

produces a net profit to the postal revenues of this country of \$5,241.15. That city has no free-delivery system now, and under existing laws cannot get it. In looking over the list I find that there are six other places which contribute less to the postal revenues of the country and which yet enjoy these accommodations. Now, I say that system is inequitable and unjust. If the city of Chester would be accommodated, as she would be, and if her people would be greatly con-ven-ien-ced by the extension of this system to them, she ought to have it.

The city of Oswego, in New York State, has a free delivery and pays \$5,134.23 of net revenue; the city of Elizabeth, in New Jersey, pays \$4,809.49; the city of Hoboken pays \$3,319.60; the city of Easton, \$2,275.26; the city of Lafayette, \$4,589.32.

Now, to bring about what I think a very equitable system, I design to propose an amendment which shall give the Postmaster-General power to extend this system to cities where he believes the public accommodation would be increased thereby, and where a small proportion, let it be one-third or one-fourth, if you please, of the net revenue, of the net profits of the particular post-office to the postal revenues shall be devoted to that purpose. I think a regulation of that kind, based upon the fact of whether the post-office is a paying one or not, would be one of the best ways of regulating this free-delivery system.

Mr. HARRIS, of Massachusetts. I move the House now adjourn. The motion was agreed to.

And accordingly (at eleven o'clock and five minutes p. m.) the House adjourned.

#### PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BAYNE: The petition of 60 firms and business men of Allegheny and Pittsburgh, Pennsylvania, for increased ocean-mail service—to the Committee on the Post-Office and Post-Roads.

By Mr. BOUCK: The petition of the common council of Milwaukee, Wisconsin, that General Shields be placed on the retired list of the Army with the rank and pay of major-general—to the Committee on Military Affairs.

By Mr. BRAGG: The petition of the common council of Milwaukee, Wisconsin, of similar import—to the same committee.

By Mr. FINLEY: The petition of Robert Coates and others, for additional compensation for services as laborers in the Doorkeeper's department, House of Representatives—to the Committee on Reform in the Civil Service.

By Mr. HUMPHREY: The petition of the common council of Milwaukee, Wisconsin, that General Shields be placed on the retired list of the Army with the rank and pay of major-general—to the Committee on Military Affairs.

By Mr. LINDSEY: The petition of Hilton B. Wright, for the removal of the charge of desertion from his Army record—to the same committee.

#### IN SENATE.

SATURDAY, June 8, 1878.

The Senate met at eleven o'clock.

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

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. SPENCER, and by unanimous consent, the further reading was dispensed with.

#### PERSONAL EXPLANATION.

Mr. WADLEIGH. I rise to a question in the nature of a question of privilege. I wish to make a brief statement. I received some days ago by mail a remonstrance against the passage of an act in relation to the hours of labor in Government work, with a request that I should present it; which I did. I have since received information which leaves no doubt in my mind that the parties whose names are signed to that remonstrance do not exist, and that it may be called a forgery.

#### PETITIONS AND MEMORIALS.

Mr. WALLACE presented the petition of Alexander Rimick and others, citizens of Pittsburgh, Pennsylvania, praying for the passage of a law providing for ocean mail steamship service between the United States, Mexico, South and Central America, and other countries; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GORDON presented a petition of citizens of Georgia, praying the establishment of a post-route from Swainsborough, in Emanuel County, to Pefry's Mills, in Tattnall County, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PADDOCK. I present the memorial of Judge E. K. Valentine, sixth judicial circuit, Nebraska; J. B. Barnes, district attorney; John C. Santee, postmaster, Niobrara; Vac Randa, Charles Cooley, Samuel Farmer, J. B. Fuller, William Saunders, Carl Fritte, Frank

Nelson, and Otto C. Kundser, county officers of Knox County, Nebraska, and 150 other citizens of that county, protesting against any legislation to permanently establish the Santee tribe of Indians on the lands at present occupied by them, and urging their removal to the Ponca reservation, which is about to be abandoned by the Sioux Indians, and is only five miles distant, and is a permanent reservation, while the Santees are at present on public lands of the United States, and in the way of the settlement and development of that country.

I move the reference of the memorial to the Committee on Indian Affairs.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin, from the Committee on Privileges and Elections, to whom was referred the bill (H. R. No. 4931) to provide for the election of Representatives to the Forty-sixth Congress in the State of West Virginia, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 1312) relating to the election of Representatives to the Forty-sixth Congress in the State of North Carolina, and the election of a Senator in the State of New Hampshire, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WADLEIGH, from the Committee on Privileges and Elections, to whom was referred the bill (H. R. No. 5124) designating the times for the election of Representatives to the Forty-sixth and succeeding Congresses from the State of Colorado, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4519) fixing the time for holding the election for Representatives to the Forty-sixth Congress of the United States in and for the State of California, reported it without amendment.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 636) granting a pension to Oliver H. Irons, late sergeant Company D, Twenty-third Michigan Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 4075) granting a pension to Ezra O. Nye, Company K, Nineteenth Michigan Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. KIRKWOOD, from the Committee on Pensions, to whom was referred the bill (H. R. No. 4374) granting a pension to Sarah J. Goss, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Josiah Kellogg, late private Company G, Forty-sixth Iowa Infantry Volunteers, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. No. 1380) granting a pension to Josiah Kellogg.

The bill was read twice by its title, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1026) granting a pension to Ben Alsop, reported it without amendment.

Mr. BRUCE, from the Committee on Pensions, to whom was referred the amendment of the House of Representatives to the bill (S. No. 931) granting a pension to James Shields, reported it with the recommendation that the Senate agree thereto.

#### BILLS INTRODUCED.

Mr. ROLLINS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1381) providing for the settlement of outstanding claims against the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BECK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1382) for the relief of Charles P. Birkett; which was read twice by its title, and referred to the Committee on Appropriations.

#### RAILROADS IN NORTH CAROLINA.

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

*Resolved*, That the Secretary of War communicate to the Senate all such information as may be in the War Office in relation to when the Government took possession of the Atlantic and North Carolina Railroad, the Raleigh and Gaston Railroad, the Wilmington and Weldon Railroad, and the North Carolina Railroad; how long the Government had possession of the same, what rates of fares and freight it established, and what were the gross receipts of money received on account of freights and fares from and after the 1st day of May, A. D. 1865.

#### PRESIDENTIAL ELECTION OF 1876.

Mr. SPENCER. I offer the following resolution:

*Resolved*, In order that all the facts connected with the presidential election of 1876, and the result thereof which was finally reached may be made fully known to the American people, that a select committee of eight Senators be appointed and instructed to inquire into and investigate all charges of fraud, illegality, intimidation, violence, and other obstacles to free and honest suffrage occurring at said election in the States of South Carolina, Florida, and Louisiana, and also into all similar charges which said committee may deem of sufficient gravity concerning the said election in Alabama, Mississippi, Oregon, or any other State; also into all circumstances which they may deem expedient to investigate con-

nected with the presidential electoral count in the Forty-fourth Congress; also into the circumstances of the dissolution of the Legislature and government in the State of Louisiana, known as the Packard government, and the establishment of the Legislature and government, known as the Nicholl's government, and to ascertain whether or not such dissolution of the one government and the establishment of the other was in consequence of any acts or transactions occurring prior to March 4, 1877, and through what persons or agencies, if any, such result was accomplished. And that said committee have power to appoint subcommittees, employ clerks and stenographers, to administer oaths, to send for persons and papers, and to examine witnesses and sit during the recess, with all powers of a full committee of the Senate; and that the expenses thereof be paid from the contingent fund of the Senate.

Mr. BAYARD. Let that be printed and lie over.

Mr. SPENCER. I give notice that I shall call this resolution up every day until I can get a vote of the Senate upon it.

Mr. BAYARD. Not before it has been printed?

Mr. SPENCER. No; but I give notice that on Monday next I shall call it up.

The PRESIDENT *pro tempore*. The resolution will go over and be printed under the rule.

#### SHEEP HUSBANDRY IN THE SOUTH.

Mr. PADDOCK. I am directed by the Committee on Agriculture, to whom was referred a resolution relating to sheep husbandry in the South, to report it with an amendment, and I ask for its present consideration.

The Senate proceeded to consider the resolution.

The amendment of the Committee on Agriculture was in the sixth line to strike out "Southern" and insert "United;" so as to read:

*Resolved*, That the Commissioner of Agriculture be requested to submit to the Senate a report embracing such information as he may have obtained by recent circulars issued by him, and otherwise, in relation to sheep husbandry and wool-production in the United States; and that he be further requested to embody in such report a paper on "Sheep husbandry in the South" prepared by Mr. John L. Hayes, secretary of the National Association of Wool Manufacturers, at the request of Hon. ALEXANDER H. STEPHENS and others.

The amendment was agreed to.

The resolution, as amended, was agreed to.

#### AMENDMENT TO POST-ROUTE BILL.

Mr. WALLACE submitted an amendment intended to be proposed by him to the bill (H. R. No. 4286) to establish post-routes in the several States herein named; which was referred to the Committee on Post-Offices and Post-Roads.

#### AMENDMENT TO APPROPRIATION BILL.

Mr. DORSEY submitted an amendment intended to be proposed by him to the bill (H. R. No. 5117) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1878, and prior years, and for those heretofore treated as permanent, for reappropriations, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

#### TEXAS PACIFIC RAILWAY.

Mr. MATTHEWS. Some days ago I rose to move that Senate bill No. 942, known as the Texas Pacific Railroad bill, should be postponed and made a special order for the first Wednesday after the first Monday in December next, to which objection was made by the Senator from Vermont, [Mr. EDMUNDS,] not now in his seat, and afterward also by the Senator from New York, [Mr. CONKLING,] not now in his seat, to the point of having it made a special order; but it was stated at the time that there would be no objection to the postponement to that day provided it would not necessitate that it should be made a special order. Since then, on conference with the friends of the measure, I have concluded to modify the motion so as to conform to that difficulty and remove that objection. Therefore I now ask unanimous consent of the Senate that the further consideration of that bill be postponed generally to the first Wednesday after the first Monday in December, without reference to its being made a special order.

Mr. SPENCER. I suggest that January would be a better time.

Mr. MATTHEWS. No, I hope we may be able to dispose of the bill during the earlier part of the session. I ask that that be done now by general consent.

Mr. TELLER. I should like to inquire what would be the effect of that general understanding? What position will the bill be in at that time?

The PRESIDENT *pro tempore*. It will be on the Calendar. It will have no effect specially in changing its relation on the Calendar, but is notice to the Senate.

Mr. KERNAN. It is not to be a special order?

Mr. MATTHEWS. No, I withdraw that part of my original motion.

The PRESIDENT *pro tempore*. The Senator from Ohio gives notice that he will endeavor to call up on the first Wednesday after the first Monday in December next what is known as the Texas Pacific Railroad bill for the purpose of its consideration.

Mr. MATTHEWS. And that its further consideration be postponed until that time.

Mr. EATON. As I understand, it is a mere notice?

The PRESIDENT *pro tempore*. It is a mere notice.

Mr. EATON. The Senator from Ohio merely gives notice that he will endeavor to get the bill up then?

The PRESIDENT *pro tempore*. It does not change its relation at all, except that it is a postponement of its consideration until that time.

Mr. EATON. Nor does it give it precedence over anything else? The PRESIDENT *pro tempore*. It gives it no priority. It will require a vote of the Senate to take it up at that time as if no notice had been given. It simply disposes of it for the present session.

