard to the expense of printing and binding the debates the committee come to the conclusion that the printing of the debates of the present Congress at the Government Printing Office will cost the Government (if the volume of work shall equal that of the last Congress) at least \$125,000 less than was paid to Messrs. Rives & Bailey for the same volume of work for the Forty-second Congress.

The present quarto form of the daily RECORD, although attended with slightly increased cost, is greatly preferable to the newspaper form.

Upon a calculation of comparative cost, upon an equal quality of paper, as between the Government Printing-Office and the Globe office, the proposal for the work of Messrs. Rives & Bailey is to be increased in the sum of \$24,727.55 for 10,914 pages of printed matter and 12,332 copies.

The proposal of Rives & Bailey, so far as it relates to the binding, if they furnish equal quality of material with that now used, is \$6,116 cheaper (the volume of the work being as stated above) for the debates of a full Congress than the binding is now being done at the Government Office.

The cost of the debates of the present Congress, the number being now fixed at 10,350 copies, if the work makes 10,014 pages, will cost \$213,508.49, which is less than it would cost under the proposed contract of Rives & Bailey, making proportionate allowances on the cost of paper and the loss at the Government Office on binding, and counting the entire stereotyping a real loss to the Government, in the sum of \$61,182.06.

The probable expenditure for facilities to continue this work at the Government Printing Office will be comparatively trifling.

It would be the reverse of economy to enter into the proposed contract with Rives & Bailey.

The expenditure for this work ought to be kept separate and dis-

inct from other Government printing, and so definitely and minutely reported that Congress may be able to readily know what this work is costing; and the committee therefore recommend the passage of the joint resolution which has just been read.

I now call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to be engrossed and read a third time, and being engrossed, it was accordingly read the third time, and passed.

Mr. DONNAN. I move to reconsider the various votes upon the reports from the Committee on Printing; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORTS FROM COMMITTEES.

The SPEAKER. The Chair desires to make a suggestion in regard to the business of the House. The Committee on War Claims desire to make sundry reports, adverse and favorable, upon matters which have been referred to them, for the purpose of having the same referred to the Committee of the Whole and placed on the Private Calendar. If that shall be done to-day it will be almost impossible for the clerk to journalize them. The former custom was for committees on the last day of the session to make their reports to the House, to be journalized as of the last day of the session and correctly entered on the Private Calendar for the next session. The Chair suggests that it would be well to adopt that plan now. If the mass of papers in possession of the committees shall be reported to-day, it will be impossible to correctly journalize them as of to-day. But the proceedings of the last day of the session are journalized with great care and the Private Calendar made up with corresponding care. It will lead to much more certain correctness of the Journal if that plan should be followed with regard to committees making reports this session.

Mr. SENER. There is no intention to pass upon these claims at this period of the session.

Mr. LAWRENCE. We do not propose to pass upon them.

Mr. SENER. Of course; all you want is to advertise the conclusions of the committees.

The SPEAKER. It will be impossible to journalize them properly if made now.

Mr. LAWRENCE. There are not so many reports but what the clerks can make up the Journal.

The SPEAKER. The Calendar would not be printed.

Mr. LAWRENCE. Then I will ask unanimous consent now that on the last day of the session I may be permitted to make these reports.

The SPEAKER. Of course it is the right of a committee, not of individuals, to report for reference to the Private Calendar. If there be no objection, on the last day of the session any committee of the House having had a subject before them will be permitted to report upon that subject, favorably or adversely, for reference to the Private Calendar, their reports to be filed at the Clerk's desk for that purpose.

Mr. HARRISON. I object.

Mr. MONROE. I move that the rules be suspended in order that such leave may be given to the committees of the House.

The motion to suspend the rules was seconded; upon a division, ayes 105, noes not counted; and (two-thirds voting in favor thereof) the rules were suspended and the order made.

PERSONAL EXPLANATION.

Mr. FIELD. Mr. Speaker, yesterday, in moving to suspend the rules for the purpose of putting on its passage the bill (H. R. No. 3521) to incorporate the National Iron-molders' Union, I stated that the bill was reported from the Committee on Education and Labor with the recommendation that it do pass, whereupon the gentleman from Pennsylvania [Mr. STORM] arose and denied that I was authorized to report the bill from that committee. Without commenting upon the remarks of the gentleman and the lack of courtesy exhibited by him on that occasion, I send to the desk an extract from the records of the committee furnished to me by its clerk, which will show on what authority I acted yesterday in asking the House to suspend the rules and pass that bill as a report from the Committee on Education and Labor.

The Clerk read as follows:

[Extract from minutes of Committee on Education and Labor.]

H. R. No. 3521, to incorporate the National Iron-molders' Union. 1874, June 3.—Mr. FIELD called up the bill and moved that the committee report it favorably to the House. Mr. McDILL seconded the motion. The motion was declared carried. Mr. STORM voted nay, and said that he reserved his right to oppose the bill in the House.

E. B. WIGHT, Clerk.

Mr. STORM. I desire to say that I am informed this morning by an honorable gentleman of the committee that though the entry just read was made, the clerk, Mr. Wight, who made the entry has said that the bill was merely directed to be reported in order to get rid of the importunity of the gentleman from Michigan [Mr. FIELD] who was very desirous of passing the bill. That is what I understand the clerk says this morning.

The SPEAKER. The Chair has again to remark that he has never before known disputes to arise so frequently as at this session in regard to what has been done in committees. Such disputes are very

unseemly things to occur in the House. They involve questions of veracity between gentlemen, the most delicate of all questions ever brought before the House. In this case the Chair begs to state that the gentleman from Michigan [Mr. FIELD] is sustained by the records of the committee.

Mr. MAYNARD. As a member of the Committee on Rules, I wish to ask whether it is not contrary to the rules and out of order to make any reference on the floor to what transpires in a committee?

The SPEAKER. It is; but any member of a committee has a right to make the point upon another member that he is not authorized to present a report; because if a member makes a report he is not authorized to make he is committing a very censurable act; and the Chair thinks that any gentleman who questions lightly the authority of another to make a report commits an act not wholly within parliamentary propriety.

Mr. G. F. HOAR. As to the point raised by the gentleman from Tennessee, [Mr. MAYNARD,] the report of a committee is itself a statement that the committee have authorized that report to be made, and to that extent it is a statement of what has transpired in the committee.

The SPEAKER. That is a matter of necessity.

Mr. MAYNARD. I had reference to the discussion, &c., occurring in a committee room.

The SPEAKER. It is not within parliamentary propriety to refer to such things in the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed, without amendment, House bills of the following titles:

A bill (H. R. No. 3417) to relieve Thomas Claiborne, of Tennessee, or political disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States;

A bill (H. R. No. 3332) to fix the time for the election of Representatives in the Forty-fourth Congress from the State of Mississippi;

A bill (H. R. No. 3680) for the government of the District of Columbia, and for other purposes;

A bill (H. R. No. 3740) to create the Bozeman land district in the Territory of Montana;

A bill (H. R. No. 3748) directing the Secretary of the Treasury to report upon the necessity for a public building at Brooklyn, New York, and the cost of the same; and

A bill (H. R. No. 2701) to relieve William G. Jones, of Alabama, of political disabilities.

The message also announced that the Senate had concurred in the amendments of the House to bills of the following titles:

A bill (S. No. 176) to encourage the establishment of public marine schools; and

A bill (S. No. 311) for the relief of Joseph Montanari, and for other purposes.

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

Joint resolution (H. R. No. 95) authorizing the Postmaster-General to perfect title to certain real estate obtained from John W. Norton, a defaulter to the postal money-order bureau; and

A bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871.

SALE OF ARSENAL GROUNDS AT SAINT LOUIS, MISSOURI.

Mr. WELLS, by unanimous consent, introduced a bill (H. R. No. 3759) amendatory of the act providing for the sale of the arsenal grounds at Saint Louis, Missouri, and for other purposes, approved March 3, 1869; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PATENT LAWS.

Mr. E. R. HOAR, by unanimous consent, introduced a bill (H. R. No. 3760) amendatory of the patent laws; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PUBLIC BUILDING AT AUBURN, NEW YORK.

Mr. MACDOUGALL. I move to suspend the rules and pass a bill (H. R. No. 3761) directing the Secretary of the Treasury to report upon the necessity of a public building at the city of Auburn, New York.

The bill, which was read, directs the Secretary of the Treasury to report to Congress at the beginning of the next session whether the present needs of the Government require the erection of a public building at Auburn, New York, and the estimated cost of the same, including the site.

Mr. HOLMAN. I trust we will not enter upon the work of constructing any more public buildings.

Mr. MACDOUGALL. This simply authorizes the Secretary of the Treasury to make an estimate.

Mr. HOLMAN. That is the first step toward the construction of the building.

The question recurred on the motion to suspend the rules.

The House divided; and there were—ayes 27, noes 25.

Mr. NEGLEY demanded tellers.

Tellers were ordered; and Mr. NEGLEY and Mr. HOLMAN were appointed.

The House again divided; and the tellers reported—ayes 81, noes 40. So the motion to suspend the rules was seconded.

Mr. KILLINGER. I demand the yeas and nays on the motion to suspend the rules, as it seems that we are going to have a great many like propositions.

Mr. HOLMAN. Let us first try a division.

Mr. KILLINGER. Very well.

The House divided; and there were—ayes 35, noes 67.

Mr. MACDOUGALL demanded tellers.

Tellers were ordered; and Mr. MACDOUGALL and Mr. KILLINGER were appointed.

The House again divided; and the tellers reported—ayes 103, nays 30.

Mr. KILLINGER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 151, nays 67, not voting 71; as follows:

YEAS—Messrs. Albert, Archer, Arthur, Ashe, Averill, Banning, Barnum, Barry, Bass, Bell, Blount, Bowen, Bradley, Bright, Bromberg, Buffinton, Burleigh, Cain, Caldwell, Amos Clark, jr., John B. Clark, jr., Clymer, Coburn, Comingo, Conger, Cook, Creamer, Crittenden, Crocker, Crooke, Crossland, Crouse, Crutchfield, Danford, Darrall, Davis, Dobbins, Donnan, Dunnell, Durham, Eames, Eldredge, Glover, Gooch, Hagans, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, John W. Hazelton, Hendee, Hereford, Hodges, Hoskins, Houghton, Hubbell, Hunton, Hyde, Hynes, Jewett, Kendall, Knapp, Lamar, Lamison, Lampont, Lawson, Leach, Lofland, Lowndes, Lynch, Maynard, James W. McDill, MacDougall, Merriam, Milliken, Mills, Moore, Morey, Negley, Nesmith, Niblack, O'Neill, Orr, Packard, Page, Isaac C. Parker, Parsons, Pelham, Perry, Phelps, Pierce, James H. Platt, jr., Thomas C. Platt, Potter, Purman, Rainey, Rapier, Read, Rice, Richmond, Robbins, Ellis H. Roberts, Rusk, Sawyer, John G. Schumaker, Sener, Sessions, Sheldon, Sloan, Sloss, Small, Smart, George L. Smith, H. Boardman Smith, J. Ambley Smith, Snyder, Stanard, Standiford, St. John, Stone, Strait, Sypher, Christopher Y. Thomas, Thornburgh, Tremain, Vance, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, White, Whitehead, Whitehouse, Whiteley, Whittorne, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—151.

NAYS—Messrs. Barber, Barrere, Beck, Berry, Biery, Bland, Brown, Bundy, Burchard, Burrows, Cannon, Cessna, Clements, Curtis, Dawes, Field, Foster, Garfield, Giddings, Hamilton, Hancock, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, George F. Hoar, Holman, Hunter, Hurlbut, Kasson, Kelley, Killinger, Lawrence, Lowe, Magee, Marshall, Martin, McCrary, McJunkin, McLean, McNulta, Monroe, Morrison, Neal, Orth, Hosea W. Parker, Pendleton, Pike, Randall, James W. Robinson, Ross, Henry B. Saylor, Scofield, Sherwood, A. Herr Smith, John Q. Smith, Southard, Spear, Sprague, Starkweather, Strawbridge, Todd, Townsend, Tyner, Waldron, Charles W. Willard, James Wilson, and Woodworth—67.

NOT VOTING—Messrs. Adams, Albright, Atkins, Begole, Buckner, Benjamin F. Butler, Roderick R. Butler, Cason, Freeman Clarke, Clayton, Clinton L. Cobb, Stephen A. Cobb, Corwin, Cotton, Cox, DeWitt, Duell, Eden, Elliott, Farwell, Fort, Freeman, Frye, Gunckel, Gunter, Eugene Hale, Robert S. Hale, Harmer, Havens, Hays, Herndon, Hersey, E. Rockwood Hoar, Hooper, Howe, Kellogg, Lansing, Lewis, Loughridge, Luttrell, Alexander S. McDill, McKee, Mitchell, Myers, Niles, Nunn, O'Brien, Packer, Phillips, Poland, Ransier, Ray, William R. Roberts, James C. Robinson, Milton Saylor, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Lazarus D. Shoemaker, William A. Smith, Stephens, Storm, Stowell, Swann, Taylor, Charles R. Thomas, Waddell, Wilber, Jeremiah M. Wilson, and Woodford—71.

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

PUBLIC BUILDING, ATLANTA, GEORGIA.

Mr. WHITELEY. I move to suspend the rules so that my colleague from the third district of Georgia [Mr. COOK] may introduce and the House may pass a bill (H. R. No. 3762) to amend the act entitled "An act for the erection of a public building for the use of the United States in Atlanta, Georgia."

Mr. GARFIELD. I hope the House will take a recess for thirty minutes.

Mr. STARKWEATHER. I move to go to the business on the Speaker's table.

The SPEAKER. There is a motion pending for that purpose.

Mr. MAYNARD. Why does the gentleman from Ohio move to take a recess for thirty minutes?

Mr. GARFIELD. To prevent if I can the passage of bills for the construction of any more public buildings.

Mr. POLAND. My object yesterday in offering the proposition I did was to try to get something satisfactory to all parties. I had the usual fate, and without satisfying anybody have subjected myself to misconception. I now withdraw my proposition.

Mr. GARFIELD. I hope we will be allowed to call up the amendments of the Senate to the post-office appropriation bill.

Mr. STARKWEATHER. I move to suspend the rules and go to the business upon the Speaker's table.

The SPEAKER. The gentleman from Georgia has the floor on a motion to suspend the rules.

Mr. WHITELEY. I move to suspend the rules so that my colleague may introduce and the House may pass a bill to amend the act entitled "An act for the erection of a public building for the use of the United States in Atlanta, Georgia."

Mr. CONGER. There are important reports to be made from committees, and I hope an opportunity will be afforded to do so at this time.

Mr. WHITELEY. I insist on my motion to suspend the rules.

The SPEAKER. The bill will be read.

The bill was read. It provides that the act named in the title be so amended that the sum authorized to be expended in the construc-

tion of the building be fixed at \$250,000; and that no sum in excess thereof shall be expended upon said building.

Mr. KILLINGER. Is that the same bill we voted on yesterday?

The SPEAKER. It is.

Mr. HOLMAN. I move the House take a recess for an hour.

Mr. GARFIELD. I move the House adjourn, and on that demand the yeas and nays. I believe it to be my duty to prevent, as far as I can, the passage of bills for the construction of any more public buildings during this session of Congress.

The SPEAKER. The same motion which will adjourn will refuse to second the motion to suspend the rules. It is the carelessness of gentlemen in regard to seconding a motion to suspend the rules which precipitates a good deal of the trouble in getting to the public business. The rules give to the majority the right by a vote, not by yeas and nays, to refuse a second.

Mr. ELLIS H. ROBERTS. This proposition is very different from the last. The last simply called upon the Secretary of the Treasury for information. This is a proposition to increase the appropriation heretofore authorized.

Mr. SPEER. I object to debate. One is in Georgia, the other is in New York.

The question being taken on seconding the motion to suspend the rules, there were—ayes 48, noes 56; no quorum voting.

Tellers were ordered under the rules; and Mr. COOK and Mr. SCOFFIELD were appointed.

The House again divided; and the tellers reported ayes 108, noes not counted.

So the motion to suspend the rules was seconded.

The question was on suspending the rules and passing the bill.

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

On ordering the yeas and nays there were—ayes 35, a sufficient number.

So the yeas and nays were ordered.

The question was taken, and there were—yeas 157, nays 67, not voting 76; as follows:

YEAS—Messrs. Adams, Albright, Archer, Arthur, Ashe, Atkins, Averill, Barnum, Barry, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Cason, John B. Clark, jr., Clements, Clymer, Coburn, Comingo, Conger, Cook, Creamer, Crittenden, Crocker, Crooke, Crossland, Crouse, Crutchfield, Darrall, Dobbins, Donnan, Dunnell, Durham, Eames, Eldredge, Field, Frye, Giddings, Glover, Gooch, Gunter, Hagans, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, Joseph L. Hawley, Hays, John W. Hazelton, Hereford, Herndon, Hodges, Hooper, Howe, Hubbell, Hunton, Hurlbut, Hyde, Hynes, Jewett, Kasson, Kelley, Kellogg, Kendall, Knapp, Lamar, Lamison, Lansing, Leach, Lofland, Luttrell, Marshall, Martin, Maynard, MacDougall, McJunkin, McKee, McLean, Milliken, Moore, Morey, Morrison, Neal, Nesmith, Niblack, O'Brien, O'Neill, Page, Hosea W. Parker, Isaac C. Parker, Pelham, Perry, Pike, James H. Platt, jr., Potter, Purman, Randall, Read, Rice, Richmond, Robbins, James C. Robinson, Rusk, Sawyer, John G. Schumaker, Sener, Sessions, Sheets, Sloan, Sloss, Small, H. Boardman Smith, J. Ambley Smith, Snyder, Southard, Spear, Stanard, Standiford, St. John, Stone, Storm, Stowell, Strait, Strawbridge, Thornburgh, Tremain, Vance, Wallace, Walls, Jasper D. Ward, Wells, Whitehead, Whitehouse, Whiteley, Whittorne, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—157.

NAYS—Messrs. Barrere, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cannon, Cessna, Curtis, Danford, Duell, Foster, Garfield, Gunckel, John B. Hawley, Hendee, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Houghton, Hunter, Killinger, Lawrence, Lawson, Loughridge, Lynch, Magee, Merriam, Monroe, Orth, Packard, Packer, Pendleton, Thomas C. Platt, Pratt, Ray, Ellis H. Roberts, James W. Robinson, Ross, Henry B. Saylor, Scofield, Sherwood, A. Herr Smith, John Q. Smith, Sprague, Todd, Townsend, Tyner, Waldron, Marcus L. Ward, Charles W. Willard, James Wilson, and Woodworth—56.

NOT VOTING—Messrs. Albert, Banning, Barber, Bass, Begole, Benjamin F. Butler, Roderick R. Butler, Cain, Amos Clark, jr., Freeman Clarke, Clayton, Clinton L. Cobb, Stephen A. Cobb, Corwin, Cotton, Cox, Davis, Dawes, DeWitt, Eden, Elliott, Farwell, Fort, Freeman, Eugene Hale, Robert S. Hale, Harmer, Gerry W. Hazelton, Hersey, Lampont, Lewis, Lowe, Lowndes, McCrary, Alexander S. McDill, James W. McDill, McNulta, Mills, Mitchell, Myers, Negley, Niles, Nunn, Orr, Parsons, Phelps, Phillips, Pierce, Poland, Rainey, Ransier, Rapier, William R. Roberts, Milton Saylor, Henry J. Scudder, Isaac W. Scudder, Shanks, Sheldon, Lazarus D. Shoemaker, Smart, George L. Smith, William A. Smith, Starkweather, Stephens, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Waddell, Wheeler, White, Wilber, William Williams, Jeremiah M. Wilson, and Woodford—76.

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

POST-OFFICE APPROPRIATION BILL.

Mr. TYNER. I rise to report back from the Committee on Appropriations the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, with the Senate amendments and the recommendations of the Committee on Appropriations thereon. But I yield for a few moments to the gentleman from Massachusetts, [Mr. HOOPER.]

WATCH PRESENTED BY GENERAL WASHINGTON TO MARQUIS DE LA FAYETTE.

Mr. HOOPER. I ask unanimous consent to introduce a joint resolution making an appropriation for the purchase and restoration to the family of the Marquis de La Fayette of the watch presented to him by General Washington.

The joint resolution was read. It appropriates the sum of \$300, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the purchase and restoration to the family of the Marquis de La Fayette of the watch presented to him by General Washington, and lost by General La Fayette during his last visit

to this country, such purchase and restoration to be made under the direction of the Speaker of the House of Representatives.

The SPEAKER. The Chair suggests to the gentleman from Massachusetts that before the resolution is voted upon it might be well to change it so as to place the matter under the charge of the Secretary of State instead of the House of Representatives. The Chair thinks that as a matter of propriety that would be better.

Mr. GARFIELD. I think that would be rather more appropriate.

Mr. MAYNARD. I desire to say a word or two on the resolution.

Mr. NIBLACK. If the gentleman from Massachusetts [Mr. HOOPER] has any explanation to make I think he ought to be heard.

The SPEAKER. Is there objection to modifying the joint resolution by substituting "Secretary of State" for "Speaker of the House of Representatives?"

There was no objection, and the joint resolution was modified accordingly.

Mr. HOOPER. I ask the Clerk to read what I send to the desk.

The Clerk read as follows:

AN INTERESTING RELIC.

John R. Ward, esq., of Texas, has in his possession an interesting relic of the times of the Revolution. It is a watch bearing the inscription, "G. Washington, to Gilbert Mottiers de La Fayette, Lord Cornwallis capitulation, Yorktown, October 17, 1781." The watch is of the shape known as "bull's eye," which was the fashionable one at that period, and is heavily double-cased with gold of high purity. The exterior case is ornamented with classic devices in high relief; an armed and helmeted warrior presents a crown to a throned female. The watch bears the name of the maker, "E. Halifax, London, 1769." It is in a good state of preservation, runs, and, with treatment after the manner of Captain Cuttle, keeps excellent time. It was purchased by Mr. Ward at a pawn-broker's sale in Louisville, about four years ago, for the sum of seventy-five dollars, who retains it subject to the order of any of the descendants of its illustrious donee. According to the statement of General Rogers, of Tennessee, who was commander of the body-guard of General La Fayette during his visit to Nashville in 1825, this watch was stolen from its owner at that time and its fate was unknown, although a large reward was offered for its return, until it turned up in the way above described.

Mr. MAYNARD. The statement just made is historically true. General La Fayette visited this country not long before he died, if I remember rightly, in the years 1824 and 1825. In the course of his journey through the country he went to Nashville, where this watch, which had been presented to him by General Washington and which he seems to have worn as a pocket time-piece, disappeared and undoubtedly was stolen. Great efforts were made to recover it, and if I remember rightly large rewards were offered. The people of Nashville felt mortified and humiliated that such an occurrence should have happened in their community; but the watch disappeared and was forgotten until some time since, when it found its way into a pawnbroker's establishment in the city of Louisville, Kentucky. I have this to say in behalf of the people of Tennessee: that if the matter had been brought to the attention of the Legislature of that State I am very sure they would have desired, so far as they could, to have made an appropriation in order to recover this watch and restore it to the family of La Fayette. But as this bill has been brought in here it becomes a matter of national interest rather than of local interest.

Mr. GARFIELD. There is only one question about this joint resolution that should cause any hesitation in voting for it; but I think it due to all concerned to make the inquiry whether this watch is genuine? Of course if it is genuine such a resolution as this ought to be passed; but everybody knows that there are frequent pretenses of antiquity in works of art and in matters of this description. I understand that the gentleman from Massachusetts has had this matter examined by experts at the Treasury Department and elsewhere, and he tells me that some of those experts have raised a question as to its genuineness.

Mr. G. F. HOAR. One of the experts raised a question as to its genuineness because the word "Motier" is spelled with two "t's" and a final "s;" but I say with all deference that it is well known that General Washington himself was not a very exact speller, and the engraver no doubt followed his spelling. I understand that this watch has been submitted to experts in the Treasury Department, and that they have examined it, and report that in their judgment it is genuine.

Mr. GARFIELD. If the only argument against the genuineness of the watch is the spelling of the inscription I admit that is not very strong, for it is well known that Washington did not excel in spelling. Even Franklin, who was his superior in scholarship, spelled very irregularly; for example, he spelled soap "sope."

No objection being made, the joint resolution (H. R. No. 113) received its several readings and was passed.

UNIVERSITY FOR THE BLIND.

On motion of Mr. MONROE, by unanimous consent, the Committee on Education and Labor was discharged from the further consideration of the memorial in favor of aiding the American Printing House and University for the Blind; and the same was referred to the Committee on the District of Columbia.

On the motion of Mr. DAWES, by unanimous consent, the Committee on Ways and Means was discharged from the further consideration of the memorial of the board of regents of the American University, &c., for the Blind, setting forth the needs of the blind as to means of improvement and the obligation of Congress to aid in providing facilities for liberal education as has been done for deaf-mutes; and the same was referred to the Committee on Education and Labor.

FAYETTE HUNGERFORD.

On motion of Mr. DAWES, by unanimous consent, the Committee on Ways and Means was discharged from the further consideration of the petition for relief in the case of Fayette Hungerford; and leave was granted for the withdrawal from the files of the House of the papers in said case.

NELSON TIFFANY.

Mr. YOUNG, of Georgia. I ask unanimous consent to report from the Committee on Military Affairs the bill (H. R. No. 447) for the relief of Nelson Tiffany. I would state that it is the unanimous report of the committee, and I would not trouble the House with it but for the fact that it is to remove a charge of desertion from a soldier who, as I am told by the gentleman from Massachusetts, [Mr. G. F. HOAR,] is now upon his death-bed.

The bill was read. It directs the Secretary of War to remove the charge of desertion from Nelson Tiffany, late a private in Company H, Twenty-fifth Massachusetts Volunteers, and to grant to said Tiffany an honorable discharge.

No objection being made, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

COMPULSORY PILOTAGE.

Mr. E. R. HOAR, by unanimous consent, presented resolutions of the Legislature of the Commonwealth of Massachusetts relative to compulsory pilotage at Hell Gate; which were referred to the Committee on Commerce, and ordered to be printed.

UNITED STATES CUSTOM-HOUSE AT LOUISVILLE, KENTUCKY.

Mr. MILLIKEN. I ask unanimous consent that the Committee on Public Buildings and Grounds be discharged from the further consideration of the bill (H. R. No. 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky, and that the same be passed.

The bill was read. The preamble recites that the strip of ground thereinafter described is indispensable to the preservation of the United States custom-house, to prevent destruction by fire, and to prevent obstruction of the lights and ventilation thereof in one of its most important fronts.

The bill empowers and directs the Secretary of the Treasury to purchase from the owner or owners thereof, at a price not to exceed \$12,500, all that certain piece of ground in the city of Louisville, county of Jefferson, and State of Kentucky, situate west of and adjoining the United States custom-house, fronting twenty-five feet on Green street, and extending back one hundred and fifty feet, parallel with and the same depth as the custom-house property; and for that purpose the sum of \$12,500, or so much thereof as shall be necessary, is thereby appropriated, out of any money in the Treasury not otherwise appropriated; provided, however, that no part of the money thereby appropriated shall be paid or expended until a clear, perfect, and absolute title in fee-simple to the ground shall have been secured and conveyed to the United States by a good and sufficient deed of general warranty.

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

EAST TENNESSEE UNIVERSITY.

Mr. MAYNARD. I ask consent that the Committee of the Whole be discharged from the further consideration of Senate bill No. 110, for the relief of the East Tennessee University, and that the same be now passed. It is a bill which has been reported favorably from the Committee on War Claims.

The bill directs the Treasurer of the United States to pay to the president of the East Tennessee University the sum of \$18,500 in full compensation for aid given by and on behalf of said university to the Army of the United States in the late war of the rebellion; provided that before said sum shall be paid a release in full of all claims against the Government by said East Tennessee University shall be executed in due form by the proper officers thereof, and deposited with the Treasurer, along with a receipt of the money appropriated by the bill.

Mr. HOLMAN. I hope there will be some explanation of this bill.

Mr. MAYNARD. If I can be permitted to do so, I will make a brief statement.

Mr. HOLMAN. I hope the gentleman will explain why the form of the bill has been changed from what it was last session.

Mr. MAYNARD. A bill for this purpose was passed by the last Congress. A bill for a similar purpose has three times received the approval of the Senate. The first time it was too late to be acted upon by the House. In the last Congress it was passed by the two Houses and vetoed by the President. The veto was not upon the merits of the bill but upon the form of the bill. Upon examining the claim the President held it was one which would meet his approval, and indicated by his Private Secretary a form of bill which to his mind would be unobjectionable. That form was adopted by the Senate, which passed the bill, and the Committee on War Claims of this House have reported it favorably. That claim arises out of the use and occupation of the property of the university after it came within the Federal lines for hospital and military purposes. The money to restore the property to its former condition was borrowed

by the university, and they are now paying interest on it at the rate of 10 per cent. per annum.

Mr. ATKINS. I would inquire if the Committee on War Claims of this House have not reported upon this bill favorably?

Mr. MAYNARD. I have so stated.

Mr. KELLOGG. Certainly, they have.

Mr. HOLMAN. I would like to hear the report read, if there is one.

Mr. LAWRENCE. I should like to say a word or two about this matter.

Mr. MAYNARD. I will not consume the further time of the House by discussion of this bill. If there is objection made I will move that the rules be suspended and the bill passed.

Mr. HOLMAN. I hope the gentleman from Tennessee [Mr. MAYNARD] will have the letter read showing why the form of the bill has been changed.

Mr. KELLOGG. I desire to say that the only objection to the old bill was that it might be made a precedent for other claims. The Committee on War Claims thought this bill ought to pass.

Mr. HOLMAN. As the bill formerly passed it was for spoliation and damage done to the property; in that form it was vetoed. Now the bill is changed so as to appropriate money for aid furnished by the university to the Government of the United States.

The history of this claim against the Government is remarkable. At the last session of Congress it passed in the following words:

An act for the relief of the East Tennessee University.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Treasurer of the United States be, and he is hereby, authorized and directed to pay to the trustees of the East Tennessee University the sum of \$18,500, in full compensation for all claims which could be made by said university for all damages caused to its buildings at Knoxville, Tennessee: *Provided,* That before said sum shall be paid a release in full of all claims against the Government for all damages that might or could be claimed by said East Tennessee University on account of said buildings, shall be executed in due form by the proper officers of said university, and deposited with the Treasurer along with the receipt for the money hereby appropriated.

J. G. BLAINE,
Speaker of the House of Representatives.

SCHUYLER COLFAX,
Vice-President of the United States, and President of the Senate.

I certify that this act did originate in the Senate.

GEO. C. GORHAM,
Secretary.

The President returned the bill with the following veto message:

To the Senate of the United States:

I have the honor to return herewith Senate bill No. 490, entitled "An act for the relief of the East Tennessee University," without my approval.

This claim, for which \$18,500 are appropriated out of the moneys of the United States, arises in part for the destruction of property by troops in time of war, and therefore the same objections attach to it as were expressed in my message of June 1, 1872, returning the Senate bill awarding \$25,000 to J. Milton Best.

If the precedent is once established that the Government is liable for the ravages of war, the end of demands upon the public Treasury cannot be forecast.

The loyalty of the people of the section in which the university is located, under circumstances of personal danger and trials, thus entitling them to the most favorable construction of the obligation of the Government toward them, is admitted; and nothing but regard for my duty to the whole people, in opposing a principle which, if allowed, will entail greater burdens upon the whole than the relief which will be afforded to a part, by allowing this bill to become a law, could induce me to return it with objections.

Recognizing the claims of these citizens to sympathy, and the most favorable consideration of their claims by the Government, I would heartily favor a donation, of the amount appropriated by this bill, for their relief.

U. S. GRANT.

EXECUTIVE MANSION,
January 29, 1873.

Among the papers that came with this bill from the Senate are the following:

EXECUTIVE MANSION,
Washington, D. C., February 3, 1873.

SIR: The President directs me to say that the inclosed draught of a bill is what he would be willing to approve in the case of the East Tennessee University.

I am, sir, your obedient servant,

O. E. BABCOCK,
Secretary.

Hon. HORACE MAYNARD,
House of Representatives.

A bill for the relief of the East Tennessee University.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Treasurer of the United States be, and he is hereby, authorized and directed to pay to the president of the East Tennessee University the sum of \$18,500, in full compensation for aid given by and on behalf of said university to the Army of the United States in the late war of the rebellion: *Provided,* That before said sum shall be paid a release in full of all claims against the Government by said East Tennessee University shall be executed in due form, by the proper officers thereof, and deposited with the Treasurer along with the receipt of the money hereby appropriated.

By the one bill this university is to be paid \$18,500 "for all damages caused to its buildings at Knoxville, Tennessee," by the Army of the United States; and by the bill now pending \$18,500 "for aid given by and on behalf of said university to the Army of the United States." And this change in the form of the bill is to change the result, the one subject to the veto and the other entitled to approval. And yet the real thing remains unchanged. Can it be possible that the mere change in phraseology of the bill can affect the quality of this claim against the Government?

Mr. KELLOGG. It is all right.

Mr. HOLMAN. The bill upon its face ought to express truly what the appropriation is for.

The SPEAKER. Does the gentleman object to the request that the bill be now passed?

Mr. HOLMAN. I do.

Mr. MAYNARD. I move to suspend the rules and pass the bill.

The motion to suspend the rules was seconded; and the rules were suspended upon a division, ayes 114, noes not counted, (two-thirds voting in favor thereof,) and the bill was passed.

Mr. MAYNARD. I will ask that the communication to which I referred, together with the form of bill therein recommended, be printed in the RECORD as a portion of the debates.

No objection was made, and it was so ordered.

[The communication and form of bill were as follows:

EXECUTIVE MANSION,
Washington, D. C., February 3, 1873.

SIR: The President directs me to say that the inclosed draught of a bill is what he would be willing to approve in the case of the East Tennessee University:

I am, sir, your obedient servant,

O. E. BABCOCK,
Secretary.

Hon. HORACE MAYNARD,
House of Representatives.

[Inclosure.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Treasurer of the United States be, and he is hereby, authorized and directed to pay to the president of the East Tennessee University the sum of \$18,500, in full compensation for aid given by and on behalf of said university to the Army of the United States in the late war of the rebellion: *Provided,* That before said sum shall be paid, a release in full of all claims against the Government by said East Tennessee University shall be executed in due form by the proper officers thereof, and deposited with the Treasurer, along with the receipt of the money hereby appropriated.]

EASTERN OR NORTH CAROLINA CHEROKEES.

Mr. VANCE. I ask consent that the Committee of the Whole be discharged from the further consideration of a bill (H. R. No. 3000) for the relief of Samuel W. Davidson, Henry Smith, John Gray Bynum, and others, and that the same be now passed.

The bill directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$4,500, or so much thereof as may be necessary, on account of expenses incurred by Silas H. Swetland, as special agent to settle with the Eastern or North Carolina Cherokees, in the year 1869, amounts to be found due to the following-named persons, to wit: Samuel W. Davidson, Henry Smith, N. J. Smith, J. D. Abbott, M. C. King, John Gray Bynum, and to others whose claims may be filed and verified.

Mr. HAWLEY, of Illinois. Does that bill come from any committee?

Mr. VANCE. It comes from the Committee on Indian Affairs, and is also recommended by the Secretary of the Interior.

Mr. GARFIELD. Is it the unanimous report of the committee?

Mr. VANCE. It is.

Mr. GARFIELD. How much money is there in it?

Mr. VANCE. There is not over \$4,500; it is all right and correct.

No objection was made, and the Committee of the Whole was discharged from its further consideration, and the bill was ordered to be engrossed and read a third time; and being engrossed it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TOWNSEND. I desire to have a joint resolution passed.

Mr. TYNER. I give notice that after the joint resolution of the gentleman from Pennsylvania [Mr. TOWNSEND] shall have been disposed of, I will not yield to any person except to the gentleman from Connecticut [Mr. STARKWEATHER] to move to proceed to business on the Speaker's table.

LOWER PIER, CHESTER, PENNSYLVANIA.

Mr. TOWNSEND. I ask unanimous consent that the rules be suspended to pass the joint resolution (H. R. No. 108) in regard to the lower pier at Chester, Pennsylvania.

The joint resolution was read. It instructs the Secretary of War to have an examination made of the lower pier at Chester, Pennsylvania, by a competent engineer, with a view to ascertain whether it would be to the advantage of the Government to have said pier adapted to the purposes of supplying Government vessels with coal, iron, and other general supplies, and to have made an estimate of the probable cost of such adaptation, and to report the result of such examination to Congress.

There being no objection, the rules were suspended, and the joint resolution was passed.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Indiana [Mr. TYNER] who is now on the floor to report the Senate amendments to the post-office appropriation bill yields to the gentleman from Connecticut [Mr. STARKWEATHER] who desires to make an arrangement to dispose of business on the Speaker's table.

Mr. STARKWEATHER. We have tried, and could not go to the Speaker's table, making any exception, to dispose of bills by a ma-

majority vote. I now move that we go to the Speaker's table unconditionally, and that a two-thirds vote be required to pass any bill.

The SPEAKER. The gentleman from Connecticut [Mr. STARKWEATHER] asks that bills on the Speaker's table may be taken up *seriatim* under the two-thirds rule, each bill being exactly on the same basis as every other bill.

Mr. STARKWEATHER. Either to be passed or to remain on the Speaker's table.

Mr. POTTER. Will the Chair please state the effect of this proposition?

The SPEAKER. The effect of it would be that no bill could be disposed of except by a two-thirds vote.

Mr. POTTER. And any bill failing to obtain such a vote would remain on the table?

The SPEAKER. Yes, sir. Is there any objection to proceeding to dispose of bills on the Speaker's table *seriatim* under that arrangement?

Mr. HOLMAN. I trust it will be understood that if a bill be not sustained by a two-thirds vote it shall be regarded as rejected.

The SPEAKER. Failing to obtain a two-thirds vote any bill would naturally retain the status out of which it failed to be taken by a two-thirds vote.

Mr. HOLMAN. But if a bill does not receive a majority vote, it should be regarded as rejected.

The SPEAKER. The gentleman will observe that his proposition would not be either parliamentary or just. The proposition is to take up bills *seriatim*; and any bill not disposed of by two-thirds would be left without prejudice just where it now is, on the Speaker's table.

Mr. HOLMAN. My point is that there are some bills on the Speaker's table which it is very desirable to dispose of finally at this session of Congress. But I see the embarrassment in the way of carrying out my proposition.

The SPEAKER. The gentleman from Indiana would not propose that a minority of the House should have power to reject a bill.

Mr. HOLMAN. Not a minority but a majority. I suggested that if a bill did not receive a majority vote, it should be regarded as rejected.

The SPEAKER. That would be a complicated arrangement.

Mr. RAINEY. I hope that will not be agreed to. It is unjust.

The SPEAKER. The proposition as submitted puts every bill on precisely the same basis.

Mr. POTTER. I understand the present proposition is to consider the bills on the Speaker's table *seriatim*, subject to the rules of the House.

The SPEAKER. That is the proposition. If the House makes no arrangement to go to the Speaker's table the Speaker will necessarily be compelled still to decline to recognize individual members desiring to take bills from the Speaker's table, because he cannot exercise a favoritism in that regard.

Mr. AVERILL. Does this proposition admit of any discussion on these bills?

The SPEAKER. The motion as now submitted would not admit of discussion, although some provision of that kind might be attached to it.

Mr. GARFIELD. I think the better course is to go to the Speaker's table in the ordinary way.

Mr. WILSON, of Iowa. If two-thirds of the House desire to go to the Speaker's table they can do so, and then a majority vote can pass any bill. [Cries of "No!" "No!"] I understand what I am talking about. I say that if two-thirds of the House desire to go to business on the Speaker's table they can do so, and then a majority can pass any bill. But under the proposition of the gentleman from Connecticut [Mr. STARKWEATHER] every bill taken up will fail unless it can obtain a two-thirds vote.

The SPEAKER. The gentleman will observe that no bill has been taken from the Speaker's table out of its order since the last ten days of the session began.

Mr. WILSON, of Iowa. I understand that.

The SPEAKER. The Chair has declined to recognize any gentleman to move to take any particular bill from the Speaker's table, and he will so decline until the end of the session, unless the House shall direct him in what manner to proceed.

Mr. WILSON, of Iowa. But two-thirds can go to the Speaker's table to dispose of the business there.

The SPEAKER. Certainly; and if the gentleman from Connecticut will yield that issue can be tried.

Mr. WILSON, of Iowa. I make that motion.

The SPEAKER. The gentleman from Iowa moves that the rules be suspended and that the House proceed to dispose of business on the Speaker's table. This, of course, will leave every bill subject to be disposed of by a majority vote of the House.

Mr. KASSON. I wish to make a parliamentary inquiry.

The SPEAKER. The proposition of the gentleman from Iowa is that the rules be suspended and the House proceed to the business upon the Speaker's table.

Mr. KASSON. The parliamentary inquiry I wish to make is this: If the House should reach the Speaker's table will a single objection to a bill involving an appropriation carry that bill under the rules to the Committee of the Whole on the state of the Union to have its first consideration?

The SPEAKER. It will.

Mr. ELDREDGE. When we get to the Speaker's table under a suspension of the rules, can any bill be passed by a majority vote of the House?

The SPEAKER. It can, unless subjected to the point of order stated by the gentleman from Iowa [Mr. KASSON] that it involves an appropriation and must under the rules have its first consideration in Committee of the Whole.

Mr. POTTER. If the present motion be voted down, will not the motion of the gentleman from Connecticut [Mr. STARKWEATHER] then be in order?

The SPEAKER. It will.

Mr. GARFIELD. I hope the House will allow the amendments of the Senate to the post-office appropriation bill to be first acted on.

Mr. KILLINGER. These amendments are excepted by the present motion.

The question recurred on seconding the motion to suspend the rules. Tellers were ordered; and Mr. WILSON, of Iowa, and Mr. POTTER were appointed.

Mr. CONGER. As this is a test question, I hope we will have the yeas and nays.

The SPEAKER. The rules do not permit the yeas and nays on seconding the motion to suspend the rules.

The House divided; and the tellers reported—yeas 108, noes 100. So the motion to suspend the rules was seconded.

Mr. WILLARD, of Vermont. I demand the yeas and nays on the motion to suspend the rules.

Mr. AVERILL. Will all the bills lying on the Speaker's table be liable to the ordinary points of order?

The SPEAKER. They will.

The yeas and nays were ordered.

Mr. LYNCH. If this motion should be decided in the affirmative, and a point of order should be made against any bill when reached upon the Speaker's table, would not a motion to suspend the rules and pass the bill be in order?

The SPEAKER. It would.

Mr. LYNCH. That removes one objection.

The question was taken; and there were—yeas 139, nays 111, not voting 39; as follows:

YEAS—Messrs. Albert, Barber, Barrere, Barry, Bass, Begole, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Casón, Cessna, Amos Clark, jr., Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crocker, Crook, Crouse, Crutchfield, Curtis, Darrall, Dawes, Dobbins, Donnan, Duell, Eames, Field, Foster, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Benjamin W. Harris, Hathorn, John B. Hawley, Joseph H. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Hoskins, Howe, Hubbard, Hunter, Hurlbut, Hynes, Kasson, Kelley, Kellogg, Lampert, Lansing, Lawrence, Lawson, Longbridge, Lowe, Lynch, Maynard, McCrary, James W. McMill, MacDougall, McKee, Merriam, Monroe, Moore, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Parsons, Pelham, Pendleton, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusak, Sawyer, Henry B. Saylor, Scofield, Isaac W. Seudder, Sheats, Sheldon, Sherwood, Small, Smart, H. Boardman Smith, John Q. Smith, Sprague, Starkweather, St. John, Stowell, Sypher, Todd, Townsend, Treman, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Woodford, and Woodworth—139.

NAYS—Messrs. Adams, Albright, Archer, Arthur, Ashe, Atkins, Averill, Banning, Barnum, Beck, Bell, Berry, Biery, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Roderick R. Butler, Caldwell, John B. Clark, jr., Clements, Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Danford, Davis, Dunning, Durham, Eldredge, Fort, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hereford, Herndon, Holman, Houghton, Hunton, Hyde, Jewett, Kendall, Killinger, Knapp, Lamm, Lamson, Leach, Lofland, Lowndes, Luttrell, Magee, Marshall, Martin, McJunkin, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Phelps, Potter, Purman, Randall, Ray, Read, Robbins, James C. Robinson, Milton Saylor, Sener, Sloss, A. Herr Smith, J. Ambler Smith, Snyder, Southard, Spear, Stanard, Standiford, Stone, Storm, Strait, Strawbridge, Christopher Y. Thomas, Thornburgh, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—111.

NOT VOTING—Messrs. Freeman Clarke, Clayton, Clinton L. Cobb, DeWitt, Eden, Elliott, Farwell, Freeman, Hagans, Robert S. Hale, Harmer, Havens, Hersey, Lewis, Alexander S. McDill, McNulta, Mitchell, Morey, Myers, Isaac C. Parker, Phillips, Pratt, William R. Roberts, John G. Schumaker, Henry J. Seudder, Sessions, Shanks, Lazarus D. Shoemaker, Sloan, George L. Smith, William A. Smith, Stephens, Swann, Taylor, Charles R. Thomas, Waddell, Wheeler, Wilber, and Jeremiah M. Wilson—39.

So (two-thirds not having voted in the affirmative) the rules were not suspended, and the motion was not agreed to.

During the roll-call,

Mr. PARKER, of Missouri, stated he was paired with Mr. WADDELL, of North Carolina.

The vote was then announced as above recorded.

Mr. STARKWEATHER. I now renew my motion that the House proceed to the business upon the Speaker's table and take up the bills *seriatim* under the two-thirds rule.

The SPEAKER. The failure in that event to second the demand for a suspension of the rules will of course leave the bill upon the Speaker's table.

Mr. MAYNARD. Will it not be the fairest way to take up first those bills which will not be objected to?

The SPEAKER. The gentleman from Tennessee suggests before the House proceeds to take the bills on the Speaker's table by a two-thirds vote that the bills be run through to which there is no objection.

Mr. COX. Can bills be referred under that order?

The SPEAKER. By a two-thirds vote.

Mr. STARKWEATHER. We ran through the unanimous consents the other day.

The SPEAKER. But since then a great many bills have gone upon the Speaker's table. Will the House now proceed to the business upon the Speaker's table and take up the bills *seriatim* under a two-thirds vote?

Mr. KASSON. If there be no objection, I suggest there be allowed five minutes' time to any member who wishes to oppose a bill.

The SPEAKER. It would take three weeks to go through the business on the Speaker's table in that way.

The motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the order was made.

The SPEAKER. The order will continue until the bills on the Speaker's table are exhausted.

PERSONAL EXPLANATION.

Mr. BURROWS. I ask unanimous consent to make a personal explanation, which will not occupy more than a single minute.

There was no objection.

Mr. BURROWS. Last Tuesday, when the gentleman from Massachusetts [Mr. DAWES] moved to go to the Speaker's table to dispose of business thereon with the exception of the civil-rights bill, I took occasion to inquire why he excepted that bill. In doing so I had no purpose to question the gentleman's friendship for the bill or to intimate that he was hostile to it. The position of the honorable gentleman is too well known to the House and the country to justify any such supposition. I did him no such injustice.

BUSINESS ON THE SPEAKER'S TABLE.

The SPEAKER. Pursuant to order the House proceeds to consider business on the Speaker's table. The Chair will first dispose of the executive communications on the table.

GENERAL ORDER NO. 32, WAR DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of War, referring to the resolution of the House of April 13, 1874, to examine and report as to General Order No. 32, War Department, Adjutant-General's Office, of March 15, 1873; which was referred to the Committee on the Judiciary, and ordered to be printed.

EXTENSION OF CHESAPEAKE AND OHIO CANAL.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, in answer to a resolution of the House of January 9, 1874, in relation to the extension of the Chesapeake and Ohio Canal; which was referred to the Committee on Railways and Canals, and ordered to be printed.

BARRACKS AT ALCATRAS ISLAND, CALIFORNIA.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to an appropriation to build permanent barracks at Alcatras Island, California; which was referred to the Committee on Appropriations, and ordered to be printed.

HURTT COURT-MARTIAL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting additional papers in connection with the Hurtt court-martial; which was referred to the Committee on Military Affairs, and ordered to be printed.

COST OF LIEUTENANT G. M. WHEELER'S EXPEDITION OF 1873.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the cost to the Government of Lieutenant G. M. Wheeler's expedition of 1873; which was referred to the Committee on Appropriations, and ordered to be printed.

GOVERNMENT BUILDINGS AT YUMA DEPOT.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to number and dimensions of Government buildings at Yuma depot and their liability to damage from freshets in the Colorado River; which was referred to the Committee on Military Affairs, and ordered to be printed.

MURDER OF LIEUTENANT EBEN WHITE.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, giving circumstances of the murder of Lieutenant Eben White by John H. and Webster Sothoron; which was referred to the Committee on War Claims, and ordered to be printed.

NOLAND, TOPP, VANCE, ET AL.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the claim of Noland, Topp, Vance, and others for cotton taken from them; which was referred to the Committee on War Claims, and ordered to be printed.

PAWTUCKET RIVER, RHODE ISLAND.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting a report upon the past improvement and present condition of the Pawtucket River, Rhode Island; which was referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF MOUTH OF MISSISSIPPI RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the improvement of the mouth of the Mississippi River; which was referred to the Committee on Commerce, and ordered to be printed.

MILITARY TELEGRAPH IN ARIZONA.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to an appropriation for the extension of military telegraph line in Arizona Territory; which was referred to the Committee on Military Affairs, and ordered to be printed.

MILITARY RESERVATION AT FORT WILKINS, MICHIGAN.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the military reservation at Fort Wilkins, Michigan; which was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed a resolution directing that there be printed of the report of the Superintendent of the Coast Survey, for the year 1873, three thousand extra copies for the use of the Superintendent of the Coast Survey; in which the concurrence of the House was requested.

The message further announced that the Senate had agreed, without amendment, to the concurrent resolution of the House of Representatives for the printing of two thousand five hundred copies in quarto, uniform with the series, of Professor Hayden's final report on the Cretaceous Flora of the West.

The message further announced that the Senate had passed, with an amendment, in which the concurrence of the House was requested, the concurrent resolution of the House for the printing of the special report of Edward Young, Chief of the Bureau of Statistics, with the appendixes.

The message further announced that the Senate had passed, without amendment, the bill (H. R. No. 3309) granting to the Nevada Narrow-gauge Railroad Company the right of way through the public lands for a railroad.

The message further announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. No. 784) authorizing the transfer of gold mint bars from the bullion fund of the assay office New York, to the assistant treasurer at New York, with an amendment, in which the concurrence of the House was requested.

MEXICAN VOLUNTEERS.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to House bill No. 1157 to provide for the payment of certain volunteer companies in the service of the United States in the war with Mexico and in the suppression of Indian disturbances in New Mexico; which was referred to the Committee on Military Affairs.

GEORGE A. MILLER AND GEORGE L. MAHONEY.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to the claim of George A. Miller, late lieutenant Twelfth Tennessee Cavalry, for pay for services and for horse, &c., lost; and also the claim of George L. Mahoney for pay as first lieutenant Company C, Sixth Tennessee Volunteers; which was referred to the Committee on Military Affairs.

PROCEEDINGS OF A MILITARY BOARD.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to the proceedings of a board of officers convened at Camp Douglas, Utah Territory, to investigate and report on losses by fire for which Second Lieutenant Wallace Mott, Eighth Infantry, and assistant commissary of subsistence, was responsible; which was referred to the Committee on Military Affairs, and ordered to be printed.

LIEUTENANT-COLONEL B. T. ROBERTS.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to the retirement of Lieutenant-Colonel B. T. Roberts, Third United States Cavalry; which was referred to the Committee on Military Affairs.

ARMY MUTUAL SURVIVORSHIP ANNUITY SOCIETY.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to the formation of the Army Mutual Survivorship Annuity Society; which was referred to the Committee on Military Affairs.

DAKOTA INDIAN WAR CLAIMS.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting the report of Inspector-General James A. Hardie, United States Army, on the subject of the Dakota Indian war claims of 1862; which was referred to the Committee on Military Affairs, and ordered to be printed.

INDIAN DEPREDATIONS.