Mr. TELLER. Does it absolutely dispose of it for this session?

The PRESIDENT *pro tempore*. It does, by a vote in favor of postponement.

Mr. TELLER. Could it be called up again this session?

The PRESIDENT *pro tempore*. Not without reconsidering the vote by which it is postponed. The question is on the motion of the Senator from Ohio.

The motion was agreed to.

#### ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no further morning business, under the order of the Senate—

Mr. BAYARD. If there be no business before the Senate, I should like to call up for consideration Senate bill No. 2.

The PRESIDENT *pro tempore*. The Chair must state the order of business. Under the order of the Senate, the Calendar is before the Senate, and the consideration of the Calendar will be resumed at the point where the Senate left off when it was last up. The Secretary will report the first case on the Calendar.

Mr. CAMERON, of Wisconsin. I move to take up Senate bill No. 1262. This bill was reported from the Select Committee on Transportation Routes to the Seaboard a few days ago. It is the bill relating to improvements now being made by Captain Eads, under a contract with the Government, at the mouth of the Mississippi River.

Mr. ROLLINS. I would inquire if that is not likely to occupy the entire morning hour?

Mr. WITHERS. I suggest to my friend from Wisconsin to give us the morning hour this morning for considering the Calendar of unobjected cases, and afterward we can proceed to consider cases that will give rise to debate. By that course we shall very much expedite the final conclusion of the business on the Calendar.

Mr. CAMERON, of Wisconsin. The objection is that as soon as the morning hour expires the Army appropriation bill, which was under consideration yesterday, will be proceeded with. If there can be an understanding that this bill shall be taken up at the expiration of the morning hour, I will yield to the Calendar.

Mr. WITHERS. There are several bills on the Calendar in which I am interested, and which will give rise to no discussion; but I have not participated in this struggle for the floor in order to take them up specially, believing that the provisions of the resolution adopted the other day would enable me to get them up in the regular call of the Calendar upon unobjected cases; and until we have such a call I shall feel constrained to object to taking up any other case.

Mr. CAMERON, of Wisconsin. I am charged with looking after this bill, and it is a matter of great public importance.

Mr. WITHERS. Yes, I am aware of it.

Mr. CAMERON, of Wisconsin. And I deem it my duty to bring it to a vote.

Mr. WITHERS. I fully concur with the expression of opinion on the case, and I should like speedy action upon it. I cannot vote for the motion to lay aside the Calendar, while I concur fully with what the Senator said in regard to the importance of the case and the necessity of prompt action.

Mr. CAMERON, of Wisconsin. I move to set aside the existing and all prior orders, for the purpose of taking up what is known as the jetty bill.

Mr. BECK. I desire only to say one word in support of what the Senator from Wisconsin has said. This question in relation to the jetties at the mouth of the Mississippi River must be acted upon now or not acted upon at all, I presume, if we are to adjourn on the 17th. The Senate will observe when the bill is read that perhaps the security of the whole work at the mouth of the Mississippi may depend upon the action which is taken by us now. I believe we had better set aside the Calendar and everything else in order to have something done with this matter, or we may lose all that has been accomplished, because it is very obvious that the work cannot go on unless we furnish some aid now.

Mr. COCKRELL. I hope the motion of the Senator from Wisconsin will prevail and that the bill will be taken up and disposed of. I do not think it will take more than a very few moments. I presume every Senator has investigated this matter and is prepared to vote upon it, and we can very quickly dispose of it.

Mr. WINDOM. I will not debate this question, but I think there is not a measure before the Senate that more demands prompt action, and therefore I hope the bill may be taken up.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves the postponement of the Calendar for the purpose stated.

The motion was agreed to.

#### JETTIES AT THE MOUTH OF THE MISSISSIPPI.

The Senate, as in Committee of the Whole, accordingly proceeded to consider the bill (S. No. 1262) to amend an act entitled "An act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes," approved March 3, A. D. 1875.

The bill was reported from the Select Committee on Transporta-

tion Routes to the Seaboard, with an amendment to strike out all after the enacting clause of the bill and insert:

That the fourth and succeeding sections of an act entitled "An act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes," approved March 3, A. D. 1875, authorizing James B. Eads and his associates to create and permanently maintain a wide and deep channel between the South Pass of the Mississippi River and the Gulf of Mexico be, and they are hereby, amended so as to provide that payments shall be made to said Eads, his assigns or legal representatives, as follows, namely:

SEC. 2. The Secretary of War is hereby authorized and directed to draw his warrant upon the Secretary of the Treasury of the United States in favor of James B. Eads, his assigns or legal representatives, for the sum of \$500,000, so soon as the said Eads, or his legal representatives, shall file with the said Secretary of War a relinquishment of all claims to the payment of \$500,000 provided by the hereinbefore-recited act, to be paid when a channel twenty-four feet in depth and not less than two hundred and fifty feet in width shall have been obtained. And the Secretary of the Treasury is hereby authorized and directed to pay to said Eads, his assigns or legal representatives, the sum for which said warrant is drawn.

SEC. 3. The Secretary of War is further hereby authorized and directed to draw his warrant upon the Secretary of the Treasury of the United States in favor of said James B. Eads, his assigns or legal representatives, monthly, for such sums, not exceeding in the aggregate the gross sum of \$500,000, as he or they may require in the prosecution of the works authorized by said hereinbefore-recited act, to pay for materials furnished, labor done, and expenditures incurred, from and after the passage of this act, in the construction of said works: *Provided*, That said Eads, or his legal representatives, shall file in the office of the Secretary of War, with each requisition made by him or them, a certified statement, which shall be made by the engineer officer provided for in said act, that the requisition is for the amount of work done, materials furnished, and expenditures incurred in the prosecution of the work: *And provided*, That said Eads or his legal representatives shall file with the Secretary of War a relinquishment of all claim to the deferred payment of \$250,000 provided by the hereinbefore-recited act to be paid when a channel twenty-four feet in depth and not less than two hundred and fifty feet in width shall have been maintained for twelve months consecutively: *And provided further*, That said Eads shall, from time to time, as monthly installments of the remaining \$250,000 are paid, file with the Secretary of War a relinquishment of like amounts, to be deducted from the payment of \$500,000 provided by the hereinbefore-recited act to be paid when a channel twenty-six feet in depth and not less than three hundred feet in width shall have been obtained. And the Secretary of the Treasury is hereby authorized and directed to pay to said Eads, his assigns or legal representatives, the sums for which said warrants are drawn.

All other payments to said James B. Eads, his assigns or legal representatives, are to be made under and in pursuance of the provisions of the hereinbefore-recited act; the whole of said act, except as the same is hereby expressly modified or amended, to have the same force and effect as if this act had not been passed, anything to the contrary thereof herein contained notwithstanding.

SEC. 4. The President of the United States is hereby authorized and directed to reconvene the board of engineers appointed under the act of June 23, A. D. 1874, which said board shall visit the works in process of construction by said James B. Eads at the South Pass of the Mississippi River, and make an examination of the same, and make a full report of the progress made in the construction of the works, the probable cost of their completion, and the results produced by them, their probable permanency, and of the advisability of any modification of the terms of the act under which said Eads is constructing said works, so far as regards dimensions of channel through the jetties, and of the terms of payment for the same; which said report shall be submitted to the Secretary of War, to be presented at the next session of Congress.

Mr. MORRILL. I would like some explanation of this measure. As I have understood it, from the brief reading, and perhaps I have not properly understood it, this is relinquishing some right under the original contract by which we are to pay the money before the work is done to the extent stipulated in the original contract. I most earnestly hope that this is to be a success, and yet I am informed by those in whom I place some reliance that the only effect of the work that is being done there is to push the bar farther out into the Gulf, and that at the present time, instead of there being the amount of depth represented at the mouth of this jetty, there is not so much by several feet. I am aware that this was a very bold piece of engineering on the part of Captain Eads, and I have hoped that it would be successful; but it seems to me that we ought to be a little cautious about appropriating a half million of money by which the contract shall be changed so that we may not get the consideration originally stipulated for.

Mr. CAMERON, of Wisconsin. I will briefly explain the bill. Under the original contract entered into in 1875 by Captain Eads and the Government, it was agreed, on the part of Captain Eads, that he would furnish a channel thirty feet in depth and three hundred and fifty feet in width. For this work he was to be paid the sum of \$5,250,000, but the payments were dependent upon results. By the terms of that agreement he was entitled to \$500,000 when he attained a channel twenty feet in depth and two hundred feet in width. He is entitled to receive \$500,000 more when a channel twenty-two feet in depth and two hundred feet in width is attained. The Government under the terms of the contract placed an engineer officer in charge of the work. The duties of that engineer officer are to examine the work from time to time and to report the depth and width, and generally in regard to the construction of the work. This officer is, as appears by evidence before the committee, a very accomplished officer. Captain Eads has received the two first payments provided for in his contract; that is, the payment to which he was entitled when a depth of twenty feet was attained by two hundred feet in width, and the payment to which he was entitled when a depth of twenty-two feet by two hundred feet in width was attained. The Senator from Massachusetts [Mr. HOAR] asks me how much money he has had in all. He has had \$1,000,000. By the last report made by Captain Browne, the engineer officer in charge of the work, which was made, I think, in the month of December last, it appears that Captain Eads has attained a depth of twenty-three feet and a fraction by a width of nearly two hundred and fifty feet. As soon as a depth of twenty-four feet and a width of two hundred and fifty feet

are attained he will be entitled to another payment of \$500,000. He will also then be entitled to a payment of \$250,000 more if he maintains that channel, that is, a channel twenty-four feet in depth by two hundred and fifty feet in width for twelve months; he will be entitled to a payment of \$250,000, with interest at 5 per cent. from the time that channel was attained.

The Committee on Transportation Routes called before them Generals Barnard and Wright, two officers of the Engineer Corps, who were sent by direction of the Secretary of War to the mouth of the Mississippi River about the 1st of January last for the purpose of examining the work done there by Captain Eads under his contract, and reporting to the War Department. Those officers, Generals Barnard and Wright, were examined before the committee at considerable length. Their testimony was laid upon the tables of Senators some time ago. The committee is satisfied that it is reasonably certain that Captain Eads will be entitled to the third payment of \$500,000 within a very short time, within, say, sixty or ninety days. Ships drawing twenty-two feet of water are passing in and out through the jetties at this time, so that there is no question whatever that a depth or more than twenty-two feet or at least twenty-two feet is now attained both at the lower end of the pass and at the upper end of the pass, where the two bars were. Captain Eads has exhausted his own pecuniary resources and the pecuniary resources of all his friends, and the committee are satisfied that he cannot go on with the work unless some relief is furnished to him by Congress.

This bill—not the original bill introduced by the Senator from Minnesota, [Mr. WINDOM,] but the substitute reported from the committee—simply provides that Captain Eads shall be paid now at once the payment of \$500,000, to which he would be entitled under the original act as soon as a depth of twenty-four feet by a width of two hundred and fifty feet was attained. As I have stated, that payment is already substantially earned.

In addition to that the committee provide in this bill that he shall be paid \$500,000 more; but the bill provides that he shall be paid this second sum of \$500,000 for work actually done in the prosecution and furtherance of the undertaking.

Mr. WINDOM. Hereafter to be done.

Mr. CAMERON, of Wisconsin. Hereafter to be done; and it is to be paid on monthly statements made by the engineer officer who is in charge of the work for the Government.

Mr. MORRILL. May I ask the Senator if he is advised of two or more vessels drawing less than twenty-two feet having struck the bar at the outside of the mouth of the jetties and been prevented from coming in?

Mr. CAMERON, of Wisconsin. I have been informed that some vessels have grounded in the jetties, but from the information which was given to the committee it appears that these vessels were not in the middle of the channel, but near the banks either on one end or the other, where of course the depth is less than it is in the middle of the channel.

Mr. WINDOM. If the Senator will allow me right there, I want to state one of the cases that were given to the committee on that point. A vessel grounded on the side of the channel and swung around at right angles across it. While it was there the City of Bristol, I think, the largest vessel that runs to New Orleans drawing twenty-three feet of water, came down the river and passed out of the channel around the end of the smaller vessel that was grounded on the side, standing in the channel, without touching bottom.

Mr. CAMERON, of Wisconsin. This bill then provides for two payments, first the payment of the \$500,000 which the committee regard as substantially earned already, and second the payment of \$500,000 more for the work done and materials hereafter furnished for the prosecution of the work, and that is to be paid from month to month on statements furnished by the engineer officer who is in charge of the work for the Government.

There is another section of the bill which provides that the President shall reconvene the board of engineer officers who were appointed, in 1876 I believe, for the purpose of examining the work and recommending any change that in their opinion ought to be made.

Mr. HOWE. I want to ask my colleague one or two questions for information; I want to inquire when the last payment was made.

Mr. CAMERON, of Wisconsin. The last payment I think was made some time last spring.

Mr. HOWE. When was the survey?

Mr. CAMERON, of Wisconsin. One payment was made during the last session of Congress; I recollect that Captain Eads wanted bonds, but we paid the money.

Mr. HOWE. You mean during the last session of the last Congress.

Mr. CAMERON, of Wisconsin. During the last session of the last Congress.

Mr. HOWE. When was the survey made which indicated this depth of twenty-three feet and a fraction?

Mr. CAMERON, of Wisconsin. In December.

Mr. HOWE. Last. Now do I understand from my colleague that the pending bill proposes a third payment of \$500,000 at once?

Mr. CAMERON, of Wisconsin. At once.

Mr. HOWE. And then to authorize the disbursement of another \$500,000 upon monthly estimates of work done.

Mr. CAMERON, of Wisconsin. Not for work already done, but for

work done and materials furnished hereafter in the prosecution of the work.

Mr. HOWE. Then the effect of the bill, if I do not misunderstand my colleague, is to advance \$500,000 for work which is not done, and then to pay on monthly estimates while he is going on to do the work which would entitle him under his original contract to \$500,000.

Mr. CAMERON, of Wisconsin. My colleague does not understand it. Mr. HOWE. I want to.

Mr. CAMERON, of Wisconsin. I am aware of that. The first payment of \$500,000 is for work which is substantially completed. Captain Eads will be entitled to the payment of \$500,000 when he obtains a channel twenty-four feet in depth by two hundred and fifty feet in width. He now has a channel of over twenty-three feet in depth by two hundred and fifty feet in width except at a few points through the channel, so that the committee are of opinion that the \$500,000 to which he would be entitled under the original act when he should attain a channel of two hundred and fifty feet in width by twenty-four feet in depth is substantially earned, and the bill proposes to advance that payment.

Mr. HOWE. Only one other question; and that is whether any surveys or examinations have been made since December to indicate whether the channel is now deeper or shoaler than it was when the survey was made.

Mr. CAMERON, of Wisconsin. Surveys have been made since that time; and it appears that the channel is constantly deepening by the scouring-out process.

Mr. MITCHELL. I wish to ask a question of the chairman of the committee, whether, in order to secure this twenty-four feet, it is necessary that Captain Eads should make additional expenditures of money; or is this intended to relieve him against existing embarrassments?

Mr. CAMERON, of Wisconsin. Captain Eads is satisfied that, without expending any more money, in process of time a depth of twenty-four feet by a width of two hundred and fifty feet will be attained; but it can be facilitated very much by expending money.

Mr. HILL. Mr. President, I am certainly in accord with those who feel it important to guard the Treasury from unnecessary waste. Nevertheless I hope to take of this, as of all other questions, a rational view, and I think there are two extremes even upon that subject. Some propose to appropriate money for everything that comes along; and others propose to appropriate it for no purpose of internal improvement whatever. Of the perhaps one hundred and fifty schemes now before Congress, I have made up my mind to support three only thus far; and one of the three is the improvement of the navigation of the Mississippi River.

I now rise to state one fact in relation to what are called the Eads jetties at the mouth of the Mississippi River which I have obtained from gentlemen who I know are reliable, but which I have not heard stated in this debate, though I do not know whether the fact has been stated or not because the bill came up and the debate began before I came to my seat.

The fact is that during the last season there were shipped from the port of New Orleans alone one million six hundred thousand bales of cotton and an immense quantity of grain. The reduction in the freight authorized, and which is the direct result of the deepening of the mouth of the Mississippi River by these jetties, amounted on two articles alone, cotton and corn, to over two million dollars, more than the Government has expended in the whole work. The business men of New Orleans believe that this reduction in freights will be greatly increased every year in the future, because we all know that the great Mississippi Valley, which is all interested in the navigation of this great river, is constantly growing in wealth and power, and evidently the exports down that river and over its mouth will be yearly increased.

I believe, therefore, from the facts already obtained, we may justly conclude that there will go into the pockets of the producers in the Valley of the Mississippi River, and even those who trade with New Orleans alone, an annual amount in saving of freights far exceeding the entire expenses appropriated by the Government to perfect this work. I think, therefore, adopting the familiar maxim that "the tree is known by its fruits," we ought to conclude that this work is worthy of encouragement and ought to be completed. I shall therefore support the proposition.

Mr. MORRILL. I do not for one wish to retard the full experiment that is now being tried at New Orleans. The great advantages of it, if it shall be a success, are sufficient in my opinion to warrant the expenditure of a large sum of money; but at the same time I do not desire that the Government should be bound to continue a large expenditure after it shall have been ascertained to be a failure. Now I am advised by a very competent engineer that it is most likely that this will result in a failure. I hope it will not.

Mr. HILL. I will ask the Senator from Vermont if these prophecies of failure have not been made ever since the beginning of the work, and did not those prophecies extend to the extent of saying that it never would succeed to the extent it has now?

Mr. MORRILL. I think the Senator will find that this experiment has been tried in other places and proved a failure, but at the same time I do not wish to prevent the expenditure of even more money than what we have already advanced; but I do wish that the present legislation shall not be such as shall bind us to go through with it

and spend the whole five million after we have ascertained that it is not a success, if it shall be ever so ascertained.

Mr. BECK. As a member of the Committee on Transportation Routes, I considered this question as carefully as I could in connection with the other members of the committee; if Senators will send for the testimony of the United States engineers, General Barnard and General Wright, and also the testimony of Mr. Eads, taken before the committee, they will get a great deal of information upon all the questions presented by the committee's amendment and as to the condition of the jetties now. I hold it in my hand and I suppose it can be had by any Senator from the document-room.

The proposition as it came to us proposed to change the law of 1875 and to modify it in the form set forth in the portion of the bill stricken out. We declined to do that or to do anything that would in any manner alter the relations between the Government to Captain Eads in the contract made with him; but it became apparent to us that in obtaining what he had he had done so at a great sacrifice, borrowing money at exorbitant rates and from men frequently who did not have much confidence in his success. We found that he had done at least one-half of the work necessary to entitle him to the \$5,200,000, and that we had only paid him \$1,000,000. Therefore, as it was apparent to us that Captain Eads was in very embarrassed circumstances, as he had spent largely more than we had paid him, and as it was important that the work should go on and that what was now done should be protected, secured, and advanced as rapidly as possible, and as he had almost if not quite earned the other \$500,000 which he was entitled to have when twenty-four feet is obtained, the committee determined that it was proper and reasonably safe to the Government to pay him now the \$500,000 which he is entitled to receive when he obtains twenty-four feet by two hundred and fifty, which would make his payments amount to \$1,500,000 in all, less than a third of what he will obtain when the whole work is done. And as he has spent half at least or, as he claimed, 75 or 80 per cent. of all that it would be necessary for him to expend in order to complete the work and obtain all the money, we thought our proposed amendment reasonably safe.

We have, as will be seen, stricken out all the bill which proposed to change the act of March 3, 1873. We retain all its provisions, all its limitations, and all its obligations, and only propose, subject to the old law in every other regard, to pay him now \$500,000, which we have reason to believe he will be entitled to in three or four weeks at any rate, for he has obtained almost twenty-four feet of water now, and then we further provide that we will authorize \$500,000 more to be expended for work done hereafter and for materials to be furnished hereafter to enable Mr. Eads to go on with the work and thus secure what is already done, and prevent any failure of the work by reason of the embarrassment of Mr. Eads or anybody else. So far as the United States is concerned, we propose to pay this money when our engineer officer, who is stationed on the spot, and upon whose recommendation, certificates, and vouchers the money is paid by the Secretary of War, certifies that the work is done. These monthly payments are to be made to the extent of \$500,000. Captain Eads is to have it as the work progresses and the material is furnished; so that we are really giving him nothing except simply an advance of \$500,000 which he will in all probability be entitled to in three or four weeks at any rate, except to aid in the more rapid progress of the work.

The balance of what we are now appropriating is to be paid out for work to be done hereafter, because under this contract, observe, when he obtained twenty feet deep by two hundred feet wide he was to have \$500,000; that he has obtained. When he obtains twenty-two feet deep by two hundred feet in width he is to have \$500,000; that he has obtained. When he obtains twenty-four feet by two hundred he is to have \$500,000. That he has substantially accomplished, not yet in a shape that the engineers can certify that it is a fact, but it is almost accomplished, so the engineers tell us. Then when he maintains that for twelve months he is entitled to \$250,000 more without getting any greater depth; and when he reaches twenty-six feet he is entitled to \$500,000 more, and \$250,000 when he maintains that for a year. When he reaches twenty-eight feet he gets \$500,000 more, and \$250,000 when he maintains that for a year. And when he reaches a depth of thirty feet by a width of three hundred and fifty feet he gets \$500,000, and \$500,000 more with 5 per cent. if he has maintained that for a year; the remaining \$1,000,000 to be regarded as earned, but to be held for a while to secure the maintenance of the work.

As he has done half the work required to entitle him to all these payments, as he has only had now \$1,000,000, and as he will be entitled very soon to \$500,000, we think he should, under all the circumstances, have it now, and the advance of \$500,000 is to be taken out of the \$250,000 he is to have when he maintains twenty-four feet for a year, and out of the first half of what he will be entitled to when he gets twenty-six feet, we thought the United States was running very little risk, because it all goes into our own work; it all goes to deepen the channel, and is a just, liberal advance, which is really necessary, and it is properly so guarded as to keep his creditors from taking it away from him before it is earned. I fear he has creditors who are pretty urgent; they, perhaps, are like many other people who put large amounts in at the beginning and get tired of the venture. I assume that Captain Eads is not a rich man, and he needs the money to continue this great public work.