The SPEAKER also laid before the House communications from the acting Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claims of F. Z. Salomon & Co., John

Richards, Albino Ortega, Franklin Cook, administrator of the estate of John Cook, deceased, Frederick Weddle, M. Yrisani, John Watts, and Franz and Charles Huning, for Indian depredations; which were referred to the Committee on Indian Affairs.

HOT SPRINGS RESERVATION, ARKANSAS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Interior in answer to the resolution of the House of June 4, 1874, in relation to the Hot Springs reservation, Arkansas; which was referred to the Committee on the Public Lands, and ordered to be printed.

MATTHEW RESERVATION, OREGON.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, submitting estimates of appropriations to meet deficiencies on account of the Indian service at the Matthew reservation, Oregon, for the year ending June 30, 1874; which was referred to the Committee on Appropriations, and ordered to be printed.

CHARLES OLIVIER CLOSET.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of June 22, 1860, a report upon the claim of Charles Olivier Closet to a certain tract of land in the State of Louisiana; which was referred to the Committee on Private Land Claims.

NEW JAIL, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior in relation to an additional appropriation to complete in a substantial manner the new jail authorized to be constructed in and for the District of Columbia by the act of January 1, 1872; which was referred to the Committee on the District of Columbia.

B. SOULE.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the report of the register and receiver of the land office at New Orleans, Louisiana, upon the claim of B. Soule to a certain tract of land in said State; which was referred to the Committee on Private Land Claims.

PRIVATE LAND CLAIMS IN NEW MEXICO.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of July 22, 1854, a report of the surveyor-general of New Mexico upon private land claim No. 91; which was referred to the Committee on Private Land Claims, and ordered to be printed.

WILLIAM S. STEPHENS.

The SPEAKER also laid before the House a communication from the chief clerk of the War Department in relation to the claim of William S. Stephens for compensation for losses sustained on a contract for furnishing haversacks; which was referred to the Committee on Claims.

SPECIAL REPORT ON IMMIGRATION.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting one from the Chief of the Bureau of Statistics in relation to printing in the Swedish language his special report on immigration; which was referred to the Committee on Commerce, and ordered to be printed.

REFUNDS AT SAN FRANCISCO.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House of January 4, 1874, transmitting a detailed statement of refunds made at the port of San Francisco, which had not been received at the date of such resolution; which was referred to the Committee on Ways and Means, and ordered to be printed.

RECONNAISSANCE OF NORTHWESTERN WYOMING.

The SPEAKER also laid before the House a report on the reconnaissance of Northwestern Wyoming made in the summer of 1873 by William A. Jones, captain of engineers, United States Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM F. KING.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting the draught of a bill to authorize the issue of clothing to Sergeant-major William F. King, Twenty-fifth Infantry; which was referred to the Committee on Military Affairs.

AMBROSE J. CLARKE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House of June 6, 1874, in relation to Ambrose J. Clarke, late paymaster United States Navy at Brooklyn, New York; which was referred to the Committee on Naval Affairs.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 526) for the relief of James De Long;

An act (H. R. No. 1206) for the relief of Charles J. Sands, of Brooklyn, New York;

An act (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes;

An act (H. R. No. 2292) for the relief of William Walker;

An act (H. R. No. 2398) granting a medal to John Horn, jr., for his heroic exploits in rescuing men, women, and children from drowning in Detroit River;

An act (H. R. No. 2694) for the relief of Benjamin W. Reynolds;

An act (H. R. No. 2898) for the relief of J. W. R. Wing, of New Bedford, Massachusetts;

An act (H. R. No. 3166) to correct the date of commission of certain officers of the Army;

An act (H. R. No. 3171) to amend the customs revenue laws and to repeal moieties; and

An act (H. R. No. 3586) to authorize the construction of a bridge across the Mississippi River at or near the city of La Crosse, in the State of Wisconsin.

Mr. PENDLETON, from the same committee, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 176) to encourage the establishment of public marine schools.

An act (S. No. 311) for the relief of Joseph Montanari; and

An act (S. No. 595) for the relief of Benjamin Cooley and James W. Boswell.

ARMY PENSION DEFICIENCY.

The SPEAKER laid before the House a communication just received from the Acting Secretary of the Interior, transmitting a letter of the Commissioner of Pensions, representing the necessity for a deficiency appropriation of \$200,000 for the payment of Army pensions during the current fiscal year.

Mr. GARFIELD. Would it be in order to move to refer that communication to the committee of conference on the disagreeing votes of the two Houses upon the deficiency appropriation bill?

The SPEAKER. The Chair does not know why it would not be.

Mr. GARFIELD. I make that motion. I wish to inquire whether this will give the conference committee jurisdiction, if there should be no amendment pending between the two Houses touching any such subject?

The SPEAKER. In the opinion of the Chair it would, if it is an actual, legal deficiency; in that case the bill by its title would cover this subject.

Mr. HOLMAN. I submit that the committee of conference would have no jurisdiction, unless this matter should be germane to some amendment made by the Senate.

The SPEAKER. The deficiency bill embraces all items of public service in which there may occur a legitimate deficiency. The Chair therefore thinks that this matter would be within the jurisdiction of the conference committee. At all events the communication may be referred; and that point if necessary can be brought up afterward.

The motion of Mr. GARFIELD was agreed to.

POLITICAL DISTURBANCES IN ARKANSAS.

Mr. TYNER. I yield for a moment to the gentleman from Vermont [Mr. POLAND] on the condition that the proposition he is about to submit shall not consume time.

Mr. POLAND. I have been directed by the select committee on the condition of affairs in Arkansas to report back certain testimony taken on that subject, and also to submit the following resolution:

Resolved, That the select committee of the House appointed under a resolution adopted May 27, 1874, to inquire into the disturbed condition of governmental affairs in the State of Arkansas, be continued during the recess of Congress, with the same powers conferred by the resolution under which said committee was appointed.

The question being taken on agreeing to the resolution, there were—ayes 51, noes 52; no quorum voting.

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

Mr. TYNER. I yielded to the gentleman from Vermont with the understanding that this proposition should not take time.

Mr. POLAND. That was the understanding, and I withdraw the resolution for the present.

The SPEAKER. It can come up immediately after the post-office appropriation bill is disposed of.

POST-OFFICE APPROPRIATION BILL.

Mr. TYNER. I move that the House now proceed to the consideration of the amendments of the Senate to the bill making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, and that they be considered in the House under the five-minute rule.

The motion was agreed to.

The first amendment was read, as follows:

In the proviso relating to employment of letter-carriers strike out "twenty thousand" and insert "thirty thousand"; so that the paragraph will read as follows: For pay of letter-carriers, \$1,900,000: *Provided*, That hereafter letter-carriers shall not be employed for the free delivery of mail matter in towns and cities whose population within their corporate limits, as shown by the last report of the national census or by any subsequent census taken in pursuance of State statute or by order of the mayor and common council of such town or city, shall be less than thirty thousand; but this proviso shall not affect the free delivery in towns and cities where it is now established.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The second amendment was read, as follows :

Add to the paragraph in regard to the pay and employment of letter carriers the following :

And for the more efficient management of the free-delivery system, the Postmaster-General may designate a fourth-class clerk to act as superintendent of free delivery in the Post-Office Department at an annual salary of \$2,500; and for this purpose the sum of \$700 is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The Committee on Appropriations recommended concurrence.

Mr. HOLMAN. On concurring in this amendment I ask for a division. It makes an increase of salary.

The question being taken, the amendment was non-concurred in; there being ayes 25, noes not counted.

The third amendment was read, as follows :

Strike out the words "running out of the District of Columbia" and insert the words "in Virginia and Maryland;" so that the paragraph will read as follows :

For advertising, \$80,000: *Provided*, That hereafter no payment shall be made to any newspaper published in the District of Columbia for advertising any other routes than those in Virginia and Maryland.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The fourth amendment was read, as follows :

Strike out the words "and no" and insert "nor any;" so as to make the paragraph read as follows :

For stamped envelopes and wrappers, \$535,424: *Provided*, That hereafter no envelope, as furnished by the Government, shall contain any lithographing and engraving, nor any printing except a printed request to return the letter to the writer.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The fifth amendment was read, as follows :

In the paragraph appropriating for miscellaneous items \$2,500, strike out the following proviso :

Provided, That the monthly and annual reports of the Department of Agriculture shall pass free through the mails.

The Committee on Appropriations recommended non-concurrence.

The amendment was non-concurred in.

The sixth amendment was read, as follows :

Insert the following as a new paragraph :

For the purchase of law-books for the library of the office of the Assistant Attorney-General of the Post-Office Department, \$2,000.

The Committee on Appropriations recommended non-concurrence.

The amendment was non-concurred in.

The seventh amendment was read, as follows :

Insert the following as a new section :

That the revised statutes of the United States shall not be published by the United States in any newspaper, anything in existing laws to the contrary notwithstanding.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The eighth amendment was read, as follows :

Insert as a new section, the following :

SEC. 5. That on all newspapers and periodical publications mailed from a known office of publication or news agency, and addressed to regular subscribers or news agents, postage shall be charged at the following rates: On newspapers and periodical publications, four cents for each pound or fraction thereof: *Provided*, That the rate of postage on newspapers or periodicals, not exceeding two ounces in weight, and circulars, when the same are deposited in a letter-carrier office for delivery by the office or its carriers, shall be uniform at one cent each; but periodicals weighing more than two ounces shall be subject to a postage of two cents each, and these rates shall be prepaid by stamp.

The Committee on Appropriations recommended concurrence in the Senate amendment, with an amendment, to make the section read as follows :

SEC. 5. That on all newspapers and periodical publications mailed from a known office of publication or news agency, and addressed to regular subscribers or news agents, postage shall be charged at the following rates: On newspapers and periodical publications, issued weekly and more frequently than once a week, one cent and five mills for each pound or fraction thereof; and on those issued less frequently than once a week three cents for each pound or fraction thereof: *Provided*, That the rate of postage on transient newspapers or periodicals, not exceeding two ounces in weight, and circulars, when the same are deposited in a letter-carrier office for delivery by the office or its carriers, shall be uniform at one cent each; but periodicals weighing more than two ounces, sent to other than regular subscribers or news agents shall be subject to a postage of two cents each, and these rates shall be prepaid by stamp.

Mr. KASSON. It seems to me there is an error in the insertion of the word "transient" before the word "newspapers" if the proviso relates exclusively to papers, &c., sent for delivery by letter-carriers within the delivery of that office. The intention of the clause, I presume, is to subject such papers, whether transient or continuous, to the payment of one cent, because delivered by letter-carriers. I think, therefore, the word "transient" is an error.

Mr. TYNER. I think the gentleman from Iowa [Mr. KASSON] is mistaken. The first part of this section provides for the rate of postage on newspapers, which rate is of course to be prepaid. After fixing the rate of postage the proviso then goes on and declares that newspapers or periodicals not exceeding a certain weight shall go through the mails at a certain rate. The proviso, unless there is some qualifying term, will change the rate of postage fixed in the first part of the section.

The purpose evidently of the Senate was to provide the law as it now exists should be continued, and in order to avoid any mis-

take or misapprehension as to the first part of the section the Senate evidently intended to make a different rate of postage, or rather intended to continue the present rate of postage on transient matter. To make that purpose clear the Committee on Appropriations thought it necessary to insert the word "transient" before the word "newspapers." If the gentleman from Iowa will turn to the first part of the section he will see that it provides for sending newspapers and periodicals and publications mailed from a known office of publication or news agency and addressed to regular subscribers or news agents. That does not apply to outsiders, but only to subscribers or news agents. Without some such proposition as we have inserted the publisher or news dealer may send his transient mail-matter all over the country at the rate fixed in the first part of the section, and therefore the proviso changes the rate upon transient newspapers or periodicals from the rate fixed in the first part when the same is deposited in a letter-carrier office for delivery.

Mr. KASSON. I think what the gentleman from Indiana says implies that provision should be put somewhere, but the word "transient" where it is put relates exclusively to those newspapers or periodicals deposited in letter-carrier offices for delivery by the office or its carriers. Consequently if the word "transient" is left where it is it would leave these newspapers and periodicals to be sent within the local delivery subject to a postage, which it is not the intention of this committee to allow. I suggest that should be considered in the conference. Suppose instead of being transient the publishing office or news agent in New York chooses to send through the local office every day by the letter-carriers, then it would imply if they were regular issues and not transient they should come under the previous rate per pound, which it is not the intention to do, as I understand.

Mr. TYNER. Inasmuch as this can be determined more correctly by the conference, I have no objection to striking out the word "transient" where it is proposed to be put before "newspapers," and also in the latter part to strike out "sent to others than regular subscribers or news agents," and let the vote be taken on the balance of the section.

Mr. HAWLEY, of Connecticut. What does the gentleman now propose to do? I should like to understand it.

Mr. TYNER. I propose to strike out the word "transient" before the word "newspapers," and also to strike out the words "sent to others than regular subscribers or news agents" after the word "ounces" in line 11. That will leave the proviso precisely as it came from the Senate.

Mr. HAWLEY, of Connecticut. A newspaper published in a town which has a letter-carrier office would be obliged to pay three cents for postage, whereas if it went over to the next town in the same county it would go free.

Mr. TYNER. The gentleman will see by turning to section 7 it is there provided that newspapers, one copy to each actual subscriber residing within the county where the same are printed in whole or in part and published, shall go free through the mails; but the same shall not be delivered at letter-carrier offices or distributed by carriers unless postage is paid thereon as by law provided.

The provision to which the gentleman has called my attention simply requires the prepayment of postage where there is letter-carrier delivery of newspapers or periodicals.

Mr. HAWLEY, of Connecticut. Do you provide the daily newspapers shall go through the mails free?

Mr. TYNER. Not at all; but we propose, if the publisher of a daily paper shall send copies of his publication to subscribers to be delivered by letter-carriers, then postage shall be paid on them. But if the publisher of a daily paper shall send his paper through the post-office alone to a subscriber in the county, then this bill provides it shall go free. We only propose to charge postage to cover the service of the letter-carrier system.

Mr. HAWLEY, of Connecticut. Do you propose that it shall go free in a city where the letter-carrier system is established?

Mr. TYNER. Provided it is delivered at the post-office but not by the letter-carriers. The gentleman from Connecticut would not ask the passage of a law to load down the letter-carriers with daily papers to go through the mails and be delivered by these letter-carriers free of postage.

Mr. HAWLEY, of Connecticut. I think we are wrong in allowing a single ounce of mail matter to go free anywhere. If you made everybody in the country pay for every service rendered by the Post-Office Department you could reduce the newspaper rates below what they now are. The effect of the law as the House proposes to amend it is to offer the highest kind of protective duties for county weeklies and for county papers. You permit them to go entirely free through the mails and then you turn around and put a heavy burden upon the publishers of papers of more extended circulation and make them pay the expense of delivery of the entire newspaper press of the country. If you take the ground that no matter shall pass through the mails free, and stand upon it, and let all papers pay each in its own county as well as everywhere else—let every man who has an advantage from the Government pay for it—you can then put your rates down to one cent instead of anything going free, you can then reduce postage to the lowest rates possible.

Mr. POTTER. Does this provide for prepayment of postage on the part of newspapers circulating in the counties?

Mr. TYNER. There is no recommendation in regard to that by

the House Committee on Appropriations. The House is now considering the amendments of the Senate to this bill.

I will say, Mr. Speaker, that nearly all the remainder of this bill is simply a copy of certain changes which the House has already passed in the shape of two or three different bills that were reported here by the Committee on the Post-Office and Post-Roads. There are certain changes, however, that have been made by the Senate in which the Committee on Appropriations of this House recommend non-concurrence.

And now let me say a word in reply to the gentleman from Connecticut, [Mr. HAWLEY.] We have come nearly to the plan of requiring prepayment on nearly all classes of mailable matter. It is true that certain newspapers are permitted to go free in the mail in the counties of their publication. But there is so small a proportion of them that get into the mails at all that it may be said that even they do not vary the rule. For instance, the weekly newspaper in the county almost invariably delivers two-thirds or three-fourths of its circulation to its subscribers in the town or city where published. These newspapers are carried by the majority of the publishing houses to the post-office and never go into the mails, but are delivered at the delivery window of the post-office. A very few, a very small percentage, go into the mails and are carried short distances of from one to fifteen miles. That small proportion, I repeat, scarcely changes the rule. So that we have come down almost to the rule requiring everything that enters the mail to pay postage, and to prepay it also.

The daily newspaper stands precisely on the same footing with the weekly newspaper in regard to weekly circulation within the county. And I apprehend that the sober reflection of nearly all gentlemen here will bear me out in saying that this change in the law—a change in the law which has been in existence only for a year past—re-establishing the principle of free circulation within counties, is really right, in order not to impose a tax on the circulation of that class of intelligence which is the most unable to pay it.

Mr. GARFIELD. I desire my colleague, the gentleman from Indiana, to state what amount of increase is made in newspaper postage by the House bill over the present law, and how much by the Senate amendments.

Mr. TYNER. The present law, as the gentleman is aware, provides for a rate of postage on weeklies and semi-weeklies and dailies in proportion to the frequency of their publication. As nearly as the Post-Office Department has been able to reduce it to the cost per pound, this is a reduction, a very considerable reduction upon the postage on newspapers. But the change of providing for a prepayment, thus enabling the Department to collect all its revenues on this matter, has in my judgment, and I make the statement after very considerable reflection about it, reduced the actual cost per pound nearly or about 50 per cent., and will pay an increased postage or revenue to the Post-Office Department to the extent of not less than 300 per cent.

Mr. HOLMAN. I desire to ask my colleague what is the effect of the Senate amendment making the rate four cents per pound?

Mr. TYNER. The effect of that, in my judgment, would be to increase the rates of postage at least 200 per cent., and in some instances more than that, over the proposition heretofore adopted by the House. And another effect in my judgment will grow out of that. If we fix the rate of postage at four cents, so high a rate as that will induce all the publishing offices of the country to resort almost exclusively to the express companies for the delivery of their newspapers on short routes and within short distances, and will also induce them to send their publications through the mail when they have to be carried long distances, the result of which will be in my judgment to cheat the Post-Office Department out of a large proportion of the revenues that it now gets, and to enhance the revenues of the express companies in proportion.

Mr. HAWLEY, of Connecticut. I desire to make another suggestion as to what will be the effect of this Senate amendment, charging four cents a pound, which is a most extraordinary, extravagant, and unreasonable increase of the rate of postage. One other effect would be, as it is of the present law, to throw the whole burden of the postage on the publishers of the newspapers. That is the effect of the law. You say the publisher will get it out of his subscribers. You are by this law to levy—how much? Two million dollars?

Mr. TYNER. It will not amount to that.

Mr. HAWLEY, of Connecticut. You expect an increase—I understand some two million dollars. That is all to come out of four, six, or eight hundred persons in the country—the whole of it. You change the mode of collecting from the subscriber to the newspapers and the men who publish them. And this is a tremendous tax upon a comparatively few people of the country.

Ah, but you say it is like the whisky tax, which does not come out of the distillers, but the drinkers of whisky have to pay it ultimately. You say that the subscribers will have to pay this postage. Not at all. The publishers of newspapers now charge for their papers one or two dollars a year; they cannot charge \$1.08 or \$1.09 so as to cover the postage. I tell you, as a newspaper publisher, that we shall not change our yearly rates at all, but we shall shoulder this enormous burden, ranging from any sum as small as you please up to \$300,000 a year. I think there are newspaper establishments in the country that will

pay \$300,000 a year under this law; and it will be a long time before the matter can be so adjusted that the burden shall be divided between the publisher and the subscriber.

Mr. GARFIELD. I rise to oppose the amendment. I think the House may well devote some time to the consideration of this question in connection with four or five other amendments which follow it. They relate to one of the most important topics connected with our postal affairs that has yet been before Congress. We are here discussing not only the rate of postage on newspapers, but also the rate on merchandise, that question coming in in one of the Senate amendments. It is proposed by the Senate to put up the amount of merchandise that may be carried through the mails to four pounds. At present the amount is only twelve ounces. They propose to make it sixty-four ounces. The Senate proposes, also, to increase the charge for carrying newspapers to three or four times what it now is.

Mr. KASSON. These newspapers, to which the gentleman from Connecticut [Mr. HAWLEY] has alluded, according to my recollection raised their prices during the war to about double what they were before, and they have not since that time reduced the price. That is a point to be considered in connection with the alleged hardship upon newspaper publishers, in case they do not recover the whole amount from their subscribers.

Mr. HAWLEY, of Connecticut. That is a matter with which Congress has nothing to do.

Mr. GARFIELD. I think Congress should ascertain the original and present object of the Post-Office Department. A novel and remarkable proposition was made before the Committee on Appropriations a few weeks ago by an able gentleman who appeared before them in regard to the postal telegraph. He insisted that the object of the Post-Office Department was not to transmit intelligence at all, but to carry packages; that it did not make any difference to the Government what was in the package, but that a sealed package, not above a certain weight should be carried by the Government at a low rate, and that the transmission of intelligence was only an incident resulting from the transmission of a package. I have had occasion, since that gentleman appeared before the committee, to inquire into this question historically to ascertain whether that was the object in the minds of our fathers when they created the Post-Office Department. I have copied the first resolution that I can find under the old Confederacy, and which originated our present Post-Office Department.

I find the first notice of the Post-Office in the Journal of the Confederation May 29, 1775, as follows:

As the present critical situation of the Colonies renders it highly necessary that ways and means should be devised for the speedy and secure conveyance of intelligence from one end of the continent to the other—

Resolved, That Mr. Franklin and others be a committee to consider the best means of establishing post for conveying letters and intelligence through this continent.

This, Mr. Speaker, was the corner-stone of our postal system. The report was read July 25, 1775, and agreed to July 26, and B. Franklin was appointed Postmaster-General, and a line of posts was established from Falmouth in Maine to Savannah, with as many cross-posts as the Postmaster-General should think fit.

In 1782 the first ordinance was passed regulating the post-office, with the following preamble: "Whereas the communication of intelligence with regularity and dispatch from one part to another of this United States is essentially requisite to the safety as well as the commercial interest," and the Congress being "vested with the sole and exclusive right and power of establishing and regulating post-offices throughout the United States;" therefore, &c., the Postmaster-General and his agents, &c., and no other person, "shall have the receiving, taking up, ordering, dispatching, sending post or with speed, carrying and delivering of any letters, packets, or other dispatches from any place within these United States for hire."

Such was the beginning of our postal system, which was organized for the purpose of transmitting intelligence, and not as an express for packages. The transmission of packages was authorized only because the packages contained intelligence.

Now, it is from this stand-point that I approach the question of postage on newspapers. We are met with this argument; we are told, and told truly, that 78 per cent. of all the matter that passes through the mails is newspapers, and that the newspapers paid during the last year a little more than \$1,000,000 of the twenty-nine or thirty millions that were paid as postage, and yet the newspapers furnished over 78 per cent. of the weight of our mails. We could not defend that as a matter of justice, if it was the business of the Post-Office Department to carry packages as an express agency.

Now I take it that the Senate in their amendment have gone over to the express theory of the Post-Office Department. They have enlarged to four pounds the amount of merchandise of any sort that may be sent through the mails, and have raised the price of postage on newspapers to four cents per pound, at least treble the present rate. They have overthrown the theory upon which the post-office was founded, and propose to convert it into an express office. If that theory be the true one, then we ought to charge far more for transporting a newspaper than a letter, because it weighs more. If the theory of charging by weight and distance is to prevail, then as a matter of course the Senate is right, only they ought to have gone

further and made the newspaper pay eight or ten times as much as a letter, in proportion as its weight is greater.

[Here the hammer fell.]

Mr. ELLIS H. ROBERTS obtained the floor.

Mr. GARFIELD. I desire to conclude this line of thought.

Mr. ELLIS H. ROBERTS. I will yield my time to the gentleman.

Mr. GARFIELD. I wish to call attention to another thing. In 1841 an attempt was made to readjust our postal system in regard to rates, and to make newspapers pay a larger share comparatively of the expenses of the Post-Office Department than they were then doing. The result of it all was that the rate of letter postage was decreased, while the rate of newspaper postage was kept substantially the same.

I have no doubt that upon the theory which the Senate seem to have adopted they have not gone even far enough. But I contend that the original theory, and the one which we ought to maintain, is that the Post-Office Department was created not for the purpose of revenue, but for the purpose of disseminating intelligence throughout the country. Therefore, where there is intelligence of so public a nature and of such general importance as that in the newspapers we give it the preference, and that is the reason why the newspaper should have the preference over the letter. I send a letter to a friend; it is a matter that concerns only him and me. But the news of the crops, of the business, of the commerce and the trade of the country is a matter that at once concerns millions of people. Therefore, for the public good, for the general welfare, the newspaper ought to be sent at a less cost than the private letter.

I am clear also that the Senate is right in one thing, and that is that the postage on newspapers should be prepaid. I have here the statistics of last year, which I think will be of some service to the House. In 1873 the actual legal charge for postage on newspapers amounted in the aggregate to \$2,718,241. Yet there was collected and paid into the revenues of the Post-Office Department for postage on newspapers only \$1,072,998, a little more than one-third of the legal charge. It is fair to say that substantially only about 30 per cent. of the entire legal charge of carrying the newspapers in the mails was paid. Why? I can give the House an illustration in my own district. I recollect seeing last fall a postmaster in a country office where the revenue of the office was very small; perhaps the fees of the office did not produce a salary of more than \$100 per annum. The man said to me: "I collect a hundred accounts every quarter for postage on newspapers, or four hundred accounts a year, at nine cents each. In other words, I have to open four hundred accounts, each account amounting to only nine cents, and I must collect them. In doing so I have an infinite amount of trouble. A man comes in for his newspaper; he has not the money to pay the quarter's postage, or he cannot make the change, or I cannot make it, and I violate the law and let him have the paper for several weeks without paying the postage. He is a friend of mine; I do not want to make him angry, and finally I pay the postage out of my own pocket." Or, what is true in a great majority of cases, it is never paid, but returned as delinquencies. It is a miserable, trifling, little picayune business. We ought to fix the rate at that which we determine should be fixed, not a high rate; the Senate has fixed too high a rate, but the House has fixed a rate which is really a reduction. We ought to fix that rate, and stand by it, and provide that it shall be prepaid before the newspapers go into the mails.

Mr. HAWLEY, of Connecticut. I hope the gentleman did not understand me as opposing the prepayment of newspaper postage.

Mr. GARFIELD. O, no.

Mr. HAWLEY, of Connecticut. I do not know any one engaged in the business who does not think prepayment a wise and proper rule. And all that the gentleman has said about the annoying character of these little collections is true. But make your rate low, and you will get more money.

Mr. GARFIELD. The House will remember that some months ago we discussed the question of freedom of transmission of newspapers in the counties where published. I expressed my opinion on that subject, and as a result I have been very considerably criticised by those who thought I was attacking the metropolitan press and praising especially the country press. I argued then upon the same principle which Benjamin Franklin laid down when he organized the Post-Office Department, that it was for the diffusion of intelligence and not for revenue that the postal system was established. I said then and I say now, for I am confirmed in my belief, that no greater injustice can be done than to establish a dead-level rate of postage for newspapers in the counties where they are published. In fact, the first law that Franklin introduced made a discrimination based on distance; and I think it is worth while to refer to it here. The first notice of newspapers in our postal laws was in the ordinance of 1792. The service had existed about twenty years before the newspapers were recognized, they being so few in number and of such little weight in comparison with letters. But in 1792, few as newspapers then were in comparison with what they are now, it had become important to recognize them, and an ordinance was passed declaring—

Newspapers shall be carried in a separate bag from letters, and charged one cent for one hundred miles and one and a half cents for a greater distance.

Letters of course were rated much higher.

The newspaper continued to be an inconsiderable feature of the postal-service till about the end of the first quarter of the present century, but about that time the price of paper was greatly reduced, the size of newspapers greatly increased, and complaints were made by the Postmaster-General of the excessive weights of papers in proportion to the letters, and as early as 1838 an estimate was made of comparative weight of letters and papers sent from the five largest cities of the Union in a week. The weight of the letters were fourteen hundred and twenty-eight pounds and of the papers fifty-five thousand two hundred and forty-one pounds, while each letter paid an average twelve cents, and each paper one cent.

It was urged that it was unjust that letters should bear almost the entire expense of the Post-Office Department; that the postage on papers should be increased and that on letters diminished. The Postmaster-General in 1841 proposed an increase of 100 per cent. on the postage of printed matter converted into weight, with a reduction of 25 per cent. on letter-postage and prepayment on letters and papers.

To the advance of rates on papers it was replied that as the post-office was established for the diffusion of intelligence, and as newspapers performed that service for the public which letters did for the individual, and as the letter-postage was less than by any other means of conveyance, it was in the public interests that low rates on papers should be maintained. Congress therefore reduced the rates both on papers and letters, making them in each case depend on weight, and without regard to distance of transmission, requiring prepayment on letters but not on newspapers. With some modifications this has continued to be the law until the present time.

I think they were right to recognize as they did in the early days of the Government the difference between a local circulation and a general, wide-spread circulation of newspapers. If we propose by our legislation to do justice to the various interests of the country we ought to make some difference without respect.

I do not say as an independent question that the country newspapers ought to be free; that they have any special claims to total exemption from postage; but I do say that they have a right to have a difference made in their favor on the score of the small distances which they are transmitted. Of course the city newspapers are free within their respective counties as the country newspapers are. It was not merely for the country papers, but for relative justice that I pleaded when speaking on this subject several months ago.

I have no doubt it would be more just if we had a graded rate based upon the limits of distance and weight; yet that would be too cumbersome, and perhaps the order that is now adopted in this bill ought to stand. I wish, for one, to disclaim any purpose of assault on the newspapers on the one hand, or of toadying to them on the other. I stand by the old theory and traditions of the Government in regard to the Post-Office Department.

Mr. ELLIS H. ROBERTS. I move to amend the amendment presented by the committee by substituting one cent in place of one cent and a half, and two cents instead of three cents.

I recognize the force of the argument for prepayment; but I do not recognize the accuracy of the figures which are here presented. It is claimed that the postage upon newspapers carried through the mails during the past year would have been nearly \$2,700,000, while the amount collected was but \$1,072,000. Gentlemen have chosen to make a calculation based upon these figures; but I venture to say that their results are inaccurate. They can have no data to justify the estimate which has here been submitted. I do not question the honesty of their intentions; but they are making calculations about that which is necessarily uncertain, and they reach a conclusion which is absurd upon its face. The claim that there was a failure on the part of the postmasters to collect \$1,700,000 of postage which should have been collected on newspapers should have taught them that their calculations are radically wrong.

The postage as it stands is so high as to drive a great many newspapers out of the mails. They are compelled to rely upon other facilities for reaching their subscribers, because the postage now is too high. They do not object to prepayment; but if you get all of this \$2,700,000, (which is the calculation as to the amount that should be obtained from newspapers going through the mails,) if you have sure pay upon the newspapers, you can carry them for even a lower rate. The tendency of the present system, as the experience of gentlemen experienced in postal matters will testify, is to drive newspapers out of the mails for all short distances. Practically you carry in the mails only the newspapers that go a great ways. Now, if you want to get the profitable business for the mails, you must make your rates low enough to attract it; and in my judgment they ought not to be higher than one cent for weeklies and dailies, and two cents for magazines. Such a discrimination as now exists ought not to be made between magazines and newspapers, because the greater amount of business furnished by the dailies and weeklies places them within the range of a wholesale business; whereas the magazine postage, large as it is, must be in the aggregate very much less than the newspaper postage.

Gentlemen tell us a great deal about the weight of newspapers. Some of them are the very gentlemen who argued a while ago that weight made no difference at all, when they wanted agricultural reports carried for nothing. If that argument is sound, I would be glad to borrow some of the eloquent sentences of my friend from Illinois [Mr. CANNON] who tried to teach us that it did not make any

difference how much the mails weighed. But it does. What I want is that you shall fix some fair rate for a wholesale business when you ask for prepayment. That is all we ask.

The newspapers of this country do not want any sympathy from this body or any other body. They ask for justice; that is all. I know, Mr. Speaker, that this body, at least, is not going to legislate against newspapers out of spite. Bear in mind, gentlemen, great as you may be, and long as you may live, your career is short compared with the life of a great newspaper. The newspaper is an institution of this country, and there is no man so great that he can afford to sneer at it. I only choose now to say that the newspaper asks no favors, asks no sympathy. If you choose to legislate from spite you may, and newspapers will be carried outside of your mails.

[Here the hammer fell.]

Mr. CANNON, of Illinois. Mr. Speaker, I wish to refer to the remarks of the gentleman from Ohio [Mr. GARFIELD] for a moment before referring to what the gentleman from New York [Mr. ELLIS H. ROBERTS] has been talking about. I understand the gentleman from Ohio antagonizes the Senate amendment which provides that mailable matter of the third class may weigh not exceeding four pounds for each package, and postage shall be charged at the rate of one cent for each two ounces or fraction thereof. I claim that is a proper amendment. It is substantially the same provision contained in the bill passed by the House the other day which was reported from the Committee on the Post-Office and Post-Roads. I claim it is right not only as a matter of justice to persons who live in portions of the country where there are no express offices, but it is right also as a matter of revenue for the Department, and whoever antagonizes an amendment of that kind, while he may not do it intentionally in favor of the express companies, nevertheless is in fact operating in their favor and against the convenience of the people of the country.

In seven of the principal cities last winter the mails were weighed for thirty days, and there were in round numbers one hundred and twenty thousand pounds of books and merchandise producing \$20,000, of postage. For the same thirty days the newspapers and periodicals mailed in the same seven cities weighed four million pounds, which at a cent and a half a pound, the rate which the gentleman proposes to fix, would produce only \$60,000, but which, if charged at the same rate as books and seeds and cuttings, would produce near half a million of dollars. Yet the gentleman from Ohio claims you should not carry four pound packages of third-class mailable matter which produces this kind of revenue. I say as a matter of justice to the people and as a matter of justice to the revenues of the Post-Office Department this third-class mailable matter should go through the mails as provided for in the amendment of the Senate.

But the gentleman from New York [Mr. ELLIS H. ROBERTS] says we have no data that the revenue would be \$2,000,000 on papers and periodicals at the rate which is proposed shall be fixed by the committee. I say we have the data in the census report of 1870, and also in this weighing for thirty days in these seven principal cities of the country. Newspapers, periodicals in these principal cities for thirty days weighed four millions of pounds. For the entire year that would make 48,000,000 pounds for these seven cities alone. Calculation to produce \$2,000,000 of revenue at the rate proposed is upon the basis of 97,000,000 of pounds. You will notice, therefore, that these seven principal cities would give over one-half of the amount necessary to produce this amount. Therefore I say you are not groping in the dark, but you can calculate with as great certainty as you can in reference to anything in the future not absolutely certain that there will be this amount of newspapers and periodicals going through the mails at this reduced rate.

Mr. ELLIS H. ROBERTS. The gentleman from Illinois states that a certain amount was carried through the mails for a certain period, and then makes a calculation according to the census of 1870; is not that a guess?

Mr. CANNON, of Illinois. It is not a guess; the observation of postmasters and the ascertained facts show that it is correct, and such calculation is verified by the weighing of mails for thirty days in those seven principal cities.

Mr. ELLIS H. ROBERTS. He weighed within a certain territory and found a certain result and doubled that result. I think that cannot be called anything else than a guess.

Mr. CANNON, of Illinois. No, sir; one fact verifies the other. If seven cities mail forty-eight million pounds of newspapers in a year, certainly the whole of the balance of the United States would mail as much more.

Mr. ELLIS H. ROBERTS. His calculation is the result of a guess, very ingenious, perhaps, but nevertheless a guess.

Mr. CANNON, of Illinois. The gentleman wants to have the last word. So be it.

Mr. G. F. HOAR rose.

The SPEAKER *pro tempore*. No further amendment is in order.

Mr. ELLIS H. ROBERTS. I withdraw my amendment on condition the gentleman renews it.

Mr. G. F. HOAR. I have listened to the distinguished gentleman from New York, [Mr. ELLIS H. ROBERTS]—his speech to-day and his speech on the general question some weeks ago—with less pleasure than that which I usually derive from what he has to say to the House, because it seems to me in discussing the effect of this legislation upon a portion of the people he has fallen into the common error

of supposing his opponents influenced by a mean or low motive which may possibly enter some minds rather than by a general desire to do what is right and for the public interest.

Mr. ELLIS H. ROBERTS. O, no.

Mr. G. F. HOAR. He said the other day in substance if the House expected to curry favor with the country press by giving them their newspapers free they were mistaken.

Mr. ELLIS H. ROBERTS. I say it now.

Mr. G. F. HOAR. He warns us now against legislating out of spite, and compares the length of the life of a great newspaper with the length of the career of a man in public station. But, Mr. Speaker, that is not the motive with which the gentlemen of this House are addressing themselves to this important public question. It is not in the least a question of the interest of the publisher of a newspaper. We have to deal with the question of the interest of the reader—the man who is to receive the newspaper. Now, the little local newspaper is a necessity of life to the people in the neighborhood where it is circulated. The widow, the laborer, and the poor man in the country like to have on Saturday night for the family reading the weekly newspaper which has the current county news, and the weekly newspapers are of such a class and the people who take them are of such a class, that the burden of postage may be a very serious burden in determining the question whether they can take the paper or not. On the other hand, the large daily newspaper of the metropolis is supported by the advertisements of the business and wealth of the country, and colossal fortunes are made by these long-lived newspapers after they once get established, while the little weekly newspapers perish like the leaves of the autumn.

The gentleman from Connecticut, [Mr. HAWLEY,] an old newspaper publisher, declares that whatever may be the postage we put upon the city paper it makes no difference to the subscriber, but that the publisher would and could shoulder the entire burden. Now, therefore, it is important for us in our legislation to encourage as far as possible and as far as is necessary, by lightening the burden, the circulation of this information among the people by the press, with the influence it exerts in enabling the American people to govern themselves. The press of this country, Mr. Speaker, has a great power, a great educational influence. I recognize its power; I recognize its value. It has its errors, it has its sins, it has its crimes, it has its licentiousness, it has its recklessness. It also has its honest and generous support of what is good and true. The cure for the evil which to-day prevails in the American press, as in the press of every generation since newspapers have existed, is the multiplication and not the suppression of the circulation of the newspapers.

[Here the hammer fell.]

Mr. G. F. HOAR. I should like to have just three minutes more.

Several MEMBERS. Go on.

Mr. G. F. HOAR. If the great newspaper of New York misrepresents the men in this House in their public conduct, thereby striking a blow at the very principle of self-government itself, because under the shadow of every calumny printed against the pure man ten knaves escape the just punishment of public indignation, and the knavery which exists—and it does exist—in our Government to-day is shielded by the unjust attacks made upon honest and faithful public servants, teaching people to look upon all public men as alike bad—if the great newspaper of the metropolis engages in that work of misrepresentation, the cure for that evil is to put by its side ten other newspapers of equal circulation, and out of these eleven or twelve newspapers the people will sooner or later learn to pick out the truth. I go, Mr. Speaker, for reducing the postage on both classes of newspapers to as low a rate as the public burdens and the state of the public service and the condition of the public Treasury will permit. And I trust my friend from New York, whom I honor as much as I do any man—there is no man whom I honor more on this floor—will not attribute to me either the desire to curry favor with the country newspaper or to wreak spite against the city paper when I give my vote.

Mr. ELLIS H. ROBERTS. Mr. Speaker, the newspapers of this country, as of all countries, must be made by men. The newspaper will have human frailties and will represent human passions. It would be fortunate for us if it were not also true that a legislative body represents human frailties and embodies human passions. For much of what the gentleman from Massachusetts [Mr. G. F. HOAR] has said I thank him, because I know that the compliments he pays to the press are not mere words.

Now, the practical question is whether you are to make your postage so high as to be in the interest of the richest newspapers, or whether you will adopt such a rate as shall be in the interest of the Government, in the interest of the Post-Office Department.

Mr. G. F. HOAR. I do not differ with the gentleman as to that.

Mr. ELLIS H. ROBERTS. I know that the gentleman from Massachusetts does agree with me as to the rates; and it seems to me that it is essential that we should adopt such a rate that it may not depend on the mere word of the gentleman from Massachusetts, good as that word is, to prove that we do not legislate out of spite. I know that newspapers sometimes indulge in unjust criticism, but they also often speak necessary and proper judgment. When their censure is not deserved, when it descends to slander, we must rely upon character to stand up against it—character which is above abuse, which adorns this Hall, and which is the safety of this Repub-

lic. I want the action of this body to be not only just, but to be so just that no fair man can complain of it. And therefore it seems to me that the amendment which I move presents the equitable and proper figure to adopt in this bill.

Mr. HAWLEY, of Connecticut. I wish to make a single remark. The gentleman from Massachusetts [Mr. G. F. HOAR] did not quite do me justice in saying that I acknowledged or asserted that all this postage, now that it must be prepaid, must come out of the greater newspapers. That expression requires modification. I said it would not at present increase the rates of subscription. It would take a long time, I said, before the business so worked round as to get the money from the subscriber. But if those papers on the average pay now only a fair profit and this is a deduction from their fair profit, it is inevitable under the ordinary laws of business that in time they will come to collect all this from their subscribers. That unquestionably will be the result.

Now the hardship of this law is in the violence of the change and in the sudden concentration of a small tax upon a few persons. I therefore would like very well, and I think it would be better for the service in the long run, to begin with the low rates suggested by the gentleman from New York [Mr. ELLIS H. ROBERTS] even if we should collect no more revenue than now; and then in a year or two, after the business had been adjusted and if required by the exigencies of the public service, to increase it a trifle.

I say make it very low, because you change the method of collection. It had better be one or two cents per pound now, and then a year or two hence when the business adjusts itself you can add a cent or half a cent.

Mr. COBB, of Kansas. Suppose we put it at one cent per pound, as proposed by the gentleman from New York, [Mr. ELLIS H. ROBERTS,] does the gentleman from Connecticut suppose that any Congress will hereafter ever raise the rate of postage? Has such a thing ever been done?

Mr. HAWLEY, of Connecticut. I suppose Congress will raise it if they find they cannot afford to carry this matter at the rate now fixed.

Mr. COBB, of Kansas. Is it not a fact that in fixing the rate of postage on newspapers by this bill we are fixing it for all time? It has been the uniform practice of the Government to diminish the rates of postage instead of increasing them, and if we once fix it at this rate it will never be placed at a higher rate, and moreover next year the gentleman from Connecticut or some one else will move to make the rate half a cent per pound and finally the postage on this matter will be abolished altogether.

Now a word more. It seems to me that the bill which passed the House, being reported from the Committee on the Post-Office and Post-Roads, fixing the rate of postage at one and a half cents per pound on newspapers and on periodicals at three cents a pound, was the proper thing. It seems to me that if Congress intends to fix any rate of postage upon these publications it ought to fix the rate at something which will be a compensating rate. If not, wipe it out entirely. It cost \$26,000,000 last year to transport the mails, and of that \$26,000,000, \$25,000,000 was the cost for the transportation of express matter and newspapers. We received in return for that something a little over a million dollars for an expenditure of \$25,000,000. It seems to me that it would be the fair thing and the right thing either to impose a proper rate of postage or to wipe out this charge altogether and transport this matter through the mails free.

Mr. HAWLEY, of Connecticut. I hope the gentleman will put a mark of interrogation at the close of his remarks, for he interrupted me on the plea that he desired to ask a question.

The question was upon the amendment offered by Mr. ELLIS H. ROBERTS to the amendment reported by the Committee on Appropriations.

Mr. ELLIS H. ROBERTS. I desire to state to the Chair that my amendment is an amendment to the amendment of the Committee on Appropriations. The committee propose one cent and three mills and three cents as the rates. I propose one cent and two cents.

Mr. TYNER. If the Chair will bear with me I will state the proposition. The Senate proposes to make the rate four cents per pound; the Committee on Appropriations propose one and a half cents and three cents. The gentleman from New York proposes to fix it at one cent and two cents per pound.

The question was taken on the amendment offered by Mr. ELLIS H. ROBERTS, and it was not agreed to.

The question recurred upon the amendment reported by the Committee on Appropriations.

Mr. TYNER. I propose to withdraw that part of the amendment of the committee which attaches to the proviso to the section. The amendment of the Senate will then be agreed to with an amendment, and the proviso will be open to such changes as the committee of conference may think necessary.

Mr. KASSON. I think it is necessary that there should be an amendment striking out the proviso so as to bring it within the purview of the committee of conference.

Mr. TYNER. I think not.

Mr. GARFIELD. O, no; the proviso is a part of the section.

Mr. KASSON. But you propose to concur in the proviso without any amendment.

Mr. GARFIELD. The proviso is a part of the section. We have

amended the section, and that leaves it to the conference committee to make any changes in it or in the proviso to it that they may deem fit.

Mr. KASSON. Very well.

The question was taken upon Mr. TYNER's motion; and the amendment of the Senate was concurred in with the amendments recommended by the Committee on Appropriations.

The next amendment of the Senate was read, as follows:

That upon the receipt of such newspapers and periodical publications at the office of mailing they shall be weighed in bulk, and postage paid thereon by a special adhesive stamp, to be devised and furnished by the Postmaster-General, which shall be affixed to such matter, or to the sack containing the same, or upon a memorandum of such mailing, or otherwise, as the Postmaster-General may, from time to time, provide by regulation.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The next amendment of the Senate was read, as follows:

The newspapers, one copy to each actual subscriber residing within the county where the same are printed, in whole or in part, and published, shall go free through the mails; but the same shall not be delivered at letter-carrier offices or distributed by carriers unless postage is paid thereon as by law provided.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The next amendment of the Senate was read, as follows:

SEC. 8. That all mailable matter of the third class, referred to in section 133 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, may weigh not exceeding four pounds for each package thereof, and postage shall be charged thereon at the rate of one cent for each two ounces or fraction thereof; but nothing herein contained shall be held to change or amend section 134 of said act.

The Committee on Appropriations recommended non-concurrence.

Mr. CANNON, of Illinois. I understand that the committee recommended non-concurrence in that amendment.

The SPEAKER *pro tempore*. The committee do recommend non-concurrence.

Mr. CANNON, of Illinois. I move to amend so as to concur in the Senate amendment.

The SPEAKER *pro tempore*. The gentleman has only to ask a division upon the question of concurring; that is the parliamentary form in which the question is put.

Mr. CANNON, of Illinois. Before the vote is taken I desire the attention of the House to this section of the Senate amendment. The gentleman from Ohio [Mr. GARFIELD] referred to it in his remarks a few moments since. I replied to him very briefly. And I want the attention of the House called now to the fact that the gentleman from Ohio [Mr. GARFIELD] now proposes that third-class matter, in packages of the size of four pounds, shall not be allowed to go through the mails, although it may pay postage. And I want again to call the attention of the House to the fact that this class of matter, at the rate of postage proposed, will yield an absolute revenue to the Department sixfold greater than newspapers will yield.

I have in my district, and I see many gentlemen before me who I know have in their districts, men who live at a distance from express-offices and who cannot avail themselves of the express office, and to whom it would be a great convenience to receive packages of third-class matter through the mails. Then both as a matter of convenience to the masses of the people of the country and as a matter of revenue, which we need in the Post-Office Department, it is wrong to non-concur in this amendment of the Senate. Not only was this subject considered in the House the other day when a bill on the subject was passed, but the Senate adopts and accepts the proposition, and yet the Committee on Appropriations propose that it shall be rejected.

I stand here to say that it is not in the interest of the people nor of the Post-Office Department nor of anybody in the world except express companies that we should vote down this proposition. And if gentlemen want to make a record against the proposed amendment, that is their lookout and not mine. I only want the attention of members called to it so that they may realize what it is proposed they shall do when they are asked to non-concur in this amendment.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was delivered to the House by Mr. BABCOCK, his Secretary, who also informed the House that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. No. 208) for the relief of Julius Griesenbeck, of Waco, Texas;

An act (H. R. No. 280) granting a pension to Ann Crane;

An act (H. R. No. 735) to increase the pensions of soldiers and sailors who have been totally disabled;

An act (H. R. No. 1045) for the relief of B. W. Harris, late collector of internal revenue for the second district of Massachusetts;

An act (H. R. No. 1051) for the honorable discharge from their several positions in the Army of Captain J. Horace McGuire, First Lieutenant Henry R. Gardner, Second Lieutenant William D. McGuire, and Second Lieutenant William C. Reddy, all late of the Tenth Regiment United States Colored Artillery, (heavy,) and directing their honorable muster-out of the service of the United States as of the date of their dismissal;

An act (H. R. No. 1706) to authorize the widening of Wight street

through the grounds of the United States marine hospital at Detroit, Michigan;

An act (H. R. No. 1768) for the relief of Ephraim Showalter;

An act (H. R. No. 1828) to further continue the act to authorize the settlement of the accounts of officers of the Army and Navy;

An act (H. R. No. 1931) to authorize the sale of the military reservation of Fort Reynolds, in Colorado Territory, and the Government buildings thereon;

An act (H. R. No. 2208) authorizing the President to reinstate George M. Book on the active list of the Navy;

An act (H. R. No. 2211) for the relief of Beck & Wirth;

An act (H. R. No. 2359) to authorize and direct the Secretary of War to reserve from sale ten thousand suits of old and disused Army uniform clothing, now in the Quartermaster's Department of the Army, and to transfer the same to the National Home for Disabled Volunteer Soldiers;

An act (H. R. No. 2416) to authorize the Secretary of War to ascertain the amount of expenses incurred by the States of Oregon and California in the suppression of Indian hostilities in the years 1872 and 1873;

An act (H. R. No. 2453) to increase pensions in certain cases;

An act (H. R. No. 2697) to create an additional major of artillery and to promote Captain James M. Robertson;

An act (H. R. No. 2704) for the relief of Selden Connor;

An act (H. R. No. 3073) relating to ambassadors, consuls, and other officers;

An act (H. R. No. 3183) for the relief of Jonathan D. Hall;

An act (H. R. No. 3237) to authorize the First National Bank of Seneca to change its name;

An act (H. R. No. 3303) to extend the time for filing claims for additional bounty under the act of July 28, 1866;

An act (H. R. No. 3335) authorizing the Secretary of War to grant a right of way across a corner of the Fort Gratiot military reservation to the city railroad company, Port Huron, Michigan;

An act (H. R. No. 3359) fixing the time for the election of Representatives from the State of Pennsylvania to the Forty-fourth Congress;

An act (H. R. No. 3575) for the relief of certain settlers on the public lands in certain portions of the States of Minnesota and Iowa;

An act (H. R. No. 3601) to admit free of duty articles intended for the international exhibition of 1876;

An act (H. R. No. 3672) authorizing the board of commissioners of the Soldiers' Home to sell the property belonging to the Soldiers' Home, situated at Harrodsburgh, Kentucky, and known as Harrodsburgh Springs property;

A joint resolution (H. R. No. 53) authorizing the issue of clothing to certain enlisted men of the Army; and

A joint resolution (H. R. No. 107) providing for the termination of the treaty between the United States and His Majesty the King of the Belgians, concluded at Washington July 17, 1858.

The message further announced that the following bills, not having been returned by the President with his objections to the House in which they originated within ten days from the time they were presented to him, as prescribed by the Constitution, had become laws without his signature and approval:

An act (H. R. No. 1582) for the relief of C. C. Spaid;

An act (H. R. No. 1770) for the relief of Jonathan L. Mann, late a chaplain in the volunteer service of the Army; and

An act (H. R. No. 3174) explanatory of the act of June 30, 1864.

POST-OFFICE APPROPRIATION BILL.

The House resumed the consideration of the Senate amendments to the post-office appropriation bill.

The pending question was upon the following amendment of the Senate:

SEC. 8. That all mailable matter of the third class, referred to in section 133 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, may weigh not exceeding four pounds for each package thereof, and postage shall be charged thereon at the rate of one cent for each two ounces or fraction thereof; but nothing herein contained shall be held to change or amend section 134 of said act.

The Committee on Appropriations recommended non-concurrence.

Mr. TYNER. I disagree with the gentleman from Illinois [Mr. CANNON] in regard to the recommendation of the Committee on Appropriations concerning this amendment. As the law now stands merchandise can be transmitted through the mails in parcels not exceeding twelve ounces in weight. Now in my judgment the purpose of a post is not to convey express matter through the mails all over the country. The object of the Post-Office Department is simply to convey intelligence to the people either in printed or written form. Whenever you go beyond that, and admit express matter, merchandise, or anything of that character in the mails, then you do it only as a matter of convenience to the people. I admit that there are some localities in the United States that are rather remote from express offices, and it seems to me that the Government should provide some mode by which they may receive packages of this sort. But when Congress authorized the transmission of packages of twelve ounces in weight through the mails it made as great a concession to the public interest, in my judgment, as it ought to do. If you now provide that these packages shall be conveyed in the mails to the extent of four pounds in weight, it will not be twelve months before

the proposition will be made here to increase the weight of packages to six, eight, and ten pounds; and your post will become an express package-carrier, instead of a bearer of intelligence among the people.