He is, I fear, an embarrassed man; I do not know that fact, but I think it best to state all I believe. We are seeking to aid him to carry on this great work, to protect the United States, and yet not change the contract. Next, we propose to reorganize the commission of 1874, send them down there to examine and see exactly what has been done, and in the mean time keep the payments for everything that is done hereafter in the hands of our own engineer, to be paid out as the material is furnished and the work done. We thought it was better to do that and modify the existing terms of payment to the extent we have than run the risk of failure now, and perhaps a failure of Captain Eads hereafter. That is the whole case, and that is as far as the committee were willing to go.

Mr. SARGENT. I hope the friends of the bill will allow a vote to be taken upon it, and not consume the whole morning hour.

Mr. HILL. I wish simply to say a word. I am in favor of the passage of the bill.

Mr. PADDOCK. If the friends of this bill want to pass it, they had better let us vote.

Mr. DAWES. I desire to hear from the Senator from Wisconsin as to this report of Generals Barnard and Wright in brief, just what they reported when they were sent down by the War Department since the last report of the engineer in charge.

Mr. WINDOM. I will answer the request of the Senator from Massachusetts for the Senator from Wisconsin. I will give the points. They were examined within the last ten days. General Wright, in answer to a question from the Senator from Kentucky, said—I will read the question and answer:

Question. It has now reached somewhere in the neighborhood of twenty-four feet, has it not?

Answer. Somewhere in the neighborhood of twenty-four feet. The navigable channel last reported was twenty-three and seven-tenths feet.

I do not know what other point the Senator desires information about.

Mr. DAWES. General Barnard.

Mr. WINDOM. I do not think General Barnard gives the depth; but he says substantially the same thing.

Mr. DAWES. What do they say as to their confidence in the ultimate result, or do they not express any?

Mr. WINDOM. They do not express any opinion on that. I will say further, as I am on my feet, that the last report, made this month, is that the depth is twenty-three and two-tenths feet. I should like to make further remarks on the subject, but I am told that votes will be lost for the proposition if its friends do not stop discussing it. Therefore I shall say no more.

Mr. EDMUNDS. Mr. President, I hope I shall not fall into either category, for I wish to say a word about this bill at this present moment. The great importance of this improvement, that of the mouth of the Mississippi, everybody recognizes. It is a river improvement that really deserves the name, and it is one that I believe falls not only within the constitutional but within the expedient duty of Congress to provide for in the best possible way. Saying that, then I think that this amendment reported by the Committee on Transportation Routes ought to be perfected in two or three respects to which I wish to call the attention of the Senate, and to move two or three amendments, and I should hope that none of them would be objected to.

In the second section of the amendment of the committee, and in line 5, I propose to strike out the words "or his," after "Eads," and insert "his lawful assigns or;" so as to read:

The said Eads, his lawful assigns, or legal representatives.

It may be that some other persons have become interested in the work with him as being entitled by assignment or otherwise to some part of this division, and I see in other parts of the bill provision is made for paying this money to his assigns. Therefore I wish to have everybody interested in the work file this acquittance of the \$500,000 that the existing law provides for, so as to make the United States completely safe.

Mr. CAMERON, of Wisconsin. So far as I am concerned, I have no objection to that amendment.

Mr. BECK. Allow me to say that we sent for the Secretary of War and ascertained that no one was known to the Secretary of War but Captain Eads. We thought his associates might be concerned, and I endeavored to get the charter of their company. I got a statement of the case from the Secretary of War, and found there were no associates known there.

Mr. EDMUNDS. I see in other parts of the committee's amendment the word "assigns" is introduced.

Mr. BECK. We thought it better.

Mr. EDMUNDS. Therefore I think they ought to be in that part which binds the other side as well as us.

Mr. BECK. That is right.

Mr. EDMUNDS. I do not see that there can be the least objection on the part of anybody.

Mr. CAMERON, of Wisconsin. There is no objection.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. Then in the same section, line 12, between the word "his" and the word "assigns," the word "lawful" ought to be inserted as in the other case. I move that amendment.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. Then in section 3, line 2, after the word "directed"

I propose an amendment of considerable importance to my mind. I propose to insert these words:

Upon his approval of the engineer's statement in this section mentioned, and after the said depth of twenty-four feet shall have been attained.

So that it will read in this way:

The Secretary of War is further hereby authorized and directed, upon his approval of the engineer's statement in this section mentioned, and after the said depth of twenty-four feet shall have been attained, to draw his warrant upon the Secretary of the Treasury of the United States in favor of said James B. Eads, his assigns or legal representatives, monthly, for such sums, not exceeding in the aggregate the gross sum of \$500,000, as he or they may require in the prosecution of the works authorized by said hereinbefore recited act, to pay for materials furnished, labor done, and expenditures incurred, from and after the passage of this act, in the construction of said works: *Provided*, That said Eads, or his legal representatives, shall file in the office of the Secretary of War, with each requisition made by him or them, a certified statement—

That is the statement that is referred to in this amendment that I propose—

which shall be made by the engineer officer provided for in said act, that the requisition is for the amount of work done, materials furnished, &c.

The object of the first branch of this amendment is to subject this single engineer's statement of the monthly expenditure to the approval of the Secretary of War. To guard against whatever of misfortune or of mistake, &c., might possibly occur, I think that as this money is to be advanced monthly, the Secretary of War ought to have the authority before he draws these warrants to approve of this report of the engineer, and that he should not be bound upon the report of one single officer to take this money from the Treasury.

Then the other part of the amendment is that these warrants are to be drawn after the depth of twenty-four feet shall have been attained. The second section provides for paying \$500,000 now in advance in order to accomplish the twenty-four feet; and my proposition is that we shall not be called upon to pay beyond the \$500,000 until the twenty-four feet shall have been got.

Mr. CAMERON, of Wisconsin. If the Senator will allow me one moment, I have no objection to the first part of the amendment proposed by him; that is, requiring that this statement made by the engineer officer shall be approved by the Secretary of War. But it seems to me that there is an objection against the remaining part of the amendment which provides that none of these monthly payments shall be made until the depth of twenty-four feet shall be attained. The first \$500,000 which this bill proposes to pay to Captain Eads will all be used in the payment of debts which he has already contracted in the prosecution of this work. Then the objection is that if none of these monthly payments can be made to him until the depth of twenty-four feet has actually been attained, it may, and very likely will, prevent the prosecution of this work at this time.

It appeared from testimony taken before the committee that it is very necessary that work should be done on the sea end of the jetties. They are not so permanently constructed as to render them entirely secure against the force of storms in the Gulf, and there are also other works on the jetties which can be done at comparatively small expense that would prevent the water from leaking through the jetties. In that way a larger volume of water would be forced through the mouth of the jetties, and the scouring process, which does most of this work, will go on more rapidly.

Mr. EDMUNDS. Mr. President, the ground, if I correctly understood it, on which my honorable friend from Wisconsin opened this subject was that the \$500,000 mentioned in section 2, which is not due to Captain Eads now but will be due when twenty-four feet are attained, was merely a payment in advance, sixty or ninety days in advance of the time when it would become due, merely to aid and relieve him, which may be a very proper and right thing to do. I have no reason to doubt that it is; but now the objection to my amendment is based upon the ground that you cannot get twenty-four feet of water for the million and a half dollars we then shall have paid Captain Eads. If that is the state of the case, we ought to understand it, and that we are to pay more money, up to the extent even of \$500,000 more, to get twenty-four feet, because the third section provides for paying in the aggregate \$500,000 in monthly installments without any starting point as it represents depth at all. It is to be taken up right where it is.

Now, if the case stood as it was stated in the outset plainly, that this was not paying more for getting a certain depth than was agreed upon, but was only paying in advance for a thing which would be obtained in two or three months, then, as I said before, we ought clearly to understand it and know that we are without any limitation in point of depth at all, taking the work just as it is, the twenty-four feet not obtained, and to pay this half million of money now and proceed to pay another half million of money in monthly installments for work that is done in an effort to obtain that. That is what the present state of the section would be.

Mr. President, understanding the Senator to have stated the case correctly in his very clear opening statement of it, that this \$500,000 in section 2 is merely an advance payment for the twenty-four feet that it is to pay for, then I say that it necessarily and justly follows that we ought not to begin to pay the next \$500,000 until that depth of twenty-four feet is attained.

Mr. CAMERON, of Wisconsin. The trouble about that is that the twenty-four feet, as I have already stated, have not yet been quite

attained. Captain Eads has no money to go on with the work, as the Senator from Kentucky has stated; and it is necessary in the opinion of the committee that these monthly payments should be made to him in order that he may go on now with the work.

Mr. EDMUNDS. Then it is admitted by my honorable friend, if I understand him, that we are to go on paying this fourth \$500,000, making it up to two millions, provided in section 3, without any reference to the depth of water that is to be obtained from it.

Mr. CAMERON, of Wisconsin. Twenty-three and two-tenths feet depth has already been attained.

Mr. EDMUNDS. That is obtained.

Mr. BURNSIDE. I shall vote for the amendment proposed by the Senator from Vermont if that is the best thing the Government can get out of this; but I shall vote against any modification of the contract on the final vote. I think the trouble with our Government in these matters has been that we make contracts with individuals and companies and then allow them to pursue them till they find they are not productive, and then let them out of the contracts without demanding any forfeiture or penalty for non-fulfillment. Now, certain gentlemen have undertaken this work; they have furnished the money to continue the work themselves to a certain point. It is our duty to ascertain whether this work is just exactly as it was required to be by the contract under the original act of Congress. We ought not to be constantly letting up men who contract with the Government, and that was the reason why I was very much in favor of the amendment to the mail steam service bill the other evening offered by me. It was originated by another Senator, but I took great interest in it and offered it as an amendment. I think all contractors should be given to understand that hereafter when they make a contract with the Government of the United States they must be required to fulfill it. If they make mistakes, we ought not to go back and rectify those mistakes by making new contracts.

It is simply an invitation to men to come here and get in an entering wedge, and come to Congress afterward for relief. For my part I am utterly opposed to the whole scheme. If these gentlemen are not able to carry out this contract, let the fact be developed. If the Government of the United States has got to take this work and carry it on itself, let it take it just as the Government finds it after these men have failed to carry out the contract. I say the whole thing is wrong from the very start, and we have no right here representing the people of the United States to modify the contract, or appropriate another cent except in accordance with the former act of Congress.

I shall vote against the bill entirely. I shall vote for the amendment of the Senator from Vermont because, as it is evident the bill will pass, I want the Government protected as much as possible.

Mr. HOAR. I am very sorry to rise to say even one word; but I was so situated in the other House when this original measure came up as to be compelled to take a very grave responsibility in regard to it. I was a member of the Committee on Railways and Canals, and was the only New England member of that committee, coming from a section whose immediate commercial interests might seem to require of its representatives to oppose a measure which should divert the transit of commerce from its route to the Atlantic seaboard to the Mississippi River; but acting upon what I know the people I represented would deem a just and national principle of legislation, I gave my vote for the bill which enabled Captain Eads to make this interesting and important experiment, an experiment of a kind which had failed in many places, that succeeded I believe at the mouth of the Danube, but which was opposed to the judgment of many distinguished and able engineer officers, and was regarded by many sensible persons as a wild and visionary scheme.

The scope of the bill which then was framed by that committee in the House of Representatives, and which passed and which my vote as the New England member of that committee enabled to be reported to the House, was, as has been stated here, to require the actual useful work to be completed at every step of the proceeding before a dollar of money should be paid to Captain Eads from the Treasury. If he failed to get a channel of thirty feet in depth and three hundred feet in width, but succeeded in deepening the channel—which I believe over the bar was but seven feet when he began—to a depth of twenty feet or twenty-four feet or twenty-five feet, each of these accomplishments is a vast and important accomplishment for the benefit of the commerce of the Mississippi Valley.

Under these circumstances, it seems to me that this fact is true, that Captain Eads has succeeded confessedly in deepening that channel from a depth of seven feet to a depth of near twenty-four feet. He has not silenced the hostile predictions of engineers, but many able and distinguished engineers who looked with incredulity and distrust upon his scheme in the beginning have become converts to its success in consequence of their observation of the practical results of what he has already done.

Now, I do not agree with the distinguished Senator from Rhode Island that this is a case of an ordinary contract where the contractor is to be held, to his ruin it may be, to the letter of the bargain which he has made with the United States. This was not merely or chiefly a money-making bargain on the part of this engineer; it was an original undertaking of a man of genius which he carried through, inspiring confidence in his friends which enabled him to raise the

funds to carry it through by the great faith which men of genius have in their own original conceptions, and I should as soon think of holding Fulton, if he had undertaken to get the aid of the Government of the United States in his original experiment in regard to the steamboat, strictly and rigorously to the letter of the undertaking. If the change which Captain Eads desires is reasonably safe for the United States, if it turns out that the strict and stringent obligations which were imposed upon him in the beginning will lead to his ruin, although the contract has already accomplished so much for the public, it seems to me that it is wise and just that in accordance with the recommendation of this committee some slight and reasonable modification shall be made.

Though this contractor undoubtedly stands without any claim that the Government shall advance anything to him which he has not already earned, yet I do not think he stands like an ordinary contractor. A very large portion of the money which he is eventually to receive was kept back, not paid, as the contract prescribed, and I understand that what the committee propose to advance to him still leaves a very considerable portion of the ultimate compensation for what he has already done in the Treasury of the United States, to await the result of the ultimate success of the work.

I am sorry to have detained the Senate by saying anything in its impatience, but coming from the section of country from which I do I have deemed it my duty to show my interest in the accomplishment of this great national work.

Mr. BECK. I desire only to say a word in reply to the Senator from Rhode Island. I desire to assure the Senator from Rhode Island that this report was carefully drawn so as not to change the contract at all, not to incur any additional obligation, not to pay any more money than the contract originally required. It is simply to pay now \$500,000 which will be due when twenty-four feet are secured, and that is secured now within a few inches, as has been stated before, and to put more money into the work to go on with it; not to change or modify anything that has been done. That the committee positively refused to do; but they did seek to modify the terms of payment when we were assured that he had spent far more money than we have given him, more than he will have received when we give him this, and that he is in an embarrassed condition. The good of the country, the good of the work, and every other consideration require that he should have some aid by an advance which will go into the work. I hope the Senator from Rhode Island will reconsider his views.

Mr. BURNSIDE. If this work has been done, and has been done in the way that I believe the Senator from Kentucky thinks it has been done, there is no trouble in Captain Eads and the company he is associated with raising funds upon the demonstration that so much money is due that company from the Government of the United States. The \$500,000 which they now call for an immediate payment of is a sum easily raised by a company which is established on a sound basis and has already done five hundred thousand dollars' worth of work for the Government of the United States, and which company believes it will really get from the Government of the United States by an accomplishment of the contract. This sum is due to them if they fulfill the contract, and the contract should be lived up to.

Let me tell Senators that it is my candid belief that half the scandal which was attached to men of both political parties in this country in the last few years would have been avoided if the last gift had not been given to the Pacific Railroad, and the Pacific Railroad would have been built. It is my honest belief that that last grant to these railroad companies was the thing that gave rise to the most corruption. I say hold men to their contracts. If there is \$500,000 due to these people under their contract fairly, then there is no trouble in their raising money. There is abundance of money to be had, and there are substantial men behind Captain Eads in this matter, for he could not undertake it alone. Let these men stand up to the law and fulfill the contract, and not call upon the Government of the United States to advance money to help them out of the contract. Make this example and you will have to make another before the next meeting of Congress. Put down your foot now and say this thing shall not be done, and they will stop applying to you for help.

I am not very old in this body, but I say to you that I feel I am speaking the truth when I tell you that we have no right under the circumstances—I will not say under the contract, but under the surrounding circumstances—to make this advance, and the man who does it does wrong. He may do it unknowingly, but it is wrong.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont to the amendment of the committee.

Mr. BECK. Is the amendment divisible?

The PRESIDENT *pro tempore*. It is amendable.

Mr. BECK. I move to strike out the words requiring twenty-four feet.

The PRESIDENT *pro tempore*. The Chair corrects himself. It is an amendment to an amendment and is not amendable. A further amendment therefore would not be in order.

Mr. CAMERON, of Wisconsin. Can the amendment be divided?

The PRESIDENT *pro tempore*. The Secretary will read the amendment and the Chair will see.

The SECRETARY. In section 3, line 2, after the word "directed," it is proposed to insert:

Upon his approval of the engineer's statement in this section mentioned, and after the said depth of twenty-four feet shall have been attained.

Mr. CAMERON, of Wisconsin. I can see no objection to the first part of the amendment.

The PRESIDENT *pro tempore*. It is divisible.

Mr. CAMERON, of Wisconsin. Very well, then, let the vote be taken on the first part of the amendment.

The PRESIDENT *pro tempore*. The question will be taken on the first part of the amendment in these words:

Upon the approval of the engineer's statement in this section mentioned.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the remaining part of the amendment to the amendment, which is to add the words:

And after said depth of twenty-four feet shall have been attained.

The question is on this amendment to the amendment of the committee.

The amendment to the amendment was rejected; there being on a division—ayes 7, noes 36.

Mr. EDMUNDS. In line 4 of section 3, before the word "assigns," I move to insert the word "lawful."

Mr. CAMERON, of Wisconsin. I have no objection to that.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. In line 15 of section 3, after the word "work," I move to insert the word "properly;" so as to read:

The requisition is for the amount of work properly done, materials furnished, and expenditures incurred, &c.

The PRESIDENT *pro tempore*. Is there objection to this? The Chair hears none, and this amendment to the amendment is agreed to.

Mr. EDMUNDS. In line 17, after the word "Eads," I propose to strike out the words "or his" and insert "his lawful assigns or," which is the same sort of an amendment which was made before.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. In line 24, after the word "Eads," I move to strike out the words "his lawful assigns or legal representatives."

The amendment to the amendment was agreed to.

Mr. EDMUNDS. In line 33, before the word "assigns," I move to insert the word "lawful."

Mr. CAMERON, of Wisconsin. There is no objection to that.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. In line 35, before the word "assigns," I move to insert the word "lawful."

The PRESIDENT *pro tempore*. Is there objection. The Chair hears none; and this amendment to the amendment is agreed to.

Mr. EDMUNDS. Mr. President, I move in lines 40 and 41, of the same section, to strike out the words:

Anything to the contrary thereof herein contained notwithstanding.

My reason for making that motion I think will appear to Senators when I read the clause:

All other payments to said James B. Eads \* \* \* are to be made under and in pursuance of the provisions of the hereinbefore-recited act; the whole of said act, except as the same is hereby expressly modified or amended, to have the same force and effect as if this act had not been passed, anything to the contrary thereof herein contained notwithstanding.

That is a method of legislation saying that this act wherever it is to the contrary shall not have effect, I should a little prefer not to agree to. The object I think that the committee had in view is entirely obtained by leaving out these words.

Mr. CAMERON, of Wisconsin. There is no objection to that.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. In section 4 I move to strike out the letters "re" in the word "reconvene" in line 2, and to insert before the word "engineers" the word "five," and in line 3 to strike out the whole line and the words "eighteen hundred and seventy-four" in line 4. That part of the section now reads:

The President of the United States is hereby authorized and directed to reconvene the board of engineers appointed under the act of June 23, A. D. 1874.

And then provides for its duties. My amendment will make it read:

The President of the United States is hereby authorized and directed to convene a board of five engineer officers of the Army.

That is a mere matter of discretion:

Which said board shall visit the works in process of construction.

I do not believe in any statute directing the President of the United States to convene a particular set of men. It may be that death or sickness or the exigencies of the public service, before this section can be carried out, will make changes necessary; and I make this motion the more freely because I do not know the names of a single one of the gentlemen who have already performed service of this kind. It is not, therefore, through any want of confidence in these gentlemen, because I do not know who they are; but I think the true provision of the law should be in respect of this important affair to leave the President of the United States with the duty of convening a board of five engineers and let him take the responsibility of selecting who they shall be.

Mr. CAMERON, of Wisconsin. So far as I am concerned, I have no objection to that amendment.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. After the word "permanency" in line 10 of the same section down to and including the word "same," I move to strike out. The duties of these engineers are to—

Visit the works in process of construction by said James B. Eads at the South Pass of the Mississippi River, and make an examination of the same, and make a full report of the progress made in the construction of the works, the probable cost of their completion, and the results produced by them, their probable permanency—

Now come the words that I propose to strike out—

and of the advisability of any modification of the terms of the act under which said Eads is constructing said works, so far as regards dimensions of channel through the jetties, and of the terms of payment for the same.

And then it proceeds:

Which said report shall be submitted to the Secretary of War to be presented at the next session of Congress.

I do not think that is a duty which ought to be imposed upon a board of engineers. That is a duty that belongs to the administrative department of the Government and to Congress when we have got the facts.

Mr. BECK. The object of giving that power was simply this: there are doubts expressed whether there can be sufficient amount of water put into that pass without destruction of the banks to carry out the thirty feet of depth. We want a report on that fact, so as to act advisedly, whether he may not do more harm than good by putting in the water he can put in without destroying the banks.

Mr. EDMUNDS. It is not necessary in order to get that information that we should have a board of engineer officers recommend what sort of laws we had better pass. All that is covered (if Senators will take the trouble to look at this matter of importance) in the preceding lines. What are their duties? They are to make an examination of these works; they are to make a full report of the progress made in their construction; they are to make a report of the probable cost of their completion; and now mark—

And the results produced by them.

That is every result and consequence, and circumstance, that can bear upon the subject; they are to report the facts to you together with their probable permanency.

Mr. SARGENT. Those are past results, not probable results, are they not?

Mr. EDMUNDS. No.

Mr. SARGENT. As I understand the Senator from Kentucky, he wants to see what the effects of a certain thing will be in theory, whether it will be safe—

Mr. WINDOM. That is the point.

Mr. SARGENT. Whether it will be safe to force the water in.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. WINDOM. I hope we may be permitted to complete this bill. It will require but a few moments I think.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

Mr. BLAINE. Does the Army bill come up now?

The PRESIDENT *pro tempore*. It comes up.

Mr. SARGENT. It can be laid aside subject to call.

Mr. BLAINE. Only informally.

The PRESIDENT *pro tempore*. Subject to call.

Mr. EDMUNDS. To obviate the objection stated by the Senator from California, which is said to be the point, I will withdraw the amendment that I did offer to strike out, for the moment, and make this amendment in line 9: after the word "produce" in line 9 of section 4, I move to insert the words:

Or that may probably be produced by them.

So that it will read:

And the results produced or that may probably be produced by them.