Mr. HALE, of Maine. Let me inquire if one result of such a proposition would not be that every railroad corporation now carrying the mails will claim to have their rates of compensation doubled and trebled?

Mr. TYNER. The law regulating the manner of compensating railroad companies for carrying the mails provides that they shall be paid according to weight. If you load your mails down with merchandise, as a matter of course when you come to readjust the compensation of railroad companies you must pay them for carrying merchandise as well as for carrying mail matter proper.

Mr. FORT. Mr. Speaker, I am not entirely certain that I understand what this amendment imports. I understand, however, that it would admit into the mails packages not exceeding four pounds in weight of any merchandise or thing that will not damage or interfere with the transmission of mail matter in the mail-bags. If that is the case, then I am in favor of the provision, not only because it is clearly in the interest of the people, but because it is also in the interest and profit of the Post-Office Department, this amendment should be adopted.

It will take any gentleman but a moment to figure up and see what profit the Government will make by carrying these packages in the mails for the convenience of the people. It is eight cents per pound, and, as I figure it, the Post-Office Department will receive \$160 per ton for this kind of matter under this amendment. Am I not right? Then if the Government will receive \$160 per ton for carrying these packages for the convenience of the people, the Post-Office Department will make a good profit, and it occurs to me that there is no great danger that the railroad companies can possibly so increase their rates for carrying the mails as to make the Government lose money in carrying these packages.

Mr. GARFIELD. The gentleman speaks about the Government receiving \$160 per ton for these packages. For what number of miles? The railroad companies receive so much per mile.

Mr. FORT. The postage to be paid on this matter will amount to \$160 per ton for a long or short distance. If you put a ton weight of these packages in the post-office in New York to go one hundred miles the Government would get \$160 for it. If I send it a thousand miles or to San Francisco the Government will receive the same sum, and it would well pay the Government for carrying these packages that distance.

Mr. GARFIELD. But we have to pay the railroads for carrying our mails; we pay them not only by the ton but by the mile.

Mr. FORT. Yes, sir; but the Government would make money on any distance. The Post-Office Committee understand no doubt how the contracts are made with the railroad companies to carry the mails. I understand those companies are paid so much per mile per pound; but I ask the gentleman who has charge of this bill [Mr. TYNER] whether the Government ever pays \$160 a ton for carrying mail matter any distance in the United States; and, Mr. Speaker, whether these packages are not carried over from three to five hundred miles on the average?

Mr. TYNER. It does. Some of the railroad companies receive fifty dollars per mile for carrying two hundred pounds of mail matter per day. The gentleman, if he will figure that up, will find it amounts to about eight cents a pound. Undoubtedly it is the fact that the greater the quantity of matter passing over a road the less are the rates per pound.

Mr. FORT. Yes, but that is for carrying that amount every day in the year. The gentleman does not mean that it costs fifty dollars for carrying two hundred pounds one mile as he states it.

By examination of carefully prepared reports and papers of Mr. Bangs, superintendent of the railway mail service, who seems to clearly understand his official duties, it will appear that these packages can be carried for the people cheaply and at the same time the Government will make money by doing this service.

That is a question which the Post-Office Committee can settle. But in my judgment this is a provision in the interest of the people, and not in the interest of express companies. The people all over this broad country are interested in receiving at cheap rates small packages. They cannot afford to pay the heavy express charges. We all know that matter sent by express passes frequently through the hands of several express companies before reaching its destination, and thus the charges are increased. There would be nothing of the kind to increase the expense in the Post-Office Department. I trust the amendment will be adopted.

[Here the hammer fell.]

Mr. GARFIELD. Mr. Speaker, in two respects we are departing from the traditions of the post-office. I have already tried to point out one; I will now point out another. For the first fifty years of the postal service down to October 1, 1829, the total receipts for postage were \$26,889,000 and the total expenditures on account of postage \$25,246,400. In other words, for the first fifty years of the postal life of this country our Post-Office Department was not only self-sustaining, but paid a revenue of about one million and a half of dollars into the Treasury.

Now, I do not believe we ought to undertake to make the Post-Office Department a source of revenue, but I do think we should

endeavor to make it self-sustaining. It ought to stand on its own ground. In view of the fact that during the first fifty years of this Government our total expenditure for postal service was but twenty-five millions and a quarter of dollars. I am amazed at the fact that we appropriate in this very bill \$35,000,000 for the expenses of the Post-Office Department for a single year. In other words, for the next fiscal year the postal service of the country is to cost a total of \$10,000,000 more than all our postal expenses during the first fifty years of the life of the Republic.

Mr. CANNON, of Illinois. But while we appropriate \$35,000,000 for the postal service do we not expect to get \$30,000,000 back?

Mr. GARFIELD. Certainly.

Mr. SMITH, of Ohio. And do we not now send more mail matter through the mails in a single year than we did during the first fifty years of which the gentleman speaks?

Mr. GARFIELD. There is no doubt of that, and very much more. But I wish to call attention to still another fact. Two years ago for the first time in the history of the Government we departed from the time-honored doctrine that it was the business of the Post-Office Department to transmit intelligence for the information and improvement of the people. I affirm that our fathers, in establishing the Post-Office Department, had in view a sort of educational purpose, the diffusion of information among the people; not the carrying on of any ordinary commercial business.

Mr. SCHUMAKER, of New York. Would the gentleman object to carrying Webster's Dictionary in the mails?

Mr. GARFIELD. Certainly not; for books are one of the mediums of intelligence. Letters, newspapers, books, all sorts of printed information are in the line of the original purpose of the post-office. But when you propose to carry on by means of the Post-Office Department a general express business for the benefit of the people, why should you not undertake to plant corn for the people? Is there not a limit somewhere to the extension of the functions of Government? Why should we go further than we have gone in this direction? I think we made a mistake in our departure two years ago from the original business of the Post-Office Department; but if you extend the innovation already made by allowing packages of dead weight of not more than four pounds to pass through the mails there is no reason why you should not include a whole car-load of wheat; there is no reason why you should not send pianos by mail; there is no reason why you should not undertake the entire transportation of merchandise for the people.

Mr. FORT. The Government could afford to do it at \$160 a ton.

Mr. GARFIELD. I say that by such a measure as this we abandon the true policy of the post-office, and we assume under the cover of a postage-stamp jurisdiction of the general business of transportation.

Mr. COBB, of Kansas. Would the gentleman have the mails transported on horseback, as they used to be in Franklin's time?

Mr. GARFIELD. O, no; not at all.

Mr. COBB, of Kansas. Would the gentleman circumscribe the operations of any of the other Departments of the Government to what they were fifty years ago?

Mr. GARFIELD. Certainly not. I would carry out in all its breadth the policy of transmitting intelligence among the people. I would not object to including in the operations of the Post-Office Department the telegraph, if upon due consideration that measure shall seem advisable; for it is in the line of transmitting intelligence. But when you undertake to send through the mails mere dead weight, not intelligence, you transcend the fundamental idea in the establishment of a Post-Office Department.

Mr. FORT. I withdraw the amendment.

Mr. MARSHALL. I renew the amendment by moving to strike out the last word. I seek the floor because I happen to be a member of the Committee on Appropriations and differ from the majority of that committee in their opinion of this question. I agree with my colleague [Mr. CANNON] who has spoken on this amendment that this adds nothing to the burdens of the Government. It does furnish, however, a great convenience, or will do so to a considerable portion of the people who need it. If it were a proposition to establish an express business generally where we have no lines whatever, I should oppose it as soon as any person on earth; but we have these mail routes and public carriers which are carrying the mails of the country for the people. There are many portions of the country, as has been well said by my colleague and others, which have not the convenience of express offices or express companies, and this provision would not impose any additional burden upon the Government whatever; for it has not been shown and it cannot be done that the cost of carrying these packages will be greater to the Government than the revenues derived from so doing. While it imposes no additional burden upon the Government it affords a great convenience to the people throughout the country. I see, therefore, no reason why we should non-concur in the action of the Senate. In my judgment the House should concur in the amendments of the Senate and furnish this additional convenience to the people. It is not and cannot be shown it will add one cent to the cost of carrying the mails. Indeed my friend here says it is an item of economy and we will derive additional revenue from it. I believe such will be the result.

As has been already remarked, I cannot see any interest in any person or parties in the country opposing this except it may be the express

companies of the country. It may in a slight degree come in competition with their business, but only in a slight degree. I do not think it departs from the ordinary business of the country in carrying the mails; and I do not think we ought to vote it down when the other legislative branch of the Government has placed it on this bill, and it is now before the House for action. I shall vote to concur in the action of the Senate and against the recommendation of my colleagues on the Committee on Appropriations.

Mr. COBURN. Mr. Speaker, I rise to oppose the amendment. I have been all along in favor of the greatest freedom in the transmission of mail matter. If I had the power I would make the transmission of mail matter entirely free. There is no reason why the Post-Office Department should support itself any more than the Army or Navy, or any more than the free schools. The object of the Post-Office Department, as the chairman of the Committee on Appropriations [Mr. GARFIELD] has well said, is to transmit and diffuse intelligence throughout the country. That is understood to be its object, and that fact ought not to be forgotten. I will vote, therefore, to reduce newspaper postage and letter postage at every opportunity. The benefits of the Post-Office Department should have the widest possible range. But this matter now before the House is as wide as the world from any question of that kind. As long as we pay postage on anything, I am in favor of allowing postage on packages of this kind and in favor of carrying them. It is a matter of great convenience to all people remote from express offices, and while we do pretend to demand pay for anything why not take pay for packages of this kind? When the Government ceases to demand pay for any kind of mail matter it will be time to leave it off these packages, and not till then. Until that time arrives let us carry these packages and charge something on them, and let the people have the benefit of this Government express if they have a mind so to call it. Ours is a widely extended country, and there are some places too far separated from express offices to justify opposition to this measure. In many places the express offices are a considerable monopoly. The common people at remote distances will be largely benefited by this, and while we charge for any mail matter we ought to allow these packages to be increased to four pounds. I would not make the weight to be carried greater; but I believe there is no danger of carrying elephants or pianos, or any of those great weights which some dread. The fact is at the rate fixed in the bill no one can afford to pay to carry large or heavy articles. It is to be presumed subsequent Congresses will act rationally on this matter as an express, and I have no fear of launching into a dangerous experiment by allowing four pounds weight to be carried through the mails.

Mr. MARSHALL withdrew his *pro forma* amendment.

The question recurred on the amendment of the Senate.

The House divided; and there were—ayes 96, noes not counted.

So the amendment was concurred in.

The twelfth amendment of the Senate:

SEC. 9. That the Postmaster-General may prescribe, by regulation, an affidavit in form, to be taken by each publisher of any newspaper or periodical publication sent through the mails under the provisions of this act, or news agent who distributes any of such newspapers or periodical publications under the provisions of this act, or employe of such publisher or news agent, stating that he will not send, or knowingly permit to be sent, through the mails any copy or copies of such newspaper or periodical publications except to regular subscribers thereto, or news agents, without prepayment of the postage thereon at the rate of one cent for each two ounces or fractional part thereof; and if such publisher or news agent, or employe of such publisher or news agent, when required by the Postmaster-General or any special agent of the Post-Office Department to make such affidavit, shall refuse so to do, he shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not exceeding \$1,000 for each refusal; and if any person shall knowingly and willfully mail any matter without the payment of postage as provided by this act, or procure the same to be done; or if any postmaster or post-office official shall knowingly permit any matter to be mailed without the prepayment of postage as provided in this act, and in violation of the provisions of the same, he or they shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than \$100 nor more than \$1,000, or imprisoned not exceeding three years, one or both, in the discretion of the court.

The SPEAKER *pro tempore*. The committee recommend concurrence.

Mr. HAWLEY, of Connecticut. I am not willing to vote for concurrence as this stands without some limitation.

I wish to call the attention of the committee to this point, that it may be corrected by the committee of conference. The amendment of the Senate provides—

That the Postmaster-General may prescribe, by regulation, an affidavit in form, to be taken by each publisher of any newspaper or periodical publication sent through the mails under the provisions of this act, or news agent who distributes any of such newspapers or periodical publications under the provisions of this act, or employe of such publisher or news agent, stating that he will not send, or knowingly permit to be sent, through the mails any copy or copies of such newspaper or periodical publications except to regular subscribers thereto, or news agents, without prepayment of the postage thereon at the rate of one cent for each two ounces or fractional part thereof; and if such publisher or news agent, or employe of such publisher or news agent, when required by the Postmaster-General or any special agent of the Post-Office Department to make such affidavit, shall refuse so to do—

That is to say, shall refuse to take an oath in advance that he will never mail such matter contrary to law—shall refuse to take an oath that he will not some time or other be a criminal for such refusal—

he shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not exceeding \$1,000 for each refusal.

Is that the way to get at it? The motive is to prevent publishers and their employes from putting matter into the mail contrary to

law. That is what the framers of this amendment are thinking of. They are thinking of the great piles of papers that go from the larger newspaper offices by the cart-load to be mailed, and desire to prevent the employes, the people in the newspaper office, from throwing into the general pile transient papers addressed to persons not regular subscribers. Now there might be a few boys, three or four boys in the office, who might be disposed to put in such a bundle a paper addressed to some friend without a one-cent stamp on it, which would go to be weighed with the rest. Now under this amendment they desire to have an oath administered to the publisher and to all the employes that they will not put a single paper in illegally. If they decline to do it, and refuse to swear that they will not commit a crime, they are to be fined \$1,000. The amendment goes on to provide:

And if any person shall knowingly and willfully mail any matter without the payment of postage as provided by this act—

That is to say, if a person puts a paper into the office not prepaid and if he knows anything about it, he knows it will not go unless prepaid—yet if he mails that paper, why then he may be fined \$1,000 and be imprisoned for three years in the penitentiary. That I think certainly requires revision. But the words "as provided in this act and any violation of the provisions of the same," show that it was not this section alone that they were thinking of when they used this expression, but the section also providing for this express business and the sending all sorts of matter up to four pounds and the various other sections here.

Any violation of any of these provisions by any person subjects him it may be to \$1,000 fine and three years' imprisonment, one or both. It strikes me that this punishing of men for not swearing that they will not commit a crime, and this extravagant punishment for a stupid or ignorant violation of a law that nobody now understands here entirely is something that is rather unusual and needs revision.

I wish that we may reach the object and prevent a violation of the law if we can. I would not object to some regulation which would prevent newspaper publishers from putting transient papers in the mails. If any newspaper office deliberately violates the law in this respect, I would not object to the Postmaster-General having the discretion to say "You shall not send your papers through the mail at all; we will stop them if you do not obey the law." But I do not like this provision as it stands now.

Mr. TYNER. The gentleman from Iowa [Mr. KASSON] desires to offer an amendment, and I yield to him for that purpose.

Mr. KASSON. And the gentleman can then answer both the gentleman from Connecticut and myself. I wish to suggest some amendments to lines 18, 19, and 22 which seem to me necessary to make the thing legally accurate. The amendment reads thus:

If any person shall knowingly or willfully mail any matter without the payment of postage as provided by this act.

And in line 22 it is provided:

Any postmaster or post official shall knowingly permit any matter to be mailed without the prepayment of postage, &c.

It seems to me that the word "such" should be inserted as in all like cases, so that it may be limited to the persons referred to in section 9. My proposition is to make it read:

If any such person shall knowingly or willfully mail any matter without the payment of postage as provided by this act.

The early part of the section provides duties for publishers and their employes only, not the general public. I suppose the gentleman from Indiana will not object to this amendment.

Mr. TYNER. I think that is right.

Mr. KASSON. Then I also ask attention to the propriety of inserting in line 21, after the word "done," the words "and without intent of avoiding prepayment of the postage due thereon." I thought at first that these words might not be required, but on reflection I think they are necessary.

Mr. TYNER. I have no objection to that; and I think these amendments will very nearly meet the objection of the gentleman from Connecticut, [Mr. HAWLEY.] But the gentleman from Connecticut is not aware that the law as it now exists, and as it has existed for many years, requires that the publishers of newspapers shall when called upon make affidavit concerning the papers that they send out to actual subscribers. That law—I shall not take time in reading the whole of it—contains these words:

And if any such newspaper or other periodical shall be thus unlawfully sent with the knowledge or consent of such proprietor, or his agent, clerk, or servant in charge of such business, or if such affidavit shall when required by the Postmaster-General or any special agent of the Post-Office Department be refused, the person guilty of the offense or refusing to make the affidavit shall forfeit and pay fifty dollars in each case.

That is the same principle, but the amount of penalty is different. Mr. HAWLEY, of Connecticut. That is not an affidavit as to future conduct.

Mr. TYNER. The gentleman will see that under the present law, which provides for the collection of newspaper postage at the office of delivery instead of at the office of mailing, there is no necessity for requiring the affidavit that will be required when prepayment is demanded at the office of mailing.

Mr. HAWLEY, of Connecticut. The gentleman is more familiar with the statutes than I am in relation to postal matters, and I de-

sire to ask him if there is any provision on the statute-book requiring a publisher or his agent to make affidavit in advance that he will not violate the law?

Mr. TYNER. No, there is not. And for that reason I suggested that the publisher himself is not responsible for the postage that accrues upon his newspapers. But when under this law he becomes responsible he should be made to take an affidavit, in the first instance, that he will not knowingly commit a fraud.

Mr. HAWLEY, of Connecticut. My objection to this amendment of the Senate is that it is a provision requiring the publisher of a newspaper and all his employes to take an oath that they never will violate the law, and if the publisher declines to take that oath, then he is to be punished by a fine of \$1,000 and imprisonment. I think that is a very extraordinary provision.

Mr. TYNER. My proposition is this: That if a publisher avails himself of the use of the mails to send out his newspapers he shall be compelled to comply with the terms of the law, and if he cannot do it he should be excluded from the use of the mails.

Mr. CANNON, of Illinois. The gentleman from Connecticut is in error. There is already a section in the postal code which substantially requires an affidavit like this. The only change proposed is to make the affidavit meet the proposed change in the law. I have the law before me, and from it it appears that the publisher has to take that affidavit now.

Mr. HARRIS, of Virginia. I desire to say a word upon this question. I hope the House will non-concur in the amendment. This oath required of publishers and their agents cannot be taken by any honest man with the expectation that it shall be literally fulfilled. It proposes that a man shall not only swear in advance that he will mail no matter that is not prepaid as the law requires that it shall be prepaid, but it makes him swear that he will mail no matter that is not fully prepaid. If he mails a paper, for instance, which is a fraction over two ounces, and fails to put on the right postage, he becomes liable to the extraordinary penalties provided in this act. Sir, there is no member of this House who can tell with certainty when he mails a newspaper what its exact weight is, and yet if the publisher puts into the post-office a newspaper without paying sufficient postage thereon, he is to be held liable to these penalties.

Mr. TYNER. When the gentleman from Virginia became a member of this House, he took an oath that he would not violate the Constitution of the United States. That oath referred to his future conduct. Why, then, is it wrong to require a newspaper publisher to swear that he will not violate the law?

Mr. HARRIS, of Virginia. Another objection to this section is that the punishment provided is entirely disproportionate to the offense. This bill provides that if any publisher shall mail any matter without the postage thereon being paid in full, he shall be fined as much as \$1,000, and imprisoned for three years in the penitentiary. Even admitting that the man were guilty of the offense, I say that it is barbarous, cruel, and against the spirit of the age to put a man in the penitentiary for three years for mailing a newspaper without the proper postage on it. Even if he does it willfully, he knows that his paper will not go, and therefore he can have no intent to defraud the Government. And if he put it in without intent to defraud, he ought not to be fined and imprisoned to this extent. I hope the amendment offered by my friend from Iowa, [Mr. KASSON,] which was offered with my concurrence, will be adopted.

Mr. G. F. HOAR. I desire to move an amendment which I think will meet the objections made to this section.

The SPEAKER *pro tempore*. There is an amendment offered by the gentleman from Iowa [Mr. KASSON] pending.

Mr. KASSON. I understand that that amendment was accepted by the gentleman having charge of the bill.

Mr. TYNER. I have no right to accept an amendment; but I have no objection to that amendment.

The question was taken on Mr. KASSON's amendment; and it was agreed to.

Mr. G. F. HOAR. I move to amend the amendment of the Senate by inserting after the word "do," in line 16, the words:

And shall thereafter, without having taken such affidavit, deposit any newspaper in the mail for transmission.

It seems to me that although this section is perhaps not very important in its practical effect, it is in principle. It is open to the grave and serious objection that it requires a citizen to take an oath as to his future conduct.

The principle upon which this section of the postal code is based is this: the publisher of a newspaper is permitted to address his papers to his subscribers through the mails, and therefore he ought when availing himself of the privilege to be required to take oath that he will not attempt to defraud the Government. But as this section now stands the newspaper publisher may be required to make this affidavit even when he never has used and never wants to use the mails at all for the transmission of his newspapers. This provision requires every person to take this affidavit who may publish a newspaper, and on failure to do so to be liable to a penalty. My proposition is that if he fail to take the oath, and afterward undertakes to avail himself of the use of the mails for his papers, he shall be liable to the penalty.

Mr. TYNER. I do not know that I object to that amendment. The amendment to the Senate amendment was agreed to.

Mr. ELLIS H. ROBERTS. This section seems to be a dangerous one at the best. It gives to the Postmaster General certain powers. I presume it is not proposed to require this affidavit in all cases, but only where fraud is feared. I therefore move to amend by inserting after the words "Postmaster-General" the words "when in his judgment it shall be necessary;" so that if the Postmaster-General shall fear fraud in any particular case he may require such an affidavit.

The amendment to the Senate amendment was agreed to.

Mr. KASSON. I ask my friend from Indiana [Mr. TYNER] whether it is wise to leave the minimum of punishment as printed in this bill. The bill provides "not less than \$100 nor more than \$1,000." Is it not better to have it read "not more than \$1,000?"

Mr. TYNER. I care nothing about that; I am indifferent to the matter.

Mr. KASSON. Then I move to strike out the words "less than \$100 nor;" so that it will read "not more than \$1,000."

The amendment to the Senate amendment was agreed to.

Mr. KASSON. I have one more amendment which I will suggest, but will not press against the views of the committee. It seems to me that three years' imprisonment is a very remarkable punishment for omitting to pay one cent postage on a newspaper. I suggest one year as the maximum instead of three years.

Mr. TYNER. The publishers ought not to complain, for if the punishment is extraordinarily severe, there will be no conviction under the law.

The amendment to the Senate amendment was agreed to; and the Senate amendment as amended was then adopted.

The next amendment of the Senate was to add to the bill the following:

SEC. 10. That so much of this act as changes the rate of postage on newspapers and periodical publications shall not take effect until the 1st day of January next.

The Committee on Appropriations recommend non-concurrence.

Mr. ELLIS H. ROBERTS. I trust this amendment will be concurred in. If there is to be change in the law as regards the rate of postage on newspapers we at least should have notice until January next.

Mr. GARFIELD. The committee thought there ought to be notice, but notice of more than is provided in this section. That is the reason they recommend non-concurrence in the amendment.

Mr. ELLIS H. ROBERTS. With that understanding I will not object to non-concurring in the amendment.

The amendment of the Senate was non-concurred in.

The fourteenth amendment of the Senate was to add to the bill the following:

SEC. 11. That the sixty-third, eightieth, eighty-first, eighty-second, eighty-third, eighty-fourth, and eighty-sixth sections of the said "Act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, be amended to read as follows:

SEC. 63. That the postmasters, except the postmaster at New York City, whose annual salary is hereby fixed at \$3,000, shall be divided into four classes, as follows: The first class shall embrace all those whose annual salaries are not more than \$4,000 nor less than \$3,000; the second class shall embrace all those whose annual salaries are less than \$3,000 but not less than \$2,000; the third class shall embrace all those whose annual salaries are less than \$2,000 but not less than \$1,000; the fourth class shall embrace all postmasters whose annual compensation, exclusive of their commissions on the money-order business of their offices, amounts to less than \$1,000.

SEC. 80. That the postmaster at New York City and postmasters of the first, second, and third classes shall be appointed and may be removed by the President, by and with the advice and consent of the Senate, and shall hold their offices for four years, unless sooner removed or suspended according to law; and postmasters of the fourth class shall be appointed and may be removed by the Postmaster-General, by whom all appointments and removals shall be notified to the Auditor for the Post-Office Department.

SEC. 81. That the compensation of the postmaster at New York City shall be \$3,000 per annum, and the respective compensations of postmasters of the first, second, and third classes shall be annual salaries, assigned in even hundreds of dollars, and payable in quarterly payments, to be ascertained and fixed, by the Postmaster-General, from their respective quarterly returns to the Auditor for the Post-Office Department, or copies or duplicates thereof, for four quarters immediately preceding the adjustment or re-adjustment, by adding to the whole amount of box rents, not exceeding \$2,000 per annum, commissions also not to exceed \$2,000 per annum on the other postal revenues of the office, at the following rates, namely: On the first \$100 per quarter 50 per cent.; on all over \$100 and not over \$400 per quarter, 40 per cent.; on all over \$400 and not over \$2,400 per quarter, 30 per cent.; and on all over \$2,400 per quarter, 10 per cent. And in order to ascertain the amount of the postal receipts of each office, the Postmaster-General may require postmasters to furnish duplicates of their quarterly returns to the Auditor at such times and for such periods as he may deem necessary in each case: *Provided*, That whenever, by reason of the extension of free delivery of letters, the box rents of any post-office are decreased, the Postmaster-General may allow, out of the receipts of such office, a sum sufficient to maintain the salary thereof at the amount at which it had been fixed before the decrease in box rents.

SEC. 82. That the compensation of postmasters of the fourth class shall be the box rents collected at their offices and commissions on other postal revenues of their offices at the rate of 50 per cent. on the first \$100 or less per quarter; 40 per cent. on the next \$300 or less per quarter; 30 per cent. on the excess above \$400 per quarter; the same to be ascertained and allowed by the Auditor in the settlement of the quarterly accounts of such postmasters: *Provided*, That when the aggregate annual compensation, exclusive of commissions on money-order business, of any postmaster of this class shall amount to \$1,000, the Auditor shall report such fact to the Postmaster-General, in order that such postmaster may be assigned to his proper class, and his salary fixed as heretofore provided.

SEC. 83. That the salaries of postmasters of the first, second, and third classes, except that of the postmaster at New York City, shall be readjusted by the Postmaster-General once in two years, and in special cases as much oftener as he may deem expedient.

SEC. 84. That the Postmaster-General shall make all orders assigning or changing the salaries of postmasters in writing, and record them in his journal, and notify the change to the Auditor; and any change made in such salaries shall not take effect until the first day of the quarter next following such order: *Provided*, That

in cases of not less than 50 per cent. increase or decrease in the business of any post-office, the Postmaster-General may adjust the salary of the postmaster at such office, to take effect from the first day of the quarter or period the returns for which form the basis of readjustment.

SEC. 86. That the Postmaster-General may designate offices at the intersection of mail routes as distributing or separating offices; and where any such office is of the third or fourth class he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties.

The Committee on Appropriations recommend non-concurrence.

Mr. LAWRENCE. I would like to inquire of the gentleman who has charge of this bill [Mr. TYNER] whether this amendment of the Senate will increase or decrease the salaries of postmasters? It was said by my colleague and friend from Ohio [Mr. GARFIELD] that the Post-Office Department ought to be self-sustaining. Now everybody knows that the Post-Office Department has ceased to be self-sustaining, mainly because the expenses have been very largely and very unnecessarily increased. The salaries of postmasters, except in the small offices, have been so largely increased that in most of our towns and villages of ordinary size their pay is much larger than the compensation given by private employers for services of a like character or value. And the pay for transporting the mails has been again and again increased until, notwithstanding the franking privilege has been abolished, expenses have gone on increasing so that the public has lost the whole benefit resulting from that fact, and the Post-Office Department is an annual charge upon the Treasury of the United States.

I think it is time we should begin to legislate in the interest of economy, and somewhat in the direction of a reduction of expenses. If we do not we may as well understand that this great upheaval of public sentiment among the people, sometimes called the "grange movement," will overtake gentlemen, and they will learn when too late that the republican party ought to do what they have not done as well as they might; that is, cut down expenses. The republican party has undoubtedly practiced an economy in public expenses which no other party has ever done or will do; but still there is room for improvement. Gentlemen on this floor may as well understand that retrenchment is demanded, and justly demanded, by the enlightened public judgment and by justice.

Mr. MAYNARD. I have taken but little part in this debate. But I desire to say that if my excellent friend from Ohio [Mr. LAWRENCE] or any other gentleman in this House ever supposed that abolishing the franking privilege was going to reduce the expenses or increase the revenues of the Post-Office Department he was more verdant, if I may be allowed to use that expression, than I supposed him to be.

But I rise now principally for the purpose of entering, for I do not know how many times, a protest against the doctrine that the Post-Office Department should be self-sustaining. We can make the Post-Office Department self-sustaining if that is a desirable object in and of itself. In the first place, we can make our rates of postage sufficiently high; in the second place, we can pay our mail contractors little or nothing; and more especially and in the last place, we can refuse to put the mail service on any route when the business of the route will not pay for carrying the mails. Then your Post-Office Department will be self-sustaining. Restrict mail transportation to the more populous business portions of the country where you have expresses, where private corporations would carry the mails, but never go out into the prairies of the West, never go out into the mountains, never go out upon the frontiers with your mails, because if you do, your operations will be much more costly than in the more densely settled portions of the country.

We hear every session this talk about making the Post-Office Department self-sustaining, as though there were some virtue in that idea. Sir, I oppose making the Post-Office Department self-sustaining. It means the denial of postal facilities to those who have gone out upon the frontier to open up the wilderness; it means the denial of postal facilities to settlers in all sparsely populated parts of the country. It means the maintenance of mail facilities between New York and Philadelphia, between Baltimore and Chicago, and between others of our principal business cities. But when you get away from these points, if you carry out the idea of making the post-office self-sustaining, your mails will be monthly, perhaps bi-monthly.

I am in favor of affording facilities to our people for intercommunication of intelligence, for the circulation of newspapers, periodicals, and other forms of literature, even though the mail-carrier may go with scarcely a handful of matter. It is in this way that we diffuse intelligence to the borders of the land; it is in this way that we build up our civilization; not by your miserable, pitiful cry of "making your post-office self-sustaining."

[Here the hammer fell.]

Mr. TYNER. I move to amend by striking out the last word, for the purpose merely of saying to the gentleman from Ohio [Mr. LAWRENCE] that in the amendments we are now considering there is no proposition to increase the salaries of the postmasters. The Committee on Appropriations has recommended non-concurrence only because there are in these amendments certain details that ought to be further examined.

Mr. HOLMAN. I wish to say that the views expressed by the gentleman from Tennessee [Mr. MAYNARD] are such as would be very generally approved if the deficiency in the revenue of the Post-Office Department resulted from extending postal facilities to the sparsely-

settled sections of the country. But all that can be done without having any deficiency. The deficiency in the revenues of that Department results from the large increase that has been made in the allowances to the great railroad corporations of the country, the increase during the last few years having been at the rate of more than 50 per cent., and upon such roads as the Erie Railroad of New York the increase within the last eighteen months has been over 100 per cent. It is by the controlling power exercised by these corporations over your Post-Office Department, increasing year after year the charges for transporting your mails, that this heavy deficit is produced.

Mr. COBB, of Kansas. I want to call attention to the fact that section 82 will necessarily diminish the pay of every little postmaster throughout the land. It seems to me the House ought to insist that the percentage on the first \$100 or any fraction thereof should be 60 per cent. instead of 50.

The amendment of the Senate was non-concurred in.

The fifteenth amendment was read, as follows:

Insert the following:

SEC. 12. That section 240 of said act shall read as follows:

SEC. 240. That when the amount of mail-matter to be carried on any mail-route is so great as to seriously retard the progress or endanger the security of the letter-mail, or to increase the cost of carriage of the mail, the Postmaster-General shall provide for the separate carriage of the letter-mail at the usual rate of speed; and when the cost of transmitting other mail-matter than the letter-mail is increased by being carried in postal cars, it shall be carried in other cars, but with due regard to expedition. And postal cars shall not be put on any routes, or the number be increased, except when the service of carrying the letter mail requires it.

The Committee on Appropriations recommended non-concurrence.

Mr. KASSON. I move to amend the amendment of the Senate by adding the following:

Provided, That no postmaster in any town or city having according to the last census a population less than fifty thousand in number, shall receive a higher compensation per annum than \$3,000.

I have but a single word to say on this proposition. Early in this session I obtained from the Post-Office Department a statement of the effect which a measure of this kind would have upon the deficiency of the Department. I have only to say—

Mr. COBB, of Kansas. Mr. Speaker, I do not wish to lose my right to make a point of order on this amendment.

Mr. KASSON. I submit that the point is made too late. I had commenced to debate the amendment.

The SPEAKER *pro tempore*. In the opinion of the Chair the point is made too late.

Mr. KASSON. I have found upon inquiry at the Post-Office Department that such an amendment as this would save several hundred thousand dollars annually.

Touching the merits of the amendment I wish to say that in most States of this Union, especially the agricultural States, there is no officer of the State government who is paid so high as the postmasters are paid in many of the towns of those States. The governor of Indiana does not receive as much salary as several postmasters in that State. In Ohio, Indiana, Illinois, and Iowa the secretary of state, the State auditor, the State treasurer, with a responsibility of from half a million to two or three million dollars, do not receive as much compensation as do your postmasters in many of the towns.

The question is one of justice. You do not pay the judges of your supreme courts in the agricultural States of this Union \$4,000 a year; you do not pay your governors or other State officers that amount of salary; you do not even pay them \$3,000. I say therefore that the postmaster of a single office, with limited responsibility, is in some cases paid by the General Government 50 per cent. higher than is received by State officers performing duties of the greatest responsibility.

In the interest of economy we should consider the question whether we are just in paying these high salaries to some postmasters while the great mass of postmasters throughout the country receive such small salaries. If you do not wish to save money, then take what you save this way justly and distribute it among postmasters whose pay is utterly insufficient for the service they do.

Mr. MAYNARD. Let me ask the gentleman a question. Concurring, as I do, in his estimate of the salaries paid, I wish to ask whether he thinks the population of a city or town is the proper criterion; whether the postal business does correspond in every instance with the population; whether the postal business in Chicago is not larger than in Brooklyn, Philadelphia, or in any other city than New York, and whether it is right to take the number of people in a place as the criterion for the compensation of a postmaster?

Mr. KASSON. It is the only criterion we can adopt for fixing the maximum rate.

Mr. KASSON's amendment was rejected.

The Senate amendment was non-concurred in.

The sixteenth amendment of the Senate:

Add the following:

SEC. 13. That section 245, section 246, section 247, section 251, and section 253 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, be amended to read as follows:

SEC. 245. That every proposal for carrying the mail shall be accompanied by the bond of the bidder, with sureties approved by a postmaster, and in cases where the amount of the bond exceeds \$5,000, by a postmaster of the first, second, or third class, in a sum to be designated by the Postmaster-General in the advertisement of each route; to which bond a condition shall be annexed, that if the said bidder shall, within such time after his bid is accepted as the Postmaster-General shall prescribe, enter into a contract with the United States of America, with good and sufficient sureties, to be approved by the Postmaster-General, to perform the service

proposed in his said bid, and, further, that he shall perform the said service according to his contract, then the said obligation to be void, otherwise to be in full force and obligation in law; and in case of failure of any bidder to enter into such contract to perform the service, or, having executed a contract, in case of failure to perform the service, according to his contract, he and his sureties shall be liable for the amount of said bond as liquidated damages, to be recovered in an action of debt on the said bond. No proposal shall be considered unless it shall be accompanied by such bond, and there shall be affixed to said proposal the oath of the bidder, taken before an officer qualified to administer oaths, that he has the ability, pecuniarily, to fulfill his obligations, and that the bid is made in good faith, and with the intention to enter into contract and perform the service in case his bid is accepted.

SEC. 246. That before the bond of a bidder provided for in the aforesaid section is approved, there shall be indorsed thereon the oaths of the sureties therein, taken before an officer qualified to administer oaths, that they are owners of real estate, worth, in the aggregate, a sum double the amount of the said bond, over and above all debts due and owing by them, and all judgments, mortgages, and executions against them, after allowing all exemptions of every character whatever.

SEC. 247. That any postmaster who shall affix his signature to the approval of any bond of a bidder, or to the certificate of sufficiency of sureties in any contract before the said bond or contract is signed by the bidder or contractor and his sureties, or shall knowingly, or without the exercise of due diligence, approve any bond of a bidder with insufficient sureties, or shall knowingly make any false or fraudulent certificate, shall be forthwith dismissed from office, and be thereafter disqualified from holding the office of postmaster, and shall also be deemed guilty of a misdemeanor, and, on conviction thereof, be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding one year, or both.

SEC. 251. That after any regular bidder whose bid has been accepted shall fail to enter into contract for the transportation of the mails according to his proposal, or, having entered into contract, shall fail to commence the performance of the service stipulated in his or their contract as therein provided, the Postmaster-General shall proceed to contract with the next lowest bidder for the same service, who will enter into a contract for the performance thereof unless the Postmaster-General shall consider such bid too high, in which case he shall readvertise such service. And if any bidder whose bid has been accepted, and who has entered into a contract to perform the service according to his proposal, and in pursuance of his contract has entered upon the performance of the service, to the satisfaction of the Postmaster-General, shall subsequently fail or refuse to perform the service according to his contract, the Postmaster-General shall proceed to contract with the next lowest bidder for such service, under the advertisement thereof, (unless the Postmaster-General shall consider such bid too high,) who will enter into contract and give bond, with sureties, to be approved by the Postmaster-General, for the faithful performance thereof, in the same penalty and with the same terms and conditions thereto annexed as were stated and contained in the bond which accompanied his bid; but in case each and every of the next lowest bidders for such service whose respective bids are not considered too high by the Postmaster-General shall refuse to enter into contract and give bond as herein required for the faithful performance of his contract, the Postmaster-General shall immediately advertise for proposals to perform the service on said route. Whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established, or new service required, or when from any other cause there shall not be a contractor legally bound or required to perform such service; the Postmaster-General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding six months, until a letting under advertisement can take place: *Provided, however*, That the Postmaster-General shall not employ temporary service on any route at a higher price than that paid to the contractor who shall have performed the service during the last preceding regular contract term. And in all cases of regular contracts hereafter made, the contract may, in the discretion of the Postmaster-General, be continued in force beyond its express terms for a period not exceeding six months, until a new contract with the same, or other contractors, shall be made by the Postmaster-General.

SEC. 253. That hereafter all bidders upon every mail route for the transportation of the mails upon the same, where the annual compensation for the service on such route at the time exceeds the sum of \$5,000, shall accompany their bids with a certified check or draft, payable to the order of the Postmaster-General, upon some solvent national bank, which check or draft shall not be less than 5 per cent. on the amount of the annual pay on said route at the time such bid is made, and, in case of a new or modified service, not less than 5 per cent. of the amount of the bond of the bidder required to accompany his bid, if the amount of the said bond exceeds \$5,000. In case any bidder, on being awarded any such contract, shall fail to execute the same, with good and sufficient sureties, according to the terms on which such bid was made and accepted, and enter upon the performance of the service to the satisfaction of the Postmaster-General, such bidder shall, in addition to his liability on his bond accompanying his bid, forfeit the amount so deposited to the United States, and the same shall forthwith be paid into the Treasury for the use of the Post-Office Department; but if such contract shall be duly executed and the service entered upon as aforesaid, such draft or check so deposited, and the checks or drafts deposited by all other bidders, on the same route, shall be returned to the respective bidders making such deposits. No proposals for the transportation of the mails where the amount of the bond required to accompany the same shall exceed \$5,000 shall be considered, unless accompanied with the check or draft herein required, together with the bond required by a preceding section: *Provided*, That nothing in this act shall be construed or intended to affect any penalties or forfeitures which have heretofore accrued under the provisions of the sections hereby amended.

Mr. TYNER. I move to non-concur in all the remaining amendments of the Senate.

Mr. HOLMAN. Let that motion be confined to the particular section now pending.

Mr. TYNER. My proposition is to non-concur in the remaining amendments to the bill. The Committee on Appropriations recommended non-concurrence.

Mr. LAWRENCE. Is this motion debatable?

The SPEAKER. The gentleman will proceed with his five minutes.

Mr. LAWRENCE. I do not know what are the remaining amendments of the Senate, but I do not think we should non-concur without having them all read so we may understand them; and while we are on this subject I wish to say a single word in reply to the gentleman from Tennessee, [Mr. MAYNARD.] He discussed one proposition and I discussed another. I do not object to carrying mail facilities just as far as the gentleman from Tennessee. I will go with him as far as any gentleman on this floor to carry mail facilities to every corner of the country, but in doing that I will not incur any unnecessary expense. And if it is a pitiful cry to insist there should be a reduction of the expenditures of the Government in this or any other

Department of the Government, I think the gentleman will find it is a cry to which the people will give their attention. It is high time there should be somebody stand up and speak in behalf of economy while there are so many to stand up and speak in favor of extravagance and unnecessary expenditures.

Mr. BURCHARD. I desire to move an amendment to the last section which provides that public documents may be sent through the mails without prepayment of postage. I think it is a good provision that postage should be paid on delivery.

Mr. HOLMAN. I hope my colleague will limit his motion to suspend the rules and non-concur in the amendment of the Senate now pending.

Mr. TYNER. I adopt that suggestion and move to suspend the rules and non-concur in the pending amendment.

The question recurred on seconding the motion to suspend the rules. The House divided; and there were—ayes 196, noes not counted.

So the motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the pending amendment was non-concurred in.

Seventeenth amendment of the Senate.

Add the following:

SEC. 14. That hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of the House of Representatives, or by the President or head of any Executive Department, or other person entitled to the franking privilege when the law was passed abolishing the same; and the postage on no single volume of public document shall exceed the sum of twenty-five cents, and the same, if not prepaid, shall be payable by the person to whom the same may be directed and received; and the words "Public document," written or printed on the envelope containing any public document, and subscribed by the member or other person mailing the same, shall be deemed a sufficient certificate that the same is a public document; and the term public documents shall be deemed to include all publications printed by order of Congress, or either House thereof, or of any Department of the Government. And if any such documents shall not be taken from the post-office to which the same shall be directed within thirty days after being received thereat, the postmaster may sell the same for the amount of the postage due thereon, and shall account to the Post-Office Department for the proceeds thereof: *Provided*, That this section shall apply only to documents ordered to be printed by either House of Congress previous to the passage of this act: *And provided further*, That the CONGRESSIONAL RECORD, or any part thereof, shall be carried through the mails free of postage.

Mr. TYNER. The committee recommend non-concurrence in this amendment.

Mr. BURCHARD. I desire to move to strike out all in this section preceding line 7 and all following the word "thereof" in line 22.

This will leave merely the proposition to which I referred a moment or two ago to stand by itself, that public documents may circulate through the mails without prepayment of postage, the postage being left to be paid on their delivery.

I move to strike out the first six lines, because they may be construed into a restoration of the franking privilege. I also move to strike out so much of the section as limits the provision to documents already printed, and also so much as provides that the CONGRESSIONAL RECORD or any part thereof shall be carried through the mails free of postage. I hope the House will concur in the remainder of the section.

The SPEAKER *pro tempore*, (Mr. WHEELER.) The gentlemen will send his amendment to the Clerk in writing.

Mr. PARKER, of Missouri. Does not a motion to concur take precedence of the amendment of the gentleman from Illinois?

The SPEAKER *pro tempore*. The motion to amend takes precedence.

Mr. MILLS. I desire to offer an amendment.

The SPEAKER *pro tempore*. The amendment of the gentleman from Illinois [Mr. BURCHARD] has been received at the desk, and will be read.

The Clerk read as follows:

Strike out the first six lines of the section, and strike out all after the word "thereof" in line 22.

Mr. MILLS. I offer the following amendment:

In line 8 of the section strike out "twenty-five" and insert "ten;" so it will read:

The postage on no single volume of public document shall exceed the sum of ten cents.

Mr. HAWLEY, of Connecticut. I hope the attention of the House will be given to this section. There can be no doubt that it is to a very considerable extent a restoration of the franking privilege. As such I object to it, and I desire a distinct vote taken upon the question, and if possible by yeas and nays.

Now, I am not going to join in any common cant or slang about the franking privilege. It was abused no doubt to some extent. Still it had its uses. It certainly had its benefits at a time when our facilities for the distribution of information were not so good as they are at present. It was then valuable to the people, and valuable to our public institutions, if not abused. But the public sentiment of the country was upon the whole against it. The tendency of public sentiment has been in the direction of paying for everything we send through the mails. The public adopted that idea and we legislated in that direction a year ago. We have professed to abolish the franking privilege. We have professed a sincere desire to make the experiment of no free matter. I wish to adhere to that experiment for one or two or three or four years until we understand and the country understands its operation. Perhaps by and by public sentiment may

justify some modification of the existing law by which public documents got up at the public expense may be distributed.

Mr. FORT. I wish to ask the gentleman a question.

Mr. HAWLEY, of Connecticut. No, sir. But we are evidently not ready for that yet. Public sentiment is not ready for it. And so I object to any direct or indirect restoration of the franking privilege of any sort or description whatever. I wish to wait one or two or three years longer, and then see what should be done. For the present I am unalterably opposed to that, and I call for the yeas and nays.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the report of the committee of conference on the bill (H. R. No. 1572) to amend the several acts providing a national currency, and to establish free banking, and for other purposes.

POST-OFFICE APPROPRIATION BILL.

The House resumed the consideration of the Senate amendments to the post-office appropriation bill.

Mr. PARKER, of Missouri. With regard to what the gentleman from Connecticut [Mr. HAWLEY] has said, I desire to say that this is no restoration of the franking privilege. This does not permit documents to go through the mails free of postage. The gentleman from Connecticut asserts that the people of this country have petitioned Congress that the franking privilege be repealed. Well, sir, I do not believe that the people of this country ever did any such thing. The Postmaster-General of the United States, after having almost a cord of petitions printed in the Government Printing Office at the Government's expense, sent these petitions out to the different postmasters in the country, who in many cases filled them up with their own hands, as they feared their official heads would be cut off unless they would indorse this humbug, because it is nothing else. They did in some cases get a few people to sign these petitions, but in the majority of cases they signed them themselves with the names of persons taken from the directories of the different towns and cities of the country. They went to the tombstones and to the graveyards in many cases to get the names of men and send them up here to instruct the American Congress upon this question.

Now, sir, if it be true that the people did petition us to repeal this franking privilege, why let them know the full effect of it by paying the postage themselves upon all documents that they may desire. For one member of this Congress, after the people of this country have demanded that our pay shall be so reduced that no man can live conveniently here as a member of Congress upon it, I do not propose to pay any postage upon these documents.

Now this section simply proposes that the people who petitioned for a redress of this grievance shall pay their own postage. Let them do it if they desire the documents.

Mr. FORT. How can the dead men do it?

Mr. PARKER, of Missouri. My friend asks how the dead men can do it. Members of Congress do not send documents to dead men, but the postmasters put the names of dead men upon petitions to Congress asking the repeal of the franking privilege.

Mr. HOLMAN. It is very clear that no man has asked for the restoration of the franking privilege since its abolition; that is very clear.

Mr. TYNER. Mr. Speaker, I am quite willing to let my vote, in the event the yeas and nays shall be called on this amendment, indicate to my constituents what my position is in regard to it. But I do want to say that I am ready to put myself on record in any manner whatever against anything which looks like a restoration of the franking privilege.

Sir, I voted for the repeal of the franking privilege during the last Congress. I have had no report from the Post-Office Department since nor any other information that indicates to me that I ought to change my position in that regard. I believe, sir, that I was as much instructed by my constituents, through their platforms at home, through the expressions of the public press and in every other way, to vote in favor of the repeal of the franking privilege and against its restoration, as I have ever been instructed in regard to any question.

We are now entering upon a political campaign in which some gentlemen of this House are to take a part, and in which they are to be candidates. I warn them that they had better be cautious about voting for anything that looks like a restoration of the franking privilege. I have little more to say and then I desire to yield the remainder of my time to my friend from Ohio, [Mr. GARFIELD;] but I want to say, in addition, that this proposition is to permit the postage on these documents to be collected at the office of delivery. It means that any constituent of any gentleman on this floor shall be privileged to ask him to send him a report, but it is to be at the expense of the constituent, and with the understanding that he himself shall pay the postage. I now yield the remainder of my time to the gentleman from Ohio.

Mr. GARFIELD. I desire to say a single word only upon this amendment, and then I hope the previous question will be sustained and a vote will be taken. There is a proviso at the end of this section that hereafter the CONGRESSIONAL RECORD shall pass through the mails free, and in that there is this a little bit of moral bribery

offered to every member of Congress, that the CONGRESSIONAL RECORD or any part thereof shall pass through the mails free of postage.

Mr. HAWLEY, of Connecticut. The appendices.

Mr. GARFIELD. All you would have to do is to have your speeches printed with a heading "Appendix to the CONGRESSIONAL RECORD," and it becomes a part of the CONGRESSIONAL RECORD, and passes free through the mails. In other words, here is a plan to let all the speeches that members of Congress may make, if they have a simple heading saying something about the CONGRESSIONAL RECORD, go through the mails free hereafter, and if that is not a species of moral bribery, which I believe this House will not have the courage or rather the lack of it to consent to, then I do not know what is bribery. I ask for the previous question, and call for the yeas and nays in concurring in the amendment of the Senate.

The SPEAKER *pro tempore*. The Chair desires to ask the gentleman from Connecticut [Mr. HAWLEY] upon which of these propositions he asks for the yeas and nays. There are two amendments to the amendment of the Senate which have been offered in the House. Does he desire the yeas and nays upon those amendments, or upon concurring in the Senate amendment?

Mr. HOLMAN. I hope the yeas and nays will be called on the question of concurrence in the Senate amendment.

The SPEAKER *pro tempore*. The first amendment pending is that offered by the gentleman from Texas [Mr. MILLS] to strike out in line 8 of the Senate amendment the words "twenty-five" and to insert in lieu thereof the word "ten;" so that it will read, "and the postage on no single volume of public document shall exceed the sum of ten cents, &c."

Mr. MARSHALL. I desire to say a few words on this amendment.

Mr. SHANKS. I have been trying to get the floor myself, and I must object.

Mr. TYNER. The previous question has been asked by my colleague, the chairman of the Committee on Appropriations.

The previous question was seconded and the main question ordered being first upon the amendment offered by Mr. MILLS.

The question was put; and on a division there were, yeas 115, noes not counted.

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

The yeas and nays were ordered, 34 members voting therefor.

The question was taken; and there were—yeas 127, nays 111, not voting 51; as follows:

YEAS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Averill, Barber, Barrere, Begole, Bell, Berry, Bland, Bowen, Bright, Brown, Buckner, Bundy, Burchard, Burling, Benjamin F. Butler, Roderick R. Butler, Caldwell, Cannon, Canon, John B. Clark, jr., Freeman Clarke, Clymer, Stephen A. Cobb, Coburn, Corwin, Creamer, Crittenden, Crutchfield, Davis, Dobbins, Dunnell, Durham, Field, Fort, Giddings, Glover, Gunter, Hagans, Hamilton, Hancock, Henry R. Harris, Harrison, Hatcher, Havens, Hays, John W. Hazelton, Hendee, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hunt on, Hurlbut, Hyde, Hynes, Jewett, Killinger, Lansing, Lawrence, Leach, Loftand, Lowe, Magee, Marshall, Martin, Maynard, McKee, Mills, Moore, Morey, Negley, Niblack, O'Brien, Orr, Orth, Page, Isaac C. Parker, Pelham, Pike, James H. Platt, jr., Thomas C. Platt, Randall, Rapier, Read, Richmond, Robbins, Sawyer, Henry J. Scudder, Sener, Sessions, Shanks, Sheats, Sherwood, Speer, Standford, Strait, Swann, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Vance, Wallace, White, Whitehead, Whitehouse, Charles G. Williams, William Williams, Ephraim K. Wilson, James Wilson, Wolfe, John D. Young, and Pierce M. B. Young—137.

NAYS—Messrs. Albright, Barium, Biery, Bradley, Bromberg, Buffinton, Burrows, Cain, Cessna, Amos Clark, jr., Clements, Coumgo, Conger, Cook, Cotton, Cox, Crooke, Crossland, Crouse, Danford, Darrall, Dawes, Donnan, Duell, Eames, Foster, Frye, Garfield, Gooch, Gunkel, Eugene Hale, Benjamin W. Harris, John T. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Holman, Kasson, Kelley, Kellogg, Knapp, Lamson, Lawson, Loughridge, Lowndes, Lynch, James W. McMill, MacDougall, McJunkin, Merriam, Milliken, Monroe, Morrison, Neal, Niles, O'Neill, Packard, Packer, Hosca W. Parker, Parsons, Pendleton, Perry, Pierce, Poland, Potter, Pratt, Rainey, Ransier, Ray, Rice, Ellis H. Roberts, James C. Robinson, James W. Robinson, Ross, Henry B. Saylor, Milton Saylor, John G. Schumaker, Seofield, Isaac W. Scudder, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Southard, Sprague, Stanard, Starkweather, St. John, Stone, Storm, Stowell, Tyner, Waldron, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Whitthorne, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William B. Williams, Wood, Woodford, and Woodworth—111.

NOT VOTING—Messrs. Banning, Barry, Bass, Beck, Blount, Clayton, Clinton L. Cobb, Crocker, Curtis, DeWitt, Eden, Eldredge, Elliott, Farwell, Freeman, Robert S. Hale, Harner, Hersey, Hooper, Kendall, Lamar, Lamport, Lewis, Luttrell, McCrary, Alexander S. McMill, McLean, McNulta, Mitchell, Myers, Nesmith, Nunn, Phelps, Phillips, Purman, William R. Roberts, Rusk, Sheldon, Lazarus D. Shoemaker, Sloan, Sloss, J. Ambler Smith, William A. Smith, Stephens, Strawbridge, Sypher, Taylor, Waddell, Whiteley, Willie, and Jeremiah M. Wilson—51.

So the amendment of Mr. MILLS was agreed to.

The question recurred upon the motion of Mr. BURCHARD to strike out of the amendment of the Senate the following at the beginning of the section:

That hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of the House of Representatives, or by the President or head of any Executive Department, or other person entitled to the franking privilege when the law was passed abolishing the same; and.

Also to strike out the following at the end of the section:

Provided, That this section shall apply only to documents ordered to be printed by either House of Congress previous to the passage of this act: And provided further, That the CONGRESSIONAL RECORD, or any part thereof, shall be carried through the mails free of postage.

The question was taken upon the amendment of Mr. BURCHARD; and upon a division there were—yeas 75, noes 15; no quorum voting.

Tellers were ordered; and Mr. BURCHARD and Mr. SPEER were appointed.

Mr. SPEER. I desire to make a parliamentary inquiry. Is this amendment divisible?

The SPEAKER *pro tempore*. It is not.

Mr. SPEER. Is it in order to move to amend the amendment?

The SPEAKER *pro tempore*. It is not; for the previous question is operating.

The House again divided; and the tellers reported that there were yeas 83, noes not counted.

Mr. SPEER. I think the House has been voting under a misapprehension of the question, and I therefore call for the yeas and nays.

The SPEAKER *pro tempore*. The Chair desires to state that the amendment of the gentleman from Texas [Mr. MILLS] having been offered as an amendment to the one offered by the gentleman from Illinois, [Mr. BURCHARD,] if the amendment of the gentleman from Illinois be voted down the amendment of the gentleman from Texas will fall also.

Mr. G. F. HOAR. The amendment of the gentleman from Texas relates to a portion of the section not affected by that of the gentleman from Illinois.

Mr. BURCHARD. As I understood, the amendment of the gentleman from Texas was submitted as an independent proposition, and so voted on.

The SPEAKER *pro tempore*. The Chair at the time stated distinctly that the amendment of the gentleman from Texas must be germane to the amendment of the gentleman from Illinois.

Mr. MILLS. Does the Chair state that if the amendment of the gentleman from Illinois is voted down my amendment goes down?

The SPEAKER. It does.

Mr. MILLS. Then if the amendment of the gentleman from Illinois is voted up my amendment goes down also.

The SPEAKER. That is a question for the House to determine, not the Chair.

Mr. WOODFORD. Desiring to vote for a part and against a part of this amendment of the gentleman from Illinois, is it not proper to ask that it be divided?

The SPEAKER. It can be divided if it contains distinct substantive propositions.

Mr. CESSNA. There is some confusion about the statement of the Chair in my mind, for he seems to connect the amendment of the gentleman from Texas [Mr. MILLS] with the amendment of the gentleman from Illinois, [Mr. BURCHARD.] Now the amendment of the gentleman from Illinois relates to a part of the section not reached by the amendment of the gentleman from Texas. The amendment of the gentleman from Texas has been adopted, and is now a part of the section. I differ with the Chair with great reluctance; but it seems to me that the amendment of the gentleman from Illinois contains three distinct propositions, and if so I shall ask for a separate vote on each one of them. The first proposition is to strike out the first six lines of the amendment of the Senate as printed. That is a separate, distinct, and substantive proposition of itself. The second proposition is to strike out the first proviso of the section, which is also a separate and independent proposition of itself. The third proposition is to strike out the last proviso of the section, which is also a separate and independent proposition of itself. The three parts of the amendment are not related to each other; they are different in character; and in order that the House may have an opportunity to vote according to its own desire I shall ask the Chair to allow the amendment to be divided into the three parts I have indicated.

Mr. HOSKINS. A single word in regard to the proposition now before the House. The gentleman from Texas [Mr. MILLS] moved an amendment to a certain portion of this section, and his amendment was adopted by the House. I submit that the amendment of the gentleman from Illinois [Mr. BURCHARD] and that proposed by the gentleman from Texas are not germane to each other; they do not apply to the same portion of the section nor to the same subject. It strikes me therefore, with due deference of course to the ruling of the Chair, that they are independent propositions, and that if the amendment of the gentleman from Illinois be voted down it does not necessarily carry with it the amendment of the gentleman from Texas, for the reason that the two amendments do not apply to the same subject-matter or the same part of the section.

The SPEAKER *pro tempore*. The Chair does not hold himself responsible if the House has been misled upon this proposition. He distinctly stated to the gentleman from Texas, and it is so recorded, that his amendment must be germane and must appertain to that of the gentleman from Illinois, [Mr. BURCHARD.] The mistake, if there has been any, was on the part of the House, not of the Chair. In view of the circumstances under which the amendment of the gentleman from Texas was offered, the Chair now states that if the amendment of the gentleman from Illinois be voted down, that of the gentleman from Texas goes down with it. If the House has acted under any misunderstanding that may be corrected; but the Chair is corroborated in his position by the Journal clerk who made the entry.

Before deciding the question whether the amendment of the gentleman from Illinois is divisible, the Chair asks that gentleman to state his amendment, so that it may be understood whether it embraces different substantive propositions.

Mr. BURCHARD. I moved to strike out the first six lines of the

section down to and including the word "and;" so that the section should begin, "The postage on no single volume," &c. I also moved to strike out after the word "thereof" in line 22, the proviso and the further proviso, leaving the body of the section to which the gentleman from Texas had moved his amendment striking out twenty-five and inserting ten.

The SPEAKER *pro tempore*. The Chair holds that this amendment is divisible.

Mr. MILLS. I move to reconsider the vote by which my amendment was adopted, so that the House may extricate itself from this difficulty. Either this must be done, or my amendment must be considered as an independent proposition. The Chair has correctly stated that he put to me the question whether my amendment was germane to that of the gentleman from Illinois. I do not wish the Chair to be placed in a wrong attitude before the House. My amendment relates to the very next sentence after the first part of the amendment of the gentleman from Illinois, and I thought it was germane to that amendment. But I see now that it is not so, and therefore I presume my amendment must be adopted as an independent proposition.

Mr. PARSONS. I rise to a parliamentary inquiry. I wish to know whether the House cannot now vote directly to strike out the first six lines and the last six lines of this section without affecting at all the independent proposition embraced in the middle of the section?

The SPEAKER *pro tempore*. The Chair will entertain the proposition of the gentleman from Texas [Mr. MILLS] to reconsider the vote by which his amendment was adopted.

Mr. BURCHARD. I rise to a point of order. As the order for the previous question was partly executed, I submit that it is not in order to reconsider.

The SPEAKER *pro tempore*. That point of order is well taken. The question will now be taken upon the first proposition of the amendment of the gentleman from Illinois, which is to strike out the first six lines of the section. The clause proposed to be struck out will be read.

The Clerk read as follows:

That hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of the House of Representatives, or by the President or head of any Executive Department, or other person entitled to the franking privilege when the law was passed abolishing the same; and.

The question being taken, there were ayes 45, noes not counted.

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

Mr. CLYMER. I move that the House take a recess till half past seven o'clock.

Mr. GARFIELD. It is necessary that this bill should be sent to a conference committee to-night, if we are to adjourn on the 22d.

The motion of Mr. CLYMER was not agreed to; there being—ayes 72, noes 93.

The question recurring on ordering the yeas and nays upon agreeing to the first division of the amendment of Mr. BURCHARD, the yeas and nays were not ordered.

So the first division of the amendment was not agreed to.

The question then recurred upon the second division of the amendment, which was to strike out the following:

Provided, That this section shall apply only to documents ordered to be printed by either House of Congress previous to the passage of this act.

The question being taken, there were—ayes 100, noes 48.

So the second division of the amendment was agreed to.

The question then recurred on the third division of the amendment, which was to strike out the following:

And provided further, That the CONGRESSIONAL RECORD, or any part thereof, shall be carried through the mails free of postage.

Mr. HAWLEY, of Illinois. The House having refused to strike out the first part of the section, as proposed by the amendment of the gentleman from Illinois, if these words should now be struck out where then would be the amendment of the gentleman from Texas?

Mr. CESSNA. That relates to the middle of the section.

The question being taken; there were—ayes 78, noes 71.

Mr. SPEER called for tellers.

Tellers were ordered; and Mr. SPEER and Mr. BURCHARD were appointed.

The House divided; and the tellers reported—ayes 107, noes 63.

So the third division of the amendment was agreed to.

The SPEAKER *pro tempore*. The Chair will now state that the portion of the amendment of the gentleman from Illinois to which the gentleman from Texas offered his amendment has been adopted; consequently the amendment of the gentleman from Texas has been adopted. But the Chair will rule that the latter was offered as an independent amendment, and the entry in the Journal will be made accordingly.

The question recurring on concurring in the amendment of the Senate, as amended,

Mr. HAWLEY, of Connecticut, called for the yeas and nays.

The yeas and nays were ordered.

Mr. BURCHARD. I ask that the Senate amendment as now amended be read.

The Clerk read as follows:

Sec. 14. That hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of

the House of Representatives, or by the President or head of any Executive Department, or other person entitled to the franking privilege when the law was passed abolishing the same; and the postage on no single volume of public document shall exceed the sum of ten cents, and the same, if not prepaid, shall be payable by the person to whom the same may be directed and received; and the words "public document" written or printed on the envelope containing any public document, and subscribed by the member or other person mailing the same, shall be deemed a sufficient certificate that the same is a public document; and the term public documents shall be deemed to include all publications printed by order of Congress, or either House thereof, or of any Department of the Government. And if any such documents shall not be taken from the post-office to which the same shall be directed within thirty days after being received thereat, the postmaster may sell the same for the amount of the postage due thereon, and shall account to the Post-Office Department for the proceeds thereof.

Mr. PLATT, of Virginia. I move that the House now take a recess. The motion was not agreed to.

The question recurred on concurring in the Senate amendment as amended.

The question was taken; and it was decided in the negative—yeas 113, nays 119, not voting 57; as follows:

YEAS—Messrs. Adams, Albert, Albright, Arthur, Ashe, Barber, Barnum, Barre, Barry, Beck, Begole, Bell, Berry, Biery, Bowen, Bradley, Bright, Brown, Buckner, Burchard, Burlingame, Benjamin F. Butler, Roderick E. Butler, Cain, Caldwell, Cannon, Cason, John B. Clark, jr., Freeman Clarke, Clymer, Stephen A. Cobb, Coburn, Comingo, Cook, Curwin, Creamer, Crutchfield, Davis, Dobbins, Donnan, Danell, Durham, Field, Giddings, Glover, Gunter, Hagans, Hamilton, Hancock, Henry R. Harris, Hatcher, Hays, Gerry W. Hazelton, John W. Hazelton, Herford, Herndon, George F. Hoar, Hodges, Howe, Hubbell, Hunter, Hunton, Hynes, Killinger, Knapp, Lamar, Lampert, Lansing, Leach, Lowe, Magee, Marshall, Martin, Maynard, McCrary, McKee, McLean, Mills, Moore, Morey, Negley, O'Brien, Orr, Page, Isaac C. Parker, Pelham, James H. Platt, jr., Thomas C. Platt, Purman, Randall, Ransier, Rapier, Read, Richmond, Robbins, Ruske, Sheats, Sherwood, Sloan, George L. Smith, Speer, Standiford, Straut, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Vance, Wallace, White, Whitehead, William Williams, and John D. Young—113.

NAYS—Messrs. Archer, Atkins, Averill, Bass, Bland, Blount, Bromberg, Britton, Bundy, Burrows, Cessna, Amos Clark, jr., Clements, Conger, Cotton, Cuffin, Crouke, Crossland, Crouse, Danford, Darrall, Dawes, Eames, Fort, Foster, Frye, Garfield, Gunkel, Eugene Hale, Benjamin W. Harris, John T. Harris, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, E. Rockwood Hoar, Hohman, Hoskins, Hyde, Kasson, Kellogg, Lamson, Lawrence, Lawson, Lotland, Lowndes, Lynch, James W. McDill, MacDougall, McJunkin, McNulta, Merriam, Milliken, Monroe, Morrison, Neal, Niblack, Niles, O'Neill, Orth, Packard, Packer, Hosea W. Parker, Parsons, Pendleton, Perry, Pierce, Pike, Poland, Potter, Pratt, Rainey, Ray, Rice, Ellis H. Roberts, James C. Robinson, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Shanks, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Snyder, Southard, Sprague, Standard, Starkweather, St. John, Stone, Storm, Stowell, Strawbridge, Swann, Tyner, Waldron, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, Woodford, and Woodworth—119.

NOT VOTING—Messrs. Banning, Clayton, Clinton L. Cobb, Cox, Crocker, Curtis, DeWitt, Duell, Eden, Eldredge, Elliott, Farwell, Freeman, Gooch, Robert S. Hale, Harmer, Harrison, Hendee, Hersey, Hooper, Houghton, Hurlbut, Jewett, Kelley, Kendall, Lewis, Loughbridge, Luttrell, Alexander S. McDill, Mitchell, Myers, Nesmith, Nunn, Phelps, Phillips, William R. Roberts, Henry J. Scudder, Sener, Sheldon, Lazarus D. Shoemaker, Sloss, Small, J. Ambler Smith, William A. Smith, Stephens, Sypher, Taylor, Charles E. Thomas, Tremain, Waddell, Whiteley, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, and Pierce M. B. Young—57.

So the amendment, as amended, was non-concurred in.

Mr. TYNER. I now move there be a committee of conference requested on the disagreeing votes of the two Houses.

The motion was agreed to.

And then, on motion of Mr. GARFIELD, (at five o'clock and fifty minutes p. m.,) the House took a recess until seven and a half o'clock p. m.

EVENING SESSION.

The House reassembled at seven and a half o'clock p. m., the Speaker in the chair.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 954) prohibiting the publication of the Revised Statutes of the United States in the newspapers at the expense of the United States; and

An act (S. No. 110) for the relief of the East Tennessee University.

Mr. HARRIS, of Georgia, from the same committee, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 3309) granting to the Nevada County Narrow-gauge Railroad Company a right of way through the public lands for a railroad;

An act (H. R. No. 3332) to fix the time for the election of Representatives in the Forty-fourth Congress from the State of Mississippi;

An act (H. R. No. 3417) to relieve Thomas Claiborne, of Tennessee, of political disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States;

An act (No. 4630) for the government of the District of Columbia, and for other purposes; and

An act (H. R. No. 3748) directing the Secretary of the Treasury to report upon the necessity for a public building at Brooklyn, New York, and the cost of the same.

CHOCTAW CLAIM.

Mr. WARD, of New Jersey, obtained the floor, and yielded ten minutes to

Mr. PARKER, of Missouri, who said: Mr. Speaker, I would not trouble the House at this time if it were not for the fact that in the discussion the other day on what was called the Choctaw claim the gentleman from Indiana, [Mr. COBURN,] unwittingly, of course, fell into a blunder which may justly be considered as putting members of Congress in the position of having voted for a claim for which a receipt in full had already been given. In order that those gentlemen who voted for the bill and in order that those who discussed it and voted against it may not be put in a false position, I desire the facts in connection with this matter may be given to the country so they may be completely understood.

It will be remembered that the gentleman from Indiana had read a receipt which he claimed in his speech was a receipt in full for the payment of this Choctaw claim. Of course if that be the fact then this House was spending valuable time in discussing a claim which had been received for in full and it puts the House in a false position. If it be true that this claim had been satisfied in full and a receipt had been given for it, it also puts a leading committee of this House, the Committee on Appropriations, in a false position.

If it be true that a receipt in full had been given for this claim, it puts the gentleman from Maine, the gentleman from Ohio, my friend from Pennsylvania, [Mr. SPEER,] and in fact all of the gentlemen who discussed this, except the gentleman from Indiana himself, in a singular position, because they all admitted that the claim had merits in it. It could not have any merits in it if a receipt had been given in full for it.

In order that the facts may be known in connection with this matter, I desire to trespass upon the House briefly to show what this receipt means and what it was given for, and that it may be perfectly understood I ask the Clerk to read the receipt as given in the RECORD and that portion of the remarks of the gentleman from Indiana immediately following.

The Clerk read as follows:

[Copy of release referred to in the foregoing letter.]

Whereas by an act of Congress entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852," it is provided that after the 30th day of June, 1852, all payments of interest on the amounts awarded Choctaw claimants, under the fourteenth article of the treaty of Dancing Rabbit Creek, for lands on which they resided, but which it is impossible to give them, shall cease, and that the Secretary of the Interior be directed to pay said claimants the amount of principal awarded in each case respectively, and that the amount necessary for this purpose be appropriated, not exceeding \$572,000; and that the final payment and satisfaction of said award shall be first ratified and approved as a final release of all claims of such parties under the fourteenth article of said treaty by the proper national authority of the Choctaws, in such form as shall be prescribed by the Secretary of the Interior: Now, be it known, that the said general council of the Choctaw Nation do hereby ratify and approve the final payment and satisfaction of said awards, agreeably to the provisions of the act aforesaid, as a final release of all claims of such parties under the fourteenth article of said treaty.

Mr. COBURN. Under the release I have just read \$850,000 was paid by the Government and accepted by the authorities of the Choctaw Nation as a complete and final settlement. There the matter should rest. If the account has since been opened, if an equity has been raised on behalf of these Indians, if an obligation has since been incurred by the treaty-making power of the United States, that is matter of discussion for lawyers; it is a question that ought to be investigated thoroughly and completely, and should not be brought in here at the end of an appropriation bill to be discussed under the present circumstances.

I regard this matter as of very great importance aside from the amount of money involved. We ought to adopt and stand by a policy against opening claims of such great age unless some equity of a very strong character is presented.

Here, so far as I can see, there is none. The claim seems to be trumped up after settlement in full more than twenty years. It deserves the fullest investigation and the most thorough discussion, such as we cannot give at this time.

Mr. PARKER, of Missouri. It will be observed, Mr. Speaker, that the gentleman asserts in his remarks here that this receipt was given in full, and he uses the expression that if this account is again to be opened there should be some strong equity before it is opened. Why, sir, it never has been closed. The gentleman fell into a most egregious blunder when he presumed that this receipt was given in full for this claim that has been before the House at this session. It will be remembered by the House that after the Senate made its award in 1859 it directed the Secretary of the Interior to make up the account, and in that account is shown just exactly what this receipt was given for.

The whole number of acres of land the Government acquired of these people by purchase was 10,423,195.69 acres. It will be remembered that under the treaty of 28th September, 1830, called the treaty of Dancing Rabbit Creek, a portion of those people desired to remain in their country in Mississippi. The Government by the fourteenth article of that treaty provided that those who desired to remain should have set apart to them a reservation of six hundred and forty acres to the head of each family and so much to each child and member of such family. The amount of these reservations that were set apart under this fourteenth article of the treaty was in the aggregate 334,101.62 acres. It was ascertained when the Government, after having made a survey of this country, came to parcel out these reservations to these people that settlers had gone upon the land, and the Government of the United States was unable to comply with the provisions of the treaty of 1830. The lands were not there to be given to them.

In order to settle the controversy Congress passed a law in 1842 providing for the appointment of commissioners to settle the differences between them. Those commissioners did settle the differences, and the Government by its solemn treaty, subsequently entered into, provided that this people should have, in lieu of the reservations, scrip

valued at \$1.25 per acre and upon which scrip they were to pay interest at the rate of 5 per cent. until the principal was satisfied. Under the terms of the act of June 30, 1852, the Government appropriated \$572,000 to satisfy this scrip which had been given in lieu of the reservations belonging to the Choctaws who chose to remain in the State of Mississippi. This receipt, when the \$570,000 were paid, was given in full satisfaction of the claim for these 322,046.74 acres, or the scrip for it; and that is all that this receipt means and all that it has reference to.

By turning to the fourteenth article of the treaty of 1830, it will be observed that that article, which is referred to in this receipt as being the one out of which the subject-matter of the receipt grew, has no reference to anything in the world except these 334,000 acres of reservations. Article 14 of the treaty provides that—

Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee-simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

It will be observed that when the Secretary of the Interior cast up this amount in 1859 he deducted from the account the three hundred and thirty-four thousand acres for which we had given the scrip, and upon that subsequently paid this \$570,000. This receipt, by its express terms, is a receipt in full only for the value of three hundred and thirty-four thousand acres of land, nothing further. It expresses upon its face that that is what it is.

Now, without being desirous of criticising the gentleman from Indiana, I will say that he either knew about this matter or he did not know. If he did not know about it, then it was certainly, to say the least and to put it in the mildest form possible, unkind for him to seek to put almost one-half of this House in the position before the country and the world of voting to pass here a claim which, if it had been as he asserted, satisfied, it would have been simply an outrage upon the House to undertake to pass. If he did not understand the case, if he fell into this error without understanding it, he is equally culpable as though he had understood it, because upon a matter of this importance and magnitude which may affect the standing of fellow-members of this House, which may put them in a false position before their associates, it is ungenerous for a gentleman of this House to make assertions upon a subject about which he knows nothing. If he does know anything about it, then he does not properly understand and construe the record.

I beg pardon of the House and of the Chair for thus trespassing upon their attention on this matter; but I deemed it due to other gentlemen of this House, as well as to myself, that the country should properly understand what this receipt was, and that the speech of the gentleman, consisting of assertions that this was a fraudulent and trumped-up claim, should not go to the country without the facts being shown to rebut such statements. I thank the House for its attention.

BOUNTIES.

Mr. WARD, of New Jersey. Mr. Speaker, I had the honor to introduce, in the early part of the session, a bill (H. R. No. 1244) granting bounties to the heirs of deceased soldiers. I give notice that I will, on the first opportunity, call up that measure and press it to a vote. I send it to the Clerk's desk that it may be read.

The Clerk read as follows:

A bill granting bounties to heirs of soldiers who enlisted in the service of the United States during the war for the suppression of the rebellion for a less period than one year, and who were killed or have died by reason of such service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the heirs of any soldier who was killed or died while in the military service of the United States, in the line of duty, during the war for the suppression of the rebellion, whose period of enlistment was for less than one year, or who shall have since died by reason of wounds received or disease contracted while in such service, shall be entitled to receive the same bounties as if said soldier had enlisted for three years: *Provided*, That the heirs so entitled shall be such, and only such, as are named and in the order named, and upon the conditions mentioned in the first section of the act of July 11, 1862: *And provided further*, That nothing in this act shall authorize the payment on account of any soldier who has received bounty from the Government of the United States.

Mr. WARD, of New Jersey. The object and purpose of this measure is clearly and concisely stated in the bill. It provides that the heirs of those who were killed or who have died from wounds or disease contracted in the rebellion, whose periods of enlistment were for less than one year, shall be entitled to receive the same bounties as if they had enlisted for three years; and also provides that nothing shall be paid on account of any soldier who has received bounty.

Volunteers in the Army of the United States who served in the recent war, and who enlisted for one year and upward, have very properly received bounties, while those who came forward so promptly and nobly in the beginning of the struggle, have been in this respect wholly neglected. It has always seemed to me manifestly unjust that those who were first to respond to the President's proclamation calling upon the militia of the several States to aid in maintaining

"the honor, the integrity, and the existence of our National Union," should be treated with less consideration by the General Government than those who subsequently enlisted.

The bill under consideration does not propose to give bounties to those who *survive*, though it would be only equal justice that they should receive them, but it proposes that where any one of these soldiers has laid down his life on the field of battle or has died by reason of wounds received or disease contracted in the service, that then his widow, his mother, his children, his sisters, or brothers, according to the established order of representation as proposed in the bill, shall receive a bounty equal to that received by those who enlisted for a longer period.

In order that the proviso of this bill may be properly understood, I call attention to the following extract from the act of July 11, 1862, specifying the beneficiaries under that act:

Provided, That said bounty shall be paid to the following persons, and in the order following, and to no other person, to wit: First, to the widow of such deceased soldier, if there be one; second, if there be no widow, then to the children of such deceased soldier, share and share alike; third, if such soldier left neither a widow, or child, or children, then and in that case such bounty shall be paid to the following persons, provided they be residents of the United States, to wit: First, to his father; or, if he shall not be living or has abandoned the support of his family, then to the mother of such soldier; and if there be neither father nor mother as aforesaid, then such bounty shall be paid to the brothers and sisters of the deceased soldier, resident as aforesaid.

Mr. Speaker, this proposition needs no argument; neither logic nor rhetoric can aid it. Whether the soldier enlisted for three months or three years, or for a shorter or longer period, I think it will be admitted by all that if he gave his life to his country he gave as much as he who gave most—even all that he had; and his dependent family is equally deprived of the services and support of their natural protector.

We are to-day in the full enjoyment of home and country, of civil and religious liberty, of freedom and equality. We have privileges that no other people on earth enjoy. These privileges have cost a price, and that price is the blood of those whom this bill seeks to remember. Our sense of obligation and gratitude cannot reach *them*, but those who were ever dearer to the dying soldier than his waning life are within our reach, and it is but a small meed of justice for us to say to them we will pay to you who have lost your son, or husband, or brother, that which they did not receive in life, and which the thousands of volunteers now in life and health did receive.

The proposed bounty is in fact only about one-half the sum realized by those who were entitled to bounties under existing laws, because they received their bounties long years ago, which, with the interest added, reaches nearly twice the sum originally paid them. It is only asked at this period for the representatives of those soldiers who enlisted for less than a year, and have died by reason of their services, what others received many years since.

I know that retrenchment and economy is the aim of the members of this House, and rightly too, and no one will by any proper measure go further in that direction than I; but let us see to it that in our endeavor to promote *economy* we do not perpetuate injustice, and that we are not sordid and ungrateful, remembering that there are some duties to which the plea of economy cannot rightfully be made. While the volunteers for a year and upward have received their bounties and many are now enjoying them, we cannot under the plea of economy refuse a bounty to the widows and mothers of those against whom the Government has so long and unfairly discriminated.

But, Mr. Speaker, it appears to me that considered as a measure of economy even, this bill should be approved. This nation is in its infancy, and it is too much to hope, with all our desires for peace, that there are not other wars before it, and more blood to be shed, and I insist therefore that the Government cannot afford to withhold this justice, and longer manifest a want of consideration for those who have died in defense of the nation; for such a policy would tend to retard enlistments and lead the people in times of emergency to stand aloof from the defense of the national life until the necessities of the Government would compel the offering of extraordinary bounties. Whether, therefore, considered as an act of justice, or in view of possible future wars, I deem this measure to be equally entitled to our favorable action.

Mr. Speaker, those whom the bounties provided by this act would reach, being the families of deceased soldiers, are the ones who have suffered most by the war. Deprived of the care and support of those upon whom they depended, they were obliged alone to toil and to suffer, and often for the very necessities of life. They bore the anxieties and tortures of mind incident to the ever-pressing reflection that son or husband or brother was in peril. Theirs was the grief and fearful desolation when were returned to the family circle, cold and dead, the remains of him who a few months before left them buoyant with hope and burning with patriotism; theirs have since been the privations and neglect incident to a life of poverty and want.

Since the beginning of the war up to the present time it has been my pleasure to give some attention to the interests of the soldiers and of those they have left behind them; and while as a rule they bear their misfortunes with wonderful resignation, I am bound to bear my testimony that the discrimination in the way of bounties against those who enlisted for less than a year and who gave their lives in the service of their country, has produced with many a deep sense of wrong and injury, and I feel that we should hasten to relieve

the nation from this charge of injustice, which is in truth too well sustained.

Mr. Speaker, I do not wish the House to act blindly on this subject, and would not conceal from it the fact that the bill involves no considerable expenditure. I estimate that there are forty-five hundred and fifty families that would be entitled to claim the benefits of this measure; and a bounty of \$200 for each family would involve an expenditure of \$900,000. But although the sum is considerable we should not hesitate to vote it; we are doing but simple justice to those by whose fearful sacrifices it is that we have anything to economize or to bestow.

It will be observed that this bill does not authorize the payment of one dollar on account of those who have received bounty, and that it does not apply to the future, but only to the heirs of soldiers now deceased, and does not therefore involve an expenditure that it is to be either continued or increased. So long a period has now elapsed since the war ceased, that in the future it cannot be reasonably claimed that the soldier has died from wounds or disease contracted in the service.

It is impossible to state with exactness the number of beneficiaries which this bill will include, and I have been obliged, in arriving at my conclusions, to assume that the number of deaths in the short service will be in proportion to the length of the terms of enlistment, the same as in the long service. The War Department has furnished me with a statement of the number of enlistments during the war, and the length of service; the whole number being 2,669,832, divided as follows:

For one year	390, 597
For two years	44, 365
For three years	1, 932, 869
Whole number for one year and upward to whom this bill does not relate	2, 367, 171
For less than one year:	
Sixty days	296
Three months	108, 416
One hundred days	85, 507
Four months	42
Six months	20, 439
Eight months	373
Nine months	87, 588
For less than one year (and it only to the families of this class of soldiers who were killed or died in consequence of the service, that the bill refers)	302, 661
Total number	2, 669, 832

The following is a statement of the number of troops who entered the service for a less term than one year, showing the States and Territories in which they enlisted:

Maine	8, 291
New Hampshire	2, 682
Vermont	5, 563
Massachusetts	27, 333
Rhode Island	5, 206
Connecticut	8, 004
New York	29, 916
New Jersey	14, 579
Pennsylvania	63, 773
Delaware	2, 574
Maryland	2, 912
West Virginia	2, 048
District of Columbia	4, 730
Ohio	51, 347
Indiana	17, 710
Illinois	20, 844
Michigan	781
Wisconsin	3, 969
Minnesota	930
Iowa	4, 869
Missouri	16, 590
Kansas	1, 091
Tennessee	739
Arkansas	374
Oregon	42
Nebraska Territory	1, 228
Colorado	1, 342
New Mexico	2, 336
Louisiana	669
Total	302, 661

The whole number of deaths in the Army, including *all* enlistments, was 327,588, and as five months is the average of the short terms it gives as the probable number of deaths in the class provided for in this bill, the number before stated, namely, 4,550. I should state that the Second Auditor of the Treasury, Hon. E. B. French, who, from his great experience and intelligence, is perhaps better able to form a correct opinion on this subject than any one else, assures me that my estimate of deaths in the short service is very liberal and will exceed by far the actual number to be provided for.

In justice to the Thirty-eighth Congress it should be stated that it passed an act, which was approved March 3, 1865, (Statutes at Large, volume 13, page 488, section 11,) by which bounties were intended to have been given to the heirs of *all* soldiers, but being referred to in said act as "volunteers," the Secretary of War decided that this class of men, having enlisted under the President's call for *militia*, were not entitled to the benefits of the act; and in consequence thereof the good intentions of Congress were defeated. Now should the proposed bill be concurred in the spirit of that law will be carried out and the long-deferred justice accomplished.

It is not necessary I am sure to appeal for the support of this measure to the gallant and patriotic gentlemen upon this floor who participated in that terrible strife, or to the other members of this House, who, in common with all the people of this land, are to-day enjoying the fruits of that fearful conflict; for it appears to me that the demand is so reasonable and so just that no one will hesitate to grant the desired boon to the widows and orphans of the slain, but that all will gladly embrace the opportunity to perform this act of equity and mercy.

Mr. Speaker, feeling that this brief statement of the merits of this bill might with propriety be made I have ventured thus long to occupy the attention of the House. Permit me in conclusion to add one remark that the old and beautiful maxim which declares that "it is sweet to die for one's country," is only true when one dies with the conviction that he will be remembered with gratitude and the dear ones he leaves behind him with justice.

MOIETIES, SANBORN CONTRACTS, ETC.

Mr. BUTLER, of Massachusetts. Mr. Speaker, failing health and the imperative direction of my medical adviser of the danger of taking part in a debate which might call for a draught upon physical strength kept me silent upon the debate on the bills repealing the several moiety laws by means of which the collection of taxes had been assured in all civilized nations. Perhaps this inability was not infelicitous, because it now permits me to call the attention of the House to what I deem the dangers to the revenue of so complete a departure from a system begun under Hamilton, sanctioned without interruption by every legislative act without one intended exception; and because this may now be done, too, after the officers lately executing these laws have gone out of office. The personal enmities and feelings which egged on the prosecution of the investigations of the Committee on Ways and Means have subsided or failed in their specific objects; personal ambition and hate, which were its impelling motives, have either been satiated or failed in their purposes; and the bill proposed by the committee having passed the House without a division, what I may now bring to the attention of the House will not have its weight diminished by the allegation of a desire to defeat an alleged measure of reform for personal or private reasons.

I assume the experiment of abolishing moiety is to be tried. I only desire therefore now to raise a warning voice against this experiment as one in the interest of the dishonest and unscrupulous importer and tax-evader, against the interest of the people as well as the honest and conscientious merchant.

What, then, is the moiety system? It is giving certain large rewards to official or other persons who will take upon themselves the unpleasant task—which is the duty of every citizen, but wholly neglected—of exposing frauds upon the Government and evasions of its taxes by those by whom the law requires they shall be paid. This system has been the machinery for preventing frauds in the collection of taxes in all civilized countries from time immemorial. We derive our laws in this regard, as indeed in all others, directly from England. It was declared in the House as an argument against it that the moiety system had been abolished in England. That is true; but the other truth which caused its abolition was not stated in the same connection by either of the gentlemen of the Committee on Ways and Means in their elaborate speeches taking up several days upon this subject, or in the several reports which they have made to the House, covering six hundred pages; and that is, Great Britain has abolished duties upon all articles of importation save seven only, and upon these her tax is substantially a specific and not an *ad valorem* duty, and she has thrown around those seven articles such safeguards as to compel the honest payment of the imposts upon them; while we have imposed duties, generally *ad valorem*, on three thousand two hundred and eleven articles of importation of every possible description, and in the value of each of which every customs officer would be required to be skilled and expert in addition to his assured honesty, in order to an accurate collection of the imposed duties; and, in addition, experience shows that he would have to be still more expert as a detective in discovering and thwarting the many devices by which the just dues of the country are evaded and the revenues defrauded by the skilled, expert, and unscrupulous importer.

It has been said and reiterated, "Why cannot the revenue officers collect all the revenues? If they are honest and do their duty, what necessity to have informers and detectives?" The answer is a plain one: The more honest the officer, the more unsuspecting of fraud and the more easily deceived; and you cannot get men for \$1,500 a year who are learned in the whole circle of human knowledge as applied to the many thousand articles of use, necessity, and luxury which are imported and taxed by a nation, comprising every variety of climate and every grade of necessity and luxury in its inhabitants, surrounded by a customs line of more than twelve thousand miles, to say nothing of Alaska, over which importations may be made without the payment of duties unless prevented by the customs officers.

Does not this simple statement show the entire impossibility of collecting the just taxes upon this number of articles by the knowledge of the customs officers, to be imported under an *ad valorem* duty founded upon their valuations, or to protect from smuggling so extended a customs line by any practical number of officials? The Committee on Ways and Means forgot to tell you also that in addition to the number of officers which Great Britain has to supervise the col-

lection of taxes upon goods, she still has a "preventive service," as it is called, with an organized corps of trained officers, covering her whole coast, and watching every bay, inlet, and headland of her island whereon contraband goods can possibly be landed. We have no such service, but officers engaged in collecting revenues upon regularly imported goods only, the special agents of the Treasury and the revenue marine excepted. How, then, can smuggling and the much more extended and injurious crime, the importation of goods by false values and false weight and measurement, be prevented? Only by the imposition of penalties so severe that they will make the hazard of the business more than commensurate with the profits. Now the profits on the undervaluation of a single cargo may be hundreds of thousands, while smuggling must of necessity be of very much less value at the single venture. Therefore the importation at undervaluation and by false weights and measures is much more dangerous to the revenue than any possible smuggling. Yet the committee seem to have directed all their energies to relieving from penalties frauds by undervaluations and cheating by false invoices whereby the greatest wrongs and injuries are inflicted upon the Government, and to have given their attention to the prevention of smuggling, which of necessity must be comparatively innocuous and in much smaller amounts.

The smuggler must hide in nooks and inlets, and bring in his goods by stealth under the cover of darkness. Of necessity they are few and of little cost. The fraudulent importer by a false valuation brings in his goods by the cargo, in three thousand ton steamers plying weekly between New York and Liverpool, and passes them through by a bribed officer at undervaluation on a perjured invoice of a confederate partner house in Europe, cheats the people of the United States out of millions, thereby becomes a "merchant prince," and covers his sins perhaps by building churches or other ostentatious acts of advertising benevolence which bring trade to his house; at the same time he lulls the suspicions and blinds the vigilance of the honest customs officer. For how can he believe that such a benevolent, rich, and praying merchant can be getting the means for his charities by defrauding the revenue, cheating the people out of a million dollars, and giving a thousand in charity that he may not be suspected of the fraud? I hope to convince the House before I get through that this is no fancy picture. Yet from this class of defrauders of the revenue the bill of the committee takes away almost every safeguard, and relieves substantially of every penalty.

Penalties, however severe, will be of no value as a preventive unless it is known that they will be enforced. What does the experience of all time and of all peoples teach us as to the detection of crime where there is great interest to cover it up? This truth: that under such circumstances crime is only to be found out and thwarted by an equal interest in the discoverer and pursuer, and the only safety to the revenue of the country is in the belief of the fraudulent importer that he is liable to be pursued by men whose intellects are sharpened and whose energies are spurred by an equal interest to discover the fraud with that which has impelled him to do the wrong.

It is replied to this that it is to be presumed merchants are all honest; that it is not to be assumed that they defraud the revenue; that as to them all this machinery is useless, all the pains and penalties simply vexatious, and their only application is to injure the innocent importer who may happen to have made mistakes. The committee, however, have again forgotten to tell us that in every case of honest mistake the law gives instant remedy in the remission of all penalties. Penalties can only be inflicted on the merchant when the Secretary of the Treasury cannot be convinced he is honest. An illustration, however, upon this point will give a better idea of the honesty of all merchants than any reasoning. And lest I may be supposed to be prejudiced I will take

THE TEA TRADE OF BOSTON.

The House is aware that our revenue system allows the merchant to bring his goods in without payment of duties and keep them in bond, and in case he desires export them without payment of duties. The House will also do me the favor to remember that up to 1870 we had not a very large duty on tea, but yet enough to excite the cupidity of some "honest merchants." In 1867 there were exported in bond free of duty from Boston to certain small places in the British provinces bordering on the coast of Maine, to wit: Saint Stephens, Saint Andrews, the Island of Grand Menau, Campo Bello, Indian Island, and Saint John's River, 6,738 packages, containing 338,308 pounds of tea. But in the latter part of 1867 one of these "pestiferous informers," upon whom the very vials of wrath of the chairman of the committee were poured out—an informer, aided by a special agent of the Treasury, went down East along the line dividing us from the province of New Brunswick, and commenced a series of suits and seizures which the bill of the committee now forbids, especially seizures of books and papers; and the consequence was that the next year, 1868, at the same ports, only 1,794 packages of tea, amounting to 85,968 pounds, or one quarter as many, were sent there from Boston to be smuggled back into the United States. Does not this conclusively prove the necessity for the use of the informer and the penalty of a moiety given to him to induce him to act for the Government so that he may be willing to be vituperated by the learned chairman of the committee in the following choice language:

"An odious, despised being, from whom everybody shrinks;" "who has no place whatever in decent society;" "who has his accursed employment;" "a vile, festering, putrescent informer;" "who takes the wages of sin and iniquity."

Who would not require at least one-half of all the penalties he could get to have such billingsgate thrown at him in the face of the country? Did it ever occur to the chairman that there must be something to inform of before there could be an informer; that the "honest merchant" must have committed a crime before anybody could tell of that crime; that the "honest merchant" must be convicted of defrauding the revenue by a jury, unless he confesses his guilt, before the informer can get a quarter of the penalties of the crime to which the court sentences the criminal? In all this most remarkable ebullition of vituperation the learned chairman finds no word of obfuscation or characterization of the dishonest, perjured, fraudulent, smuggling importer, because of whose crimes alone the "pestiferous informer" can exist. Ah! who would not rather be the "merchant prince" who defrauds his government and cheats the people and is false to his country and his God alike, to be praised and be lauded therefor by the Committee on Ways and Means, rather than the citizen who informs the Government of his crimes in order that they may be hindered, stayed, and punished?

To stamp the fact that all this importation of tea in bond from Boston—for I do not take into the account the other ports of the United States—to this province was entirely for the purpose of being smuggled back into the United States by the "honest merchant," I call attention to the fact that in 1870 the duty was taken off tea, and in 1873, with all the increase of population, there was sent from Boston to the same port only twenty-eight packages of tea, amounting to 1,766 pounds, in I find 1,738 packages, containing 338,000 pounds, when it could be smuggled with profit, the duty in the provinces being the same all the while—the duty having changed in this country alone. The table I send to the Clerk's desk will show this better than I have stated it.

The Clerk read as follows:

Statement of the tea exported in bond to British provinces during the years 1867 and 1868 from the port of Boston.

To New Brunswick.	Before the informer.		After the suit.		After duty was taken off.*	
	1867.	1868.	1867.	1868.	1873.	
	Pkgs.	Lbs.	Pkgs.	Lbs.	Pkgs.	Lbs.
Saint Stephen's.....	2, 238	128, 494	348	15, 941	.....	.....
Saint Andrew's.....	224	10, 055	10	360	18	804
Grand Menau.....	40	2, 624	33	2, 018	1	58
Campo Bello.....	322	13, 322	33	1, 802	.....	.....
Indian Island.....	189	8, 356	105	4, 754	.....	.....
Saint John.....	2, 931	167, 907	1, 230	58, 688	9	904
Saint John River.....	194	8, 050	65	3, 405	.....	.....
Other ports.....	.....	.....	.....	.....	.....	.....
Total.....	6, 738	338, 808	1, 794	85, 968	28	1, 766

*So there was no profit in smuggling across the line into the United States.

CUSTOM-HOUSE, BOSTON,
Collector's Office, March 30, 1874.

The foregoing tabular statement was compiled from the records in this office.
[SEAL] W. A. SLIMMONS, Collector.

Mr. BUTLER, of Massachusetts. But this exporting in bond of a few hundred thousand pounds of tea to half-civilized islands, as I have said before, is but a bagatelle in comparison with the amount of frauds committed upon the revenue by false and fraudulent invoices of high-cost merchandise. I have therefore been at some pains to get for the use of the House some accurate data founded upon statistics, which may be verified by anybody who will take the same pains that I have done, and which cannot be successfully contradicted.

Upon these I make this startling announcement to the House and the country: That the United States does not receive more than two-thirds of her revenue upon all articles on which *ad valorem* duties are imposed in whole or in part, so that to-day no more than 67 per cent. of our revenues are collected, owing to this class of frauds added to the others of which I have been speaking, or, in other words, if we could collect our revenues according to the present rate of taxation we could pay off yearly more than one hundred millions of the national debt, imposing no greater burdens on the people than now, because all of these revenues of which the country is defrauded are charged to the consumer as if paid by the merchant; so that by these enormous frauds the country is doubly the loser, first in its revenue, and secondly by the consumer paying it to the fraudulent merchant, generally an importer who has a branch of his mercantile house in this country and in the country from which his goods come.

I would not dare, sir, to make this very startling, nay, wonderful and almost incredible statement as to these frauds of undervaluation and false invoices were I not fortified by proof which I bring to the attention of the House, premising only that great as are the frauds with all possible penalties, seizure of books, and moieties to informers, and all the safeguards that the experience of the custom-house officers of England and this country has enabled us to throw around the revenues of the United States, these safeguards and penalties and hindrances to frauds have by the bill of the Committee on Ways and Means almost every one of them been removed.

Now to the proof. Let us take a manufacture which has but just begun in this country.

WORSTED STUFFS.

Fraudulent undervaluations in worsted stuffs of all kinds sent from England to the United States are simply enormous, as the subjoined examples will demonstrate:

Combed, not milled, worsted stuffs exported from Great Britain in one year, total number of yards, 154,206,478. Of these there were sent to the United States 48,542,218 yards; to other countries, 105,664,260 yards. Total value as declared in the invoices to the United States, \$10,324,741.24; to other countries, \$33,331,100.44. Average invoice value per yard to the United States, 21 cents; to other countries where there is no tariff of duties, 39.7 cents. Difference, or undervaluation, 47 per cent. Estimated annual loss on duties on this single class of goods, \$3,007,190.40.

OTHER WORSTED STUFFS.

Total exported in five months, 85,299,174 yards; to the United States, 28,442,728 yards; to other countries, 56,856,449 yards. Total declared value to the United States, \$5,073,975.28; to other countries, \$18,038,050.80. Average per yard to the United States, 18 cents; to other countries, 31½ cents. Difference, or undervaluation, 45 per cent.

LINENS.

Exports in one year to the United States, 70,234,347 yards; total declared value, \$10,507,790.04. Average invoice value, 14.9 cents per yard. Exports same year to France, Prussia, and Spain, 7,404,154 yards; total declared value, \$1,646,214.72; average invoice value, 24.8 cents per yard. Difference, or undervaluation in linens, sent to the United States, 43 per cent.

LINEN YARNS.

Total exported in one year, 34,002,479 pounds; to the United States, 1,247,457 pounds; other countries, 32,755,022 pounds. Total declared value to the United States, 24 cents per pound; to other countries, 35 cents per pound. Undervaluation on yarns sent to the United States, 32 per cent.

LINEN DAMASK AND DIAPER.

Exported to all countries in one year, 1,397,077 yards; to the United States, 1,267,390 yards; other countries, 129,687 yards. Total declared value to the United States, \$413,311.80; to other countries, \$56,081.08. Average per yard to the United States, 32 cents; to other countries, 43 cents. Undervaluation, 26 per cent.

The undervaluation in the exports of carpets from the looms of Kidderminster, Halifax, &c., is enormous. In bags, leather, gloves, percussion caps, &c., the same ratio of undervaluation is shown to exist as in fact it does with all articles paying an *ad valorem* duty.

The whole needle trade of Redditch and vicinity is carried on on a similar basis. It is like other branches of our foreign trade entirely in the hands of the foreign manufacturer and his resident agent or partner here, thus defying detection and exposure except by the greatest skill stimulated by the highest rewards. Certain it is that all articles of foreign manufacture and importation shipped to the United States are in quality and cost far better than the average shipped to other countries, and therefore the average rate of invoicing should be much higher for the United States, whereas as we have seen it is vastly lower. This fact, therefore, clearly demonstrates such undervaluation is done for the sole purpose of defrauding our revenues.

To show the accuracy of the conclusion it is only necessary to turn to articles which pay purely specific duties. By their undervaluation nothing is to be gained. Take for example—

COTTON GOODS.

Total of heavy printed cotton exported in the same year as above from Great Britain, 715,559,642 yards; to the United States, 27,384,430 yards; other countries, 688,175,212 yards. Total declared value to the United States, \$3,258,229.92; to other countries, \$72,224,682.20. Average per yard to the United States, 11½ cents; to other countries, 10½ cents.

LIGHT PRINTED COTTONS.

Total exported same year, 141,604,328 yards; to the United States, 9,324,688 yards; other countries, 132,279,640 yards. Total declared value to the United States, \$1,151,591.88; other countries, \$13,985,843.08. Average per yard to the United States, 12 cents; to other countries, 10 cents.

Here it will be seen that as soon as we approach goods paying exclusively a specific duty the average rate of invoicing is higher to the United States than to other countries, proving that a better class of goods generally is sent here than to other countries, and leading to the inevitable conclusion that the same difference of higher rates of invoicing would prevail in worsteds, linens, carpets, &c., if they also paid a specific instead of an *ad valorem* or mixed duty. The same facts are true regarding imports from other countries.

The Committee on Ways and Means may reply to this—which would be the fact—that they have not had these statistics before them. Certainly not. If they have, their report does not show it. They have examined only cases of individual merchants to find out if the laws have worked supposed hardships, and not the case of the people, to see how they are defrauded. The committee put forward most prominently of all, as example of the hardship of the law upon honest men, the case of Phelps, Dodge & Co., making the case of that firm the ground-work for all their recommended legislation; and in their report, and in the debate which followed, and which for days members of the committee had substantially to themselves, no one has uttered a word of animadversion upon Phelps, Dodge & Co. No harsh language is used; all that is reserved for the officer who

brought their pleaded guilt to light. In the course of the evidence, as taken before the committee, there seems to be a studied and careful attempt that that firm shall appear to the country as honest and injured merchants, who had, by the devices of the officers of the Government, been robbed of a very large sum of money. All the lawyers and chairmen of boards of trade, and there were many, made it the ground-work of their attacks upon the revenue laws. It went forth as the *cheval de bataille* of those who desired to take off all effective penalties to prevent frauds in the collection of the revenue.

The facts of this case, as stated by Mr. Dodge, the senior partner, whose testimony as a witness occupied longer time than any other witness save one, and to make room for whom the representative of the National Board of Trade gave way, are these. (Let us premise by saying, however, that none of the active junior partners of the house who swore to the invoices, and were charged with committing the frauds, were sent for by the committee.) Phelps, Dodge & Co., a firm of many years' standing, who had imported between "three and four hundred million dollars' worth of goods, and had paid the United States Government more than fifty millions of duties," very honest—giving the very language of Mr. Dodge—"I will say it with perfect confidence that our good name and our integrity were never assailed in these many years until it was assailed by the Government"—meaning the charge, made by a special agent of the Treasury, of false valuation in December, 1872. Mr. Dodge again reiterates that statement: "The first knowledge or hint in forty-odd years of business that I have had with the Government, that I was accused of any dereliction of duty was, when sitting at the board of one of our large institutions, I received a note from my partner, asking me to come to the custom-house," (in December, 1872;) that thereupon he went, and found his firm accused of having many invoices for five years—which was as far as the Government could go back on account of the statute of limitations—sworn to at a false valuation, for the purpose of defrauding the revenue; and that the books and papers of the firm touching those importations would be seized if not voluntarily produced to the officers. Thereupon, yielding to the necessity, his books and papers were produced, and from those books and papers the special agent of the Treasury made up an account, first, of \$260,000, but afterward coming up to the enormous sum of \$271,000, the amount of articles in the invoice in which "simple mistakes" only, as Mr. Dodge now declares, had been made in stating their value, by which the Government had lost duties to the amount of some sixteen hundred dollars only. But Phelps, Dodge & Co., fearing that these "simple mistakes" would hold them guilty in a court, and being "subject to a system of terrorism" which they could not withstand, in order to save themselves from the oppressions of the Government officials, in entire consciousness of integrity and innocence of all intended or actual wrong, after they had taken counsel of four most eminent lawyers, and after reflecting upon the subject for more than six weeks, made an offer of compromise of penalties for the crime of importation by false invoices, which they confessed in writing they had done, and paid this very great sum of money into the Treasury, as penalty.