So as to cover every aspect of the question as to the effect. Then we can consider what sort of law we ought to make. I make that motion at the present time.

Mr. WINDOM. I think the bill is better as it stands, but rather than take up any time about it I for one am willing to consent to the proposition.

The PRESIDENT *pro tempore*. Is there objection to this amendment to the amendment? The Chair hears none, and it is agreed to.

Mr. EDMUNDS. I now renew the motion to strike out the other words which, these being put in, are now entirely unnecessary.

The PRESIDENT *pro tempore*. Is there objection?

Mr. BECK. Yes. I ask for a division on that.

The PRESIDENT *pro tempore*. The Chair will put the question.

The amendment to the amendment was rejected, there being on a division—ayes 15, noes 33.

Mr. EDMUNDS. I move to add to the end of this section these words:

The right to repeal this act, so far as affects things not done upon said work at the date of such repeal, is hereby reserved to Congress.

I will state my object in making the motion. This is confessed to be an experiment on which in the third section we are called upon from month to month to pay out in the aggregate \$500,000. If it turns out next winter that this money, which is now to be paid before twenty-four feet are attained, is being paid for a perfectly use-

less purpose, I wish to reserve the right to Congress to stop it where it is.

Mr. CAMERON, of Wisconsin. I have no objection to that.

The question being put on the amendment to the amendment, it was declared that the yeas appeared to prevail.

Mr. EDMUNDS. I call for the yeas and nays on that.

The yeas and nays were ordered.

Mr. HOWE. It applies only to this act, I understand.

Mr. EDMUNDS. This act only. I do not propose to exercise any right over the other act that we do not possess now; but we are called upon, as I said before, to advance half a million upon what is confessed to be an experiment, from month to month. Now, then, this proposition only is, that if Congress discovers that this advance from month to month is money thrown away, it shall have the right to stop the work where it is, and not waste any more.

Mr. BLAINE. Will not the half million be paid out before the opportunity to exercise that reserved privilege comes around?

Mr. EDMUNDS. That depends.

Mr. BLAINE. It strikes me there is no objection to the amendment, but I do not see any great good to be obtained by it, because it will not recoup any of the money.

Mr. EDMUNDS. I think you will find that it may.

The question being taken by yeas and nays, resulted—yeas 14, nays 39; as follows:

## YEAS—14.

Booth,	Edmunds,	Matthews,	Sargent,
Burnside,	Hoar,	Morrill,	Wadleigh.
Christiancy,	Kirkwood,	Oglesby,	
Conkling,	McMillan,	Rollins,	

## NAYS—39.

Allison,	Cockrell,	Hereford,	Patterson,
Armstrong,	Coke,	Hill,	Plumb,
Bailey,	Conover,	Ingalls,	Saunders,
Barnum,	Dawes,	Jones of Florida,	Spencer,
Bayard,	Dorsey,	Kellogg,	Teller,
Beck,	Eustis,	Kernan,	Voorhees,
Blaine,	Ferry,	McCreery,	Wallace.
Bruce,	Gordon,	Maxey,	Whyte,
Butler,	Grover,	Merrimon,	Withers.
Cameron of Wis.,	Harris,	Mitchell,	

## ABSENT—23.

Anthony,	Eaton,	Lamar,	Ransom,
Cameron of Pa.,	Garland,	McDonald,	Saulsbury,
Chaffee,	Hamlin,	McPherson,	Sharon,
Davis of Illinois,	Howe,	Morgan,	Thurman,
Davis of W. Va.,	Johnston,	Paddock,	Windom.
Dennis,	Jones of Nevada,	Randolph,	

So the amendment to the amendment was rejected.

The amendment of the committee, as amended, was agreed to.

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

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

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

The yeas and nays were ordered.

Mr. HOWE. I cannot vote for this bill. I did not vote for the bill under which the contract with Mr. Eads was made. It does not impugn the character of the work at all that I could not be made to believe that that was a judicious or a practicable enterprise. I had not sufficient confidence in it to vote for the contract. The Senator from Massachusetts [Mr. HOAR] has said that the work has increased in public confidence rather than diminished, especially that it has been securing the confidence of engineers and scientific men. That may be so; but it happens unfortunately that while the contractor had credit enough to commence the work when it was entirely experimental and to carry it on until he had earned the two first payments, now, when three years have expired, when a million of dollars has been expended, his ability to go on with it seems to have dropped out, and the Government is asked to intervene. That fact does not increase my confidence in the practicability of the enterprise, and so I cannot vote for this bill.

Mr. EDMUNDS. I should have voted for this bill just as it stands if the Senate had agreed to reserve the right to stop the payment of this second half million of dollars, or so much of it as should not have been earned, when it should have been discovered that the work was a failure and that the money was being absolutely wasted; but if the Senate are desirous of binding Congress hand and foot to the absolute expenditure of \$500,000 through the acts of this gentleman and his associates, although something shall have happened to make the expenditure entirely useless, then I cannot vote to put myself into any such category as that. For that reason, and that alone, under the circumstances, I shall vote against the bill. I should have been willing to try the experiment with that safety-valve in our hands.

Mr. OGLESBY. Mr. President, I shall vote for the bill and shall vote for it heartily. I have seen nothing since the commencement of this intelligent experiment, which has been calculated to weaken my confidence in its success and in its utility. It is a very small matter to the people of the United States whether this experiment shall cost \$1,000,000, or \$2,000,000, or \$3,000,000. There is not a particle of evidence before Congress or before the American people, going to show that Mr. Eads has not faithfully, honestly, earnestly, and intelligently endeavored to make this great venture and enterprise a

success. He has encountered losses so far, but yet he has produced results that have been and that are still eminently satisfactory to the people of the great Mississippi Valley.

I sincerely hope and must beg the indulgence of the Senate to say that I really believe that the enterprise will in the end prove a substantial success. My opinions, of course, are worth very little. I am but a common ordinary observer; I have no engineering skill or ability; and I can expect nobody to attach any importance to any opinion of mine which would have any greater value than the opinion of any other ordinary human being not technically familiar with the subject. But other enterprises have heretofore been advanced in regard to improving and establishing the navigation of the Mississippi River, other schemes are now favored and urgently insisted upon in place of and to supersede this very experiment. The friends of the canal system which has been suggested, to tap the Mississippi below New Orleans and drain it off into the Gulf, have not given up their hope yet that we may embark upon an experiment of \$10,000,000 or \$20,000,000 to build a canal. I doubt not the friends of the improvement of the Mississippi River in the Mississippi Valley would be willing even to go that far. But here is an enterprise which has deepened the channel of that great river through the South Pass from seven or eight feet to exceeding already twenty-three feet. Steamers, sailing craft, all sorts of sea-going craft are carrying to-day from the great southern port of New Orleans the produce of the great Mississippi Valley extending north to the Dominion of Canada, successfully in vessels drawing twenty-three feet of water without hindrance, without interruption, without the stay or annoyance of commerce.

Now, Mr. President, I think it would not be wise for the American Senate to hesitate upon a matter of \$500,000 toward perfecting this experiment. I am perfectly willing to vote that the bill shall pass; and I will go so far as to say that if the enterprise shall fail, if the jetty plan of improvement of the Mississippi River shall in the end fail, I would not have the moral courage to stand up in this body and ask that a dollar that has been expended by Captain Eads and his associates should be refunded to the Government. It has been an honest and an intelligent effort to benefit the navigation of that great river, and the great interests that are at stake in connection with it justify it.

Where a man has taken such a great venture, has gone forward thus far successfully, even should it finally fail, I say again I would not have the moral courage to ask that a dollar be refunded. I would rather expend a million more now; I think it would be wise in Congress to expend more than a million more yet, to try it before abandoning it and giving it up. It is a subject of intense interest to twenty millions of the people of the United States.

Mr. SARGENT. Is it in order to call for the regular order?

Mr. OGLESBY. I shall be through in a moment.

Mr. SARGENT. We simply laid aside the Army bill temporarily for this bill, not supposing the friends of the bill would take up the day in elaborating upon its merits.

Mr. OGLESBY. I ask what right the Senator from California has to rise and seek to take the floor from me when I have the attention of the Chair and have the floor by right?

Mr. SARGENT. I ask if I have a right to call for the regular order.

The PRESIDENT *pro tempore*. The Chair stated that it was subject to a call for the regular order at any time.

Mr. OGLESBY. When I have the floor?

Mr. SARGENT. The Senator may speak all day and give nobody a chance. I have a right at any time to call for the regular order when by consent of the Senate it was only laid aside temporarily for the consideration of this bill.

The PRESIDENT *pro tempore*. It was laid aside with that understanding.

Mr. OGLESBY. I do not want to delay the disposition of this matter. I come from a State deeply interested in this bill.

Mr. SARGENT. Then, let us pass your bill.

Mr. OGLESBY. I have not opened my mouth at all on the subject before; nor am I in the habit of bouncing up twenty times a day on this floor to interrupt other Senators with projects that I suppose are of overpowering interest to me and about which the mass of other people do not care a picayune. It is seldom that I claim the attention of the Senate on any subject; but this is a vast subject and I do not wish to see it smothered or jostled out of the way.

I listened with intense interest a few moments ago to the encouraging and statesman-like suggestions of the Senator from Massachusetts, [Mr. HOAR,] who lives so far away from this improvement, but yet takes that broader view which, if it were more frequently taken, more generally heard here in viewing interests that affect the whole country, would cultivate a warmer feeling of attachment between the local and conflicting interests of this great country.

I only wanted to give my hearty encouragement and indorsement to this project and to express my belief that the experiment yet will prove to be a successful one.

The PRESIDING OFFICER *pro tempore*. The question is on the passage of the bill.

The Secretary proceeded to call the roll.

Mr. EDMUNDS, (when his name was called.) On this question I am paired with the Senator from Tennessee, [Mr. HARRIS.] Were he present, he would vote in favor of it, and I should vote against it. He has been obliged to leave the Chamber by reason of illness.



The roll-call having been concluded, the result was announced—yeas 56, nays 2; as follows:

## YEAS—56.

Allison,	Conkling,	Jones of Florida,	Patterson,
Armstrong,	Conover,	Jones of Nevada,	Plumb,
Bailey,	Dawes,	Kernan,	Ransom,
Barnum,	Dorsey,	Kirkwood,	Rollins,
Bayard,	Eaton,	Lamar,	Sargent,
Beck,	Eustis,	McCreery,	Saunders,
Blaine,	Ferry,	McMillan,	Spencer,
Booth,	Gordon,	Matthews,	Teller,
Bruce,	Grover,	Maxey,	Voorhees,
Butler,	Hamlin,	Merrimon,	Wadleigh,
Cameron of Wis.,	Hereford,	Mitchell,	Wallace,
Christiancy,	Hill,	Morrill,	Whyte,
Cockrell,	Hoar,	Oglesby,	Windom,
Coke,	Ingalls,	Paddock,	Withers.

## NAYS—2.

Burnside, Howe.

## ABSENT—18.

Anthony,	Dennis,	Kellogg,	Saulsbury,
Cameron of Pa.,	Edmunds,	McDonald,	Sharon,
Chaffee,	Garland,	McPherson,	Thurman.
Davis of Illinois,	Harris,	Morgan,	
Davis of W. Va.,	Johnston,	Randolph,	

So the bill was passed.

## PRESIDENTIAL ELECTION IN LOUISIANA.

The PRESIDENT *pro tempore*. Under the resolution submitted by the Senator from Ohio [Mr. MATTHEWS] on the 5th instant, providing for the appointment of a special committee of seven Senators to inquire into matters touching the last presidential election in the State of Louisiana, the Chair appoints as such committee the Senator from Vermont, Mr. EDMUNDS; the Senator from Iowa, Mr. ALLISON; the Senator from Kansas, Mr. INGALLS; the Senator from Massachusetts, Mr. HOAR; the Senator from Illinois, Mr. DAVIS; the Senator from Maryland, Mr. WHYTE; and the Senator from Florida, Mr. JONES.

## ACTING SECRETARY OF SMITHSONIAN INSTITUTION.

Mr. HAMLIN. The select committee to whom was referred the bill (S. No. 1374) authorizing the Chancellor of the Smithsonian Institution to appoint an acting Secretary in certain cases, has directed me to report the bill without amendment. I wish my colleague [Mr. BLAINE] would let the bill be put on its passage; it will not take more than a few minutes.

Mr. BLAINE. Very well.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Chancellor of the Smithsonian Institution, in case of the death, resignation, sickness, or absence of the Secretary of the Smithsonian Institution, to appoint some person as acting Secretary, who for the time being shall be clothed with all the powers and duties which by law are devolved upon the Secretary and who is to hold the position until an election of Secretary shall be duly made or until the Secretary shall be restored to his health or, if absent, shall return and enter upon the duties of his office.

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

## SOLDIERS' MONUMENT AT WINTERSET, IOWA.

Mr. KIRKWOOD. The Senator from Maine [Mr. BLAINE] permits me also to call up Senate joint resolution No. 36. I move that the Senate proceed to the consideration of the joint resolution (S. R. No. 36) authorizing the Secretary of War to deliver to the city of Winterset, Madison County, Iowa, four cannon and carriages for the soldiers' monument in said city.

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

The joint resolution was reported from the Committee on Military Affairs with an amendment, in line 4, after the word "directed," to insert the words "if the same can be done without prejudice to the public service;" so as to read:

That the Secretary of War be, and he is hereby, authorized and directed, if the same can be done without prejudice to the public service, to deliver to the authorities of the city of Winterset, county of Madison, and State of Iowa, four of the abandoned cannon belonging to the Government, either six or twelve pounder cannon, with their carriages, as said authorities may select, to be placed at the corners of the soldiers' monument erected in the Monumental Park in said city.

The amendment was agreed to.

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

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

## REPORTS OF COMMITTEES.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1141) granting the right of way through the military reservation at Fort Yuma to the Southern Pacific Railroad Company, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BAILEY, from the Committee on Pensions, to whom was referred the bill (H. R. No. 44) granting additional pension to John F. Chase, of Saybrook, Connecticut, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1348) to restore the name of Jesse Stallings, of Butler

County, Alabama, to the pension-list, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Mary Lavallette, widow of Admiral E. A. F. Lavallette, praying for a pension, reported adversely thereon, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Mary Byrd Dallas, widow of the late Commander Alexander James Dallas, United States Navy, praying for an increase of pension, reported adversely thereon, and the committee were discharged from the further consideration of the petition.

Mr. VOORHEES, from the Committee on Pensions, to whom was referred the bill (H. R. No. 477) granting a pension to Anna Koeninger, widow of Louis Koeninger, late private Second Indiana Battery, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. VOORHEES. Yesterday I reported to the Committee on Pensions adversely the bill (H. R. No. 4393) granting a pension to Mrs. Sidney A. Harrison. I am advised to-day in such a way as to induce me to move to reconsider the vote by which the bill was indefinitely postponed and that it be recommitted to the Committee on Pensions.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) Is there objection to the suggestion? The Chair hears none and the bill will be recommitted.

## PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 8th instant approved and signed the following acts:

An act (S. No. 330) explanatory of section 1889 of the Revised Statutes of the United States, and to ratify and confirm certain territorial legislation, and for other purposes;

An act (S. No. 380) to provide for circuit and district courts of the United States at Toledo, Ohio; and

An act (S. No. 1033) for the relief of J. C. McBurney.

## ORDER OF BUSINESS.

Mr. EDMUNDS and others addressed the Chair.

The PRESIDING OFFICER. The Army appropriation bill is before the Senate as the unfinished business of yesterday.

Mr. BLAINE. I am willing to yield to anything that will not take time, mere formal business; I cannot yield for that which will take time.

The PRESIDING OFFICER. The Chair will receive morning business.

Mr. EDMUNDS. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Vermont will state his point of order.

Mr. EDMUNDS. I submit that the Senator from Maine cannot hold the floor and yield it out to anybody.

Mr. BLAINE. I am not attempting to do that. I am merely not insisting on my right to hold the floor, for the sake of accommodating a few Senators who have morning business. If the Senator objects to that, then he objects to other Senators and not to me.

Mr. EDMUNDS. I only object to the Senator's recognition of what Senators ought to be recognized instead of the Chair doing it. Everybody should have an even chance.

Mr. BLAINE. The Senator from Maine is not assuming to do that.

Mr. EDMUNDS. Does the Senator yield to me?

Mr. BLAINE. The Senator from Vermont has such great difficulty in getting the floor always that I should like to yield it to him.

Mr. EDMUNDS. I thought the way to get the floor was to speak in that direction instead of at the Chair.

Mr. ROLLINS. I ask the Senator from Maine to yield to me to call up a bill.

Mr. BLAINE. The Senator from Vermont objects. I insist on the Army bill. The Senator from Vermont objects to having anything proceeded with but the Army bill.

Mr. ROLLINS. Mr. President—

The PRESIDING OFFICER. The Senator from Maine objects and insists on the Army appropriation bill.

Mr. BLAINE. I will yield the Army bill if the Senator from Vermont will withdraw his objection. Otherwise I will not.

Mr. ROLLINS. I wish to call up a bill relating to District taxation, and it ought to pass.

Mr. EDMUNDS. I wanted to get the floor to move to take up a little bill in which fortunately neither I nor my constituents have the least possible interest. It is a private land claims bill; but I did not see any way of getting it up except by everybody having the right to address the Chair and get recognized in the regular mode, and then when he stated what he wanted there would be time enough for the Senators in charge of the Army bill to say whether they were willing to have it laid aside or not.

Mr. BLAINE. That is just what I was doing and the Senator from Vermont objected. If the Senator from Vermont withdraws his objection I am willing to yield to accommodate other Senators; otherwise I am not willing to do so.

Mr. KERNAN. I think we had better finish the Army appropriation bill.

Mr. EDMUNDS. I object to anything but the Army bill

Mr. KERNAN. I do not want anything else to intervene.

Mr. COCKRELL. I insist on the regular order.

Mr. BLAINE. I will not yield to any Senator, and I charge it to the Senator from Vermont. I wanted to be as accommodating as I could and he objected.

Mr. EDMUNDS. The Senator is mistaken; I did not object to that.

Mr. BLAINE. I was perfectly willing that formal business should be presented, and the Senator from Vermont objected.

Mr. SPENCER. The Senator from Vermont says he has not objected.

Mr. BLAINE. If the Senator from Vermont is willing to withdraw his objection then I will withdraw mine.

Mr. DORSEY. I insist on the regular order.

Mr. BLAINE. Let us have the regular order.

The PRESIDING OFFICER. The unfinished business of yesterday is before the Senate, and the question is on the amendment of the Senator from Georgia, [Mr. HILL,] which will be reported.

Mr. GORDON. I rise to morning business.

Mr. BLAINE. The Senator from Vermont will not permit me to yield. I would gladly do so, but the Senator from Vermont objects, and insists on the Army bill.

Mr. EDMUNDS. I rise to the Army bill just now, and I will say to the Senator from Georgia [Mr. GORDON] that I have not objected to that. What I objected to was the mode of getting the floor. When the Senator from Georgia can get the floor and ask unanimous consent to take up something, then I will see whether I object or not; that is all.

Mr. GORDON. I ask unanimous consent to present a petition.

Mr. BLAINE. I will not permit that to be done in that form. I have the floor on the Army bill.

Mr. GORDON. Very well.

The PRESIDING OFFICER. The Senator from Maine insists on the regular order.

Mr. BLAINE. To do that would presume that the Army bill was laid aside, because I maintain that the Senator from Georgia cannot get the floor, except by my yielding. To that the Senator from Vermont objected, and I will not permit anything but the Army bill to be proceeded with.

Mr. SARGENT. Let us not have any more talk about it.

Mr. VOORHEES. The Senator from Maine will yield to me?

Mr. BLAINE. I will if the Senator from Vermont withdraws his objection to my yielding.

Mr. EDMUNDS. I do not withdraw it.

Mr. BLAINE. I cannot yield even to my friend from Indiana.

Mr. SARGENT. I rise to a point of order.

The PRESIDING OFFICER. The Senator from California will state his point of order.

Mr. SARGENT. My point of order is that the business of the Senate is being obstructed by irrelevant discussion.

Mr. BLAINE. Then the Senator from California had better not add to it.

Mr. SARGENT. I call for the regular order.

The PRESIDING OFFICER. The unfinished business is before the Senate.

#### APPEARANCE BEFORE A HOUSE COMMITTEE.

Mr. FERRY. I have a request to make. I have been requested by a note signed by Hon. CLARKSON N. POTTER, chairman of an investigating committee of the House of Representatives, at my convenience to attend upon the meeting of that committee, and I am desired to attend there at two o'clock on this day. I ask permission of the Senate to so attend.

The PRESIDING OFFICER. The Senator from Michigan asks consent of the Senate to attend before the investigating committee of the House. Is the consent given? The Chair hears no objection, and consent is given.

#### ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4867) making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes, the pending question being on the amendment of Mr. HILL to the twenty-ninth section which the Committee on Appropriations proposed to strike out.

The amendment of Mr. HILL was to strike out after the word "States," in line 3, the words:

As a *posse comitatus*, or otherwise.

Mr. HILL. I offered my amendment yesterday to correct what I thought might be an implication. I do not think there is much practical importance in the amendment and I beg leave to withdraw it.

The PRESIDING OFFICER. The amendment will be withdrawn if there is no objection.

Mr. EDMUNDS. There are two or three things I wish to say about this bill, and as a proper introduction, because it refers to a state of unnecessary belligerency, I wish to say that the difference between my friend from Maine and myself in our understanding of what the rules are is this: he thinks that having charge of the Army bill he holds the floor and that nobody can get the floor to address the Chair without his consent, if I correctly understand him. That, I think, is

not the rule of the Senate. I think the rule is that unless the Senator from Maine is occupying the floor in addressing the Senate any Senator who can get the eye of the Chair has a right to be recognized. Then he may ask the unanimous consent of the Senate to lay aside the Army bill or anything else; and the Senator from Maine or anybody else may object to it if he wishes. I think that is the true rule. I understood my friend from Maine to state, the last he said, that he held the floor on the Army bill and that I objected to his yielding it.

Mr. BLAINE. I did.

Mr. EDMUNDS. I do not think he does hold the floor.