This is the statement, in brief, as Mr. Dodge puts it forward in connection with the record. He admits that the house of Phelps, Dodge & Co. has had, for many years, a branch house in Liverpool—Phelps, James & Co.—which was substantially the same in interest as the house in New York, composed of the same Phelps and the same James as the house in New York. To exclude all conclusion that this Mr. James of this firm in Liverpool did any wrong, Mr. Dodge tells us that Mr. James joined the firm and removed to Liverpool—

Where, for over forty years, he has been the resident partner, sustaining the character of a high-minded, respected, and honorable merchant, and for a number of years past the oldest American merchant in England; his name a synonym of honesty and uprightiness, and shedding a luster on his own country and American merchants; gratified by the honors conferred abroad, but ever looking with pride, as an American citizen, for protection to his own country. In all this time not a question had ever arisen as to the vast shipments made to the house in New York. On entering his office one day in December, 1872, he found the following dispatch, in leaded lines, in the newspapers:

"PHELPS, DODGE & CO., NEW YORK.—This great firm have had their books and papers seized by the United States for alleged frauds on the revenue to the amount of \$1,750,000."

I will not attempt to describe the feelings of such a man. I will simply say that the shock came well-nigh killing him; nor has he ever entirely recovered. He felt that a life-long reputation, dearer to him than aught else, had been struck down, in a moment, by his own Government, on which he had depended for protection. He had passed his three-score and ten until then with an unblemished character, and felt that, at least, he had a right to demand that he should be "considered innocent till proved guilty." Can a law liable to produce such results be just?

If this account of Mr. Dodge is in the main true; nay, if it is found to be true in any substantial portion; if his firm had maintained always a name for integrity and honesty of dealing with the Government; if his statement about Mr. James be true, that "in all this time not a question had ever arisen as to the vast shipments made to the house in New York," then I agree "that a law liable to produce such results not only is unjust" and should be repealed, but that it is the duty of the United States Government to condignly punish the officers who have done so gross a wrong to such honorable men, and not only to repay them the money that has been extorted from them, but to give them a very large sum as some slight reparation for the unqualified wrong and unheard-of injury without just cause committed upon them. But if all these statements are not true, in substance or in fact; if the whole story in all its essential parts is as false as the perjured invoices under which Phelps, Dodge & Co. pleaded guilty that they passed their

goods without tax into the country, then the law that catches perjured scoundrels and smuggling villains and punishes them, however severely, ought to be sustained and made more stringent, not less.

The first statement of Mr. Dodge which challenges attention is whether the house in New York and Liverpool has, until the latter part of December, 1872, always borne this unblemished reputation without fault or blot, which he states; and have the dealings of that house with the Government been always just and true, as Christian "merchant princes" ought to have dealt with the Government? Because, if that be so, it can hardly be believed that for a comparatively small sum of money a house of such wealth and good repute has suddenly become so vile and so criminal as they confessed themselves to be in their letter to the Secretary of the Treasury when they desired to "settle" with the Government for their crimes. If, on the other hand, it is found that this firm have been cheating this Government for long years, then we shall conclude that they have only been caught at their old tricks.

Now, Mr. Speaker, it is a notorious fact to everybody having to do with importations in New York officially for many years past that the house of Phelps, Dodge & Co. have been confessed to be guilty of the most petty and outrageous smuggling, taking advantage of all technical points to get their goods in without paying duties that could be most ingeniously conceived.

A harsh accusation this, you say. Yes, and one that ought not to be made unless it can be made good. Well, then, sir, many years ago, since the forty years that Mr. James has been resident partner of the house in Liverpool and interested in the house in New York, during which time Dodge says not a question has been raised as to the vast shipments of this house, and since Phelps, Dodge & Co. have been one of the largest importers in the country of lead, tin, and other metals, the Congress of the United States passed a law to encourage American art, a law which in various phases you will find on your statute-books as the tariff was revised from time to time, which was in effect that statuary of American artists should come in free. Whereupon this firm, of which Mr. James, this "honest, honored merchant," was resident partner and consignor, had hundreds and thousands of tons of lead and block-tin and copper cast into statuettes of the Goddess of Liberty and Washington and Jefferson, and imported them into this country as works of American art, thereby escaping the duty. But when here they were taken from the hold of the vessel to the warehouse, and from the warehouse went to the melting-pot, being sold to their customers for pig-lead and tin.

Now, right here, I challenge any honest, just-minded man to look me in the face and say that an "honest merchant" or a "Christian gentleman" ever did such a thing to cheat his government, whether a James of Liverpool or a Dodge of New York. And yet this Dodge tells us that the "first knowledge or hint, in forty-odd years of business that I have had with the Government, that I was accused of any dereliction of duty" was in December, 1872. Was that true? So far from its being true, Mr. Speaker, Congress had to change this very law about American statuary on account of these fraudulent importations and cheating of the revenue of which I have spoken by this very firm; and this firm was accused of this fraud upon the revenue on the 1st day of March, 1865, on this very floor. I send to the Clerk to be read an extract from the Congressional Globe of that date, part two, second session Thirty-eighth Congress, page 1255. The fifth section of the tariff bill was under discussion, and was as follows:

And be it further enacted, That the term statuary, as used in the laws now in force imposing duties on foreign importations, shall be understood to include professional productions of a statuary or of a sculptor only.

Mr. KERNAN. I desire some explanation of this section. I should like to know what this unprofessional statuary is. Has this provision reference to those people who import leaden statues of Liberty, &c.?

Mr. MORRILL. I may state, in brief, that it has been found that parties have in many cases evaded the payment of duties by importing articles in the form of statuary when they could not legitimately rank as such. In some instances lead has been thus imported to a large extent. We had a law by which statuary was admitted free; and statues of the "Father of his Country" and of the "Author of the Declaration of Independence" were brought over in that way. I believe that the gentleman is answered.

Mr. ELDRIDGE. I would like to know from the gentleman from Vermont whether this does not refer to one particular firm. I want to know whether this does not refer to PHELPS, DODGE & CO., and that firm alone.

Mr. STEVENS. When statuary was admitted free we had statues of Webster and Clay and others in copper and lead imported, and so soon as they were landed and taken out of the custom-house they were melted down. IT WAS A FRAUD UPON THE REVENUE.

Mr. ELDRIDGE. What firm did that?
Mr. STEVENS. Phelps, Dodge & Co.

Now, as Mr. Dodge himself came into Congress as a member of this House at the very next session, one would have supposed that he would have arisen to explain if this very grave charge upon the president of the Young Men's Christian Association was not true. So far the record. I am told, and I believe, that there are men in this House who know the fact that Mr. Dodge himself admitted before the Committee of Ways and Means of a former House, when questioned, that these importations were made. The fact never has been denied, and can be easily substantiated. Imagine the fine feelings of this old Mr. James, the "honored merchant" of Liverpool, when he was loading up this fraudulent statuary to cheat the revenue of his country!

I have no doubt that it was quite true, as Dodge states, that when James heard that Phelps, Dodge & Co.'s books had been seized in New York in 1873 he nearly fell dead, or that it almost killed him, for he knew how fraudulent their acts were, and always had been, and feared

the consequences. There was a merchant of high standing in Boston not many years ago who, when charged with frauds upon the revenue, made confession by committing suicide.

Importing of lead and tin and copper in the form of statuary was by no means the most serious attack of this firm upon the revenues of the Government for their own benefit. Cast your mind back, Mr. Speaker, to April, 1864, the very darkest hours of the war, when Grant was reorganizing the Army of the Potomac for his march on Richmond; when every patriotic man was preparing himself for the final great struggle; when the nation needed every dollar that it could command, and when it became necessary to add one-half to our revenues by taxation to sustain our falling credit, with gold at 180. What shall we say of a firm which in that trying hour of the nation's peril exercised its infernal ingenuity in devising ways and means to defraud our impoverished Treasury of millions, and succeeded in so doing?

To meet the exigency we were obliged to pass a joint resolution providing that until the end of sixty days 50 per cent. of the rates of duties imposed by law should be added to the then present duties and imposts on all goods, wares, and merchandise, so that we might have time in which to adjust the tariffs; and then, just sixty days from that time, to wit, on the 30th of June, we passed an "Act to increase the duties on imports." It covered nearly all importations, and, among other things, it provided—

On tin plates, and iron galvanized or coated with any metal by electric batteries or otherwise, 2½ cents a pound.

At this time, if ever, Mr. Speaker, it became all patriotic men, all lovers of the country, to do everything that possibly could be done to aid the revenues of the country, to sustain its credit and enable the soldiers to receive their pay, and to support the armies in the field. Let us see, then, what the course of this firm of Christian merchants, Phelps, Dodge & Co., was in that crisis of their country's need. They were the largest importers of tin plates in the country, and that article is one of the largest of their importations. As we shall see in a moment, it ought to yield a large revenue. The duty upon it at that time was 25 per cent. *ad valorem*, which would be about 1½ cents per pound. It was the intention of Congress to increase it; therefore they enacted that "on tin plates, and iron galvanized or coated," &c., there should be a duty of 2½ cents a pound. But Mr. William E. Dodge went to the Treasury Department of the United States, in his own person, as I have the means of showing, and there advocated a reading of that law which was sanctioned neither by the letter, text, spirit, nor meaning, nor by the true and just thought of any patriot. He procured an opinion from the Treasury Department by which the comma was construed to be removed after the word "plates" and inserted after the word "iron," so as to make it read:

On tin plates and iron, galvanized or coated with any metal by electric batteries or otherwise, 2½ cents a pound.

So that, with that construction, the duty had not been raised on tin plates at all, but only on "galvanized" tin plates. Who ever heard of a galvanized tin plate? None was ever imported, I venture to say, or ever will be. The consequence was, that all the tin plates imported into the United States, of which Phelps, Dodge & Co. were by far the largest importers, came in at 25 per cent. *ad valorem* instead of 2½ cents a pound, which was a very large increase of duty. I send a table to the Clerk to show how this would operate in favor of Phelps, Dodge & Co. I have not been able to obtain the statistics of their importations in 1864-'65, but I have their importations for 1870-'71, in which, taking the average both of weight and value, the following result is shown.

The Clerk read as follows:

Imports of tin plates by Phelps, Dodge & Co. for the year 1870-'71.

1870, (boxes)	585,378
1871, (boxes)	734,112
Total, (boxes)	1,319,490
Average weight, (pounds), say	125
Total weight, (pounds)	164,936,250
Duty, (cents)	2½
Total duty	\$4,123,406.25

Total number of boxes, 1,319,490, at an average value of 22 shillings sterling per box, making \$1,451,439; equal in United States gold to \$7,024,965; duty at 25 per cent., \$1,756,241.

RECAPITULATION.

Amount of duty at specific rate of 2½ cents per pound	\$4,123,406
Amount of duty at <i>ad valorem</i> rate of 25 per cent.	1,756,241
Difference in favor of importer	2,367,165

Mr. BUTLER, of Massachusetts. Showing, it seems to me clearly, even admitting that my average may be considerably out of the way, a difference of at least 100 per cent. in favor of the *ad valorem* rate.

Whether that average value is precisely correct or not is of no consequence, because it would not substantially vary the figures, and that shows that in 1870-'71, and every other year from 1864 until the change of the tariff on June 6, 1872, would make a difference in favor of Phelps, Dodge & Co. and against the United States by this change of the law at the personal solicitation of William E. Dodge with the Treasury officers of the United States of \$2,367,000, and over four mil-

lions annually, taking the whole importation of the United States during that eight years.

We have heard, in the matter of the duty on fruits, the earnest denunciations of the Committee on Ways and Means of the Treasury Department for not paying attention to the position of a comma, by which \$300,000 were refunded; but the Committee on Ways and Means have told the House nothing of the effect in favor of Phelps, Dodge & Co., not solely of looking out for a comma, but the deliberate taking of a comma from one part of a law, where it had been placed by Congress, and putting it in another place where there was none, by which quite four millions of revenue were lost to the Government annually during a period of eight years, and that in favor of the fraudulent importer. In verification of this, I send to the clerk a letter of the Secretary of the Treasury of July 22, 1864, and I beg him to read the portion between the brackets.

The Clerk read as follows:

Sir: Your letter of the 12th instant is received, requesting to be instructed in writing in relation to the proper construction of the language of the second paragraph on the ninth page of the printed tariff of June 30, 1864, viz: "On tin plates, and iron galvanized, or coated with any metal by electric batteries, or otherwise, 2½ cents per pound."

It would appear that an error of punctuation has been made by some one; most probably by the clerk who engrossed that part of the act. If the comma which is inserted after the word "plates" be omitted, and a comma placed after the word "iron," the true sense will be had, which unquestionably is, that the tin plates, as well as the iron, must be galvanized or coated with any metal by electric batteries, or otherwise, in order to bring them within the provision.

Mr. BUTLER, of Massachusetts. And that construction remains even unto this day. For we find in the authorized tariff of the Treasury Department, published after the act of June 6, 1872, which took off 10 per cent. from the duties, the following remarkable announcement:

Tin plates, galvanized or coated with any metal otherwise than by electric batteries, 2½ cents per pound. Ordinary tin plates, or tins other than the above, 15 per cent. *ad valorem*.

And yet, with this vast fraud upon the revenue by this firm staring them in the face, if they had chosen to examine it, the Committee on Ways and Means have recommended the diminution of duty on tin plates, upon the petition of Phelps, Dodge & Co., to 1 cent per pound, and passed the bill through under suspension of the rules.

Mr. DAWES. No, sir; one cent and a quarter, against their protest.

Mr. BUTLER, of Massachusetts. Ah! One cent and a quarter. Which was against their protest, the one cent or the quarter cent?

Mr. DAWES. I gave you a fair answer, sir.

Mr. BUTLER, of Massachusetts. Certainly, sir. I suppose you would not give any other. What made you think you would?

Mr. DAWES. You did not treat it fairly. Ordinarily such an answer would be fairly treated.

Mr. BUTLER, of Massachusetts. Wait a moment. I will read the memorial sent to Congress on this subject:

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

Your memorialists—merchants, importers, dealers, and workers of tin plates—respectfully request that you will consider the expediency and recommend to Congress the conversion of its present *ad valorem* duty on the import of tin plates into a corresponding and equivalent specific duty, as a measure calculated to simplify and increase the collection of customs revenue

The importations of tin plates during the last two fiscal years were in value as follows:

1872.—Amount in value imported	\$19,312,428
1873.—Amount in value imported	14,993,650
Total value	27,306,078

That with an *ad valorem* duty of 15 per cent. the accruing revenue would have amounted on this importation to \$4,095,761.70.

But the actual weight imported during the above two years was:

1872.—Gross weight, including boxes	Pounds. 209,671,640
1873.—Gross weight, including boxes	214,069,374
Total pounds	423,741,014

which import, at a specific duty of one cent per pound gross weight, (or including the weight of the packages,) would have yielded a revenue of \$4,237,410.14. The difference in two years' revenue receipts, therefore, between the present *ad valorem* and the recommended specific rate of duty, would have been only \$141,648.44, or about \$70,000 per annum, and that \$70,000 in favor of the revenue.

Who do you suppose signed this memorial? The first signature is that of Phelps, Dodge & Co., of New York.

Mr. DAWES. But you said that we passed through here a bill making the duty one cent a pound, on their petition. Now look at the bill, and it will show that the duty as fixed by this House was one cent and a quarter per pound, which is an increase over the present tariff; and that is their complaint which they have carried to the other end of the Capitol.

Mr. BUTLER, of Massachusetts. And have got it down there, I believe, to one and one-tenth of a cent.

Mr. DAWES. No matter what they have got it down to there. Your charge was against the present Committee of Ways and Means.

Mr. BUTLER, of Massachusetts. They came here and asked for a duty of one cent per pound; and you put it upon tin plates, wooden boxes, iron packages, and all at one and a quarter. Is not that so?

Mr. DAWES. And does not that make more for them to pay?

Mr. BUTLER, of Massachusetts. Does it?

Mr. DAWES. Does it not make more to put the duty on the boxes as well as the tin?

Mr. BUTLER, of Massachusetts. No, sir. There is a specific duty now on the packages, which is not to be collected when you put on the duty by the pound. But however that may be, one cent, and a quarter per pound is not two cents and a half.

Mr. DAWES. Your charge was against the Committee on Ways and Means. Will you please stick to that?

Mr. BUTLER, of Massachusetts. No, sir; I have got through with them for the present.

Mr. DAWES. Because you are answered.

Mr. BUTLER, of Massachusetts. The facts between us are all before the country.

Mr. DAWES. You ought to leave your statements as they are then.

Mr. BUTLER, of Massachusetts. Now, having disposed of that difference of a quarter of a cent a pound between me and the learned chairman of the Committee on Ways and Means, [Mr. DAWES,] I find I must hasten on.

Such being the undeniable recorded facts in regard to Phelps, Dodge & Co., what was the special agent of the Treasury to believe when he found them charged with fraud, especially when false and double invoices were produced to him in December, 1872? Why, he could not but believe that these men were continuing to take all manner of unfair, fraudulent, and swindling advantages of the Government, and doubtless he examined their books with that belief. And what did he find? He found that they had a corresponding house in Liverpool, and that that house was engaged in consigning invoices of tin plates to the house of Phelps, Dodge & Co. in this country daily, and sometimes three or four invoices per day; that in every case those invoices were sworn to as a purchaser's invoice—that is, that the goods had been purchased in open market by the house of Phelps, James & Co., and that the prices annexed to the articles therein were the true and genuine prices paid for them. But he found that in the only kind of tin plates in which they could cheat—because the prices of the ordinary kind of tin plates were as staple as gold eagles would have been if imported by that firm—in every instance they had a double invoice from the manufacturer, and that those specially large sizes of tin were not purchased by Phelps, Dodge & Co. or Phelps, James & Co. in open market at all, but were manufactured for those firms, which are one and the same firm; and that in every instance, when they swore they had bought these articles in open market, they swore falsely, and knew it, because they knew the article was manufactured to order for their firm, and they should have sworn to the cost price of the manufactured article, which he found each time had been in the possession of the firm before the oath was made, and it was a higher cost than the invoice price to which they made oath. So that they and those whom they employed had been guilty of deliberate and corrupt perjury every day in the year and every year of our Lord for the five during which the law allowed the officer to look back. And he found the evidence of that in this: That every one of these custom-house invoices, of which they had duplicates in the books of the firm, had a thin paper copy of the true manufacturer's cost pasted over it, in order that the firm might know how to sell at a proper price the goods which they had undervalued so as to smuggle them by false invoices into the country.

Under these circumstances the special agent reported to the Secretary of the Treasury the facts. Mr. William E. Dodge employed four lawyers—Mr. Abram Wakeman, a former surveyor of the port of New York, and a learned lawyer in revenue law; Mr. Henry E. Knox, candidate for supreme judge of New York; Judge Fullerton, the foremost criminal lawyer in the city of New York; with a gentleman who had been Attorney-General of the United States, as consulting counsel; and those lawyers, after examining his case carefully for six weeks, advised him three times over to offer to pay the value of every falsified-invoice article; which falsified-invoice articles amounted to more than a quarter of a million dollars—\$271,000, to get released from these frauds, and Mr. William E. Dodge and his partners, after full consultation, agreed to that proposition, nay, ardently desired it, and made a written statement to the Secretary of the Treasury that on account of "certain irregularities" which had been found in their business they were willing to pay \$271,000 to compromise a suit which the district attorney in the mean time had, at their request, brought against them for a million dollars, or less than two-thirds of the whole amount of their tainted or fraudulent invoices. That suit was brought in that form at the request of the counsel of Dodge, after the compromise had been agreed upon, in order that when that compromise should be accepted it might cover every claim for penalties against Phelps, Dodge & Co.

When the letter offering to pay that great sum came to the Secretary of the Treasury, GEORGE S. BOUTWELL, he wrote back in substance—all of which will be found in the testimony—"I cannot accept this compromise. I will not be put in the position which that offer will put me, of being a blackmailer. Either you have committed fraud or you have not committed fraud. If you have not committed fraud, you should not pay the Government anything. I will consider the question of compromise, but I cannot compromise under your statement that you are guilty of irregularities only." Thereupon that offer was modified by Phelps, Dodge & Co., after consultation with their four eminent counsel, who advised their client to plead guilty to a

suit charging them with importing goods to a million dollars in value by false invoices and fraudulent appliances; and thereupon Phelps, Dodge & Co. sent an offer of compromise, admitting their guilt individually and collectively, and renewing their offer to pay the \$271,000; and while the Secretary of the Treasury was considering it they withdrew the offer.

Meantime the matter had got into the newspapers; the Christian Association, of which Mr. William E. Dodge was a burning and a shining light, began to inquire, What manner of man is this who makes long sermons by day and prayers by night in the temples while his partners in business are accumulating his profits by daily and hourly perjuries and frauds upon the Government? And William E. Dodge wrote, as the testimony shows, to GEORGE S. BOUTWELL, and said to him in substance, "I withdraw my offer of compromise." He expected the Secretary to answer to that, "I cannot permit the withdrawal, as the matter is closed." Then Dodge would doubtless have gone away and said, "The compromise was inadvertently made, and when I went to withdraw it the Secretary took a snap-judgment upon me." But the Secretary, with his usual straightforwardness, wrote in substance: "Very well; if you think you are not guilty withdraw your compromise and go to a jury." So the compromise was withdrawn. Thereupon Dodge consults again with his four lawyers; and after nearly two weeks' delay he renews the offer and the money is paid. In order to break his fall he says to the Secretary, "The Government officers think that I ought not to withdraw the compromise, they having once accepted it I am bound to carry it out." What was the manly and honorable and straightforward answer to that of the Secretary of the Treasury? It was, "Mr. Dodge, if your action in renewing the proposition has been influenced by this representation, you will have an opportunity to consider the subject anew and take such course as you may think proper before final action by this Department." Finding no subterfuge would avail, Mr. William E. Dodge, with his four lawyers behind him, after weeks of such consultation and such shifts and such attempts at evasion as I have described, deliberately put on file a written statement admitting that his firm were guilty of the charges in suit; that by these false and fraudulent invoices the revenue had been defrauded; and paid \$271,000 in expiation of that guilt.

The SPEAKER. The hour of the gentleman has expired.

Mr. BECK. There are a number of gentlemen who want to speak; I am pretty early on the list myself. I am perfectly willing that half of my time should be taken by the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. ELLIS H. ROBERTS. I want to have it understood whether this argument is to be all on one side, and all to be made by the gentleman from Massachusetts?

Mr. BUTLER, of Massachusetts. It is a great deal like the argument of the committee a few days ago; they had two days.

Mr. ELLIS H. ROBERTS. The gentleman from Massachusetts had been three times invited to be present and take part in the discussion. All I desire to know is whether or not other gentlemen are to succeed the gentleman from Massachusetts, or will members of the Committee on Ways and Means have an opportunity to be heard?

Cries of "Go on." "Go on."

Mr. BUTLER, of Massachusetts. I am in the hands of the House.

Mr. ELLIS H. ROBERTS. I do not object to the gentleman's going on. But I desire to have it understood that there are two gentlemen other than members of the Committee on Ways and Means who are to speak after the gentleman from Massachusetts gets through and before any member of the Committee on Ways and Means can be heard.

Mr. BUTLER, of Massachusetts. I do not care who speaks after me.

Mr. FOSTER. We want this matter understood. If those two gentlemen who have the floor after the gentleman from Massachusetts gets through are to speak an hour each that will make a great difference.

Mr. BUTLER, of Massachusetts. I do not know how long they will speak. But if you will allow me to go on, we are wasting good time here.

The SPEAKER. The gentleman from Massachusetts is not entitled to the floor any longer except by some arrangement that may be made. The rules of the House are specific that no gentleman shall speak more than one hour.

Mr. FOSTER. Who will follow the gentleman from Massachusetts?

The SPEAKER. There has been a list made out—

Mr. COBB, of Kansas. I move to suspend the rules in order that the time of the gentleman from Massachusetts may be extended.

The SPEAKER. The gentleman has not the floor for that purpose.

Mr. FOSTER. I want to have this thing understood.

Mr. BUTLER, of Massachusetts. I want it understood, too.

Mr. FOSTER. I do not object—

Mr. BUTLER, of Massachusetts. Why do not you keep quiet, then?

The SPEAKER. The Chair thinks that it would be only the ordinary fairness of debate that members of the Committee on Ways and Means should have the right to follow the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. I have no objection to that; I only wish they would not interrupt me now.

Mr. GARFIELD. I understand that the gentleman from Kentucky [Mr. BECK] has yielded the half of his hour to the gentleman from Massachusetts.

Mr. BECK. If I have an hour I will yield the half of it.

Mr. GARFIELD. If that is the case then I do not think there need be any trouble.

Mr. NIBLACK. The gentleman from Massachusetts was ill when this debate was going on. We all wanted to hear him then, and I hope he will be permitted to proceed now.

The SPEAKER. Is it understood that the gentleman from Massachusetts [Mr. BUTLER] has the floor indefinitely, or for only a specific time?

Mr. DAWES. I understand that the gentleman has half of the hour of the gentleman from Kentucky.

Mr. BUTLER, of Massachusetts. I have that much; I do not know how much more.

Mr. MAYNARD. Is there not some way to settle this matter by some motion?

Mr. BUTLER, of Massachusetts. I have eleven to one to speak against me; I do not care about this thing, however.

Mr. TOWNSEND. I believe that my name is next on the list on the Speaker's table. I am willing to give at least twenty minutes of my time to the gentleman from Massachusetts.

Mr. MAYNARD. I would ask the gentleman from Massachusetts how much more time he wants?

Mr. BUTLER, of Massachusetts. Not much more; but I do not want to feel cramped for time.

Mr. MAYNARD. Then I move to suspend the rules so that the gentleman from Massachusetts may have another hour.

Mr. FOSTER. There is no need of making that motion.

Mr. FORT. I hope the motion will be put.

The motion to suspend the rules was seconded; and (two-thirds voting in favor thereof) the rules were suspended.

[The announcement of the result was greeted by applause on the floor and in the galleries.]

The SPEAKER. It is a gross infraction of the rules of the House and of decency for the galleries to manifest approbation or disapprobation of any action of members of this House. And the Chair will put in active effect his power to clear the galleries if this is repeated. The slightest manifestation of applause or disapprobation will cause the galleries to be cleared.

Mr. BUTLER, of Massachusetts. Phelps, Dodge & Co. paid the \$271,000 in expiation of that guilt. And yet we are told "all merchants are honest," and Phelps, Dodge & Co. are the very princes of merchants. Nay, Mr. William E. Dodge claims he comes here before your committee, as I understand, as president of the Chamber of Commerce of the city of New York, as the exemplar of the merchant, as a dealer in hardware ties up his goods and puts a specimen pair of shears on the outside, so that we may know the quality of the cutting instruments inside without opening the package.

To show you that I cannot be mistaken in this matter, I have caused to be prepared and will send to the Clerk to be read a table showing how frauds on the revenue have grown up and how necessary these penalties are to their detection and punishment. It appears that in 1792 the whole amount of forfeitures, fines, and penalties derived from the frauds of the merchants of that period was \$118; in 1798, \$8; and in 1873, it was \$1,261,175.

The Clerk read as follows:

Statement of the annual receipts from customs, and from fines, penalties, and forfeitures, from March 4, 1789, to June 30, 1873.

Years.	Customs.	Fines, penalties, and forfeitures.	Percentage.
1791	\$4,399,473 09	\$311 00	.....
1792	3,443,070 85	118 00	.....
1793	4,255,306 56	.....	.....
1794	4,801,065 28	.....	.....
1795	5,588,461 26	.....	.....
1796	6,567,987 94	.....	.....
1797	7,549,649 65	220 00	.....
1798	7,106,061 93	8 00	.....
1799	6,610,449 31	16,421 81	.024
1800	9,080,932 73	14,019 84	.015
By decade	59,402,458 60	31,098 65	.0052
1801	10,750,778 93	2,492 54	.0023
1802	12,438,235 74	1,971 96	.0016
1803	10,479,417 61	1,039 00	.001
1804	11,098,565 33	2,504 44	.0021
1805	12,936,487 04	1,359 17	.001
1806	14,067,698 17	363 14	.....
1807	15,845,921 61	1,764 77	.0011
1808	16,363,550 58	4,972 00	.003
1809	7,257,506 62	176 00	.....
1810	8,583,309 31	748 80	.00087
By decade	120,421,070 94	17,391 82	.0014
1811	13,313,222 73	11,125 24	.00083
1812	8,958,777 53	1,190 00	.0013
1813	13,224,623 25	2,256 21	.0017
1814	5,998,772 05	2,536 13	.0042
1815	7,282,942 22	.....	.....

Statement of the annual receipts from customs, &c.—Continued.

Years.	Customs.	Fines, penalties, and forfeitures.	Percentage.
1816	\$36,306,874 88	\$2,085 00	.00054
1817	26,283,348 49	5 25	.....
1818	17,176,385 00	577 60	.00033
1819	20,283,608 76	2,130 89	.001
1820	15,005,612 15	105 97	.....
By decade	163,834,167 09	22,002 29	.0013
1821	13,004,447 15	.....	.....
1822	17,589,761 94	173 72	.....
1823	19,088,433 44	10 00	.....
1824	17,878,325 71	.....	.....
1825	20,098,713 45	3,411 06	.0015
1826	23,341,331 77	1,382 44	.0006
1827	19,712,283 29	157 45	.....
1828	23,205,523 64	1,339 41	.00057
1829	22,681,965 91	2,704 32	.0012
1830	21,922,391 39	359 21	.....
By decade	198,523,177 69	9,537 61	.00047
1831	24,224,441 77	4,995 37	.002
1832	28,465,237 24	8,868 04	.0031
1833	29,032,508 91	2,889 84	.00099
1834	16,214,957 15	2,464 00	.0015
1835	19,391,310 59	2,156 76	.0011
1836	23,409,940 53	3,390 05	.0014
1837	11,169,290 29	993 56	.00089
1838	16,158,800 36	1,366 14	.00084
1839	23,137,924 81	2,976 18	.0013
1840	13,499,592 17	5,316 76	.0039
By decade	204,703,913 92	35,416 70	.0017
1841	14,487,216 74	6,681 41	.0046
1842	18,187,908 76	1,592 44	.00087
1843	7,046,843 91	288 99	.00041
1844	26,183,570 94	9,180 99	.0035
1845	27,528,112 70	145 54	.....
1846	26,712,667 87	2,049 13	.00076
1847	23,747,864 66	13,318 65	.0056
1848	31,757,070 96	6,510 92	.002
1849	28,346,738 82	11,155 97	.0039
1850	39,668,686 42	9,224 46	.0023
By decade	243,666,681 78	60,148 50	.0024
1851	49,017,567 92	10,776 93	.0022
1852	47,339,326 62	13,049 71	.0027
1853	58,931,865 52	5,441 09	.00092
1854	64,224,190 27	5,702 54	.00088
1855	53,025,794 21	33,645 53	.0063
1856	64,022,863 59	19,346 95	.003
1857	63,875,905 05	9,169 39	.0014
1858	41,789,620 96	26,432 90	.0065
1859	49,565,824 38	19,468 67	.0039
1860	53,187,511 87	34,305 69	.0064
By decade	544,980,470 30	177,339 40	.0032
1861	39,582,125 64	15,389 77	.0038
1862	49,056,397 62	17,963 76	.0036
1863	69,059,642 40	139,174 05	.02
1864	102,316,152 99	446,265 22	.043
1865	84,928,260 60	413,713 97	.049
1866	179,046,651 58	534,227 34	.029
1867	176,417,810 88	455,908 13	.026
1868	164,464,599 56	818,054 83	.05
1869	180,048,426 63	803,045 08	.045
1870	194,538,374 44	576,238 22	.03
By decade	1,239,458,442 34	4,219,980 37	.0035
1871	206,270,408 05	1,028,416 67	.049
1872	216,370,286 77	722,284 76	.033
1873	188,089,522 70	1,261,175 51	.067
For three years	610,730,217 52	3,011,876 43	.049
Total	3,385,720,600 18	7,584,791 77	.022

NOTE.—The percentage column shows the fractional part of 1 per cent. of the amount received from fines, penalties, and forfeitures on the whole amount of customs. In the years omitted the percentage is so small as to be insignificant.

Mr. BUTLER, of Massachusetts. Is anything more needed to prove that the dishonest importer, with his false invoices, his branch on the other side to undervalue his goods, his false appliances to deceive the customs officers, has quite driven the honest merchants out of the business and left it in hands such as these?

Men of the House of Representatives, it is to shield such as these that we have voted to take off the penalties imposed upon defrauders of the revenue by false invoices and smuggling importers! Let me not be misunderstood. This experiment must be tried before the people will understand how greatly they are defrauded and wronged. I do not oppose its trial. If I had intended to have done so I should have begun my opposition earlier. The result will be that you will find a great diminution of your revenues in the coming year. You will be called upon to pass laws to raise more revenue at the next session; and I have no doubt that the committee will recommend to put the tax on tea and coffee and on friction-matches, and the com-

forts and necessities of the people. Instead of that, if I am here, I shall ask you to adjust the penalties for defrauding the revenue, and make them so stringent, and so sustain and reward the officers who fearlessly do their duty, that upon the silks, the worsted stuffs, the laces, the satins, the jewels and the velvets, and the plate-glass, and the luxuries of the rich, such tariff may be honestly collected as will pay the expenses of the administration of your Government from the coffers of your Treasury.

I might well stop here, but there is another branch of the system of collecting Government dues by giving moieties which naturally ranges itself alongside the customs moiety. The practice of the Treasury Department for many years, without the sanction of law, until the 8th of May, 1872, of collecting delinquent taxes and old claims and debts due the United States, that had passed out of the usual channels of administration for years, was by giving a contract for moieties to the informer or collector. One of the earlier Secretaries who found the necessity of it was Mr. Guthrie, of Kentucky, and it began with his administration of the Department. It has been continued by every Secretary thereof downward until Mr. BOUTWELL came into office, who wholly refused to give out such contracts until they were sanctioned by law. Congress passed such law in 1872, and under it several contracts were made which proved fruitless. Finally a contract was given to Mr. John D. Sanborn, under which, in nine months, he collected \$427,000 of delinquent and withheld taxes, and received one-half, he paying all the expenses.

These delinquent taxes arose in this way: There was a tax upon estates of deceased persons, but the law was repealed in 1870. Another class of these delinquent taxes were taxes upon dividends by railroads and other large corporations. The law for these also was repealed at the same time. There was another tax upon incomes of men who had large revenue and had neglected or refused to return them and pay the tax as was their duty by law to do, and the law for that tax had been also repealed. The law establishing the office of assessor had also been repealed, and as the collector's duty had been only to collect the list of the taxes given him by the assessor, and as indeed it was in doubt whether the taxes could be collected at all without they were assessed, it will be seen that the whole of these classes of taxes were in danger of being wholly lost to the Government. So that the collection of these delinquent and past taxes had run down to substantially a nominal sum in comparison with their great amount, and this, too, without any special fault of the internal-revenue officers. Their collection could not be enforced without suits, and no revenue officer was authorized to incur that expense on behalf of the Government.

The amount of these taxes thus behind, and that had been behind for three or four years at the time Sanborn undertook his contract, is simply enormous. Sanborn testifies that he had knowledge of some five millions of income and other taxes due from property-owners in Europe, to get the data of which he had spent a large sum of money. I have in my hand—which I will make a part of the record—a list of taxes due from railroad companies still uncollected, the evidence of which has been fully investigated, but which the party giving me this list does not wish to disclose since the report of the committee repealing the law, because he says the knowledge has cost him money, labor, and time, and he does not choose to give it to the United States. I may say, however, that this person is *not* Mr. Sanborn; but I have no doubt of its entire accuracy.

Amounts of withheld taxes due from railroad companies.

One company.....	\$16,569 91
Do.....	25,413 82
Do.....	10,712 57
Do.....	10,118 91
Do.....	9,384 93
Do.....	40,727 40
Do.....	6,584 80
Do.....	60,503 41
Do.....	54,476 00
Do.....	49,052 00
Do.....	25,832 50
Do.....	173,454 00
Do.....	38,135 34
Do.....	250,000 00
Do.....	325,000 00
Do.....	475,000 00
Do.....	125,000 00
Do.....	450,000 00
Total.....	\$2,147,965 59

And these are but a small part of the sums behind, which are justly due the United States, and are of the same kind of taxes which honest men have been obliged to pay. Now the question is, whether it was well by moieties to collect these many millions of dollars which are owed to the United States by the dishonest men who have evaded and escaped, either those who have received legacies left by rich relatives or by corporations which have not made returns of their dividends or surplus profits, or by men who have received incomes in this country and have refused to make the returns thereof to the tax-gatherer; or shall we allow these vast sums to remain uncollected and the Government to be defrauded of them, or give a portion, and a large portion perhaps, to somebody who will bear the expense, give the labor, and bear the odium of enforcing their payment?

Sanborn was going on in good faith, as he testifies, having expended

the principal part of the very large sum of money which he received as moiety, the money which he did collect in gathering up information by which these debts to the Government might be collected; and he would have collected some millions if he had been allowed to pursue his investigations under the contract.

The Committee on Ways and Means have taken some three hundred pages of testimony; have examined everybody in every possible form, and they have failed to find any illegal act done by Sanborn in collecting these taxes, or that he ever attempted to collect any tax that was not due, or return any to any one of the revenue officers who offered to assist him that was not due, or that he failed to return to the Treasury any moneys collected. At least the report of the committee does not show the contrary. It is objected against him by the committee, among other things, that he put in a large number of railroads in his contract as defaulters when he had not examined the books of all of them. But he testifies that he had examined a hundred and fifty of them by himself and his agents, and he found every one of them delinquent in taxes to the United States, and he assumed that the others were in like condition. At least he thought it safe to swear that he believed they were, which was all that the law required when he made his affidavit to the Treasury Department.

Mr. Sanborn collected from the Delaware and Lackawanna Railroad Company the large delinquent tax, of years standing, of \$99,685.24; and the Committee on Ways and Means gravely report collusion with somebody in the Treasury in order to do that, because the very day after the check from the railroad company officer was sent Mr. Sanborn wrote to the Treasury that the check had been sent, and gave the number of the check. Now, your committee ask, how could Mr. Sanborn have known that unless he had been in collusion with somebody in the Treasury, because Mr. Odell, the treasurer of the railroad, swears nobody knew the amount of that check but the president of the road, himself, and his clerk. What a wise and penetrating committee; as only three persons knew of the check, and therefore a fourth person must have told about it!

Now it so happens, as I am informed, that this very clerk was the very man who gave Sanborn the information as to the delinquency of this railroad in its taxes, and the man, of course, who told him of the check which he as clerk had written. Any one who examines the testimony will come to the conclusion that this great amount never would have been collected, some of it having been for nearly four years overdue, if it had not been for the moiety system under which Sanborn was operating.

But there is one very curious fact about this delinquent tax of this railroad of nearly \$100,000, which shows how the fraud runs in a line through some men. It is said, "If you scratch a Russian you will find a Tartar underneath;" and it so happens if you scratch one of the firm of Phelps, Dodge & Co., you will always find a defrauder of the revenue, for it turns out that the chairman of the finance committee of this railroad which was delinquent in this \$100,000 tax was Mr. William E. Dodge, of the firm of Phelps, Dodge & Co., the "Christian gentleman" and the "honest merchant," whose firm imports as American works of art leaden statues of the Goddess of Liberty, even at the risk of having her nose bruised when she is thrown into the melting-pot to come out as lead pipe.

But it is not my purpose at this hour of the evening, nor would it be of advantage, to go into examination of this system of collection of delinquent taxes. It has been long in practice; it has commended itself to administrative officers heretofore; it has its uses; it has its defects and disadvantages; and although some four to six millions, which in my belief never will be got without it, might have been got under it, yet as the House has chosen to repeal it, and as it only deals with past debts and delinquent taxes, it passes out of the line of my duty as a legislator, especially as the whole internal revenues in the future do not depend in any degree upon it, as do our customs revenues upon the other part of the moiety system. It is well enough to try the experiment of repealing this law and finding out whether the Commissioner of Internal Revenue can make the collections. Nor is it my duty or purpose to defend Mr. Sanborn, whether he did well or ill. That is his affair. I did not promote his getting the contract. I had nothing to do with its fulfillment by him. If the law is an unwise one let it be repealed, and in that I have neither more nor less interest or wish than every other member of this House. But I take leave to say that it is not brave nor manly in those gentlemen who passed the law to make scape-goats of the officers who execute the law they passed.

The Committee on Ways and Means have spent several months and a large amount of money in seeming examination of the question of the propriety of the law, and if that time and money were spent in good faith to ascertain whether the law of May 8, 1872, giving the moiety contracts to those who should collect old debts ought to be repealed, it may have been well spent. If on the contrary this apparent purpose of investigation has only been to cloak another and a different one, carried on for political and personal purposes only, then the committee and the House may find that they have been made in this matter simply instruments to pander to the rivalries, hates, and ambitions of politicians, instead of carrying on a great work of necessary legislation.

I have some evidence showing that the whole Sanborn contract investigation was gotten up not exactly for those objects and those de-

signs which wise legislators and grave statesmen would willingly avow.

The first the country heard anything about these Sanborn contracts was that Mr. Sanborn was being indicted in Brooklyn by the district attorney of that district, one Tenney, about the 1st of February last. As soon as that was done and duly trumpeted in the opposition newspapers, Mr. Tenney, an office-holder under a republican administration and claiming to be a republican himself, sent his assistant district attorney here to one of the Committee on Ways and Means, a leading democratic member of the House, to have him bring the Sanborn-contract matter "to the front," Tenney having furnished him with the Brooklyn democratic papers which gave flaming and laudatory accounts of Mr. Tenney's able endeavors, as they termed it, to ferret out a great fraud on the Government. One item of evidence that I have of this fact is a letter of direction to his assistant, written by Tenney to his assistant, which I send to the Clerk to be read.

The Clerk read as follows:

LAW OFFICES OF TENNEY & HOLT,
178 Broadway, New York, February 6, 1874.

FRIEND HUGHES: Do not fail to see Hon. JAMES B. BECK. He is a democratic member from Kentucky. He is member also of the Committee on Ways and Means. I have to-day sent him Union and Eagle. He is a powerful member of the democratic party, and will bring this Sanborn matter to the front. I think no news specially.

Yours, &c.,

TENNEY.

Mr. BUTLER, of Massachusetts. Now, if republican office-holders will put ammunition into the hands of democratic members on the Committee on Ways and Means with which to attack and break down the republican Administration, far be it from me to say one word in animadversion upon the conduct of that democratic member of the House who should make the best use he can of that information for that object. He should "bring it to the front," and charge upon the Administration, and attempt to show its great corruption and wrong-doings. He ought, if he is permitted so to do, to drive out of office its Secretary of the Treasury and its Assistant Secretary of the Treasury and its Solicitor of the Treasury, and show that they were all corrupt together and bad men. He should make violent and denunciatory speeches against the Administration, founded on the material that republican officers and a republican committee of the House will furnish him for that use. He does his duty, his full duty, in so doing as an opposition member of the House, and I applaud him for his ingenuity, his boldness, efficiency, and perseverance; and I congratulate him upon the result. It is not often that a republican committee of a republican House force a republican administration to allow a democratic member to carry off at his belt the scalps of three of its principal officers, including its Secretary of the Treasury, to gratify the ambition of one of its district attorneys, who wants to run for Congress on the opposition ticket, and has already driven his republican opponent from the track.

But what shall we say of a republican majority of a Committee on Ways and Means who shall allow themselves to be made the tools of an opposition member, to find him ammunition with which to wound, if not kill, their own Administration, if the only inducement to what they did was being blindly led by the superior williness of their democratic associate? But was that the mainspring of action on the part of all the republican members of the committee? Fourteen days after, to wit, the 20th of February, a letter was sent by the gentleman from Ohio, who reported the abrogation of the Sanborn contracts from the Committee on Ways and Means, to Supervisor Harmon, of Brooklyn, New York, the substance of which was sent to me under the heading "Copy of a letter picked up in the streets of Brooklyn, New York," which is as follows:

As a member of the Committee on Ways and Means he [FOSTER] had discovered the existence of the Sanborn contracts. At the same time he learned that indictments had been found in Brooklyn; that he prepared and offered the resolution calling on the Secretary for information; that he offered the resolution and General BUTLER objected to it. After this BUTLER came to him and asked him to offer the resolution again before the following Monday, expecting BUTLER to make a speech on it. In the meanwhile he [FOSTER] and General WOODFORD had agreed to reply to such speech if made and attack BUTLER; but General BUTLER withdrew his objection and said he hoped the House would pass the resolution, which surprised him and WOODFORD, especially himself, "as he had prepared himself to rap old Cock-eye."

Here you have the substance of a genuine letter which the gentleman from Ohio will not deny, especially the last phrase, because I told him one day that whatever he might say of me behind my back I wished he would not write of me that way, and I do not believe he will again.

Now, what could the gentleman from Ohio desire to "rap old Cock-eye" for? What had he done to the gentleman from Ohio? Had he ever interfered with him? Had he ever said an unkind word to him, or of or concerning him? I aver, from an intimate knowledge of that unfortunate individual with the defect in his eye, so delicately alluded to, that he had never entertained for that gentleman any but the kindest feeling. What personal grief he had, alas! I know not. From the time I got that letter I was utterly puzzled to know my imputed offense; but I got certain information, Mr. Speaker, afterward, embodied in the sworn testimony voluntarily sent me by the affiant, which the Clerk will read.

The Clerk read as follows:

CITY OF WASHINGTON, District of Columbia:

WARWICK MARTIN, of the city of New York, being first duly sworn, on oath deposes and says:

Being acquainted with some of the claims embraced in the so-called Sanborn contracts, I, after the investigation commenced in the Committee on Ways and Means, addressed Hon. HENRY L. DAWES and Hon. FERNANDO WOOD, of said committee, requesting to be summoned to testify in said case. I was not summoned; but having business in Washington, I came here on the 9th of April, 1874, and concluded to appear before said committee and testify, if permitted so to do. I stopped at the Ebbitt House, and there saw Mr. DAWES and informed him of my wish to appear before the committee. He said I should be permitted to so testify. Afterward on the same day, at the committee-room, Mr. DAWES notified me to be present in said room on the following morning at ten o'clock. I was in said room promptly at the time named. On my arrival at said room only one gentleman of the committee was present, whom I learned to be Hon. CHARLES FOSTER. Another gentleman whom I did not know, but who I supposed was a member of the committee, came into said room soon after my arrival, and he and Mr. FOSTER commenced conversation.

Mr. FOSTER said to him, in language which I distinctly heard, that his object with which he commenced this investigation, or one object, was to find something against BEN. BUTLER; that said BUTLER had written a letter to his district to defeat his election, and he wished to get even with him, or words to that effect.

On the following day, the 11th of April, Mr. FOSTER came up and spoke to me at the Ebbitt House, where we were both stopping. He and I had a short conversation, during which the name of General BUTLER was mentioned, I having, as I now remember, stated that the committee seemed to be investigating General BUTLER instead of the law of May 8, 1872, and the contracts thereunder. Mr. FOSTER stated in reply, "Damn BUTLER; he ought to be investigated; all the men connected with these contracts are BUTLER's friends, and you are his friend also, and saw him last night, and told him what I said in the committee-room yesterday about him," or words to this effect. I then stated to Mr. FOSTER that he was mistaken; that I had never enjoyed the pleasure of an introduction to, or an acquaintance with, General BUTLER; that I had not seen him on the evening named, or at any other time, to converse with him. I add that this is true still. I have never been unfriendly to General BUTLER, but have admired him for many things, and especially for the fact that he has always been in favor of compelling wealthy men, capitalists, and corporations to pay what they owe the Government, instead of taxing the poor, the industrious, and the honest farmers, mechanics, and laboring men to make good the deficiencies of the rich.

I so stated to Mr. FOSTER, and added that I thought this one question was all there was in the so-called Sanborn case.

WARWICK MARTIN.

Sworn to and subscribed before me this 20th day of May, A. D. 1874.

[SEAL.]

H. W. BRELSFORD,
Notary Public, District of Columbia.

Mr. FOSTER. In so far as that affidavit makes the charge that I wanted to investigate General BUTLER, I pronounce it here and now an unequivocal falsehood. The party who makes it I know is perfectly characterless, and the gentleman from Massachusetts ought to know that, too. He is the man, as the gentleman from Massachusetts knows, who attempted to blackmail his friend Sanborn out of several thousand dollars.

Mr. BUTLER, of Massachusetts. I never knew Mr. Martin; I never saw him. I never boarded with him at the Ebbitt House, and he never was in my confidence.

Mr. FOSTER. He came to us in order to get more money out of Mr. Sanborn.

Mr. BUTLER, of Massachusetts. Now, I want to deny here most positively that I ever interfered in the gentleman's district in Ohio in my life. Indeed, I do not know where exactly his district is, save that it is somewhere in that great State. I take shame to myself that I do not know it. I ought to have known it. I know something about it now and its Representative; but that has nothing to do with the present question, because I aver, again and again, that I never did send out there to interfere with the gentleman from Ohio, and if he had called upon me he would have learned that I never did; and if he has any evidence that I ever sent out to his district in any way, prior to the time that he wrote that letter to Brooklyn, let him now produce and declare it. I wait for it. Being so thoroughly convinced that I had never given him any cause for complaint, I have no complaint to make or unkind word for him. He has been acting under entire misapprehension of fact and with a belief that I had done him a wrong. When he learns as he now does his mistake, his own sense of justice will correct it.

I could not believe even the affidavit until I turned to this very voluminous report, containing, with the testimony, three hundred and twenty-two pages, and upon examination found no allusion whatever to my humble self or eyes in the report of the committee upon the Sanborn contracts by any designation whatever; so that I am sure it turned out that I had nothing to do with them whatever, because the gentleman from Ohio in the examination of witnesses alluded to me in various forms of questions thirty-three times, and each time he got the answer that the witness did not know that I did anything, or knew anything, or said anything on the subject of the Sanborn contracts. Still, every time he alluded to me the New York Tribune published a statement that General BUTLER's name appeared everywhere in the investigation; and this statement was copied each day into all the Boston papers which are under the control of some of my colleagues from Massachusetts, who were endeavoring to convince the people that I was engaged in the affair. Nay, my colleagues' newspapers were so put to it for evidence of the fact that they declared that Sanborn's lawyer, Mr. Prescott, was my private secretary and henchman, whatever that may be, and cited as proof that he had his office with me, when I am told that he once had an office in a four-story building where I have mine, with some twenty other tenants. Let me say that I never saw Prescott three times in my life, and did not know him by sight till he was sent for as a witness. Besides that, when the

gentleman made his speech he alluded to me twenty-eight times, making sixty-one in all; and then, after his sixty-one questions and personal allusions in the examination and in the speech, the editor of the Tribune thought that my "coat-tails" could be seen in the affair. And this is the kind of attack to which men in public life are exposed from investigations when somebody wants to get even with them.

Now, I have no objection to being investigated by anybody and everybody, friends or enemies; for the more the latter investigate me the worse they will like me. But I do object to the public money being spent for that purpose under the direction of the Committee on Ways and Means when they ought to have been perfecting a finance measure, so that the two-thirds republican majority of this House should not now hang their heads with shame that this Congress has to go home after more than six months' session and no comprehensive financial or revenue measure perfected and passed, or any ever come from that committee on which the House may pass. But, on the contrary, they have been engaged in vilifying the Administration, rapping "old Cock-eye," and getting even with him, even to examining into his private affairs, the fees he received from private persons, and his personal acts to the number of thirty-three questions. And thus having learned how unjust and improper it is for anybody even, anywhere, to examine into another's private affairs, the committee reported a bill that a man's books and papers ought not to be used or his private affairs inquired into without an order of a court upon a complaint under oath. Why was not this committee legislating about the drooping business and unemployed labor of the country and trying to find a remedy for that?

How will they answer to their constituents, nay, how will this committee answer to the country, that they frittered away their time in this pursuit of personal revenge, and have done nothing with either finance or revenue except to pass two bills; one of which, if you look back at the tables I have presented, cuts off \$1,200,000 of money paid into the Treasury last year, and the other the best-informed man upon the subject swears will prevent the collection of at least four millions of taxes more, all of which should come from those who have tried and are trying to cheat the United States?

Is it wonderful that the interests of the republican party and the interests of the country have been neglected while the Committee on Ways and Means, under the leadership of the gentleman from Kentucky, endeavors to break down the Administration, as he had a right to do, and under the lead of the gentleman from Ohio, mistakenly thinking he had a private grievance against me to assuage, have frittered the time of Congress away for more than six months in striking at one of their fellow-members who had not injured them, and against whom, although pursued with the hate of hell, they found nothing and reported nothing after six months of investigation. No, thank God; as usual, "old Cock-eye escaped without a rap."

I do not desire the House or the country to blame either of the gentlemen of the Committee on Ways and Means too much in this matter, because there were those in this House who were egging them on, advising them to do it. Nay, there were those of my colleagues from Massachusetts who, in order to strike at me, were willing to strike down the republican party. The speech of the gentleman from Kentucky against the Administration, founded upon "bringing the Sanborn matter to the front," a very able, bitter, denunciatory arraignment of that Administration, put with all the power he could, and quite worthy of the successor of Clay in the Louisville district, was launched at our party like a thunderbolt. I expected and supposed, and the House expected, that his democratic associates would circulate it everywhere to break down the republican party, even at the cost of paying the postage on the distribution.

But what shall we say of republican Representatives who subscribed for and circulated such a speech by the thousand—a speech of the leading orator of the other side by the thousand? Why, Mr. Speaker, the State of Massachusetts has more of the Kentucky speeches circulated in it by one of my colleagues than of any republican speech made in this House during the present session. And why? Having circulated everywhere through their lying newspapers that I was connected with the Sanborn contract, it was thought by some of my colleagues that the arraignment of the gentleman from Kentucky of the Administration would be an indirect "rap at old Cock-eye;" and as my enemies either could not or dare not make any speech against that long-suffering individual themselves, they chose to send out this attack upon their Administration, thus to belittle their Secretary of the Treasury from their own State, to be the means of circulating the charges of corruption against their party, in order to get an indirect "rap" at one of their colleagues.

Now, I call upon the gentleman from Ohio to deny, if he can, that more than one of my colleagues have been to him to give him information about me and to have questions put about me, and to advise with him as to the course that might be taken in his committee to investigate me. Sir, was that so or not? Will the gentleman answer upon his honor?

Mr. FOSTER. Do you wish an answer now?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. FOSTER. I have to say that I have had no consultation with any gentleman from Massachusetts in relation to the Sanborn investigation; none of them have aided or advised me in any way in the prosecution of this investigation.

Mr. BUTLER, of Massachusetts. I am glad to hear it.

Mr. FOSTER. Or in the investigation of the matter at all.

Mr. BUTLER, of Massachusetts. Only about other things?

Mr. FOSTER. No; about nothing else.

Mr. BUTLER, of Massachusetts. Whenever I want a witness to tell what is not true I shall not send for my friend from Ohio.

Mr. FOSTER. What do you mean by that?

Mr. BUTLER, of Massachusetts. I mean that you tell the truth exactly.

Does the House wonder now that almost the only man who was found to object to my addressing the House at this hour was one of my colleagues from Massachusetts?

Mr. Speaker, I have done my duty to this matter. I have shown by such evidence as has come to me, and by the facts, what was the ground-work, in fact, of this investigation and this cry raised against the republican party because of the Sanborn contracts. There is not a man within the sound of my voice that now does not understand it.

Mr. Speaker, more than one-half at least of all the investigations carried on in Congress are for the purpose of striking down some rival, or injuring some enemy, or injuring some administrative officer, or gaining some party end, not for the purpose of aiding legislation. This business of investigation is carried too far. I can speak plainly in the face of the country; for myself I defy investigation. For fourteen years, since the commencement of my public life, I have lived under the focus of a microscope, magnifying and distorting every action of mine a million times, except, perchance, it was a good one, which it blurred and covered altogether. Living under such inspection, therefore, whether I would or no, I must lead an honest and upright life, or some man would in all these years have got a "rap at old Cock-eye," and I propose to take very good care of him now and ever. I desire investigation. I look forward to the time when the majority of this House will be opposed in politics to mine; and then I ask them to investigate every act of mine and publish its results to the country. I invoke the investigation of a gentlemanly political opposition, and not of a malignant personal spleen and spite, egged on by political rivalry; because I humbly trust that when my every act is known and understood authoritatively and exactly in its breadth and in its motives the kindly judgment of my countrymen will be, after all rivalry and unkindness of thought has passed away, "He was a man whose virtues overbalanced his faults, who loved his country, his kind, justice, and nobleness."

Mr. FOSTER. Let us pray.

Mr. BUTLER, of Massachusetts. Yes; but spell it with an "e."

Mr. ELLIS H. ROBERTS. Mr. Speaker, after laws are passed it is not usual to discuss them. It has remained for the gentleman from Massachusetts [Mr. BUTLER] to wait until both Houses of Congress have acted upon the bill which he assails to come in and make his argument against it. It is not because he was not invited that he did not appear upon the discussion of the moiety bill; it was not because he did not have the opportunity to appear that he did not discuss the Sanborn contracts, when the bill in relation to those contracts was pending in the House. It fell to me to have charge of the bill to amend the customs laws and to repeal moiety laws, and three times, Mr. Speaker, as you personally know, the consideration of that bill was postponed to enable the gentleman from Massachusetts to appear and be heard upon it. He states that it was understood by the country that he was ill when the bill was passed. The ante-room at my back resounded with the stories he was telling and the arguments he was making there against the bill. Not here before Congress, not here before the country, but back there in the cloak-room he chose to come and make his arguments. Sir, I do not object to his arguments now or at any time, here or elsewhere.

EXPERIENCE AND AUTHORITY.

He chose to refer to the British revenue system. He tells you that we referred in our discussion to the British revenue system as justifying the bill which Congress passed with entire unanimity in this House, and with but three dissenting votes in the other House, and upon the conference report without one dissenting voice in either House.

But the British system, Mr. Speaker, is not our only authority, and yet we might rely upon it. The gentleman chose to say that our tariff was complex. It is; but our internal-revenue system is complex now, and was much more complex when Congress with great unanimity repealed the moiety system with reference to the internal revenue. Our internal-revenue system justifies that act of Congress as British experience justifies the policy which we have adopted. More than that. It has received the approval of the republican party in great States, for republican members of this House will bear in mind that in the platform of the republican party of Indiana adopted only two or three days ago there is a declaration commendatory of the abolition of moiety laws and the abolition of the Sanborn contracts.

But the gentleman from Massachusetts tells you that the moiety system has been sustained by every Administration since the foundation of the Government. It is true that it is an old system. In olden times it was customary to hang a man who stole a sheep. It was not found by experience that that was a wise provision of law, nor has it been found wise to maintain a like barbarism upon our statute-books in any regard.

But, Mr. Speaker, we have authority, if it is authority which the gentleman from Massachusetts pleads, for the action which Congress

has taken. The gentleman has chosen to say that past Administrations have sustained the moiety system. This Administration has demanded its repeal. In the first message of President Grant in 1869 he expressly recommended the repeal of moieties. Secretary BOUTWELL very elaborately argued in favor of the abolition of the moiety system, and, sir, Mr. BOUTWELL voted in the Senate for this very bill which the gentleman from Massachusetts [Mr. BUTLER] now denounces. In 1871 President Grant again recommended with great earnestness the repeal of the moiety system, and Secretary BOUTWELL repeated his arguments to that end, and that Secretary of the Treasury for whom the gentleman from Massachusetts seems to have so much sympathy, Mr. Richardson, the late Secretary of the Treasury, also recommended the abolition of moieties.

Let me call attention to their exact words, although I have once before done so when the subject was regularly before the House.

In his message of 1869 President Grant said :

Your attention is respectfully invited to the recommendations of the Secretary of the Treasury for the creation of the office of Commissioner of Customs Revenue; * * * and most especially to his recommendation for the repeal of laws allowing shares of fines, penalties, forfeitures, &c., to officers of the Government or to informers.

In the same year Secretary BOUTWELL said :

Under existing laws, certain revenue officers and other persons appearing as informers are entitled to shares in fines, penalties, and forfeitures. During the fiscal year 1868-'69 the Treasury Department distributed the sum of \$286,073.61 to such officers and to informers in the various cases arising under the customs-revenue laws. A large additional sum was also paid through the Internal Revenue office. The reason on which the laws granting such allowances are based is that officers of the Government are stimulated to greater activity in the discovery of frauds and in bringing offenders to punishment. There can be no doubt that such is the effect of the policy; but the experience I have had in the Treasury Department has convinced me that the evils attending the system are greater than the benefits derived from it. It often occurs that revenue officers are led to assert claims in behalf of the Government which have no just foundation in law or in the facts of the respective cases; and where real claims exist it is often the object of the informers and officers who share in the penalties to misrepresent the case to the Department, so as to secure the greatest advantage to themselves. But a more serious evil is found in the practice, quite general, of allowing persons to pursue a fraudulent course until a result is reached which will inure to the benefit of the officers and informers, instead of checking criminal practices at the outset. It is impossible to set forth in exact language the character of the evils that grow out of the present system. I am, however, clearly of the opinion that the Government ought to rely upon public officers for the proper performance of their duties without stimulating them by any contingent advantages.

In 1871, again, President Grant said in his annual message :

The present laws for collecting revenue pay collectors of customs small salaries, but provide for moieties (shares in all seizures) which, at principal ports of entry particularly, raise the compensation of those officials to a large sum. It has always seemed to me as if this system must at times work perniciously. It holds out an inducement to dishonest men, should such get possession of those offices, to be lax in their scrutiny of goods entered to enable them finally to make large seizures. Your attention is respectfully invited to this subject.

Secretary BOUTWELL repeated his previous recommendations in these words :

It is my duty to call the attention of Congress to the importance of abolishing the system of shares in moieties as far as the benefits inure to revenue officers and other persons officially connected with the Government. This measure was recommended in my last annual report, and a statement was submitted to Congress showing the amount received by officers of customs, together with the bill increasing their salaries without any increase of appropriations from the Treasury; the sum now paid from moieties being quite sufficient to place the entire force upon a satisfactory footing in regard to pay.

During the last fiscal year the offices of collector and surveyor of the port of New York each received from moieties the sum of \$49,215.69, and the naval officer the sum of \$48,195.59.

In most of the cases the officers do not perform special services entitling them to the amounts granted, and importers and others whose acts are made the subject of investigation complain, and I think with just reason, that the agents of the Government have a pecuniary interest in pursuing those charged with violations of the law. The Government ought to pay fair salaries, and rely upon the good faith of its officers for the performance of their duty. One of the difficulties which the Department has to meet frequently is, that customs officers have an interest in proceedings for the discovery of fraud, the settlement of cases, or the prosecution of them, which is different from the real interest of the Government; and, as a necessary result, the conduct of such officers is open to suspicion, both on the part of those who are pursued by them and the Government that they ostensibly represent.

It may be deemed expedient to leave the law as it now stands in regard to informers who are not officers, making it a penal offense for any officer to enter into an arrangement with an informer for any share of the proceeds of the information, and giving to the informer perpetual right of action for the recovery of any money or other valuable thing paid or given to an officer engaged in the discovery or prosecution of a fraud or legal wrong against the Government.

The Commissioner of Internal Revenue testified as follows in the Sanborn investigation, (page 96, Report 559 :) :

Question. Congress repealed all the moiety system as far as internal revenue was concerned?

Answer. Yes.

Q. How long was that before the passage of the act which authorized the Sanborn contract?

A. Not long; but I cannot give you the exact time.

Q. Had the moiety system, up to the time of this repeal, been of such character as to recommend its continuance to you? Were you in favor of its repeal when it was repealed?

A. I was in favor of its repeal, with this other provision, if I could have some means afterward of compensating persons who gave information, and for that a special appropriation of \$100,000 was made. My objection was that, before that, officers and all had moiety alike, and that gave to the officers the appearance of hunters for prey rather than of officers doing their duty.

Q. What was the effect of the moiety system that was repealed by Congress on the service?

A. It hurt the service, I think, in this way: the officer getting his share the same as a private individual, when he went to the citizen, the citizen always

claimed that the officer came to him to make money out of him rather than to discharge his official duty, and in that way it seemed to degrade his official acts. That was the objection.

Mr. Richardson, as Secretary of the Treasury, in an elaborate letter to the chairman of the Senate Committee on Commerce, argued the subject at length, and recommended "the abolition of the present system of moieties with one exception, to wit, where attempts at smuggling are detected or where the act of smuggling is accomplished." This is precisely what you have done by your legislation.

If, then, this is to be settled by authority, we find the President of the United States, both of his Secretaries of the Treasury, and the Commissioner of Internal Revenue, on the same side with Congress and the republican party, and on the other side the gentleman from the Essex district of Massachusetts.

LOSSES UNDER THE MOIETY SYSTEM.

But the gentleman from Massachusetts comes here to teach us that we should have a specific and not an *ad valorem* tariff. Perhaps that is so. But that is not the question before us to-night; and it was not the question pending before this House when the bills were passed which he now assails. The gentleman tells us that under this *ad valorem* system we collect but 67 per cent. of the duties, not without the moieties but with the moieties, not without this machinery of barbarism but with this machinery of barbarism. With your inducements to officers to suffer violations of the law to go on for years to mass large penalties for division; with your arbitrary invasion of the office and of correspondence; with your severities arraying public sentiment against you so that juries refuse to be the instruments of your laws; with commerce protesting against your statutes and their enforcement, it is not strange that we can collect but 67 per cent. of our duties.

If we cannot do any better than that with this system of barbarism, I ask my colleagues about me if it is not high time to try some better system? We mean to collect more than 67 per cent. That is why we have asked Congress to reform the revenue laws; that is why you have abolished moieties; why you have adjusted the use of books and papers as evidence to the rule of every one of our States and to the practice of our fathers; that is why you strike down the extreme measures adopted during the war; that is why you appeal to the mercantile community to assist in sustaining just laws. You have made no mistake in so doing. And even the gentleman from Massachusetts did not appear to obstruct your beneficent action.

PHELPS, DODGE & CO.

But he does come here to tell us something about the case of Phelps, Dodge & Co. Mr. Speaker, we are not trying the case of Phelps, Dodge & Co. If we were, then the remarkable qualities of the gentleman from Massachusetts as a criminal lawyer might well be brought into play, and counsel ought also to be present on the other side. We are here to consider legislation, not to assail citizens who are reputable, who were reputable before the gentleman from Massachusetts came into the Congress of the United States, and who will be reputable before the gentleman from Massachusetts leaves this body.

Mr. BUTLER, of Massachusetts. To what citizens do you refer?

Mr. ELLIS H. ROBERTS. I refer to the house of Phelps, Dodge & Co.

Mr. BUTLER, of Massachusetts. O, yes; that is all right.

Mr. ELLIS H. ROBERTS. And I refer to the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. I heard that.

Mr. ELLIS H. ROBERTS. And I ask, because I do not know so much as the gentleman from Massachusetts about the case of Phelps, Dodge & Co.—

Mr. BUTLER, of Massachusetts. That is evident.

Mr. ELLIS H. ROBERTS. I do not know so much as the gentleman from Massachusetts of one side of that case. To show why he is better informed about it than I can be, I ask that the evidence of the informer with reference to the connection of the gentleman from Massachusetts with the case of Phelps, Dodge & Co. may be read.

Mr. BUTLER, of Massachusetts. I am very much obliged to you for that.

Mr. ELLIS H. ROBERTS. It will be found on page 173 of the evidence.

Mr. BUTLER, of Massachusetts. Will you allow me to reply after it is read?

Mr. ELLIS H. ROBERTS. No, sir.

Mr. BUTLER, of Massachusetts. I thought so.

Mr. ELLIS H. ROBERTS. You declined to let me come in.

Mr. BUTLER, of Massachusetts. Never.

Mr. ELLIS H. ROBERTS. You have had your day in court.

Mr. BUTLER, of Massachusetts. I only declined to have you interrupt me, not to have you come in and reply.

The Clerk read as follows :

Mr. FOSTER. I did not exactly understand the answer to Mr. ROBERTS's question. You employed counsel for what?

Mr. JAYNE. I deemed that it was a case where some ugly points might arise, and where this matter might come up; that it probably would come up in the course of some discussion growing out of this case. I did consent and urge settlement of this case for a sum of money that the counsel for the informer was not willing should be accepted. I deemed that some ugly proceedings might, perhaps, grow out of this attempt to black-mail. I thought the truth might come out and I might need counsel. I came with the facts to the Secretary of the Treasury, and to counsel whom I employed.

Mr. FOSTER. Then I am to understand that you employed counsel to prevent a larger sum being paid by Phelps, Dodge & Co.?

Mr. JAYNE. I employed counsel to secure the settlement upon the terms that they offered and seemed anxious to close upon.

Mr. FOSTER. And not to have them pay a larger sum?

Mr. JAYNE. Not to have them pay a larger sum.

Mr. FOSTER. I think it would be well for you to give the name of the counsel, for we have understood that he was employed for a different purpose.

Mr. JAYNE. General BUTLER was the gentleman, sir. He was not employed for a different purpose.

Mr. FOSTER. Has he been employed in any other cases with you?

Mr. JAYNE. Whenever I had questions of law that I did not understand—and in the course of my experience I have had a great many questions of law and of evidence arising—I have submitted a number of questions to General BUTLER, and I have paid him, I think, \$1,500 besides what I paid in that case.

Mr. FOSTER. How many cases has he been employed in?

Mr. JAYNE. I could not tell the exact number that I have asked him questions with regard to. I should think two or three, or three or four, perhaps.

Mr. ELLIS H. ROBERTS. That is all I ask to have read at this time. That will show why the gentleman from Massachusetts knows more about that case, or may claim to know more about one side of it, than I do. Perhaps it is a part of the task which he has undertaken, for the fee mentioned in that evidence, to assail a reputable mercantile house upon the floor of the American Congress.

Mr. BUTLER, of Massachusetts. Will the gentleman allow me—

Mr. ELLIS H. ROBERTS. The floor is mine, Mr. Speaker.

Mr. BUTLER, of Massachusetts. Yes, you are as brave as a country editor generally is.

Mr. ELLIS H. ROBERTS. Brave! I have asked you three times to come into this House and debate this question, and you had not the courage to come.

Mr. BUTLER, of Massachusetts. Not when I was sick.

Mr. ELLIS H. ROBERTS. The floor is mine, Mr. Speaker.

Mr. BUTLER, of Massachusetts. You asked a sick man to come; you are very brave. He is well now, and you will not hear him.

Mr. ELLIS H. ROBERTS:

I did hear him groan:

Ay, and that tongue of his, * * *

Alas! it cried, "Give me some drink, Titinius,"

As a sick girl.

Mr. BUTLER, of Massachusetts. Yes, I am like Cæsar.

Mr. ELLIS H. ROBERTS. Yes; "As a sick girl."

SEIZURE OF BOOKS AND PAPERS.

Let me call particular attention to the very significant fact that even the gentleman from Massachusetts has not one word to say in favor of the system of the seizure of books and papers. You have substantially wiped it out. That is one of the chief features of the bill which you have passed. Against that reform criticism is dumb.

WHY JUST ONE-HALF?

The gentleman from Massachusetts contents himself with warning us against the consequences of the repeal of moieties. When was it ever discovered that exactly one-half was the proper sum with which to induce lawyers and others to steal papers, or to have them "picked up on the street," to bribe the clerks of merchant houses, and to surround the commerce of this country with an infamous band? Why is it just one-half? Why not a little more than one-half, so that larger fees could be paid for counsel to appear not only at the Treasury but upon the floor of this House? Why not more than one-half? Why not a little less?

You, my colleagues, have chosen to say that for smuggling you will pay one-half for the detection of the crime; but for other offenses against the revenue you will pay—how much? A bagatelle, is it? For the detection of any offense against the revenue committed by importers or by officers of the revenue you will pay as much as you pay for a year's work, not simply to the chairman of the Committee on Ways and Means, with his experience of eighteen years in this House, his ability, and industry and fidelity; but you will pay for the detection of every crime against the revenue, as much even as the American people pay to their chairman of the Committee on the Judiciary of this House, [Mr. BUTLER.] Is not that quite enough—a year's salary of the best talent in the country employed in the cares and responsibility of legislation for any detective who will bring to light one single offense against the revenue? The price of a farm, of a homestead, to a detective for a single case—is not that enough? Do you want to keep up a system for pouring money into States to control gubernatorial nominations? Even with all that flood of money gubernatorial nominations are not always secured.

FINES AND PENALTIES NOT REPEALED.

But the gentleman from Massachusetts appeals to the country against Congress as if we had repealed fines, penalties, and forfeitures. The gentleman from Massachusetts could not have intended to create that impression, because it is not true. You have not repealed fines, penalties, and forfeitures. We have sought to make them more definite; we have sought to make collection dependent not upon informers, not even upon the pleasure of the Secretary of the Treasury, or any district attorney. But we have sought to make your law clear and to render its execution certain as the fiat of fate.

THE UNANIMOUS VOTE.

But, Mr. Speaker, it is a work of supererogation to talk here in favor of a bill which received the unanimous vote in this House from

every State; which in the other branch of Congress had but three negative votes, and finally upon the conference report was unanimously adopted.

Mr. DAWES. After full discussion.

Mr. ELLIS H. ROBERTS. Yes; after long and full discussion in the other House, and after a discussion in this House which was exhaustive in every respect except in not having represented in it the honorable gentleman from Massachusetts, [Mr. BUTLER.]

THE SANBORN CONTRACTS.

After the arguments when the bill for their repeal was pending, and after what has been so forcibly said by my distinguished colleague on the Committee on Ways and Means, the gentleman from Ohio, [Mr. FOSTER,] it is not necessary for me to refer again to the cognate subject—the Sanborn contracts. I did not suppose that there was in this land one man who would dare to defend them in their enormity. Even John D. Sanborn, when he came before the Ways and Means Committee, admitted that the rate allowed to him for collection was exorbitant, and that he would be willing to continue the collection at a less rate.

Mr. KASSON. At 15 per cent.

Mr. ELLIS H. ROBERTS. My colleague on the committee, the gentleman from Iowa, [Mr. KASSON,] says Sanborn was willing to collect the taxes for 15 per cent. instead of 50 per cent. The Committee on Ways and Means preferred what they considered a still better system, that the taxes should be collected by the sworn officers of the Government as they have been collected steadily all the while, in spite of the work of Sanborn. I take the liberty of submitting as part of my remarks tables showing the amount of taxes actually collected by your Internal Revenue Bureau, even during the progress of the Sanborn contracts. They are as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, March 18, 1874.

SIR: I inclose herewith a statement, prepared in accordance with your request, showing the amount of repealed taxes returned to this office after those taxes were abolished.

Very respectfully,

J. W. DOUGLASS,
Commissioner.

HON. ELLIS H. ROBERTS,
House of Representatives, Washington, D. C.

Statement showing the amount of repealed taxes returned to the office of the Commissioner of Internal Revenue after those taxes were abolished (exclusive of certain taxes repealed June 6, 1872, relating to spirits, tobacco, and adhesive stamps) during the fiscal years ending June 30, 1871, 1872, and 1873.

Sources.	Fiscal year 1871.	Fiscal year 1872.	Fiscal year 1873.
Income.....		\$1,451,817 29	\$5,062,311 62
Gross receipts.....	\$577,723 99		
Sales.....	637,095 62		
Special taxes.....	93,946 16		
Legacies.....	927,879 10	1,784,436 19	763,761 77
Successions.....	649,349 16		
Articles in Schedule A.....	38,078 34		
Manufactures and productions exclusive of gas.....	1,058,393 18		
Gas.....			120,111 96
Total.....	3,982,465 55	3,236,243 48	5,946,185 25

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, May 13, 1874.

The following statement shows the collections returned on legacies and successions to the Commissioner of Internal Revenue from two hundred and two collection districts during the fiscal years 1872, 1873, and the first seven months of the fiscal year 1874:

From July 1, 1871, to June 30, 1872.....	\$888,018 03
From July 1, 1872, to June 30, 1873.....	442,412 95
From July 1, 1873, to February 28, 1874.....	58,444 59
Total.....	1,388,875 57

H. C. ROGERS,
Acting Commissioner.

REGULAR COLLECTIONS vs. SANBORN.

Observe that even the Sanborn contracts have not prevented the department from gathering in by regular means large sums of money from such taxes. Besides the collections actually made by the regular officers for him, besides the cases under indictment and in process of settlement, on which Sanborn received moieties, the official records show that these millions have been collected without paying toll to him.

In the last fiscal year the internal revenue was collected for about 5 per cent. and the customs for about 4 per cent. Sanborn was allowed 50 per cent., yet his cupidity has snatched from the direct course of collection not one-tenth of the actual proceeds of repealed taxes.

He collected nothing from distillery cases, except from one person under indictment. From legacies and successions he picked up nothing except in a single city. From mammoth corporations he took

little, if anything, besides what was on its way to the Treasury. His own witnesses show that he rendered no service. John D. Coughlin swears that for 12½ per cent. he collected the legacy taxes in New York for Sanborn, and would have done the same without his intervention. (See evidence, page 9.) The testimony of Presbrey, (page 82,) of Green, (page 66,) of Odell, (page 220,) and of Hawley, (page 227,) agrees in showing Sanborn only as the claimant for the moiety. In few instances is it shown that he collected anything which the Department could not by its regular methods reach and gather in.

No pretext of necessity, no allegation of neglect on the part of the Bureau, no exaggeration of the saving of money to the Treasury, can be supported by the facts to serve as an excuse or even a palliation of the contracts and the abuses which Congress has now ended forever.

The statute of 1872 was not in its terms mandatory. By it a practice which had existed was legalized and restricted. The Secretary of the Treasury might well feel bound to act under it. That, then, is the responsibility of Congress. The door was thus opened to abuses. They were not actually introduced. They were invited. They flocked in like doves to the window.

Only by abuses could this contract system prove a source of wealth to the contractor. No individual could have the resources of the Government for pressing collections. Internal-revenue taxes lie within a narrow field in which close scrutiny can be exercised. The chances for actual "discovery" of such taxes withheld must in the nature of the case be few. Only by abandoning or breaking down the restrictions of the statute could the spoils grow to a corrupt and dangerous magnitude. That was permitted to the contractor.

THE REAL CRIME.

He claimed "discovery" of every tax under repealed laws, whether he found it in court, in the hands of internal-revenue officers, or actually credited to the Government. Broader yet was the field in which he assumed mastery. Into his contract he thrust the names of persons and corporations, swearing that they were "indebted to the Government upon taxes withheld," although he had no knowledge whatever on the subject, and simply copied them from surrogates' records and railway guides. (See his evidence, pages 152, 158.)

AN EXCEPTION.

The indignation which has been aroused by the exposures reported by the Committee on Ways and Means proves that this contract system is an exception, a monstrosity in our administration. It is in antagonism to our institutions, and especially to the spirit of recent legislation. You find farming the revenue prevail in semi-barbarous China and in Turkey. The most despotic of the French monarchs thus enriched their favorites, male and female. Britain has never accorded welcome to the policy. With us it has been an exotic parasite, of sickly growth.

REPEAL IMPERATIVE.

The repeal of any law that tolerated such a system was imperatively demanded.

The Committee on Ways and Means, Mr. Speaker, have had simply the work of carrying out what was obviously the wish of the House, and what beyond all question is the wish of the country. Whether or not it be true that the gentleman from Kentucky, [Mr. BECK,] my colleague on the committee, had his attention first called to this matter or not I do not know, because the letter read here to-night is the first suggestion I have ever heard that he originated this movement. When this Congress assembled the notoriety of the cases in Brooklyn attracted the attention of other members of the committee.

Mr. BUTLER, of Massachusetts. Is the gentleman quite certain of that?

Mr. ELLIS H. ROBERTS. I am.

Mr. BUTLER, of Massachusetts. Congress came together in December, and the Brooklyn matter did not come out until long after.

Mr. ELLIS H. ROBERTS. I know what I am talking about. The first indictment was found in November or December.

Mr. BUTLER, of Massachusetts. No, sir.

Mr. ELLIS H. ROBERTS. Well; it is certain that before the resolution was introduced by the gentleman from Ohio [Mr. FOSTER] he talked with a number of members of the committee, I think I may say; but without speaking of anybody else I know he talked to me about the form of his resolution. He introduced that resolution. And the Committee on Ways and Means would have been content with the simple repeal of the law. But it was the gentleman from the Essex district of Massachusetts who demanded that his friend, Mr. John D. Sanborn, should have a hearing, Sanborn having previously made such a request to some members of the committee. It was by a republican member of the House that this resolution was introduced, as a proper step toward the reform of a flagrant evil.

REVENUE MEASURES.

But the gentleman from Massachusetts chooses to introduce just here an indictment of the Ways and Means Committee for not bringing in a revenue measure.

Mr. Speaker, the Ways and Means Committee have been studying the revenue question all through this Congress, and they have not brought in a bill to increase the taxes, because in their judgment it

was not right, it was not proper; the exigencies of the country did not demand that taxes should be increased. And the Ways and Means Committee are quite ready to go to the country upon that record; that when industry is paralyzed, when commerce folds its hands in idleness, when thousands of our people know not whither to turn for their day's labor, the Committee on Ways and Means have declined to put new burdens on the country.

Mr. BUTLER, of Massachusetts. Will the gentleman allow me a moment?

Mr. ELLIS H. ROBERTS. Yes, sir.

Mr. BUTLER, of Massachusetts. Did not the gentleman's committee bring in a bill to increase the tax on friction matches?

Mr. ELLIS H. ROBERTS. No, sir; we refused to repeal the tax on friction matches.

Mr. KASSON. We reported the bill adversely.

Mr. ELLIS H. ROBERTS. It was a bill to repeal taxes on friction matches, and we reported it adversely. This only illustrates how very little the gentleman from the Essex district of Massachusetts knows about the question which he has assumed to discuss.

Mr. Speaker, I hold in my hand the justification of the action of the Committee on Ways and Means in declining to increase taxes. The gentleman from Massachusetts, [Mr. DAWES,] the chairman of the committee, early in this session made a long argument in some parts of which I could not agree, but the conclusion of which was that no taxes were necessary. I had the honor to submit some remarks also leading in the same direction. It was my fortune early in the session to make an estimate about the revenue for the present fiscal year. I ventured as early as the 2d of March to say that the revenues for this fiscal year would be \$288,000,000, although the Treasury, with the abundant caution which is proper for it, placed them at about the same time at \$281,000,000. You will find the table of the Treasury in the RECORD for March 3, cited in my remarks. The estimate was for total income for the year ending June 30, 1874, \$281,777,972.19; expenditures, including sinking fund, \$321,477,616.35; cash in Treasury July 1, 1874, \$20,302,385.14.

The figures which I then submitted were for receipts, \$288,000,000; expenditures, including sinking fund, \$314,191,369.28; cash in Treasury, \$35,000,000.

Now the warrant division of the Treasury, estimating for the few days remaining, gives the receipts for the fiscal year at over \$290,000,000; the expenditures at \$316,843,349; and the cash in the Treasury July 1, at \$33,194,333. Here are the figures in detail:

Cash in the Treasury July 1, 1873.....	\$131,192,028 50
From which deduct sums on deposit by provisions of law, represented in this amount, as follows:	
Special deposits of legal-tenders held for redemption of certificates of deposit.....	\$31,730,000 00
Coin deposits for which coin certificates were outstanding.....	39,460,000 00
	71,190,000 00
Total available cash belonging to the Government.....	\$60,002,028 50
Receipts from July 1, 1873, to February 1, 1874, (five days estimated).....	165,677,972 99
Receipts from February 1 to June 30, 1874, (twenty days estimated,) namely:	
Customs:	
February.....	\$14,434,659 77
March.....	15,147,033 57
Unascertained and not reported at close of monthly account.....	506,664 35
April.....	13,856,488 95
May.....	12,418,062 15
June, (part estimated).....	13,000,000 00
	69,362,908 79
Internal revenue:	
February.....	8,134,408 79
March.....	7,493,792 94
April.....	8,160,855 98
May.....	\$11,462,700 07
June, (part estimated).....	8,500,000 00
	\$43,751,757 78
Miscellaneous:	
February.....	3,488,931 00
March.....	2,044,981 94
April.....	2,308,949 64
May.....	1,800,152 94
June, (part estimated).....	1,600,000 00
	11,243,015 52
	\$124,357,682 09
Total ordinary revenues.....	\$290,035,655 08
Total available resources.....	350,037,683 58
Ordinary expenditures on account of appropriations:	
From July 1, 1873, to February 1, 1874, (five days estimated).....	177,174,585 59
From February 1, 1874, to June 30, 1874, (twenty days estimated).....	110,477,394 81
	287,651,980 40
Total ordinary expenditures.....	287,651,980 40
Liabilities on account of sinking fund.....	29,191,369 28
	316,843,349 68
	33,194,333 90

It will be seen from the foregoing statement that the income of the Government for the current fiscal year is estimated at \$2,383,674.68 in excess of the expenditures. This will leave \$26,807,686.60 of the sinking fund unprovided for.

Monthly statement of receipts for the year, adjusted to March 31, 1874.

Month.	Customs.	Internal revenue.	Miscellaneous.
1873—July.....	\$14,777,146 47	\$8,578,044 35	} \$9,368,452 49
August.....	18,375,302 83	8,572,495 84	
September.....	15,963,149 09	8,255,894 65	
October.....	11,522,498 98	7,091,532 88	
November.....	9,720,834 27	6,771,496 89	} 2,615,083 17
December.....	10,234,831 22	8,879,054 35	
1874—January.....	13,576,973 71	9,400,874 80	} 7,508,129 94
February.....	14,434,659 77	8,134,408 79	
March.....	15,653,697 92	7,493,792 94	
April.....	13,856,488 95	8,160,855 98	
May.....	12,418,062 15	11,462,700 07	
June, (part estimated).....	13,000,000 00	8,500,000 00	
Total.....	163,533,735 36	101,301,151 54		25,200,768 18
Grand total.....			290,035,655 08

Although the estimates submitted by me nearly four months ago were then pronounced as oversanguine by some gentlemen on this floor and in the press, the result has more than justified them. The receipts overrun those estimates by more than \$2,000,000, and probably by even more. While the Treasury estimate of expenditures still exceeds the figures submitted by me, the actual result will be found to be between them, and the net cash in the Treasury will vary little if any from \$35,000,000. So that setting out of the account for the moment the issue of \$26,000,000 of legal-tenders taken from the reserve, we shall have from three to five million dollars of net surplus for the fiscal year to apply upon the sinking fund, while for the next year we may confidently expect under the laws as we now have them a complete adjustment of the sinking fund for both years. That is the justification of the Committee on Ways and Means for not bringing in a bill to increase taxes. Our judgment was that it was not necessary; and we know no reason why it should be counted a luxury to burden the people without necessity.

ASSAILING THE ADMINISTRATION.

But the gentleman from Massachusetts charges as his last indictment that the Committee on Ways and Means have been assailing the Administration. How? By preventing a corruptionist holding the Treasury in his hands and controlling its officers. How? By repealing moieties recommended to be repealed by the President of the United States. How? By striking down the infamous Sanborn contracts. Why, Mr. Speaker, I have yet to learn that moieties are the administration of the United States. I have yet to learn that John D. Sanborn is the republican administration. Indeed, Mr. Speaker, I have yet to learn that even the gentleman from the Essex district of Massachusetts, with all his ability, is the administration of the republican party—the administration of the United States. When I learn either fact it will be time enough for me to inquire my duty toward them as such, and then, if not now, I will not be afraid of the indictment of assailing the Administration, if it be assailing the Administration to strike down corruption wherever I see it, if it be assailing the Administration to strive for the right wherever it may lead.

Mr. Speaker, I have it in my heart and bones that the republican party is the party of conscience, the party of progress, and the party of right, and it is because I so believe that I have been a republican before the gentleman from Massachusetts was a republican, and I expect to be a republican after the gentleman from the Essex district of Massachusetts has made new party affiliations and gone to his own place.

It is because the moiety bill adjusts the revenue law to what I believe to be the modern ideas of humanity not only, but what seems to me to be the essential spirit of civilization, that in my humble way I have done what in me lay for the repeal of the system, and in doing that I have rendered the best service in my power to the republican administration, to the republican party, to honesty in legislation and administration, and therefore to my country and my God.

Mr. FOSTER. Mr. Speaker, after listening to the extraordinary speech just made by the gentleman from Massachusetts, [Mr. BUTLER,] I find but little in it that calls upon me for a reply, save and except his personal allusions to me in connection with the Sanborn investigation, and I desire to say that so far as my personal action in these proceedings is concerned, it was solely in the line of discharging an official duty, and with no feeling of unkindness toward any one. I believed from the start that a monstrous robbery had been attempted and partly executed on the Treasury. I believed then, as I do now, that the law authorizing the Sanborn contracts was passed for the purpose of plunder by those who engineered its passage. I believed that more than one member of Congress had knowledge of the purposes for which it was to be used before it passed. If, therefore, in asking general questions about members of Congress in connection with these contracts, the answers to which should point in all manner of ways to the gentleman from Massachusetts, [Mr. BUTLER,] it is not my fault. If he has had no connection with them, it is certainly unfortunate for him that so many of his friends should be mixed up with them.

I well knew that I would have to encounter such hostility as only the gentleman from Massachusetts can command. I knew that my

letters, if possible, would be stolen; I knew that unprincipled men would be induced to make false affidavits; I knew that my past life would be investigated with the purpose to "break me down;" but I did not expect the secret service of the Government would be used to traverse my district trying to hunt up something for the gentleman to use against me. He has through the agency of one Hughes secured a copy of a letter of mine, which he has just read to the House, the contents of which he is welcome to. Let him make the best use he may of the phrase "old Cock-eye;" it is a generous, well-intended phrase, will wear well, and live as long as the gentleman from Massachusetts. He has come forward with an affidavit from a blackmailer of Sanborn, known to him as such, in which the false statement is made that I said to this man Martin "D—n BUTLER; he ought to be investigated." He has acknowledged that he has sent into my district to learn of something that he might use against me. His strikers have given out that I was to be scalped. Now, what does all this amount to? There is nothing in the letter of which any friend of mine need take exception except to smile at its truthfulness. There is nothing in the affidavit, (if true,) that reflects any discredit on me; and so little could his detectives find in my district, that he has not been able to come forward with any charge whatever.

On the other hand, Mr. Speaker, the investigation has been a complete success, a vindication of my labors on the sub-committee and of the work of the whole committee in the results they have reached; for the House have unanimously adopted the bills and reports. The law under which the Sanborn contracts were made is repealed, the contracts annulled, the officers of the Treasury Department directly and indirectly connected with this disgraceful transaction are removed, and are replaced with men in whom the country has the fullest confidence.

That I have led in an investigation that has resulted so successfully in every phase of the case is a matter in which I feel a just pride, and is one which I know the country appreciates. That the gentleman from Massachusetts has suffered in reputation is not my fault, but rather that of his associations. I am not surprised that he should feel so sore over it and that he has seen fit to make a personal attack upon me to-night. He has made his own bed of torture; let him lie in it. I cannot help it.

I am very glad, Mr. Speaker, of the opportunity of presenting to the House and to the country the facts in relation to that investigation; and I want to say here in the outset that the Committee on Ways and Means never ordered an investigation into the facts in that case to the extent of calling witnesses. The gentleman from Kentucky [Mr. BECK] and myself were appointed a sub-committee on the part of the Committee on Ways and Means to investigate the affairs of the Internal Revenue Office at the request of the Committee on Appropriations. During that investigation it came to our knowledge that the Treasury of the United States was being robbed in some way, just exactly how we did not know. I went alone to the officers of the Treasury Department, because the gentleman from Kentucky [Mr. BECK] said to me that I had better go myself—that as he was a democrat it would be better for me to know the secrets of these things alone. I went to the office of the Solicitor of the Treasury, and also to the office of the Secretary of the Treasury, and my interview with those officers was so unsatisfactory that I came back to the House and offered a resolution of inquiry calling for copies of the contracts. After two or three weeks' delay that resolution was answered, giving copies of the contracts, but without the names of parties charged with having withheld their taxes. That answer was unsatisfactory to the House, and the gentleman from Pennsylvania [Mr. RANDALL] offered a resolution broader in its terms, which was referred to the Committee on Ways and Means. The Committee on Ways and Means directed me to report back to the House that resolution in still broader terms, calling for copies of the contracts and orders and everything in relation to the Sanborn contracts. In the course of time, in two or three weeks perhaps, we got an answer to this resolution. At the time I offered this second resolution the gentleman from Massachusetts [Mr. BUTLER] will remember that he objected to its introduction unless I would permit discussion, but finally he assented to a withdrawal of his objection, and the resolution was adopted by the House.

At that time the gentleman from New York [Mr. WOODFORD] asked the privilege of making a speech, and that was the speech referred to in the letter of mine read by the gentleman from Massachusetts, [Mr. BUTLER.] What he was going to say I knew not, but he asked the privilege and I granted it. Next day the gentleman from Massachusetts [Mr. BUTLER] said to me if I would offer the resolution he would withdraw his objection. Then in two or three weeks the Secretary's answer came to the House, and was ordered to be printed, and when printed the document came to the Committee on Ways and Means, and on examination the committee directed me to report a bill to the House to repeal the law.

Now, Mr. Speaker, but for the written request of Sanborn asking to be heard before we acted, and the personal application of the gentleman from Massachusetts [Mr. BUTLER] that Sanborn's request be granted, that law would have been repealed and no investigation would have been instituted. About that time Mr. Sumner died, and this matter was postponed until the ceremonies attending his funeral were over. Sanborn appeared directly afterward with a host of witnesses, half a dozen or more. He brought Mr. Conghlin from New

York, he brought Mr. Simmons from Boston, he brought old Belsterling from Philadelphia, and others—some from Washington and other points. They came on here and were going to convince (as the gentleman from Massachusetts said) the Committee on Ways and Means that we were all wrong, and that the law ought not to be repealed; but by the time we got through with them we found the whole transaction reeking and stinking with corruption all over—so much so indeed that Sanborn himself, at the instigation I presume of the gentleman from Massachusetts, [Mr. BUTLER,] refused to testify.

Mr. BUTLER, of Massachusetts. Why do you presume that?

Mr. FOSTER. Because he said he had a letter from a member of Congress asking him not to testify.

Mr. BUTLER, of Massachusetts. From me he did not.

Mr. FOSTER. He said that he had got a letter from a member of Congress advising him not to testify.

Mr. BUTLER, of Massachusetts. His counsel?

Mr. FOSTER. There is nothing but coat-tails about that.

Mr. BUTLER, of Massachusetts. Did you not say in your letter that you were going to give a rap at old Cock-eye?

Mr. FOSTER. Yes, I did; and I wish to ask the gentleman from Massachusetts if I did not get in a "rap at old Cock-eye" on a former occasion and after the letter was written, say about the 10th of March?

Mr. BUTLER, of Massachusetts. No; not once; not even his coat-tails. You have just said you never got nearer than his coat-tails.

Mr. FOSTER. The gentleman was fairly knocked down one day here. But no more about that, however; let me go on with my story.

Mr. BUTLER, of Massachusetts. O, yes.

Mr. FOSTER. Sanborn himself refused to testify. The Committee on Ways and Means found out by those witnesses brought here by Sanborn himself, without any expense to the Government, that he was robbing the Treasury as well as debauching certain internal-revenue officers from New York and New England; that they were simply collecting money that the officers of the Government could collect themselves without any intervention of Mr. Sanborn. We discovered, and you will find it in this report, that he collected several thousand dollars from one of these railroads six months before he had a contract to collect at all; that he collected several thousand dollars, some ten or twelve thousand dollars, without any contract whatever, and many other transactions equally scandalous.

Mr. Speaker, we followed this matter up, and I never asked a question which led to a sight of the gentleman's coat-tails, as you will see if you look through that book of testimony, but what was general in its character. I never asked a question directly about the gentleman from Massachusetts, [Mr. BUTLER;] I asked about some member of Congress. We found Prescott, No. 12 Pemberton Square. *I do not suppose the gentleman knows him, but he has an office in the same building. I do not suppose the gentleman from Massachusetts knew anything about Prescott offering \$5,000 to one of the Brooklyn papers to take Sanborn's side of this question. I do not suppose he knew anything about paying money to the man Hughes who stole my letter to aid in securing Sanborn's acquittal in the United States court at Brooklyn. I do not suppose he knows anything about these people, as well as almost every other man engaged in this infamous transaction. But the facts are that in one way or another they all had some sort of a connection with him. My letter was stolen, not picked up in the street as the gentleman says, and given to the gentleman from Massachusetts. I expected my letters would be stolen when I got into this controversy with the gentleman, and I was careful about what I wrote. There is nothing in any letter I have written which calls for explanation. And further, Mr. Speaker, this House, for the protection of its members, had to pass a resolution to keep the gentleman from Massachusetts from stealing telegrams.*

Now, Mr. Speaker, I have but little more to say about this matter. This investigation was brought on by the friends of and by the gentleman from Massachusetts himself. No other person was to blame. They brought it on, and out of the mouths of their own witnesses this testimony came. We forced it, it is true. We forced Mr. Sanborn to testify. We discovered these frauds which are fully set forth in our report and which have not been and cannot be answered by the gentleman from Massachusetts to-night. The bill repealing the law was passed by a unanimous vote of this House, the gentleman himself being present.

Mr. NIBLACK. I desire to call the attention of the gentleman from Ohio before he concludes to the manner in which Mr. Sanborn procured information from Europe in regard to income taxes and other claims for taxes.

Mr. FOSTER. What is the gentleman's point?

Mr. NIBLACK. I desire to call the attention of the gentleman from Ohio to the manner in which Mr. Sanborn procured information from Europe as to certain taxes that the gentleman from Massachusetts [Mr. BUTLER] claimed that Mr. Sanborn had information of, which he proposed to collect if allowed to do so. I desire also to call his attention to the manner in which Mr. Sanborn got information as to certain whisky taxes, also as to certain railroads.

Mr. FOSTER. We have gone over all these things, Mr. Speaker, in our report and in our speeches. But it may be well on this occasion to call the attention of the House and the country to them again.

Now, this railroad case was a marvelous thing. Sanborn made marvelous use of railroad guides; that oath of his is complimented by the gentleman to-night. The acquaintance of Mr. Sanborn with the gentleman from Massachusetts is long-lived. It dates away back to

old Fortress Monroe times. This man Sanborn was engaged in business with Mr. Hildreth (I do not care to tell here the relationship between Hildreth and the gentleman) down in the neighborhood of Fortress Monroe, selling goods to the rebels. Hildreth and Sanborn made a great deal of money at that time. I am told that Sanborn was employed as agent of the Adams Express Company. Mr. Bullock was agent of the Adams Express Company South, and played rebel. The company wanted a go-between who would get through the command at Fortress Monroe, where the gentleman from Massachusetts then commanded, and Mr. Sanborn was employed. What we were told as to that is not published, and I will not further allude to it.

Several MEMBERS. Out with it.

Mr. FOSTER. Now, how was this information got about this five million of taxes due from abroad? That is a big sum to talk about. One Mr. Fay—Mr. A. Goodrich Fay, of New York—turns up here employed by the Treasury, a special agent of the Treasury Department at five dollars a day, including Sundays and including expenses, to go abroad to hunt up these income cases. And when he returns we find that Mr. Sanborn turns up an informer in an \$800,000 job. That \$5,000,000 story is all bosh, and used to cover up his raids as an informer. That is the way that information was obtained.

I do not think it worth while, Mr. Speaker, to detain the House at any greater length on the matter of the Sanborn contracts, and I would not have said a word on this subject but for the personal attack the gentleman from Massachusetts has made upon me.

Mr. BUTLER, of Massachusetts. I have made no attack upon you.

Mr. FOSTER. I do know from reputable sources that men have been in my district—under whose auspices I do not know—looking into the matter of my election and trying to find out something about me; for what purpose I am not advised. But I am advised, and I will state it to the House, though the authority may not be very good, that the secret-service fund has been used to send men to my district—I mean the secret service in charge of Colonel Whitley, another one of the gentleman's friends—to look for a fifty-cent counterfeit plate. That was the ostensible purpose of his visit to my district. The real purpose was to hunt up something for the gentleman from Massachusetts [Mr. BUTLER] to use against me.

I do not suppose the gentleman from Massachusetts knows anything about it. I do not suppose he knows about anybody being sent there. Still, they have been there, and were sent by his friends. But, Mr. Speaker, it seemed to me under this provocation that I had a right to say "old Cock-eye" just once in a letter to a friend.

Mr. BUTLER, of Massachusetts. That is your stock in trade.

Mr. FOSTER. It is a good stock, is it not?

Mr. BUTLER, of Massachusetts. It is all you have got.

Mr. FOSTER. I do not know that I shall say anything further. I only rose to give a history of the connection of the Ways and Means Committee with the Sanborn case and to repel the gentleman's attack. But I do want to make a further remark; and that is about the case of Phelps, Dodge & Co. A more unprovoked, unwarranted, outrageous assault upon reputable gentlemen, I have never heard of, and I believe was never heard by the House or the country before. What Phelps, Dodge & Co. may have done forty years ago I do not know. I am assured that that statutory business occurred before either of the gentlemen now composing this firm were partners in the House. What Phelps, Dodge & Co. did then I know not. But assuming that what has been said about these things is true, it has nothing to do with this case of last year. What is that case? Why, Mr. Speaker, Phelps, Dodge & Co. in the course of five years imported \$40,000,000 worth of thereabouts of tin. They paid \$5,000,000 of duty, and in that time they overvalued their goods some \$300,000. The total loss to the Government charged against them as accruing to the revenue of the country is \$1,640. Did they intend to defraud the Government, or was it an error?

Now, Mr. Speaker, when we look at such cases as this we ought to take into account the surroundings. Is there any man living who supposes that Phelps, Dodge & Co. would rob the country of \$1,640?

Mr. BUTLER, of Massachusetts. No.

Mr. FOSTER. That is all that is charged against them. Does any man believe that they would rob the country of that sum?

Mr. BUTLER, of Massachusetts. No.

Mr. FOSTER. That was the aggregate for five years, giving an average of about \$300 a year. We must judge a case of this kind by its surroundings. If a mendicant or ordinary vagabond should obtain \$1,600 that he could not account for we would call him a thief. But when you take into account the standing of Phelps, Dodge & Co. and their vast business, we must admit that they were simply errors; and if errors amounting to \$300 a year should creep into a business of \$8,000,000 a year, is this the great outrage, is this the great wrong to the Government that the gentleman argues should ruin forever the integrity of a leading firm like Messrs. Phelps, Dodge & Co.?

Mr. Speaker, I say shame on the Government and shame on the men in Congress or out of it who plead for such so-called justice or equity as against such an honorable firm.

Now, Mr. Speaker, if I should invite the gentleman from Massachusetts to my house to dine, and the next day should find a spoon (Jeremiah lii: 19) of mine in his pocket, nobody would believe that he had stolen it; but if found in the pockets of a vagabond we would know that he was the thief.

The trouble is, Mr. Speaker, the gentleman from Massachusetts [Mr. BUTLER] has in his pockets a large fee paid to him out of this robbery as counsel for Jayne, and it is getting too hot to hold it there comfortably. This accounts for the writhings and contortions and abuse of the name of Christian by the gentleman to-night.

Mr. Speaker, I give it as my deliberate opinion, and the country believe and I believe and the Committee on Ways and Means unanimously believe, this Congress believe, that Phelps, Dodge & Co. were deliberately robbed; and I believe furthermore that the country never will do justice by them until they pay them back the money thus extorted from them. Without attempting to elaborate the question, that is my deliberate and honest conviction of that case.

Mr. BUTLER, of Massachusetts. Then why not bring in a bill to repay them?

Mr. FOSTER. The time has not come for that yet. I have now said all I desire to say upon this subject.

Mr. E. R. HOAR. I have but a word to say. My colleague has alluded to the fact that when he proposed this evening should be set apart for speaking only, I interposed an objection, and he has chosen to attribute it to personal malignity. I think the experience of many years must have taught my colleague that I have never had any apprehension of affording him any opportunity to express his opinions or his purposes, and have never hesitated to express my own in my own humble way, even if they happened to differ from his. I am not aware he can honestly say he ever knew of a refusal on my part to do him justice.

Mr. Speaker, I thought when I heard that proposition made at this period of the session, when by resolution of both branches we were to end the session next Monday, with the great pressure of public business, with the efforts some of us were making to get to the business upon the Speaker's table in which we felt a deep interest, asking to set apart an entire evening to the exclusion of public business for bringing forward private grievances which could just as well be brought forward on the stump, and to discuss a bill which had already passed both Houses, when the opportunity which was afforded was not accepted by that gentleman, I thought we ought to prefer the public business; and for that reason I interposed the objection. I think so now. I think we should have better spent this evening in attending to the public business than in witnessing the exhibition we have seen. And so far from its having anything malignant in it, Mr. Speaker, if we had known what we should have seen and heard to-night, I think I might appeal to the judgment of the House the utmost friendliness to my colleague would have wished my objection should have prevailed.

Mr. DAWES. Mr. Speaker, at this late hour in the evening were there more occasion than there now seems to be to occupy the floor of the House, I should be very reluctant to tax its patience. So far as my colleague has made complaint against his colleagues, I am unable in looking back over my own course to suspect he has any disposition to include me in that complaint. Whether he has or not I have this to say: in my connection with these investigations of this House I have followed out a line of policy adopted by me on entering public life, when I entered this House in a minority, and which I have followed from that day to this, most of the time in the majority, never to shrink from the investigation of an alleged fraud or corruption, whether it arose among my political friends or among my political opponents, but at the same time I have studiously kept myself so that that spirit of investigation should neither be limited nor intensified by any personal hate or animosity on my part. And in all of the investigations in which it has been my misfortune to participate in this House, I have adhered to the resolution I adopted for myself when, by appointment of the Speaker in the first Congress in which I served, I entered upon an investigation; the democratic party being then in power and struggling as I believed they did to prevent and to cover up what was proved to be an iniquitous and corrupt proceeding. I then and there pledged myself that if ever I stood upon this floor in a majority I would only bring additional zeal and earnestness and sincerity to the work of bringing to the light and to condemnation and punishment whoever as a thief or as a corrupt man raised his head inside of my own party. And, sir, with no limitation of intensity, because of any personal application or because any individual lay across that path, I have pursued that rule from that day to this. I have never turned from the straight line of any investigation one hair's breadth because it was likely to lay open an unseemly and unsightly transaction in my own party; and I never shall in the little remainder of public life that is left to me.

In pursuance of that rule, in the last Congress, I began this investigation in reference to the effect of giving half of the proceeds of uncollected taxes and one-half of the fines and penalties to men who would turn their backs upon other employments at fixed salaries to engage in this pursuit. I followed it up as well as I could in the last Congress. And upon the very second day of this session, through the aid of this House, I called upon the Treasury Department to disclose what my colleague [Mr. BUTLER] has shown here to-night to be the effect upon honest men of this system which has been enforced in this country for the last fifty years upon the collection of the revenue; an effect which, I agree with him, has been continually growing worse and worse, until with him I believe that under all the force and effect of this system of moieties there has come into the Treasury of this kind of taxes but about two-thirds. Was it not time, then, was it not

a matter that commended itself to the Committee on Ways and Means, to look about and see whether there could not be some improvement upon a system of collecting and enforcing revenues which my colleague describes in this way: that the less honesty a man has who is engaged in enforcing the revenue laws the better; that efficiency, according to his idea, and success, according to his idea, are incompatible with honesty in the public service; and therefore you must have agreed to the old adage, "thieves against thieves and rogues to hunt rogues?"

Sir, it did occur to me as a member of the Committee on Ways and Means and I accordingly set on foot the investigation which resulted in a unanimous vote of this House that that system shall continue no longer; it did occur to me that better than imposing new taxes would be an improvement in the system by which the other third of those taxes already imposed should flow into the Treasury of the United States rather than into the pockets of those men of whom my colleague says that the chief commendation they have for their services is that they have no honesty to embarrass or blunt them in their ways and means of detecting rogues. Sir, no effort of my colleague or any other gentleman on this side of the House will enable him or them to enforce upon the republican party as a part of its creed or policy any such doctrine as that. Honesty and efficiency in the public service, properly rewarded by fixed and fair salaries and compensation, I put against my colleague's policy and scheme, coming down though it may from the years that are past, bringing down though it does no other fruit than inordinate fortunes in the pockets of informers and prosecutors, while the deficiencies in the collection of the revenue go on increasing year after year until the startling announcement is made upon this floor by the chief apostle and defender of it all that the result and fruit of it is that under this great system not more than two-thirds can be got into the Treasury! Sir, some other purpose, some other method, some other idea worthy of effort on our part should stimulate us to action and investigation, if the fruit of it all is going to be such a sorry and sad picture as that which my colleague himself spreads out here as the fruit of the system.

Sir, it was in this manner that these investigations originated in the Committee on Ways and Means. My colleague had much to say about the petty pursuits of the Committee on Ways and Means.

He has criticised and complained of the action of the Committee on Ways and Means in pursuing this investigation, and has spread before the House his troubles with one or two members of the committee, and has sought to impugn the motives of the Committee on Ways and Means in their recommendation to this House and in their action which commanded the unanimous vote of the House. I participate in none of that controversy. I stop to make no inquiry concerning it; I have had no part or lot in it. If my colleague from Massachusetts or my colleague on the committee from Ohio [Mr. FOSTER] has a grievance, I care not.

Having approached this matter long before the gentleman from Ohio came into the House, at all, and long before my colleague came into it, and therefore could not have any grievance with him or with the gentleman from Kentucky, [Mr. BECK.] I have pursued the even tenor of my way as chairman of the committee, directing as well as I could the examination for the purpose of demonstrating what was wrong from the very officials in the administration of public affairs here at Washington with a view to the repeal of that system. Even the last Secretary of the Treasury, when before the Committee on Ways and Means, declared it his conviction that this system ought to be abandoned. Even Jayne declared before the committee that the system was unwise and that it ought not to be continued. No man, no official, has appeared before the committee or has made any communication to the House who has not sustained this view. The late Secretary of the Treasury, [Mr. BOUTWELL,] not only voted to repeal all of these laws, but he declared in his place in the Senate but a few days ago that this same Mr. William E. Dodge, who was put in the front here by my colleague, was an honest man.

Sir, how much co-operation in this work of investigation have we received at the hands of my colleague? Although he had notice from the committee whenever any testimony was introduced there with which his name was connected, he failed to present himself there to be heard upon this question, as he has failed up to this hour to give the House the benefit of his views upon it. He has no cause of complaint against the Committee on Ways and Means for the manner in which they have pursued this investigation, so far as he is personally concerned. He had personal notice every time any testimony appeared before that committee touching him, so that he might have the opportunity to appear there. No man has cause to complain of the action of the committee. We invited the men who were receiving these moieties to appear; we invited the officials in New York, and Boston, and Philadelphia, who were receiving these moieties; but they could not find time or opportunity to appear here and give us the benefit of their counsel. And yet, Mr. Speaker, I saw them around the galleries of this House and at the other end of the Capitol when the question was pending whether these moieties should be cut off entirely. I saw them in the lobbies at this and the other end of the Capitol. There was opportunity and time enough for them to come to Washington to give the aid of their advice to legislators by their votes upon that measure of repeal, but up to this hour the Committee on Ways and Means, so far as they are concerned and so far as my colleague is concerned, have been compelled to grope in the dark,

and gather up by the best means they could the information upon this subject which could be wrung from unwilling witnesses.

Sir, whatever others may say of the effect upon the party, and the damage to the republican party, that a republican Committee on Ways and Means has inflicted by these proceedings, I have this to say, that although I have served on many committees in Congress, on none of them do I look back to the work accomplished with more pride and satisfaction than upon the work that has been accomplished by the present Committee on Ways and Means, by which they have wiped out of the statute-book forever that blemish upon the Administration which hitherto has prevailed, a provision that in order to have an efficient prosecutor you must have a dishonest man, that in order that your officers shall pursue with energy the calling of enforcing the revenue they must be stimulated by one-half of all the fruits they can gather from infractions on it.

Sir, I wish to detain the House no longer with comments upon this work of the Committee on Ways and Means. I have no personal controversy, as I have said, with my colleague. There is nothing that has transpired in that committee, over which by your appointment, sir, I have sat as chairman during this investigation, of which any gentleman in this House has any just cause to complain. The committee have submitted to this House and to the other the results of their work. The unanimous approval of both branches of Congress is sufficient for them. If I wanted any other proof of the force and power of the public commendation of this act, I would point to the effort of my colleague here to-night to baffle this current and to struggle against this condemnation of a system which I am sorry to see he has espoused and which he feels bound to defend.

Sir, I can have no lot or part in any such policy. I believe that no such dishonesty on the part of public officers is necessary as he has described here to-night. I believe that if we need more revenue we have need only the more faithfully to collect our taxes. I believe that with honesty and fidelity, with a fair and fixed compensation, we can secure that as the result of the work for which the Committee on Ways and Means have been arraigned before this House and before the country this night. They are ready to appeal from my colleague to the judgment of the House and the country.

Mr. BUTLER, of Massachusetts. Mr. Speaker—

Mr. ELLIS H. ROBERTS. Before the gentleman from Massachusetts [Mr. DAWES] sits down—

Mr. BUTLER, of Massachusetts. But he has sat down.

Mr. DAWES. If my time has not expired, I will hold the floor long enough to allow a question from my colleague on the committee.

Mr. ELLIS H. ROBERTS. When the gentleman from Massachusetts [Mr. DAWES] was discussing this question on a previous occasion he said, in answer to his colleague, the gentleman from the Essex district of Massachusetts, [Mr. BUTLER,] that it was true that the latter had introduced the first bill in this Congress to repeal moiety-ties. I desire now to ask the chairman of the Committee on Ways and Means, where now is the bill introduced by his colleague from the Essex district?

Mr. DAWES. That bill was hung up by a motion of my colleague to reconsider the reference of the bill to the Committee on Ways and Means and it has never got there yet.

Mr. ELLIS H. ROBERTS. So that it is true that the gentleman from the Essex district did introduce such a bill, and it is now hanging, as the chairman of the Committee on Ways and Means says, upon a motion to reconsider entered by him.

Mr. DAWES. Yes; my colleague had it referred to his own Committee on the Judiciary. After that I had it referred to the Committee on Ways and Means, and he entered a motion to reconsider that reference, and it never was reached. I promised to yield the balance of my time to the gentleman from New York, [Mr. TREMAIN.]

Mr. BUTLER, of Massachusetts. How much time is that?

The SPEAKER. The Chair has really recognized, by a nod, the gentleman from Massachusetts, who first spoke to-night, [Mr. BUTLER.]

Mr. BUTLER, of Massachusetts. I will wait until the gentleman from New York [Mr. TREMAIN] is through. Perhaps some members may remain to hear me.

Mr. TREMAIN. Mr. Speaker, understanding that there is no other member of the Committee on Ways and Means who desires to address the House to-night, it seems to me that I cannot, consistently with the duty I owe to an honored firm of constituents, permit this House to adjourn without raising my voice to repel the most extraordinary and unjustifiable aspersions that have been uttered here to-night upon the floor of the American Congress. Phelps, Dodge & Co. are my constituents. For a quarter of a century that firm has occupied a position at the head of the mercantile community of the great commercial emporium, with no stigma or stain resting upon their honor or upon their good name.

To-night the gentleman from Massachusetts [Mr. BUTLER] has constituted himself their accuser, has appeared as witness against them, and has acted as their judge. No charges are served upon that firm to appear in this Hall; no counsel has a right to appear here to defend them. Slanders are uttered here for which a man would be held personally responsible before the tribunals of his country if uttered where he would be deprived of the immunity that shields him here. He is here protected by the broadegis of the Constitution, which declares that no man shall be held responsible for words uttered in debate upon the floor of this House.

And yet what have we heard here to-night? For the purpose of defending two dead and buried institutions, and in pronouncing an anathema upon the action of the Committee on Ways and Means of this House for their action in condemning and hurling into that infamy from which no power on earth can lift them—the rotten Jayne moiety system, and the infernal Sanborn contract—the gentleman from Massachusetts has held up the firm of Phelps, Dodge & Co. as swindling merchants, as perjured villains, as men who have been engaged for years in attempting to defraud the revenues of this Government, and as men who ought to be held up before this crowded audience, upon an accusation which shall go upon the wings of the lightning from one end to the other of this Republic, as men who have cheated the community in which they live, in obtaining that reputation and that honor which, forsooth, are to be destroyed before the keener criticisms, the sharper instincts, and the wiser sagacity of the hero of the Sanborn contract and the Jayne moiety system.

No man can deny the power of the gentleman from Essex. But he has not the power to raise the dead; and until he has that power he can never reverse the judgment of this House and of this country that the Sanborn contract and the manner of its performance constitute the most disgraceful and disgusting performance that has ever brought discredit upon the American name. With all his power to please, and to call down the plaudits of the galleries, the gentleman from Massachusetts can never roll back the popular tide or reverse that judgment which is the judgment of the American people that the scenes which have transpired in New York, of which Phelps, Dodge & Co. were the victims, are as deserving of the condemnation of an honest and a justice-loving community as were the diabolical transactions of the inquisition and of the star chamber.

Sir, there is in all this broad land but one man who has the boldness to stand up against the judgment of an honest people, against the unanimous expression of this House, against the conscience and the honest opinions of a thoughtful and a truth-loving community in regard to these transactions. The time for making the defense was when the gentleman from Massachusetts was invited; and he did not come. He was sick! He will be sicker yet before he gets through with his connection with the Sanborn and the Jayne infamies. No man is able to stand up before the American people and sustain these atrocious proceedings.

The gentleman has said that Phelps, Dodge & Co. were guilty of frauds in regard to statutory lead. Sir, a falseness accusation was never made. I know well the history of that stale slander, which has been picked up from the gutters and peddled in your cloak-room. It is false in every part of it.

Let me say in the first place that in the firm of Phelps, Dodge & Co. the name of Phelps is retained although the man who bore it has been dead for many years. Under a statute of New York the name of a deceased member of a firm and of the old firm itself may under certain conditions be continued by those who succeed to the business. Of course it would never be continued except where it has acquired credit and standing by probity and integrity and is a name that ought to be perpetuated.

Sir, it was nearly fifty years ago that an act of Congress was passed increasing the duty upon lead in pigs and bars from one to three cents per pound. What was the occasion of the increase? Lead mines had been discovered at Galena, Illinois, and according to the system of that day, of protecting American productions and American industry, this duty was increased 200 per cent. There had before that time grown up in the cities of Baltimore, Philadelphia, New York, and Boston large manufacturing establishments, concerned in the manufacture of white-lead, in one of which the old firm of Phelps & Peck (the name of the dead Phelps being perpetuated in the firm) were interested. When that statute was passed, somewhere from 1820 to 1824—I do not remember the exact year—these large establishments found that their business was failing; and they looked around to see in what manner they could reimburse themselves for the losses they sustained by reason of the legislation of Congress. They found that this statute, which was under the old system of duties, had left upon old lead, so called, an *ad valorem* duty of 15 per cent.

I never heard that there was anything wrong in acting precisely according to law. These manufacturing establishments consequently concluded to import old lead. I will show you by and by that as to the statutory story even the firm of Phelps & Peck had no more connection with it than the gentleman from Essex. There was a great demand for old lead. The consequence was that in the old establishments in England the roofs that were made of old lead were taken off, new lead put on, and the old lead imported to this country. Merchants and the officers of the customs submitted the question to the Treasury Department, where it was decided, properly and legally, that no more than 15 per cent. could be collected on old lead under the statute, although that lead was afterward used for the ordinary purposes for which pig-lead and bar-lead would be used.

Congress, when the next session came, proceeded to cure that omission in the old law. They did so. Then these gentlemen looked around; and they found that there was still another provision in the tariff laws under which musket-balls and bullets were admitted at a duty of 15 per cent. *ad valorem*. There was then a wonderful demand for bullets and musket-balls, old and new. They were brought over in immense numbers. Again the revenue officers submitted the question to the Government; and the Treasury officials decided that the

importation of bullets and balls at 15 per cent. *ad valorem* was according to law; that the Government could not help itself. At the next session another law was passed patching up that hole in the tariff. But afterward it was discovered that there was still another item left with a duty of only 15 per cent. *ad valorem*; and that was leaden weights and leads used by sailors. There was then a wonderful demand all at once for weights and leads. The old weights were found to be very defective. Every shipper and every sailor wanted a new set of leads. A large number were imported. In the mean time a suit was brought in New York by Mr. Price, the district attorney, but he was ignominiously beaten; for the judge, upon the first hearing of the case, dismissed the complaint on the part of the Government. Then this defect in the law was supplied. But there was still left the old statute which said that statuary and busts should be admitted either free of duty or at a small duty. Well, there never was such a demand for busts since the time when my colleague [Mr. Cox] got his bust made when he and I were in Florence. Why, sir, they had statues of all the great men of ancient and modern times. They had Moses and Aaron, and Benjamin and Joshua, and Caesar and Napoleon, and Wellington, and Washington, and Jefferson, and everybody else, run into statues on the other side. Some of them came over, to be sure, as has been said, with an eye knocked out, or a nose battered, or fingers dislocated; still you could recognize them. They came in in great quantities. A suit was undertaken to be brought in New York; but Mr. Price had had sufficient experience in that line, and he thought he would not venture upon the experiment. They went up to Boston and they sued an honorable old merchant, who was one of these white-lead manufacturers, for importing these leaden statues which, according to the language of the gentleman from Massachusetts, were transferred to the melting-pots. They brought suit against him. What did the old merchant do? His name I do not remember—perhaps some one from Massachusetts here will.

A MEMBER. His name was Leavitt.

Mr. TREMAIN. Yes; I think his name was Leavitt. What did he do? No doubt if the lawyer from Essex had been there he would have run for his office if the Government officer had not got there ahead of him. As he was not there they had to take a man of less importance, and they employed a man you may have heard of by the name of Daniel Webster. Mr. Webster went into court to defend his old friend, an old Boston merchant. They proved he imported these old leaden statues, and they probably could have satisfied the jury if that had been material that he meant to melt them as soon as he had got them into his store. What did Mr. Webster do? Mr. Webster said to the judge, "I ask you to instruct the jury that the only question in this case is a question of fact, whether the articles seized by the Government were or were not statuary." It was not a question of law, but a question of fact for the jury. The judge, as he was bound to do, responded to that request by charging the jury in accordance with the request, and the jury without leaving their seats gave a verdict in favor of the defendant that he had violated no law.

And that is all there is, Mr. Speaker, of this stale old statuary story, dug up from the gutters to sustain the rotten cause of the Sanborn contract and of the Jayne moiety system and to bring discredit upon the name of Phelps, Dodge & Co.

Now, whether these transactions by the importers were moral or immoral is a question I am not called upon to determine. It is enough, however, to say in this connection that at that time no member of the present firm of Phelps, Dodge & Co., had any connection with it. It is enough to say that the firm which was then in existence, and the predecessor of this firm, was the old firm, of Phelps & Peck, that the firm of Phelps & Peck never had anything to do with the importing of leaden statuary and busts, and that the story even as to them is made out of whole cloth, thrown in here when there was no man supposed to be familiar with the facts to defend the firm of Phelps, Dodge & Co. against a charge entirely in harmony with the general character of the transactions which the Committee on Ways and Means have properly sought to reform and this House has by its unanimous judgment condemned.

Again, the gentleman tells us Mr. Dodge claimed a particular interpretation of the statute in regard to the amount of duties which should be collected upon tin plates. I am informed by an honored merchant from Boston on the floor of this House, since that charge was made, for I knew nothing of it and this is no time to be called on to defend an absent man against a charge made under the privileges of the House—I am informed by that honored merchant, who is familiar with the whole transaction, that in regard to that the Treasury Department fully sustained the claim which was made by Mr. Dodge.

Allusion has been made to the action of the Committee on Ways and Means in recommending the tariff bill which proposed a specific duty upon tin and the boxes in which it was contained. So far from being a cause of censure against the firm of Phelps, Dodge & Co., that transaction is evidence of their strong desire to conform to the law, and to guard against the defects and abuses existing under the law which had been the means of robbing them of \$271,000. Look at it for a moment.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. TREMAIN. I understood the gentleman from Kentucky, [Mr. BECK,] one of the Committee on Ways and Means, to say he would yield to me whatever time he had.

Mr. BECK. I told the gentleman from New York if I had any time I would yield it to him.

Mr. BUTLER, of Massachusetts. The gentleman has yielded his time once or twice.

Mr. TREMAIN. This gentleman himself has had two hours. I understood the gentleman from Kentucky [Mr. BECK] was willing to yield his time to me.

Mr. BECK. The gentleman from New York asked me if I would give him my time. I told him I believed I was on the list, and if I had any time I would surrender it to him as I did not expect to speak myself.

Mr. TREMAIN. My name is on the list and I have the right to speak in my own right.

Mr. RANDALL. Go on; we have given the other side two hours.

Mr. TREMAIN. Mr. Speaker, what was the old law which is now condemned? If a man imported tin manufactured in the interior of England—and it is mostly manufactured in Wales—if he by mistake omits to put into the invoice the expense of cartage or of telegraphs or of expressage or of boxes or of any other item whatever, under that old law, which finds its vindicator here, not only was the article forfeited, but the whole invoice in which that article was contained was forfeited.

Nay, more; it was not necessary to show that there was any intention to defraud the Government. The Supreme Court decided that when the word "fraudulently" was omitted it was only necessary to show that the invoice was entered at less than the actual cost, and that it became a matter of law in such a case to instruct the jury that the whole invoice was forfeited. It was under such an odious system that Phelps, Dodge & Co. were sought to be charged with \$271,000 of forfeiture. Now what was the amount of duty of which it was charged they defrauded the Government? Why, sir, but \$1,600. Here, sir, is a firm which had paid more than fifty million dollars into the Treasury; while the Ways and Means Committee state it has been proved before them that they overpaid to the Government on other articles three or four thousand dollars of duty. Yet these men were to be held responsible in the large amount I have named for these trifling inaccuracies in their invoices. It was to guard against that that Phelps, Dodge & Co. and all the other tin merchants and importers of the country presented the memorial to Congress from which the gentleman from Massachusetts only read the first name, that of Phelps, Dodge & Co.; and that memorial asked that the tariff be changed. They were willing to have put on a duty which would give the Government greater revenue than they have derived from that source for the last three years. They thought one cent on the tin and boxes was enough. The committee of this House put it at one and a quarter cents. That is what there is about that.

Now, who is Mr. Dodge? He is a man who has been a member of this House, the peer of any gentleman upon this floor, the man who, after all these charges were made against him, was elected by the unanimous vote of the merchants of New York president of the Chamber of Commerce in that great city, a position that he occupies to-day. Can a man acquire such a reputation and so enjoy the confidence of his fellow-merchants if he is that rotten and corrupt and swindling merchant that he has been held up before this House to be by the gentleman from Massachusetts? Shall his good character go for nothing? Can long years of integrity and probity go for nothing? Shall his reputation for Christianity and piety, evidenced by the fruits that are welcomed everywhere by the Christian community as springing from a good heart, go for nothing? Is such a man to be ridiculed before your galleries as a man that preaches in the day-time and prays at night? Is the American Congress to listen to harangues of that character?

Then the gentleman, after haranguing the House for two hours, now seeks to stifle the voice of the Representative from New York, who has no other interest at all in this firm except simply to have justice done. It seems to me that this whole debate to-night has been in the nature of a funeral oration by the gentleman from Massachusetts over the dead; the dead and the corrupt; the dead and the condemned; the dead and the infamous. And if the gentleman from Massachusetts thinks that he is to be held as the savior of the republican party from the Ways and Means Committee, to whose eleven members he so triumphantly bids defiance, he will find that he is laboring under an egregious mistake.

The people are quick to discover an honest desire on the part of the Ways and Means Committee and of this House to correct abuses and reform the existing laws. This House by both its parties, to their honor be it said, without regard to political considerations, have condemned these laws and wiped them out of existence, and they will be heard of I trust no more forever.

There was another subject I desired to speak on; but if the House will give me permission to print my remarks I will not detain it longer this evening.

Mr. BUTLER, of Massachusetts. If there be anything personal in them you cannot.

Mr. TREMAIN. I will tell the gentleman that I intend my remarks to relate to the extraordinary debate, the extraordinary personalities, the extraordinary course that was taken in the closing hours of the debate upon the Geneva award bill, a bill that has passed this House. But I rejoice for the honor of my country that the triumph that was won here is destined, I believe, to be short-lived and to yield no fruits.

It requires not merely the consent of this House, but the consent of the Senate and the President, before a raid can be successfully made upon the public Treasury, whereby four millions of honest property can be confiscated and ten millions can be taken and given to a class of men who have no claims in law or equity upon them. That question is wholly postponed and to come before this House at its next session. I desire to notice some extraordinary aspersions, some extraordinary arguments, some extraordinary personal remarks that were made during that discussion; and I think it will be quite as proper, as that subject is still alive, to speak to it as to spend two hours in talking about dead issues. My speech would relate to the Geneva award, and I ask unanimous consent to print my remarks upon that subject.

Mr. BUTLER, of Massachusetts. You shall not have mine, sir.

Mr. TREMAIN. Amen. You will hear from me at Philippi. We will meet there.

Mr. BUTLER, of Massachusetts. Now, Mr. Speaker, I have to ask from the House a little indulgence.

Mr. TREMAIN. I rise to a point of order. Has the gentleman from Massachusetts the right to speak twice on the same subject?

Mr. BUTLER, of Massachusetts. I am going to speak upon an entirely different subject. I am going to speak upon the gentleman from New York, who is an entirely new and different subject.

The SPEAKER. The gentleman has a right to speak again unless some other gentleman desires to occupy the floor.

Mr. BUTLER, of Massachusetts. Mr. Speaker, the gentleman from New York [Mr. ELLIS H. ROBERTS] tried to quote Shakespeare in ridicule of my sickness; thus one member of the Committee on Ways and Means ridicules my eyes, and another ridicules my sickness. I am grieved that I am not always well. I am sorry that I cannot always be equal in health and good looks to the majority of the Committee on Ways and Means. But the most remarkable exhibition has been that of the gentleman from New York, [Mr. TREMAIN,] who told us when he first came upon this floor that he represented the whole State of New York, and that he had thirty-two Representatives from that State as his constituents, and he tried also to quote Shakespeare. Let me try if I cannot quote Shakespeare too, and see if I cannot do a little better:

The little dogs and all,
Tray, Blanch, and Sweet-heart, see, they bark at me.

Mr. ELLIS H. ROBERTS. And bite.

Mr. BUTLER, of Massachusetts. Ah, yes; but only timid persons get the hydrophobia from the bite of very little dogs.

But, Mr. Speaker, let us be serious about this business. I want no better witness than the gentleman from New York, [Mr. TREMAIN,] He comes here and tells the House and the country, in addition to what I endeavored to say, that I did not think all merchants were honest. If he is to be believed they are all dishonest. Why, sir, we put a duty on lead to protect our western mines, but allowed "old lead" to come in at a very small rate of duty, and long years ago the merchants of New York, Philadelphia, Boston, and Baltimore evaded the law by tearing off the leaden roofs from houses of London and importing them into this country as old lead so as to evade our tariff. I call that swindling. I may not understand New York morality, but according to the New Testament, which tells you that you should do unto others as you would have them do unto you, that is swindling. Well, Congress patched up that law and stopped that leak; but it could not foresee all the rascality that was possible on the part of merchants. This was just after the war of 1812, and Congress passed a law providing that no lead should come in without the payment of duty, except bullets. Well, sir, these merchants, these honest men, the praying men, cast all their lead into bullets and brought them in free of duty. I should say that that was another swindle. It was cheating the Government under the forms of law, getting around the law, evading the law, using the law to enrich themselves at the expense of their country. That is what I call swindling. I am obliged to the gentleman for the facts he states. One of the house of Phelps, Dodge & Co. was in those frauds he admits.

The gentleman avers that I should not dare charge this firm of Phelps, Dodge & Co. with swindling and defrauding the Government were I not protected from suit, because I am protected from suit for what I say here in this House.

Now I want, once for all, to say to the gentleman from New York that I will claim no privilege, I will shield myself by no privilege. I will stand out on the common here at any hour he may name, and in the presence of as many reporters as he can bring there I will make these statements over again, and he may sue me for slander, and I will endeavor to respond to the judgment of the court after he gets a verdict of any honest jury against me.

Congress also allowed lead to come in free as clock-weights; that was in favor of Connecticut, where they make clocks, and thereupon these merchants, he says, brought in all this lead free of duty in that form, and thus cheated the revenue. Congress stopped that fraud by a new law, and Connecticut could have no more clock weights unless she paid duty on them. What did the merchants do then? I am only commenting on the testimony of my witness [Mr. TREMAIN] here from New York. What was the next thing they did? They looked around, and they found that statuary and busts came in free of duty, and then they cast all the pig-lead imported into statuary, and thus brought it in free of duty; and when the Government undertook to

stop that fraud, they got Daniel Webster to defend them, and he convinced a jury that they had a right to import statuary free of duty, and so they succeeded in swindling the Government in that way. Now, sir, this is the honesty of the mercantile community on the testimony of their defender who volunteers here in their behalf.

Now, I undertake to say that there is not a man in this House who professes honesty that can look an honest man in the face and say that that is either just, or proper, or right, this taking advantage of the law to swindle the country. But does not the gentleman's statement cover exactly what I told you of? I said that it was notorious that for years and years the firm of Phelps, Dodge & Co., whatever members may have composed it, had been taking all manner of technical advantages to swindle the country. If I had not proved it before it is proved now; here is the witness, their advocate, putting in their defense.

The gentleman says I brought this charge of importing lead as statuary, which he admits to be true, out of the gutter. Let us see where I brought it from. I took it from the congressional reports; I had it read at the desk of your Clerk from the Congressional Globe. Senator MORRILL was one of the debaters; Mr. ELDREDGE of this House was another; Thaddeus Stevens was another, and he charged it as a swindle upon the revenue by Phelps, Dodge & Co.

And then upon this question of cheating in tin plates. The gentleman says why should they not, if they could only get a ruling of the Department to enable them to bring in these tin plates at too low duty because they were not "galvanized tin plates," and thus defraud the nation. Ay, why not? Why should they not cheat? I know of but one reason why they should not? Because it is dishonest to cheat; that is all, that is the only reason; that may not be a good reason in New York, but elsewhere it is; because it is not doing an honest thing, it is not doing an upright thing, and it is not doing the thing that ought to be done. I may be all wrong; I may be one of those that have not proper moral conceptions. But I would here declare that I would rather defend Sanborn and Jayne and everybody else I have heard of on the other side of this transaction, than to defend a merchant who undertakes to cheat his country in time of war, when her soldiers were bleeding upon the field of battle, by frauds and tricks cheat her out of millions of dollars each year, as these merchant princes, Phelps, Dodge & Co., did. That is all; and I dismiss them forever. If there is any man here who chooses now to defend them, be it so. After this exhibition of their case by the gentleman from New York, if there is any man here who wants to say that theirs is good morality to inculcate in his children, that this is a good thing to do, that the law ought to be made and tariffs fixed for such men, then be it so. That is what your committee has done.

The gentleman from New York says that we should not attack absent men. Why, then, does he denounce a man by name, Mr. Jayne, who is absent? I have never said anything here about Mr. Jayne, good or bad. What has Mr. Jayne done? As a special agent of the Treasury Department it was his duty when frauds were brought to his notice to inform the proper officers and have them punished. He did so; and of forty-nine cases he convicted forty-eight in court by the plea of guilty, and he brought into the Treasury in two years \$3,000,000 fines and penalties, as that book shows. That is all he has done.

Mr. DAWES. That is not all; he took half of it out.

Mr. BUTLER, of Massachusetts. No, sir, he did not; that is a simple mistake that both you and others have made.

Mr. DAWES. He and his friends about him did.

Mr. BUTLER, of Massachusetts. No, sir; pardon me again.

Mr. DAWES. They divided it up.

Mr. BUTLER, of Massachusetts. Wait a minute, don't hurry; be a little careful now. He put \$3,000,000 into the Treasury for fines and penalties within two years, he and others, independent of what they took out. Look at the record. That is as I understand it. They did according to the law of the land, and they did it by the judgment of the court. That is the beginning and the end of their offending.

Mr. DAWES. I think my colleague is mistaken about the sum. But if he is not mistaken, they took out \$2,000,000, or more.

Mr. BUTLER, of Massachusetts. I do not care if they took out \$10,000,000; they took out no more than the law allowed them as part of what they put in.

Mr. DAWES. The report shows they took out two or three million dollars.

Mr. BUTLER, of Massachusetts. We have the report here. I do not care to go into the figures at this hour of the night. Let us turn to another part of this case. The gentleman from New York, who visited Europe last year [Mr. ELLIS H. ROBERTS] and who came back just in season to pay his back salary into the Treasury, upon which I doubt not he spent his time very pleasantly in Europe—the gentleman from New York has had the kindness to have read at the Clerk's desk extracts from the evidence to show that I knew about this case because I was counsel. Why, sir, as it came out before his committee and without my fault, as I do not willingly disclose my clients' business, I will tell the whole of it now, especially as great pains have been taken that the statement should not appear in the report. I never had anything to do with fixing the penalty Phelps, Dodge & Co. should pay; they were all fixed before I came into the matter. But the informer brought to Mr. Jayne a bundle of letters which compromised some of the first women in New York quite as much in their conduct

with the younger members of that firm as the firm were compromised with the United States; and the question was with Mr. Jayne, what should be done with those letters? The informer who brought them to Mr. Jayne said to him, "You must use those letters to get more money." Jayne said, "I will not." Then it was replied, "If you do not I will complain to the Secretary of the Treasury." Mr. Jayne came to me and said, "Ought I to use those letters for any such purpose?" I said to him, "Not by any manner of means." Mr. Jayne then called young Mr. Phelps before him and put those letters into the fire; and young Phelps took him by the hand and thanked him for so doing. I went with Mr. Jayne and explained the transaction to the Secretary of the Treasury, who said to Mr. Jayne, "You did right; you acted like an honorable man."

The only thing I ever had to do with this question of penalty was when two of Phelps, Dodge & Co.'s lawyers came into my office here in Washington and said, "Will you not go to the Secretary of the Treasury and advise him to take this \$270,000 and settle this case?" I said, "I will not go and advise him, because it would do more harm than good; he understands his own matters perfectly; I cannot be of service to you in the matter." My connection with the case was because of a private transaction which the Government had nothing to do with; and but for the gentleman from Ohio, who in the course of the testimony over and over again pressed it out, picked it out, drew it out, hammered it out, and got it out, it would never have come out here at all. I did nothing in that matter more than I would do when the gentleman from Ohio [Mr. FOSTER] is attacked and comes to me for counsel, as he will I doubt not. I do not know but that I would defend even the gentleman from New York, [Mr. ELLIS H. ROBERTS,] provided my fees were large enough. For these reasons I have nothing to apologize for or retract upon that matter.

But why drag in these matters of personality except as they show that this investigation in the Sanborn case was, upon the testimony of the gentleman from Ohio, got up, not by the Committee on Ways and Means, but by himself and the gentleman from Kentucky, [Mr. BECK;] the object being on the part of the latter, properly and rightly from his political point of view, to break down the Administration; and the object of the gentleman from Ohio being to break me down to get even with me. My whole offense (as has crept out in the statement of the gentleman from New York, who is acting under my colleague's inspiration,) was that it was necessary that gubernatorial honors should not be allowed to anybody in my State except to a chosen few of high respectability, such men as import lead bullets against the law, and tear off lead roofs in London in order to cheat the revenue—"highly respectable merchants!"

To my colleague, [Mr. E. R. HOAR,] who with such solemnity asks me whether I honestly think he would do an unjust thing toward me, I answer in the same candor with which he puts the question, that if he knew it I do not believe he would. But I think the bent of his mind is so bitter that he does not know when he does a thing which he ought not to do against a man whom he does not like. Is he satisfied with the answer? I am.

Mr. TOWNSEND obtained the floor and said: I yield fifteen minutes to the gentleman from New York, [Mr. TREMAIN,] after which I will yield five minutes to the gentleman from Florida, [Mr. PURMAN.]

Mr. TREMAIN. Mr. Speaker, it is difficult to tell which most to admire, the high-toned sense of honor and morality of the gentleman from Massachusetts, who sees so much fraud in the conduct of men who have been vindicated and sustained by the action of a court and jury, or his logic in finding in my argument a sufficient ground to condemn Phelps, Dodge & Co. Sir, I have stated distinctly, and the gentleman knows it well, that Phelps & Peck, who were the firm in existence when the statutory was imported some forty or fifty years ago, had no agency whatever in its importation. They had no more connection with it than had the gentleman from Massachusetts, and yet, forsooth, he finds in my remarks sufficient to sustain his charges against Phelps, Dodge & Co., and proceeds to indulge in a general tirade of abuse against the merchants of this country—merchants whose names are synonyms for honor, for patriotism, and for integrity, and who would not thank me for vindicating them against the frivolous and unfounded aspersions of the gentleman from Massachusetts.

Again, he asks why did I denounce Jayne? I denounced the systems with which Jayne and Sanborn were associated. I exonerate the officers of the law, for they are honorable officials in the city of New York, who no doubt did what honorable men should have done in executing the law. I would not be understood as criticising in any manner the action of the revenue officers of New York, for all of whom I entertain the highest respect and esteem. But it was the system I denounced, and I rejoice that it has been condemned and forever exploded.

The gentleman says we drag in personalities. A singular complaint from such a source! Who but he has introduced personalities into this House? Who but he in the Geneva award debate, which he now objects to my answering, introduced personalities? I send to the Clerk a passage I desire to have read in regard to personalities. I ask the Clerk to read that portion which is marked. The gentleman's speech is withheld from the RECORD, and hence I send up Harper's Weekly, which contains the newspaper version of the transaction.

The Clerk read as follows:

In the further course of Mr. BUTLER's argument, Mr. TREMAIN asked him if he would allow him to put a question.

Mr. BUTLER, of Massachusetts. Yes, if you will keep quiet afterward.

Mr. TREMAIN. That depends upon whether you tell the truth or not.

Mr. BUTLER, of Massachusetts. If that is a good reason, you will keep quiet all your life, and die with your tongue dumb; but the difficulty is that Tweed was convicted, and the lawyer who convicted him cannot keep quiet ever since.

Mr. TREMAIN. And you sympathize with him?

Mr. BUTLER, of Massachusetts. I do, with such a counsel as was against him. [Laughter.]

Mr. TREMAIN. Undoubtedly there is a bond of sympathy between you.

Mr. BUTLER, of Massachusetts. I think that such a man should be hunted by lions, and not by jackals. [Laughter.] Do you see the disadvantage of interrupting?

Mr. TREMAIN. None whatever.

Mr. TREMAIN. Now, Mr. Speaker, let me recall to this House the circumstances under which that violation of the rules of this House was perpetrated. Three speeches had been made on the part of the champions of the war premiums, without any opportunity to reply, under the management of the gentleman from Massachusetts. No answer was allowed to the question which I proposed to put to one of his field-m Marshals, the gentleman from Maine, [Mr. FRYE,] a gentleman for whom I entertain the highest regard. When closing the debate the gentleman from Massachusetts stated that Judge POLAND's bill declared insurance companies should be paid, a statement that was utterly unfounded in fact, and I asked, in accordance with the courtesy and usages of the House, if he would permit me to put a question. You have the answer before you. Sir, the time has been, when I was younger than I am, and had as I think a more imperfect view of my duty, when swift and certain punishment would have followed the application of that language to me.

But, sir, I trust I never shall forget that solemn declaration that "Vengeance is mine; I will repay, saith the Lord." I have too much self-respect and too high a regard for the honor of this House to respond in the same coin, no matter how copious and abundant may be the wealth of materials available at my command. Nor, sir, do I believe the good people of this country will believe me to be a jackal, nor complain of my agency in convicting the notorious Tweed. No such language as I have quoted nor any other from the same source can insult me. I believe rather, sir, that the honest judgment of the thinking, sensible people of this country, as they read at their breakfast tables that extraordinary exhibition on the floor of the House of Representatives, would be, "What else can you expect than a comparison drawn from the animal creation when that comparison comes from the mouth of?"—I forbear from finishing the sentence.

The gentleman has quoted Shakespeare. Let me also quote Shakespeare as applicable to him. On the Geneva award debate this Hall rang during three hours with charges, when no opportunity was given to answer; when even fifteen minutes were refused to the gentleman from Kentucky [Mr. BECK] to say a few words in favor of insurance companies, though the pledge had been given when consent to close the debate at three o'clock was obtained from us that we should have one-half the time—I say the Hall rang with all sorts of charges, among which were charges against Mr. Evarts, ex-Attorney-General of the United States, a man standing, if not at the head, at least in the front rank of his profession in New York and in the country, with charges against every lawyer who did not speak against the insurance companies as having been bought, not directly, not in a manly way, but in that insinuating, ambiguous form which the gentlemen know how to employ without violating the rule which prohibits personalities, and yet carrying the impression to the groundlings that every man who stood up here in favor of what he supposed to be the claims of justice and right was paid by the insurance companies. The very able gentleman from Maine, the field-marshal of the commander-in-chief—I will not put him down so low in rank as to call him a lieutenant or adjutant—the gentleman from Maine [Mr. HALE] said, "Do not put this case into the courts, for there the insurance companies are sure to win."

But the gentleman from Maine says do not put this case into the courts, because there the insurance companies are sure to win. It is a well-settled principle of equity that the insurance companies were subrogated to the rights of the assured. And so it went on for the benefit of the war-premium claimants, and the ten millions were to be taken out of the Treasury and distributed among the men that were not entitled to it.

Now, there is a description of such another crusade that I find in Shakespeare's second part of King Henry VI. Shakespeare has described all sorts of people in ancient and modern times, and he gives Jack Cade's language to Dick the butcher, Smith the weaver, and others of a similar stripe, who rallied around him, in these words:

CADE. Be brave, then; for your captain is brave, and vows reformation. There shall be, in England, seven half-penny loaves sold for a penny: the three-hooped pot shall have ten hoops; and I will make it felony to drink small beer; all the realm shall be in common and in Cheapside shall my paltry go to grass. And, when I am king, (as king I will be),—

ALL. God save your majesty!

CADE. I thank you, good people:—there shall be no money; all shall eat and drink on my score; and I will apparel them all in one livery, that they may agree like brothers, and worship me their lord.

DICK. The first thing we do, let's kill all the lawyers.

CADE. Nay, that I mean to do. Is not this a lamentable thing, that of the skin of an innocent lamb should be made parchment? that parchment, being scribbled

o'er, should undo a man? Some say, the bee stings; but I say, 'tis the bee's wax; for I did but seal once to a thing, and I was never mine own man since.

The difference between the ancient Jack Cade and the modern is that instead of saying there should be no money, the modern Jack Cade says, "You shall have your pockets full of money, all glittering in bright greenbacks, bearing the stamp of the Government."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate insisted on its amendments to the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, disagreed to by the House of Representatives, disagreed to the amendments of the House to other amendments of the Senate, and agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon; and had appointed Mr. WEST, Mr. RAMSEY, and Mr. SHERMAN to be the conferees on the part of the Senate.

The message further announced that the Senate had passed without amendment the joint resolution (H. R. No. 112) directing the Public Printer to keep an account of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, &c.

The message further announced that the Senate agreed to the concurrent resolution of the House of Representatives directing the distribution of the three thousand copies of the Statistical Atlas of the United States based on the results of the ninth census, now being compiled by Francis A. Walker, the publication of which is provided for by the act of March 3, 1873.

RECOGNITION OF CUBA.

Mr. PURMAN. Mr. Speaker, the first cry of freedom in Cuba, though in a different language from ours, sobbing across the narrow Gulf Stream, received a ready response and re-echo in the chivalric hearts of Florida. Florida, once a sister with Cuba in the family of the once great Spanish nation, cannot be oblivious to the struggling condition of her less fortunate relation. The blood of a historical consanguinity yet courses through the veins and memory of our people.

It was the good fortune of our State to have been first plucked from the grasp of Spanish dominion by the reckless gallantry of a cavalier general and in violation of all international law, and the jewel of American liberty was set upon her brow in the similitude of a captive beauty crowned by her conquering and conquered knight. She escaped the penalty of a bloody revolution paid by all her other sisters as the price of their liberty and independence.

Severed so early by a most happy fate from the mother family and blessed like a beautiful damsel of poor estate wedded by a mighty king, she has not grown selfish in her happiness nor haughty in her superior station, but like a true sister comes to the rescue with all the power of tears and prayers—tears to beseech propitiation from Heaven, and prayers to beseech mercy and recognition from this United States Congress.

In the session of 1870 the Legislature of our State spoke as follows by the adoption of the resolution introduced by myself:

Resolved by the people of the State of Florida, represented in senate and assembly, That we are not and cannot be indifferent to the eventful history which our neighbors are enacting on the island of Cuba in their patriotic endeavors for freedom and independence. That by our proximity of country, by the comity that has always so happily prevailed between our respective people, by our own love of liberty, and by the promptings of our own political religion, that all nations should be free and enjoy the blessings of popular institutions, we extend our heartfelt sympathies and hopes to the struggling patriots of Cuba, and with them unite our invocations for their speedy deliverance from oppression and their victorious establishment of a free government, which is the only rightful authority on earth to which universal man should acknowledge obedience; and that our expressions of fellowship in feeling and prayer may carry with them at least the power of a moral support and encouragement, we hereby request our Representatives and Senators in the Congress of the United States to respond to the strong popular sentiment of the whole country, and at once accord by the sovereign voice of Congress those belligerent rights and protection to the cause of free Cuba which a common justice, kindred principles, and an enlightened humanity demand, and which are sanctioned by the usage and laws of nations.

Again, in the session of 1874, upon the resolution introduced by Senator Howe, of Key West:

Whereas the people of the island of Cuba have been and are still struggling for their national existence and are trying to establish a free government for themselves and their children; and whereas the war waged by the Spanish government has no parallel for its inhumanity in modern times, and should not be permitted by any civilized nation: Therefore,

Be it resolved by the people of the State of Florida, represented in senate and assembly, That the Congress of the United States is requested to adopt such legislation as may be necessary to enable the national Government to extend such aid to the people of Cuba as becomes a great republic, whose people so ardently sympathize with an oppressed nation.

And be it further resolved, That our Senators and Representatives in Congress are requested to present these resolutions to their respective bodies as expressive of the sense of the people of Florida.

Again, through the voice of her chief executive, who sent the following telegram greeting to President Grant upon the apprehension of difficulties arising from the capture of the Virginian and the assassination of portion of the crew:

STATE OF FLORIDA,
Executive Office, Tallahassee, Florida, November 20, 1873.

U. S. GRANT,
President of the United States, Washington, D. C.:

In case of serious difficulty with Spanish authorities in Cuba Florida will do its duty; and as we hold the front position geographically, so we will claim the front rank in the cause of national honor and human liberty.

M. L. STEARNS,
Governor.

This tender to the President meant indignation at the insult offered our flag, earnestness for the vindication of its honor; for it was written by a governor with his left hand, having already lost his right arm in defense of his country's flag.

Thus has our State spoken in the most solemn and authorized manner known to our constitution; and were I, from any possibility, to remain silent upon this floor upon this stirring question of a people who are our neighbors by geography, political aspirations, and reciprocal interests, fighting and dying for liberty and independence, I would be recreant to my own convictions of duty and to the most sanguine sentiments of my constituents.

Sir, I give my most cordial support of heart and hand and vote to the resolution of the gentleman from Vermont [Mr. POLAND] for the recognition of the independence of Cuba.

If the principles and facts enunciated in the four propositions of the preamble to the resolution are correct, then every unbiased mind cannot fail to see in the logical deduction independence, and independence only.

The first proposition is—

It is the clear and undoubted right of any American colony to sever its connection with the mother colony, and establish itself as an independent nation, whenever the good of its people requires it.

Is this proposition as a political principle correct, and sanctioned by the proudest pages in the history of our own country?

The grandest monument to the wisdom and patriotism of our revolutionary sires is the immortal declaration of our own independence as Colonies from the kingdom of Great Britain. They declared life, liberty, and the pursuit of happiness as the fundamental and inalienable rights of man, having been endowed with these rights not by any ancient parental monarchy or free constitution, but by their own Creator; that only for the purpose of securing these rights were governments instituted among men, and the powers of such governments are alone derived from the expressed will of the majority of the governed; that whenever any form of government becomes destructive of these rights, it is the right of the people to alter or abolish it and institute a new government for their better safety and happiness.

Such was the new political doctrine adopted by our colonial fathers in the New World; and after another declaration that the colonies are and of right ought to be free and independent, they mutually pledged to each other their lives, their fortunes, and their sacred honor for the support of their new doctrine, and the Rubicon was crossed forever.

What degenerate son will deny a single principle baptized in the blood of our own Revolution, or deface a single stone bright with our own glory in this temple of liberty reared for us by our forefathers?

"Whenever the good of its people requires it!" Sir, God and the enlightened world know that the good of the 677,951 white people, and the good of the 605,461 colored people in Cuba, over a quarter of a million of the latter being bound in abject slavery, require as speedily as the pen of fate can write the event the fullest abolishment of the last vestige of Spanish domination over the island.

What nameless oppressions for centuries have been endured by the devoted people of this beautiful island the Christian world never could fully know.

The Spanish tyrant repressed all general education, prevented the free introduction of knowledge among the people, suppressed all societies for the promotion of any useful or popular purpose, and under such a never-ceasing system of suppression the Cuban's history, as apart from the unreliable information furnished by the tyrant himself, remains unwritten, and preserved only in cherished tradition.

From the day the native Indian chief Hatuey was burned at the stake, exclaiming with his dying breath, "I prefer hell to heaven if there are Spaniards in heaven," to the hour when the late President Céspedes, discovered by a Spanish detachment in the Sierra Maestra Mountains, fired the contents of his last revolver at them and cast himself headlong over the rocky precipice, preferring a sublime suicide to Spanish capture, this island has been the scene of such tyranny and crimes as to shock all Christendom and cause the very heavens to weep.

Hear but a hasty recital of the wrongs that have crushed generations after generations, and ask yourselves the question whether the American people have no sympathy for these heroic patriots, and whether our recognition of their independence, not by enthusiastic declamation, but by the passage of this resolution, is not our solemn duty in the interest of an exalted and prophetic patriotism, and in the light of that Christianity which teaches us to love our neighbor as ourself.

Hear the wrongs, hoary with age and to-day dripping with the blood of the oppressor and the oppressed.

The island has been under martial law since 1825.

Cuba is permitted no representation in the Cortes or Congress of Spain.

The natives of the island are excluded entirely from the army, the judiciary, the treasury, and the customs.

The military government assumes the charge of the schools, and the inhabitants are forbidden to send their sons to the United States for educational purposes, and only one child out of eighteen is allowed to be taught to read and write.

The press is under the vilest censorship and newspapers from abroad with few exceptions are contraband, while letters passing through the post are opened and purged of their contents before delivery.

Cubans are deprived of all arms, and are not allowed to carry even a fruit-knife under a penalty of imprisonment for six years, and are fined five pasos (dollars) for carrying canes of a larger size than can be easily introduced into a gun-barrel.

A Cuban must purchase a license before he can invite a few friends to take a cup of tea at his board, and no person can remove from one house to another without first paying for a government permit.

Farmers are compelled to pay 10 per cent. on all their harvests as soon as gathered except sugar, and on that article 2½ per cent.

Upon every species of property sold the sum of 10 per cent. on the purchase price must be paid to the government.

The grazing of cattle is taxed exorbitantly, and no goods either in or out of doors can be sold without a license.

They have no right of trial by jury, no liberty of speech or of the press, and are not permitted to assemble themselves to the number of three without being dispersed.

Stamped paper must be used for all contracts, costing eight dollars per sheet; flour is taxed ten dollars and fifty cents per barrel from the United States and two dollars and fifty cents from Spain, and the rich only can eat flour while the poor eat cassava-root.

The culture of wheat, which grows luxuriantly, is restricted. Breadstuffs from the United States are excluded or burdened with heavy duties for the benefit of Spanish producers.

Ice is monopolized by the government and fishing on the coast is forbidden, being also a government monopoly.

The captain-general and his stewards levy taxes and contributions at their pleasure, amounting now to more than sixty millions per annum. With this revenue the government keeps an army of fifty thousand Spanish or Peninsula troops on the island, pays a vast number of officials, part of the clergy, half the entire Spanish navy, and many officials of rank at home in the mother country, and the surplus, if any, is remitted to Spain and expended on matters entirely foreign to the interests of the island.

Is it unnatural that a social gulf, deep as an unfathomable abyss in the Alps, has for ages divided the Cuban from the Spaniard? What an Iliad of woes in this richest territory on the face of the globe—a paradise by nature made a hell by the Spaniard. Was ever the oppression of the American colonies by the British government equaled by one hundredth of the oppression inflicted for centuries upon the unfortunate colony of Cuba? The forms at least of civil government prevailed in our Colonies, and the protection of life and property were at least asserted in the equal laws of Parliament. In Cuba the only government is a military despotism, where the fate of all life and property ever hangs in the uncertain balance of an arbitrary will and from whose decree there is no earthly appeal. Upon remonstrance the British Parliament alleviated the taxation of our Colonies until the duty on tea alone remained the most obnoxious imposition. In Cuba everything is taxed, without precedent or propriety, and the burden of the imposition is only graduated by the ability of the subject to pay the extortion, with no cortes or parliament to appeal to for even temporary justice or alleviation.

The principle that taxation and representation are inseparable in any just government impelled our fathers into a revolution by formal declaration on the 4th of July, 1776. Impelled by the same conviction that taxation and representation are inseparable, and goaded by the iron of tyranny piercing their flesh at every turn, the patriots of Cuba declared their independence from the thralldom of Spain on the 10th of October, 1868, at Manzanillo, and submitted to the God of their conscience, and all civilized nations, the asseverations of their patriotic purpose.

Who can declare in the face of this free nation that dates its liberty from the rebellion of its fathers, and without doing violence to the truth of our own history, that the people of Cuba have a less righteous cause for freedom and independence than we had in 1776?

Sir, any change from a military despotism will be for the good of a people so mysteriously cursed in this omnipotent toleration by a common Creator, and the generous American people have for years been convinced that the independence of Cuba will alone secure the universal disenthralment of this island and relieve the United States from a constantly threatening danger of collision with Spain herself.

The second proposition in the preamble is capable of incontrovertible establishment:

The people of Cuba have declared themselves free and independent of the government of Spain, have established a government for themselves and abolished negro slavery, and for more than five years have successfully resisted all the efforts of Spain to reduce them to submission and re-establish the condition of negro slavery in that island.

The revolutionists, headed by Carlos Manuel de Cespedes, an able lawyer and wealthy planter, raised the standard of revolt on the 10th of October, 1868, and issued their declaration of the justice and determination of their cause.

A few extracts from the memorable instrument I beg the House to hear:

In arming ourselves against the tyrannical government of Spain we must, according to precedent in all civilized countries, proclaim before the world the cause that impels us to take this step, which, though likely to entail considerable disturbances upon the present, will insure the happiness of the future.

It is well known that Spain governs the island of Cuba with an iron and blood-stained hand. The former holds the latter deprived of political, civil, and religious liberty. Hence the unfortunate Cubans being illegally prosecuted and thrown into exile, or executed by military commissions in times of peace; hence their being kept from public meeting, and forbidden to speak or write on affairs of state; hence

their remonstrances against the evils that afflict them, being looked upon as the proceedings of rebels, from the fact that they are bound to keep silence and obey; hence the never-ending plague of hungry officials from Spain to devour the product of their industry and labor; hence their exclusion from public stations and want of opportunity to skill themselves in the art of government; hence the restrictions to which public instruction with them is subjected, in order to keep them so ignorant as not to be able to know and enforce their rights in any shape or form whatever; hence the navy and standing army which are kept upon their country at an enormous expenditure from their own wealth, to make them bend their knees and submit their necks to the iron yoke that disgraces them; hence the grinding taxation under which they labor, and which would make them all perish in misery but for the marvelous fertility of their soil. On the other hand, Cuba cannot prosper as she ought to, because white immigration, that suits her best, is artfully kept from her shores by the Spanish government. And as Spain has many a time promised us, Cubans, to respect our rights, without having hitherto fulfilled her promises; as she continues to tax us heavily, and by so doing is likely to destroy our wealth; as we are in danger of losing our property, our lives, and our honor under further Spanish domination; as we have reached a depth of degradation unutterably revolting to manhood; as great nations have sprung from revolt against a similar disgrace after exhausted pleading for relief; as we despair of justice from Spain through reasoning, and cannot longer live deprived of the rights which other people enjoy, we are constrained to appeal to arms to assert our rights in the battle-field, cherishing the hope that our grievances will be a sufficient excuse for this last resort to redress them and secure our future welfare.

To the God of our conscience and to all civilized nations we submit the sincerity of our purpose. Vengeance does not mislead us, nor is ambition our guide. We only want to be free, and see all men with us equally free, as the Creator intended mankind to be. Our earnest belief is that all men are brethren. Hence our love of toleration, order, and justice in every respect. We desire the gradual abolition of slavery with indemnification; we admire universal suffrage, as it insures the sovereignty of the people; we demand a religious regard for the inalienable rights of man as the basis of freedom and national greatness.

During the first month of the war a provisional government was organized at Bayamo, and on the 10th of April, 1869, a convention met at Guaimaro of the delegates of the different sections of the island, where a constitution was considered and adopted. Their constitution is similar in all essential features to any of the free constitutions of our States, and by article 24 slavery is forever abolished, and all the inhabitants of the republic of Cuba are declared absolutely and forever free.

For more than five years the Cubans have successfully resisted all the power of Spain to reduce them to submission, and more than five hundred and sixty-eight engagements have been fought, many of them it is true of small proportions and inconsiderable damage, while again scores of battles have been fought where from 100 to 800 were left dead upon the field. At the battle of Cubitas 300 Spaniards were killed and 500 wounded, and 160 Cubans killed and wounded. At Guantanamo 1,200 Spaniards and 135 Cubans were killed and wounded. In March, 1874, the Spanish General Arminan was defeated at Guasinias by General Maximo Gomez in such a disastrous manner that he fell back to Puerto Principe with scarcely a single man of his column five thousand strong.

The constitution and laws passed by the house of representatives, notwithstanding all the contrary statements by the enemies of free Cuba, continue to rule as regularly as can be expected from an infant republic whose twofold difficulties simultaneously are the institution of itself and the fighting of its opponents, and the latest information shows that the Cubans hold their own from Santiago de Cuba to the district of Cinco Villas, over more than half the territory of the island. Wherever the patriot soldiers sweep they leave terror and destruction behind them. To the Spaniard's plantation they carry irretrievable devastation, while to their slaves they carry the invitation to freedom which is as instantly embraced, for freedom even in the camp and dangers of the liberators is far dearer than that brutal bondage in which there is no emancipation save in welcome death.

The white and colored soldiers in the patriot army fight side by side for liberty, are not divided off into colored and white regiments, stand shoulder to shoulder in the same ranks, and in the number of commissioned officers are as many colored as white. One of the bravest and most successful generals in the Cuban army is a colored man, General Policarpo Rustan, called the "Hero of the East."

With 605,461 colored people on the island, 379,523 of them held as slaves, and this battle of freedom raging around them, the very flame and smoke of which offer them their only hope of deliverance, the bloody struggle must inevitably keep on increasing instead of diminishing, and all efforts of Spain to re-establish slavery on the old foundations once destroyed by the patriots must indeed fail, and unspeakable calamities will follow each unsuccessful attempt, until that day, whether immediate or remote, (for time works no interference with the providences of God,) when the shout of liberation shall arise all over the island and the chorus reaching our shores shall go swelling through the South like an army of angels making music with their wings.

The third preamble is so susceptible of direct proof, that I shall content myself with a few references only and extracts from official documents:

The war between Spain and Cuba has been and is now being conducted with a degree of barbarity shocking to all Christendom, and there is no reasonable prospect that Spain will ever be able to re-establish dominion over the people of Cuba.

The history of Spanish rule has ever been one of rapacity and cruelty in all her colonial possessions. Her peace is filled with violence and her wars with barbarity. From the treacherous murder of Incas and Montezuma to the last dastardly assassination of Captain Fry and his companions, her record is one of continual blood and inhumanity. She commenced on one line of policy in 1850 with the

wholesale execution of Lopez and Crittenden and their followers, and has not swerved from it to the present day. Cubans taken prisoners are butchered on the battle-field, and Americans or foreigners captured in actual or constructive hostility are summarily executed as pirates, in violation of all civilized rules and international law. In January, 1869, the Spanish soldiers inaugurated a reign of terror in Havana, assassinating at theaters, in coffee-houses, and in the streets men, women, and children. In March three hundred persons of the best Cuban families were exiled to the island of Fernando Po, where more than half of them perished from cruelty and privation. In February, 1870, in Santiago de Cuba, eighteen prominent, rich, aged, and peaceful persons were executed without trial. During the year 1870 it is estimated that ten thousand unarmed and peaceful Cubans were shot by the Spaniards. In January, 1871, Colonel Alvear's Spanish troops murdered the ladies and children of the distinguished Mola family, whom they found on a plantation. In November the military authorities arrested and executed eight boys and condemned others to the chain-gang for the alleged offense of desecrating the grave of Castanon while as medical students they were playing in the cemetery.

The civilized world stood aghast at this incredible inhumanity. Behold the horrid picture, as drawn by Senator Benot in the Spanish Cortes itself:

Most of you, my lords, are fathers. Picture to yourselves in your mind's eye your sons being absent from the university of Havana in consequence of the absence of a professor, going in a spirit of boyish light-heartedness to a neighboring cemetery to play. Imagine for this irreverence, and a certain want of confidence that existed in the authorities, a ferocious and riotous mob taking your sons prisoners, subjecting them to a council of war, accusing them falsely of injuring the tombs. Imagine again the council of war acquitting them, and this savage rabble, worked up to a pitch of paroxysm at human blood being denied it, subjecting your innocent sons, after they had been acquitted, to another council of war, and there, at the point of the bayonet and under the fears inspired by the howls of these blood-thirsty hyenas, there condemning eight of your sons to death and the rest to the chain-gang! The children numbered forty-four, and the second council of war ordered them to draw lots who should die. Among the others it fell to the lot of two brothers, and the stony hearts of the judges even thinking it hard to deprive a father at one blow of both of his sons pardoned one of them; but in order that the number should remain correct they substituted for the pardoned boy another, because he happened to be somewhat older than the rest, without seeing or caring that they were breaking the heart of another father by murdering his innocent son—so innocent indeed that he had not even been in Havana on the day of the alleged demolition of the tombs. What should you say, O upright senators, who have grown gray in the administration of justice, if one of your sons had been condemned to death and shot like a dog for the fearful crime of being a little older than his unfortunate companions! Would to God that the bitter tale were hidden from all the nations of the earth!

In January, 1872, Captain-General Valmaseda issued a proclamation that every male person found away from his home should be shot, the women, if white, be put in prison and banished, and, if colored, to be condemned to the chain-gang for four years. In April Colonel Morales captured a place where twenty-five women, ten children, and six old men were living peacefully, and executed them all. During the year 1872 it is estimated that four thousand unarmed persons were shot by the Spaniards. In November, 1873, the American ship *Virginus*, with one hundred and fifty-six men on board, was captured by the Spaniards. Out of this number four were instantly shot without trial, and forty-nine more after a mock trial, and in utter violation of our treaty with Spain, were shot within a little more than one week after their unlawful capture on the high seas. Persons are tried and sentenced to death while absent or out of the country, children are immolated, judgment is passed upon the dead, the innocent suffer for the guilty, human ears are fried and eaten, and the only power is that of brute force in the lawless service of tyranny and plunder.

Here is another scene of barbarity, shocking to all Christendom:

SANTIAGO DE CUBA, November 15, 1873.

MY DEAR FRIEND AND BROTHER: I know you will pardon me for not answering your letter of last April, in which you desire "full information in regard to the massacre of the Grand Lodge of Santiago de Cuba and the present condition of their widows and orphans." When your letter was received it had the appearance of having been opened. This fact and the contents of the letter convinced me that if the reception of the letter by me was known by the governor, my life, in spite of my high official position, would not be worth a moment's purchase. I immediately burned the letter, and, beyond my usual correspondence on business-matters, have not thought it advisable to touch on matters and things of our unhappy island, much as I should have desired you to have the horrible facts to present them to the Grand Lodge of New York at their last sitting. But this, you know, was impossible, as every mail was searched, and life here is held of no value whatever. But the affairs of the last few days and the savage acts of the volunteers have compelled many to leave here secretly, as there is no knowing where this will all end, and by this mode I send this letter, though when it will reach you, God only knows.

The Grand Lodge in 1869 met here, as was their custom since their organization. They had never been disturbed by the government, although their time and place of meeting were well known to all of us. The night before the meeting I was informed that the arrest was to be made, and that, should there be any resistance on the part of the tiler to the free entrance of the officers, the troops were to fire into the building and burn it, with all those within. I personally informed the Grand Lodge of these intentions, and the next morning learned that they intended to hold their session with open doors. They did so, and were arrested and that night confined in the jail. The next morning they were informed that they should be taken to Havana for trial; but three hours after sunrise they were all taken outside of the city and shot. This act created considerable excitement at the time, but, as it was imprudent to speak of it, it was soon hushed up.

The families of those men thus shot were placed on trial for the act of the heads of those families, and, as a result, their property was confiscated; they were declared, paupers, and at the same time the populace was forbidden, under pain of imprisonment, to render any of them any assistance. Thus, being deprived of home and shelter, food and the means of obtaining it, forbidden to leave the jurisdiction of Santiago de Cuba, these poor, helpless creatures sought shelter in the woods near here, and became one common family.

But the inhumanities, cruelties, and barbarities which these women and children

have been subjected to passed the belief of a civilized being. I could not describe what I have seen and been unable to prevent. All robberies are laid to their door, and even supposed robberies were gotten up, so that the chase of the blood-hound might be witnessed by the rabble, and the suffering of some one of the poor beings added to their thirst for morbid depravity. It was not two months after the executions that I saw one of the women, who was about to become a mother, placed between two boards, upon which sat a heavy, burly savage, surrounded by a dozen soldiers and several officers, who were trying to compel this helpless being to confess a crime of robbery which I had previously investigated, and could find nothing that warranted the belief of a robbery having been committed. Her dead body was left there, and, four days after, when the stench compelled its burial, it was found to have been partly devoured by dogs. Since that time to the present these poor creatures have been subjected to outrages beyond description or comprehension by the people of a community such as you live in.

ONLY A FEW LEFT.

There are now but few living, perhaps thirty to forty souls, though in 1869 they numbered in all over three hundred. Some died from starvation, others from exposure, while the majority of them were killed by blood-hounds, for it is one of the sports of these brutes to hunt these poor people as game. I have seen bodies of those thus killed whose sex could not be distinguished by reason of mutilation. An attempt to exterminate them was made a few days ago by the volunteers and some of the crew of the *Tornado*. When the *Virginus* was brought into the harbor it was made the occasion of great festivities, and liquor flowed freely. Toward midnight a party of three men, with hounds to hunt their victims, started for the woods. No one dared to prevent what it was known would follow. The next morning they boasted in the streets of what had taken place, and related with pride and pleasure the violence to which they had subjected these women and girls, some of the latter being only ten years old.

BURTING NINE VICTIMS.

With an associate official, we that afternoon proceeded into the woods, and ordered the burial of nine whom we found dead. Seven were suffering from violence that I cannot describe; one was black in the face, she having been choked to death, while another had her entire breast bitten off. I returned, sick at heart, unable to render the slightest assistance, though I had been compelled to look on with apparent indifference.

By means of negroes we render them what assistance we can. Clothing we cannot send, as this might be identified, but food and medicines we have so far been able safely to send through slaves, who have more pity for these beings than they who once shared the bounty and hospitality of those they now persecute.

I need not ask you to keep my name to yourself. You know where all the proof can be had of this and other matters. I have not gone into the matter in the full detail that the case deserves. If the people in the United States should petition their Government to give the moral influence of some kind of protection, the money could easily be had to either take them out of the country or provide for them without any expense to the community. In God's name, do what you can for humanity.

The Secretary of State, in a dispatch to the Spanish minister, October 13, 1869, says that the civil war in Cuba has continued for a year; battle after battle has been fought, thousands of lives have been sacrificed, and the result is still in suspense; and the minister is reminded of the frequency with which, in the interest of humanity, he has been obliged to remonstrate against the atrocities and cruelties which have attended the conflict in Cuba for the last year. The principle of neutrality has controlled the proceedings of the Administration, he says, with regard to the war in Cuba; but he cannot admit the indefinite protraction of a conflict such as has existed for the past year in that island, a conflict marked with cruelties, destruction, and devastation without parallel in modern civilized warfare.

The American minister at Madrid reminded the Spanish minister of state that this Government had before remonstrated against certain proclamations of the captain-general of Cuba that threaten a mode of warfare at variance with the recognized customs of civilized nations; and he protests with all solemnity, in the name of the President of the United States, against the deplorable excesses which have thus far characterized the war in Cuba, and insists, in the name of humanity, while hostilities are prolonged, that the war shall be conducted in a manner more in accordance with the humane and Christian sentiments of the age. For nearly a year the insurgents have maintained themselves against all the forces which Spain and the Catalan volunteers have been able to put into the field against them. In the judgment of the President, in which the whole civilized world will coincide, the time has come, he says, when this struggle shall be carried on in a more humane way. To shoot prisoners of war simply because they are taken with arms in their hands is not in accordance with the custom of the Christian world. We have a right on our part to insist that Spain shall carry on this war hereafter in a manner more in accordance with the humane and Christian sentiments of the age. And the Secretary of State, Mr. Fish, in his dispatch of November 12, 1873, to our minister, Mr. Sickles, declares that such wholesale butchery and murder are almost incredible; that it would be wholly incredible but for the bloody and vengeful deeds of which Cuba has been the theater, and that no government deserves to exist which can tolerate such crimes.

The fourth and last preamble of the resolution is as follows:

In consequence of the proximity of the seat of war to the United States the war has been and is injurious to the interests of the people of the United States, and it is evident that a prolongation of the contest will result only in great suffering and bloodshed, to be followed by the ultimate recognition of the independence of Cuba by Spain herself.

The proximity of the island of Cuba to our own country, commanding as it does the approach to the Gulf of Mexico and barring the entrance to the Mississippi River, which drains half of the North American continent and is the great highway of commerce of the Western States of this Union, forces the question of its condition and destiny upon our most serious consideration and invests this question with interests peculiarly American.

This island keeps watch at the door-way of all our Mississippi, Gulf, California, and South American commerce, and nature and necessity

will ever demand that it shall be the friend and ally of the United States, and its enemy never.

The prolonged war in this important and neighboring island has been and is injurious to the interests of the people of the United States, and its indefinite prolongation, with all its destruction of productive industries, its horrors and barbarities, must be firmly discountenanced, for the potent voices of humanity and commerce demand it. What greater agencies controul the destiny of nations than the Christian sentiments born of a common humanity, and the interests of trade which marshals the money of the world? Under the present war of extermination and ruin, as it draws its bloody length along from year to year, with neither conquest on the one side nor independence on the other, no nearer success than five years ago, American citizens are suffering in life and property, and the treaty obligations to this country are violated with daily defiance and thus far with impunity. We desire no hostile attitude between the United States and Spain, and only from a sincere regard for the mutual interests of peace do we desire a speedy termination of hostilities in this unhappy island, and in the light of the past experience and the unconquerable difficulties in the future it would seem that the Spanish Cortes itself must see that this war can only be a fearful waste of blood and treasure for a time, to end at last with exhaustion and the expulsion of its flag from this Gem of the Antilles.

Torn by civil war and contending armies, with no established form of government or fixed rule at home, how can Spain have any reasonable hope to subdue this revolution in Cuba? Can it be expected that the republican governments in this hemisphere will have more regard for the pride of a decayed monarchy or an insincere and insecure republican dictatorship in Europe than for their own sense of justice and political and commercial interests?

All nations steer their policy by the compass of national interest. European diplomacy is nothing but a network of self-interest, frequently torn by mighty wars but quickly repaired by the oft-renewed treaty, and thus treaties, intrigues, and wars hold their perpetual successions, like the rotations of the seasons. Our hemisphere has no such network of international dangers. With a simplicity and uniformity of government in every portion of it, and entangling alliances with no European systems, our national existence may ever be characterized by the successful study and fruition of the highest happiness attainable by the science of government.

But can the United States be indifferent to an indefinite protraction of this contest in Cuba? Has its continuance for five years been injurious to the interests of the United States? In the statesmanship of every country two questions are always prominent, and cannot be exceeded by any other considerations, that of national safety and national revenue. The preservation of our institutions, and the extension and protection of our trade are the vital organs in the body of our country's welfare itself, and these being more directly under the guardianship of the representatives of the people demand our first solicitude and maturest reflection.

The interests of a country consist not alone in the profits of business, and the collection and disbursement of its revenues, but also in the contentment of its people, in the uncompromising protection of their rights abroad, in the undoubted power and disposition of its government, and in the respect and inviolability of its flag upon all the waters of the globe.

All of these interests of the United States have suffered most injuriously, and must continue to until the conclusion of this mad contest in the very pathway of our commerce and on the very threshold of our bordering sea of the south.

The danger confronting us is an outburst of hostility at any moment between the United States and Spain, and all on account of complications arising out of the present condition of Cuba and our inseparable relations with that island. To avert this danger, which is not appalling to our power, only discordant to our cherished policy of peace, the early tranquillity of this island is a question for our serious contemplation. As lovers of our country, we will at least not hesitate to initiate the process of pacification, or, better still, the peaceful process of independence in Cuba before we ourselves are drawn unwillingly into the vortex of war. But shall this pacification be secured by the defeat of liberty or the expulsion of despotism; by the triumph of the patriot or the victory of the ineffable tyrant?

Our obligations of amity and treaty have ever been scrupulously observed toward Spain through every administration of the Government to the present. Spanish citizens have not been molested nor their property disturbed; but so freely have they mingled in the enjoyments and rights of our institutions that their distinct presence has not even attracted our attention. If any complaint could be made it could only be at the excessive regard generally shown to the side of the Spaniard at the expense of our own citizens. So intense has always been our desire for amity and peace that in all differences between our citizens and the government of Spain since 1850, she received invariably the benefit of our indifference or our silent discrimination in her favor.

Charity flows from liberality, and magnanimity from strength, but there are moments in the life of nations as well as in individuals when charitable virtue must cease, and the preservation of vital interests can be no longer deferred. This I solemnly believe is the decisive moment in our relations with the Spanish government in the island of Cuba, when we should act in a spirit of no unkindness but firmness and fidelity for the security of our own safety and commercial interests.

This constant war and irritation in Cuba unfits the captain-general and his myrmidons from the calm consideration of all questions relating to the United States. Irresponsible as is this military despot, he suddenly aggresses upon our rights, violates our treaties, assassinates our citizens, and then pleads his want of power for reparation, and serenely refers the nations demanding redress to another hemisphere, to a disrupted government that may or may not at the time have a temporary head at Madrid. The captain-general has unlimited power for good or evil, but none for restitution, and the answer to all just complaints from the home government are only the repetition of excuses rendered by inferior officials to their superiors.

It ever has been, on the part of Spain, a disregard of justice to all friendly nations, to provide her representative in Cuba with such extraordinary powers, and in case of injuries to make no provision for prompt redress.

In 1851 nearly four hundred American citizens landed upon the shores of Cuba, under the leadership of Lopez, to assist the oppressed Cubans in an uprising for liberty. Their unfortunate fate is well known, having been captured and summarily executed. General Crittenden with a number of his companions, was also about the same time captured—not as soldiers, but unarmed—on the island of Contoy, belonging to Mexico, and after a mock trial before a military tribunal were basely murdered; and the gallant Crittenden, when ordered by the Spanish executioner to kneel down, exclaimed with indignation, "I kneel to none but my God."

Following close upon these outrages two American vessels, the Susan Loud and the Georgiana, were seized upon by the Spanish authorities while lying off the coast of Yucatan, and the officers and crew subjected to the most ignominious and inhuman treatment upon the suspicion that they were concerned in the Lopez expedition. Next, the Falcon, a United States mail-steamer, was fired into by a Spanish vessel without even a specious pretext. United States mail-bags were next forced open by the Spanish authorities, the mail overhauled and examined for the avowed purpose of preventing the reception and transmission of any communication or news except only such as the captain-general should deem proper. About the same time the United States steamer Crescent City was refused a landing at Havana with her passengers and mails because the purser of the boat was obnoxious to the Spanish authorities, by which act our postal and commercial arrangements were interrupted and our private citizens deeply injured. The United States Steamer Black Warrior was next fired upon by a Spanish war-steamer, the vessel seized, and the property of our citizens for a time confiscated.

In this way from time to time has our flag been insulted and our confidence and friendship abused by a weak Spanish neighbor, toward whom we were ever just and indulgent in all our intercourse.

The consul-general at Santiago de Cuba informed the Secretary of State in June, 1869, that three American citizens were publicly shot without trial, having been taken prisoners at Ramon.

Speakman, a native of Pennsylvania, a perfectly innocent man, was cruelly murdered after the formality of a trial that amounted only to a farce. Mr. Cohner, the well-known American artist, was assassinated in the streets of Havana, in 1869, only in pursuance of that Spanish habit of insulting, plundering, and killing our citizens. The brutal butchery of Greenwald, because he was thought to be an American, and the treatment his dead body received, as well as the attempted assassination of other American citizens who were his companions, are yet well remembered by the country. In March, 1869, the American brig Mary Lowell was captured and condemned as a Spanish prize. This act was more in contravention of international law than even the seizure of the Virginius.

More recently the American steamer Aspinwall was seized by a Spanish war-vessel on the high seas upon the suspicion that she had arms and ammunition for the Cubans. She had no contraband goods on board, and was accordingly released after having been taken to Havana; but no reparation has yet been made, in answer to the demands of this government, for the wrong done to our commerce and the national flag.

And more recently the capture of the steamer Virginius on the high seas, carrying American papers and the American flag as evidence of her nationality, by the Spanish war steamer Tornado, and the hasty murder of fifty-three of her passengers and crew for no crime actually committed or known to international law, is still fresh in the minds of the people, and needs but this allusion at my hands.

But a few months ago a prominent citizen of my own State set foot on the island of Cuba in pursuit of his legal business, having been employed to attend to some embargoed interests belonging to his countrymen. Crossing through the island from Havana he reported himself at the office of the American consular agent at Nuevitas; whereupon both he and our agent were arrested by the Spanish governor, although the agent was subsequently released. But the undignified treatment of American official representatives in Cuba is not an unusual thing.

Only two years ago the American vice-consul at Santiago was compelled to seek safety from personal violence by seeking refuge on board of a French frigate, and the American consul-general at Havana received about the same time from the British naval officers the assurance of their protection and the offer of a file of marines to protect him whenever it became necessary to seek his safety on board a British man-of-war. A state of affairs in which such outrages can possibly occur is indeed but a smoldering magazine from which the explosion of war may come upon us at any hour in the day.

This maltreatment of our consuls and inhuman murder of our citizens is not only a wanton indignity to our Government, but is wholly in willful violation of the most solemn treaty stipulations.

Article 8 of the treaty of 1795 with Spain is as follows:

And in all cases of seizure, detention, or arrest for debts contracted, or offenses committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases. The citizens and subjects of both parties shall be allowed to employ such advocates, solicitors, notaries, agents, and factors as they may judge proper in all their affairs, and in all their trials at law in which they may be concerned before the tribunals of the other party; and such agents shall have free access to be present at the proceedings in such cases, and at the taking of all examination and evidence which may be exhibited at the said trials.

No language could be clearer or more comprehensive:

In all cases of offenses committed by any citizen within the jurisdiction of the other, the same shall be prosecuted by authority of law only, and according to the regular course of proceedings usual in such cases.

Need I say that our countrymen so ruthlessly slain in Cuba were for the most part captured on the high seas, without arms in their hands, and outside of the limits of Spanish jurisdiction; and when carried on land often no trial was had, no charges were preferred; while at others no examination or evidence was had, and the condemned were never permitted even to see the unusual and extraordinary tribunals that passed judgment upon them? In this way has American blood been wantonly shed in contempt of our flag and in foul treachery to the requirements of a mutual treaty.

To-day the fate of F. A. Dockray, an able, accomplished, and gallant citizen of my State, who was arrested at Nuevitas, is still undecided, one military tribunal having condemned him in violation of the safeguards of the treaty, though through the energetic interposition of our Government he will be accorded another trial, which I pray may result in his acquittal, for the prayers of a stricken father and agonizing mother are ascending hourly to Heaven for the preservation of their only child to comfort them in their old age.

Sir, it is not in human foresight to see how long this country and Spain can maintain peaceful relations with such a train of outrageous occurrences passing between them. It calls for the wisdom of both nations to devise a speedy remedy for a mutual extrication from this threatening dilemma. Our remedy lies in the passage of this resolution.

Wisdom and forbearance can devise nothing better. To this complexion it must come at last, and it were better that the American Congress now rise in moral grandeur and determination equal to the exigency, rather than that the coming year shall see another hecatomb of our citizens slaughtered in cold blood, shall behold our commerce crippled and our flag still more disgraced, only to be confronted at the next session by an inexorable necessity to take this very step.

Our commercial interests must suffer great injury by the indefinite continuation of this struggle in Cuba. Liberty and commerce preserve the life of the nation, as freedom and circulation the healthy life of the individual.

The best evidence of the progress of a nation is to be seen in the steady extension of its commerce, and its first signs of decadence in its shrinkage.

The commercial pursuits of this country have been steadily progressing, as seen by our gradual increase of American tonnage from 1,368,127 tons in 1815 to 5,353,868 tons in 1860, while during the war, for obvious causes, our tonnage decreased; but since the close of the rebellion we are again in the line of recovering our former proportion. Our foreign commerce has always been on the increase, and the loss of national tonnage did not retard the constantly increasing value of our exports and imports. In 1850 the value of this commerce was \$330,037,038; in 1860, \$762,288,550; and in 1873, over \$1,300,594,864. With the exception of Great Britain the most important and valuable of our commercial exchanges is with the inexhaustible island of Cuba.

Our trade for 1873, excepting again Great Britain, with seven of the principal commercial countries; as rated by their exchange of products with the United States, represents their relative importance as follows:

China.....	\$28,267,023
Japan.....	16,917,432
Italy.....	15,215,639
Spain.....	15,019,155
Russia.....	13,976,545
Austria.....	2,390,014
Total.....	91,785,808
Cuban trade.....	107,500,000

In a commercial point of view, then, our trade with Cuba alone is \$5,714,192 greater than that of the six other of our best customers combined.

The following official table serves to show to what extent our shipping is engaged in the carrying trade of Cuba—more than double that of Spain, and more than fourfold that of England and France:

Entrance and clearance of vessels in the ports of Cuba during 1847.

Countries.	Entrance.	Clearance.
United States.....	2,012	1,722
Spain.....	819	751
England.....	563	489
France.....	99	81

The United States imported from Cuba in 1873 1,454,124,259 pounds of raw sugar, valued at \$77,953,470; also 43,533,909 gallons of molasses, valued at \$9,901,051; also 113,670,829 pounds of melada valued at \$4,722,165; total, \$92,500,000; and imported from all the rest of the world \$19,072,920 of sugar and molasses. American ships alone carried 795,000 tons of this freight, and at the usual rate of five dollars per ton our shipping earned nearly \$4,000,000 in the transportation of this one product of traffic between these two countries.

In 1873 the United States exports to Cuba amounted to more than \$15,000,000, and estimating the inhabitants at about 1,200,000, the rate was over twelve dollars to each one of her population.

Our exports to Germany with its 45,000,000 of people were \$61,767,997, or at the rate of one dollar and thirty-eight cents per head, and to France with her 38,000,000 of people our exports amounted to \$33,000,000, or at the rate of less than one dollar per head.

The magnitude of our trade with Cuba may have escaped attention in our more eager gaze at the brilliant enterprise of bringing the fabulous wealth of the Orient through the golden gates of San Francisco, and yet the figures prove that our traffic with this island is more than twice as valuable as that of China and Japan combined.

Other nations, as wise and enlightened as we are, do not scruple to engage in war for no other purpose than really to open new avenues for commerce and to drain the source of new riches into their national coffers, and yet the United States Government hesitates to extend even the hand of moral fellowship to a people who individually are of more importance to this country in a commercial calculation than either the Chinese, Spanish, Germans, or French combined.

The English embark in war in Asia to compel an unwilling people to become opium-eaters for the benefits of the English treasury, and yet we, who are no better Christians, and not half as good political economists as our consins across the Atlantic, shrink from speaking one word of recognition and encouragement to a brave people from whom we receive three-fourths of that indispensable article, sugar, consumed in this country, and who are self-sacrificing devotees to our own republican form of government.

Shall this Government stand by in stoic unconcern and witness the sure and gradual destruction of its important and essential commercial interests in Cuba, or shall we pass this resolution, a simple, peaceful act in itself, usual and rightful between nations, without cause for offense on the part of Spain, but which act will become an event, and will herald the not distant independence of Cuba as the stimulating sunshine of spring heralds the glorious harvest of the summer?

Our peace and vital interests require protection, but not by interference. The simple passage of this resolution will hedge our interests with all the potency they require, and develop others to a greatness unthought of before. Our policy is peace and protection. What the course of the British government would be under the like circumstances now surrounding us may be easily inferred from their position held in 1821, and announced to the allied powers of Europe. They said no government was more prepared than their own to uphold the right of any state or states to interfere where their own security or essential interests were seriously endangered by the internal transactions of another state.

Again, it can easily be demonstrated that it is not among the possibilities of Spain, with all her superiority of arms and discipline and navy, to crush this spirit of independence in Cuba, or to subdue the present military opposition to her authority.

The decrepitude and instability of Spain herself is the strongest proof in support of this assertion. With imperialism and democracy at war in the mother-country, and all probabilities so uncertain even that no reasonable prediction can be ventured upon the issue, where are the material and strength to come from for the ultimate subjugation of this heroic people? Ultimate even, for time brings legions and strength to the Cuban and weakness to the Spaniard.

Said Señor Garrido in the Cortes over a year ago:

The Cubans have the same right to administer their island as we have to govern and administer our provinces and local interests. Against tyranny there is always the right of rebellion, and we who for fifty years were always rising against despotism cannot deny the right of rising to those whom we ourselves oppress. You say you want twelve thousand more men to crush the Cuban insurrection; but this insurrection has already existed four years, and now you come and tell us that you want twelve thousand men to subdue it, besides the fifty thousand or more that you have sent already. I can tell you that the question of Cuba is for you an insoluble one; you may send your twelve thousand men there as you have sent many times twelve thousand already during the last four years, but you will not settle the question for all that.

Said Senor Eduardo Benot, in the Spanish senate:

We have lost in the Antilles thousands and thousands of brave soldiers; Cuba is the tomb of the Spanish youth, the grave of the Spanish army. What have we gained after all by wresting from the Cubans their inborn rights which, try as we may, must still be theirs? We have won the right of being held up as the most inhuman people in all civilization.

In 1869 General Prim stated to the Cortes that Spain had sent 34,500 men to re-enforce the army and navy in Cuba, and the whole Spanish forces employed in Cuba since the commencement of the revolution number over 107,400, from their own estimates. The Cubans commenced with a body of 147 armed men, and to-day have 17,250 well-armed men under an able and successful commander-in-chief, General Maximo Gomez, 3,000 of whom are an efficient and formidable cavalry, whom the Spanish soldiers describe as "men on horseback, without guns, fighting like devils."

In 1870, when the revolution was weaker than to-day, and when

Spain had an established government and peace at home, Mr. Sickles, our minister at Madrid, informed our Government that the Spanish campaign in Cuba had failed, and that their great reliance was then on the thirty gun-boats lately built for Spain in the United States.

What has become of these 107,400 Spanish troops? The captain-general in his official report of 1869 accounts for 14,000 as having been lost by disease and battle during that year. In the absence of further official reports from this military functionary upon the subject, it may not be unreasonable to conclude that 14,000 at least followed each year in the same wake, which for the years 1870, 1871, 1872, and 1873 would amount to 56,000 more as mustered out by battle and disease.

When is it possible for Spain, disrupted in government and dishonored in credit, to send out 107,400 soldiers more for the conquest of disease and the patriots? Will it be when Don Carlos and Marshal Serrano shall meet in armistice and each contribute his quota of troops for the expedition?

Captain-General Jovellar lately resigned his position as governor of the island, being convinced that Spain cannot now, and I assert never can, furnish the requisite men and money to maintain her sovereignty in Cuba.

Sir, a people whose cause is just, once baptized in the blood of liberty, are ever invincible, and tyrants from all ages and nations can bear unwilling testimony to this truth. For seven years our fathers persevered amid the varying fortunes of war for the boon of liberty we, their descendants, now enjoy, and who will say that the devotion to independence is less intense in Cuba than it was in our Colonies, with all their superadded suffering and political degradation to nerve them on to victory or death?

It is not in Spanish power to again enslave this people, six hundred thousand white and six hundred thousand colored, who fight with such persistent desperation, whose commissary is the bountiful fruitage of a tropical clime, who have such inaccessible fastnesses for safe retreat and as a constant basis for renewing operations, and whose faithful ally in the destruction of their unacclimated enemies is that fearful scourge of the tropics, the yellow-fever.

The future of poor Cuba may yet be darkened for years with more blood and anarchy, which merciful Heaven forbid! but the final blessing upon all this martyrdom must come at last as certain as that immutable justice is an attribute of God.

Sir, the natural right of revolution is recognized by all international jurisprudence, and no cause for revolt more just than that of Cuba stands recorded in the annals of the world. If there ever was an occasion that justified a revolution, that called upon a people to recur to first principles and seek relief from the abuse of power by an appeal to arms, this was one. The spirit of resistance was not evoked by any question of abstract rights, but from actual suffering and grievous oppression in the administration of justice, in agriculture, in commerce, and in every pursuit of happiness.

Wars were formerly fought for families and dynasties, for the rights of thrones and the prerogatives of crowns; now men fight for written constitutions, for the rights of men and the prerogatives of nations, and fighting learn to govern for themselves.

Shall this brave people of both races who for nearly six years have been fighting for the creation of a new nation, and who in their final triumph will cease to be Spaniards as well as slaves, continue yet another year without one word of sympathy from us, simply because we brook the spontaneous expressions of our own hearts and judgments in most unnatural deference to the opinions of European monarchies?

The very fact that such powers are the enemies of liberty everywhere is the very reason why our great nation should be its friend. Monarchies are always swift in the recognition of new governments in political affinity with their own, regardless of the question of their birth, whether by statecraft, as Amadeus of Spain, by usurpation as Napoleon III of France, or by invasion and attempted conquest of a sister republic as Maximilian in Mexico. Shall we, from fear of European criticism or for want of moral stamina in the exercise of our prerogative, turn a deaf ear for another year to the crying appeals of liberty in Cuba, or shall we rather, imbued, as I know we are, express the same noble sentiments as uttered by the Father of his Country on the presentation of the French flag to our Government in 1796:

Born in a land of liberty, my anxious recollection, my sympathetic feelings, and my best wishes are irresistibly excited whensoever, in any country, I see an oppressed nation unfurl the banners of freedom.

Why hesitate in this act of justice to a struggling nation who for six years have been fighting for their own liberty and for the freedom of over a quarter of a million slaves?

Who doubts that if France or Prussia or Holland had treated our revolutionary fathers with the same indifference and delay in the acknowledgment of their independence as the Congress of the United States has shown toward Cuba that George Washington and his illustrious compeers would have died ignominiously as traitors upon the scaffold, and their marble statues that now honor this Capitol would be unhewn blocks in the quarry and their monuments, like that of the adored Emmett, would yet be unsculptured and un-epitaphed?

Benjamin Franklin, declining to receive back a sum of money which he had loaned to a poor and worthy man, upon tender of its payment

exclaimed, "I do not need it; pass it round among other poor and worthy people who are in distress."

What was our condition and prospect of success before the sun of foreign recognition rose above the horizon of our Colonies? Says Hildreth, the historian:

November, 1776.—Washington's army was by this time greatly reduced. The term of service of the militia was fast expiring. The whole flying camp soon claimed their discharge, and no inducement could procure a moment's delay. Some of the New York militia refused to do duty. Howe, they said, offered peace, liberty, and safety; so they understood his proclamation, and what more could be asked? The Continentals were enlisting for a year, and their term of service was fast drawing to a close; nor did they always wait to complete it, desertions being very numerous. Exclusive of the divisions of the highlands, and the corps under Lee on the east side of the Hudson, Washington's army did not exceed four thousand men.

In December Washington made the memorable retreat across the Delaware, while the principal cities of the country were one after the other falling into the hands of the enemy; and at the expiration of the year the same historian describes the following situation:

The Howes issued a new proclamation. The speedy triumph of the mother-country seemed certain, and many persons, those especially of large property, including several who had taken an active part in the Revolution, hastened to make the required submission.

Turkey, president of the late New Jersey convention, which had sanctioned the Declaration of Independence and formed the State constitution, now abandoned his country's cause and took a British protection. So did Allen and Galloway, late delegates from Pennsylvania to the Continental Congress. For ten days after the issue of the proclamation two or three hundred persons came in every day to take the oath.

At this critical juncture in our liberty's history the opportune recognition and friendship of France alone saved us from disintegration, defeat, and the ignomy of death on the scaffold.

Pass the blessing of liberty round through the hemispheres and the islands, wherever a gallant and worthy people strike and ask for it. Liberty sped from France to our shores upon the wings of their recognition of our independence. Let us speed liberty to Cuba upon the wings of the passage of this resolution, and the stars that this night keep watch over that bleeding island will sing the song of salvation in the morning, as the morning stars sang together over the birth of a Saviour at Bethlehem.

We, as a nation, are the beneficiaries of Providence, as was he to Franklin, who received a valuable favor at his hands. To have pocketed the money and been indifferent to worthy and distressed neighbors, would have stamped him with the moral crimes of theft and ingratitude.

To enjoy our freedom in arrogance and be indifferent to the distressed republic of Cuba, when by this simple recognition of their independence we could bless them as France and the other nations blessed us, would it not be undeservedly stamping this country as guilty of base and ingratitude without parallel in the annals of the Christian world?

No American colony ever achieved its independence without the friendly assistance of other nations.

Greece received material aid in armies and ships, even more than the simple recognition that Cuba pleads for, from the allied powers in Europe against Turkey. And this interference, not recognition only, is justified by our most authoritative commentators upon international law.

The assistance that England gave to the United Netherlands when they were struggling against Spain, and the assistance France gave to this country during the war of our Revolution, were justifiable acts, founded in wisdom and policy. And equally justifiable was the interference of the European powers of France, Great Britain, and Russia, in favor of the Greeks against the Ottoman Porte, by the treaty for the pacification of Greece concluded by those three Christian powers in 1827, and by means of which a ferocious and destructive war was terminated by the independence of the Greek state as a new kingdom, and a recognition of that independence by the Ottoman Porte in 1832. So, also, there was a successful interference in 1840 of four of the European powers, Austria, Great Britain, Prussia, and Russia, in the civil war between the Ottoman Porte and Mehemet Ali, the Pasha of Egypt. And lastly, there was the memorable interference of the five great European powers in the Belgic revolution of 1830, which ended in the separation of Belgium from Holland, and the establishment of the same as an independent state.—*Kent's Commentaries*, volume 2, page 23.

The South American Spanish colonies for years before their independence was even recognized by Congress, received such assistance from the United States as was obtainable under the following instructions issued by President Madison on the 3d of July, 1815.

Cuba will be content with the same assistance and her independence would be assured under similar presidential instructions at this time, though I believe it is the imperative duty of Congress to accept the responsibility of this question and to inaugurate a new policy in our relations with Cuba which the Executive of the Government would faithfully carry out as the expression of the will of the people:

There is no principle of the law of nations which requires us to exclude from our ports the subjects of a foreign power in a state of insurrection against their own government. It is not incumbent upon us to take notice of crimes and offenses which are committed against the municipal laws of another country, whether they are classed in the highest grade of treason or in the lowest grade of misdemeanor. Piracy is an offense against the law of nations, and every civilized government undertakes to punish the pirate when brought within its jurisdiction; but an act of revolt, a rebellion against a sovereign, must not be confounded with an act of piracy, which is denominated hostility against the human race.

Any merchant vessel, therefore, which has not committed an offense against the law of nations, being freighted with a lawful cargo and conforming in all respects to the laws of the United States, is entitled to an entry at our custom-houses, whatever flag she may bear. She is also entitled to take on board a return cargo and to depart from the United States with the usual clearance.

The President desires that you will regulate your official conduct upon the principles that have been stated; but if any extraordinary case occurs, you will report it to this Department with all possible dispatch.

I am, very respectfully, sir, your obedient servant,

A. J. DALLAS,
Secretary of the Treasury.

P. L. B. DUPLESSIS, Esq.,
Collector, New Orleans.

It may be asked what benefit will the passage of this resolution be to our struggling political brothers in Cuba, and wherein is their independence so surely to follow? Sir, ever since this struggle our country has been in the unmanly attitude of holding the Cuban down while the Spaniard is fighting him. We have long felt the meanness and unmanliness of our false position; but they say it is our treaty obligation to Spain that compels us to violate our conscience by opening our doors and stores to the Spanish slaveholder, while to the poor slave and the Cuban we must sell or give nothing, not even a cup of cold water or kind expression of sympathy. Shameful attitude in the eyes of our own self-respect! How must we, the giant and paternal republic of the New World, appear in the estimation of the weak but chivalrous republics of Mexico and South America, who long ago recognized the belligerent rights of the infant republic of Cuba?

Spain has all the privileges of trade and facilities in the ports of the United States, replenishes her war stores, and repairs her ships of war in American ports whenever necessity may demand; and with her thirty gun-boats, built but a few years ago for her in the United States, she has indeed every advantage, except in valor on an equal battle-field, over the Cubans, who are not allowed by the guardians of the law and the treaty to receive any instruments of warfare, either by purchase or contribution, from liberty-loving friends and sympathizers.

But the most ridiculous posture in which diplomacy has placed us is, that while we are stooping over to hold the poor Cuban on his back, and all in zealous and delicate fulfillment of the treaty, the haughty captain-general kicks us in the back, while his Catalan volunteer sticks a knife between our shoulder, and then blusteringly refers us to Madrid for apology or redress; and to Madrid we go only to find a government that stands more in awe of the captain-general than he does of it.

Under such humiliating circumstances what American does not admire the Roman spirit of that grand old Senator, Thomas H. Benton, who on the floor of the American Senate, in a debate upon the resolution for liberty in the Spanish South American provinces, said:

In such a case I declare it to be by my sentiment that treaties are nothing, books are nothing, laws are nothing; that the paramount law of God and nature is everything; and that the American soldier, hearing the cry of helplessness and weakness, and remembering only that he was a man born of woman and the father of children, should fly to the rescue, and strike to prevent the further perpetration of crimes that shock humanity and dishonor the age!

With the passage of this resolution will come the proclamation of equal privileges and advantages in all ports and places within the United States. Impartial neutrality will then be observed by our Government between the Cuban and the Spanish belligerents, and equal liberties to pursue the operations of war and purchase military stores will be accorded to both parties. With this recognition will also follow an observance of the rules of civilized warfare on the part of Spain, and her now unchecked barbarities would cease, or interference would be justifiable on the part of enlightened nations as in the case of Greece in her war of independence against Turkey.

This would be placing the oppressor and the oppressed upon an equal footing, and nerved by love of liberty and valor, and cheered by the certainty of fair play, how long would it be before the prowess of the Cubans and the hosts of their friends who would spring out of the earth like the mailed warriors that sprang from the sowing of the dragon's teeth would plant the flag of victory over every rood of that glorious island.

Did not Mr. Webster, the ablest lawyer and most learned diplomatist, as Secretary of State, declare to the British minister, Mr. Fox, in 1841, as follows?

It is well known to Mr. Fox that authorities of the highest eminence in England, living and dead, have maintained that the general law of nations does not forbid the citizens or subjects of one government from taking part in the civil commotions of another.

But I am done. Whatever our action may be upon this resolution, while its passage would be like the outburst of the sun upon the mariner laboring for safety in a mighty storm, nevertheless the failure of its passage will not put out a single camp-fire of liberty on that devoted island. God and the American people will still keep watch over it, until the fullness of time shall bring it triumphantly into the family of nations. I believe this glorious time is not far distant, for the mills of the gods have ground slowly but surely for six years, and the upper and the nether mill stone will soon come together.

Under no possible contingency, without involving the interests and safety of the United States in constant jeopardy, can our Government much longer subordinate its sympathy and recognition of independence to the haughty behests of diplomacy, for the impulses of political and human nature toward this kindred people in Cuba are stronger than the webs of heartless diplomacy, and American patriotism stands ready to enthusiastically assume the responsibility.

LEAVE TO PRINT.

Mr. DAVIS, by unanimous consent, obtained leave to print some remarks on the civil-rights bill. (See Appendix.)

Mr. ROBINSON, of Ohio, by unanimous consent, obtained leave to print some remarks on the charge of bigamy against the Delegate from Utah. (See Appendix.)

Mr. MERRIAM, by unanimous consent, obtained leave to print some remarks. (See Appendix.)

Mr. HERNDON, by unanimous consent, obtained leave to print some remarks upon the republican party, its mission ended without the necessary constituent elements for future success. (See Appendix.)

And then, on motion of Mr. NILES, (at twelve o'clock and five minutes, a. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BUTLER, of Tennessee: The protest of Creek, Choctaw, and Cherokee delegates, against the allotment of their lands and apportionment of their national funds as proposed in House bill No. 2143, to the Committee on Indian Affairs.

By Mr. CLEMENTS: The petition of Grenville M. Weeks, of Washington, District of Columbia, for the correction of an unjust and contradictory proviso in the pension laws, to the Committee on Invalid Pensions.

By Mr. CRUTCHFIELD: The petition of W. H. Mayett and others, for an appropriation to pay the amounts respectively due them for labor done on the Tennessee River between Chattanooga and Kingston, Tennessee, to the Committee on Commerce.

By Mr. GARFIELD: The petition of working men of Mineral Ridge, Trumbull County, Ohio, for the restoration of the 10 per cent. duty on iron and steel and for free banking, to the Committee on Ways and Means.

By Mr. PLATT, of Virginia: The petition of James Shickler, late of Company K, First United States Infantry, for bounty money, to the Committee on Military Affairs.

By Mr. SCUDDER, of New York: The petition of William Garratt, for arrears of pension, to the Committee on Invalid Pensions.

IN SENATE.

SATURDAY, June 20, 1874.

The Senate met at eleven o'clock a. m.

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

On motion of Mr. SPENCER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

SUSPENSION OF JOINT RULES.

Mr. WEST. I offer a resolution concerning the order of business and ask its immediate consideration:

Resolved by the Senate, (the House of Representatives concurring.) That the sixteenth and seventeenth joint rules of the two Houses be suspended for the residue of the present session.

The resolution was considered by unanimous consent, and agreed to. The joint rules referred to are as follows:

16. No bill that shall have passed one House shall be sent for concurrence to the other on either of the last three days of the session.

17. No bill or resolution that shall have passed the House of Representatives and the Senate shall be presented to the President of the United States, for his approval, on the last day of the session.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of House bill No. 3025.

The motion was agreed to; and the bill (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873, was considered as in Committee of the Whole.

The bill had been reported by the Committee on the District of Columbia with amendments. The first amendment was to strike out the following words from line 35 to line 42:

And that all the rights conferred by this act are to be exercised and enjoyed by said company only upon the condition that said company shall first remove all the work it has done toward locating its track between the Insane Asylum and the Potomac River, and on the further condition that it shall never locate or operate said road, or any part thereof, between said asylum and the Potomac River.

And in lieu thereof to insert:

And provided further, That said Washington City and Point Lookout Railroad Company shall construct its railroad in the county of Washington herein authorized so that wherever it shall cross any public road it shall cross the same by an over-grade or under-grade crossing, by bridge or tunnel, so as not to impede public travel upon said roads, and shall construct that part of said railroad along Rock Creek, in the valley of said creek, passing west of the P street bridge, by a tunnel through the hill west of said P street bridge; and said road crossings and said tunnel shall be located and constructed in accordance with plans and specifications to be first approved in writing by the engineer in charge of public buildings and grounds.

Mr. EDMUNDS. I do not know anything about this bill; but I tried yesterday morning to have the Senate go to the Calendar of unobjected cases in order that we might with justice to all dispose of matters reported to which there is no objection. Now, in order to test the