Mr. BLAINE. The Army bill was called up and I was recognized on that and took the floor, and the first Senator who made a request was my own colleague. I yielded to him and then another Senator asked me if I would yield to him. The Chair recognized him. I was proceeding on the Army bill, just about to open my mouth; but I was endeavoring to accommodate Senators by yielding when I held the floor. The Senator from Vermont interposed with a critical and hypercritical criticism on the rules and objected to my doing so. I was not going to yield the floor absolutely for other Senators to ask unanimous consent, because I was recognized, I was on the floor, but I said to Senators as I say now, that if the Senator from Vermont would withdraw his objection I should cheerfully yield to any morning business.

Mr. WINDOM. Would it not be desirable to pour oil on the troubled waters by making a report from a conference committee.

Mr. BLAINE. That has no privilege.

The PRESIDING OFFICER. The Senator from Minnesota asks leave to make a report from a conference committee.

Mr. BLAINE. I object.

Mr. WINDOM. I cannot furnish any oil then. [Laughter.]

Mr. BLAINE. Now that the Senator from Vermont has had his way and has put as many Senators to inconvenience as he well could in the space of five minutes, we can proceed with the Army bill. I only want to express the hope that the discussion may be as brief as possible. We have had the bill before the Senate for three days, and if we are to adjourn on the 17th there is very great necessity for getting this bill through at the earliest practicable moment. Of course it is not for me to dictate the line of discussion to any Senator; that is in the discretion of each Senator, as it is in my own. I only say that I shall occupy very small time indeed upon the bill.

Mr. PADDOCK. I hope the Senator having the bill in charge will ask the Senate to remain and finish it.

Mr. BLAINE. I intend to ask the Senate to sit it out.

The PRESIDING OFFICER. The question is on striking out section 29 as amended.

Mr. EDMUNDS. I should like to hear the section read as it now stands.

The PRESIDING OFFICER. The Secretary will read the section as amended.

The Secretary read the section as amended, as follows:

SEC. 29. From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States as a *posse comitatus*, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress; and no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding \$10,000 or imprisonment not exceeding two years, or by both such fine and imprisonment.

Mr. EDMUNDS. There are three things I wish to say about the section, and to say I hope in less than five minutes.

I wish to call the attention of the Senate first to what I believe to be the fact and the law, upon the little examination I have made of it this morning, that had this section been in force in the month of April, 1861, President Lincoln and his Minister of War, and every officer of the Army of the United States who undertook to relieve Fort Sumter or to hold any other public place or property that they were in possession of, against assault, would have been liable to be sent to the penitentiary, if the Army should have been employed in a manner not authorized by any express act of Congress, there being no act of Congress at that time or now either, by which the public property in possession of the Army is to be held by force against anybody. It depends upon the general duty of the President of the United States to execute the laws and to protect the public property. That is the first thing I have to say.

In the next place, if you pass this section now, in my opinion, after an examination of the statutes, (and if I am mistaken I hope somebody will point out why by referring to the statute,) if a mob were to assail the Treasury Department to-day and undertake to get possession of it, the President of the United States could not send for the Marine Corps or for the little handful of men down at the arsenal to protect that public property, for there is no statute of the United States that I can find which authorizes him to do it. He does it under his general duty of taking care of the execution of the laws and the protection of public property.

The third thing I have to say is, that if it should happen in the progress of time that somebody should undertake to dispossess by force the Commander-in-Chief of the Army of the United States from his office and quarters which he occupies in the White House, he would have no authority of law, and would be liable to be sent to the pen

ity if he attempted, to call upon the marines or the men at the arsenal or any part of the Army of the United States to protect himself as Commander-in-Chief in possession of his own office. That is all I have to say.

Mr. TELLER. I should like to inquire of the Senator from Vermont whether he refers to this section as it came from the House, or whether he refers to it as amended.

Mr. EDMUNDS. I refer to it just as it now stands.

Mr. TELLER. I understand that the words "the Constitution or by" have been inserted in the section, so as to read "by the Constitution or by act of Congress."

Mr. EDMUNDS. Yes, but the Constitution does not say this thing. I raised that question yesterday. The Constitution says the President "shall take care that the laws be faithfully executed." You have got to take another step of logic and duty in order to reach the power of the President of the United States under it.

Mr. TELLER. I move to strike out the word "expressly" before "authorized," in the sixth line, so as to read:

Except in such cases and under such circumstances as such employment of said force may be authorized by the Constitution or by act of Congress.

Mr. BAYARD. Mr. President, I endeavored yesterday to get the floor for the purpose of offering a few words that I thought would be satisfactory to both sides of this Chamber in explanation of the amendment offered by the Senator from New York [Mr. KERNAN] in my absence to section 29 which had been proposed to be stricken out by the Senate Committee on Appropriations. My object frankly was to obtain the passage of the military appropriation bill at the earliest possible day by the conjoint and ultimate action of the two Houses. In that view my votes have been cast upon other sections of the bill. It was to prevent disagreement between the two Houses and discussion upon matters and subjects which, although of great importance, nevertheless for which was allotted too short a time if the adjournment is to take place on the day fixed by the concurrent resolution of the two Houses.

Section 29 in my judgment contains nothing but the statement of truisms which at times, however, it may be well and wholesome to assert and reassert. It is no answer so say that they are true, for if they are true they are without just objection. On the third line of the section are some words that seem to grate harshly upon the sensibilities of certain gentlemen in the Chamber, they being, "under the pretext \* \* \* of executing the laws," as though there had been something unfair or not real in the proposed execution of the laws. I believe that a proposition containing a wholesome constitutional truth can certainly be couched in language offensive to no man. It is not necessary that the language in such a case should bear unjustly upon the feelings of any man. Upon a friendly and personal consultation with gentlemen of both parties in this Chamber, I found the idea was acceptable to permit the section to stand as the House had sent it to us, with the eviceration of three or four words capable of an uncivil construction, and the insertion of one or two more that should have the effect to round off the proposition that the Army of the United States is the creature of the Constitution and the laws of the United States, and that in this land we know of no power that is not subordinate to law. Therefore in the present case the proposition was to recite that it was not lawful to employ the Army of the United States in violation of the law or the Constitution, but that the method of its appointment must simply be in accordance with the law of its creation and the powers whereby alone it must exist. In that it struck me as being nothing more than a truism.

I do not propose at this time to reawaken the debate of yesterday or to allude to the scenes and topics to which it adverted. I only desire to say that the section as amended under my suggestion yesterday offers to me no obstacle of any constitutional character that I can imagine to the vote of Senators on either side of the Chamber, and its adoption will lead to the passage of this bill in order that the day of adjournment may find the work of Congress properly completed and the Government in full possession of the funds and powers to carry into execution the laws upon the statute-book.

For this reason I now trust that this section as amended will be acceptable to the Senate and that it may be adopted without a division. As I say I do not propose to criticize the language which I heard and a great deal of which was suggested to which I listened; yet I was unable to detect any real difference in the proposition offered by gentlemen who apparently differed, and I trust that we shall unite with the House in a desire to enact this bill into a law as it now stands and with such substantial amendments of the Senate as will be satisfactory to this body. I therefore favor the adoption of the twenty-ninth section as amended by the vote of yesterday. As to the word "expressly," if my friend from Colorado [Mr. TELLER] thinks that it in any way diminishes or restricts the just power of the President of the United States over the Army of the United States, I will not object to its omission.

Mr. TELLER. I objected to the word "expressly," because it seemed to me to be a little lawyer-like, at least, to put it in. I do not myself see the grave consequences to follow from the passage of this measure that the Senator from Vermont [Mr. EDMUNDS] does. I do not believe myself that the Army of the United States should be used under any circumstances except as provided for by law, either by direct enactment or by the authority that naturally flows from the constitutional provisions with reference to the Army. I do not myself

believe that a United States marshal has any right or any authority over the Army, nor do I believe that it is good policy for the Government to allow a United States marshal to use the Army as a *posse comitatus*. The very term "*posse comitatus*," meaning the "*posse of the county*," is against that theory. When you say that an officer shall call the *posse comitatus* you mean that he shall call the civilians of the county and not the soldiery of the county, if they may happen to be there. I do not believe that there ever was any authority for calling out the United States troops in Boston on the occasion that has been referred to. I was at that time a member in full fellowship of the party soon to be the dominant party in the Senate. I then repudiated that act. I did not believe that it was supported by law. While it may be a little presumptuous for me to put my opinion against the learned Attorney-General, yet I never have doubted that that action was without warrant of law. I do not want to see that done in the future. If it is necessary under any circumstances that a marshal should have command of the Army, then let us provide for that by a positive enactment; let us put it into such a shape that the authority cannot be abused. I have not any doubt but that the Congress of the United States is qualified and willing at any time to enact such laws as may be necessary to enable the marshals of the United States to enforce the revenue law or any other law. Until they do so, I deny that the marshal has the right to call upon the Army of the United States as a *posse comitatus* or otherwise.

If Senators will think a moment they can see that it never could have been intended that the call of the sheriff should include the soldiery, because the sheriff might have an idea of one method of procedure in the case of violence and the Army officer called on might have another. If the soldiers are under the control of an officer, then they owe their allegiance to that officer, and no sheriff or United States marshal should have a right to call upon them to disobey their lawful and rightful commander. I therefore, if the word "expressly" is stricken out, shall vote for this section as it came from the House.

Mr. CHRISTIANCY. I understand the amendment now proposed to be to strike out the word "expressly."

The PRESIDING OFFICER. That is the pending amendment.

Mr. CHRISTIANCY. With that amendment, I do not see any substantial objection to this provision except that it is contained in an appropriation bill, and I do not know under the circumstances whether I ought to refuse to vote for it on that account.

Mr. KIRKWOOD. I wish to say a word. When the idea of amending this bill so as to prohibit the use of the Army for any purpose not authorized by the Constitution and the laws was suggested to me, it appeared to me to be so self-evident a proposition that I thought it could not be objected to. No man certainly would object to the use of the Army for purposes authorized by the Constitution and the laws, and no man ought to want the Army to be used for purposes not authorized by the Constitution and the laws. But the discussion here has developed this condition of affairs: Senators upon both sides of the Chamber differ widely as to the purposes for which the Army may be lawfully used. Some Senators insist that it may be lawfully used by marshals, by revenue agents, as a *posse comitatus* to aid them in the discharge of their duties, and to put down opposition to the law. Other Senators say this cannot be done. This section provides in substance that if an officer of the Army shall permit the men under his command to be used, and shall himself be used to aid a marshal or to aid a revenue officer, he shall be subject to a fine of \$10,000, or imprisonment not exceeding two years, or both, if the court shall determine that the views of one set of Senators are right and the views of the other set, of course, wrong; and it throws upon these officers the burden of determining a question upon which Senators so widely differ. Is that fair to our Army? is it a right thing for us to do? is it a manly thing for us to do?

Mr. BAYARD. I submit to my honorable friend that I do not understand that there is a diminution of any power under the law or the Constitution by this proposed section; it stands just as it is to-day. It simply requires that the Army shall not be used under the existing law and Constitution of the United States; that is all.

Mr. KIRKWOOD. That is all right in itself as a statement of principle.

Mr. BAYARD. The Senator may think that such a declaration is entirely needless, that it is useless, but nevertheless there can be no harm in its insertion. We find that it has been insisted upon by another branch of Congress, and it is certainly such a provision as I think the honorable Senator from Iowa would most readily assent to, that the action of the Army must at all times be a lawful action, a legal action, and the authority for their action must be determined under the Constitution and existing laws. The honorable Senator from Colorado thinks that the word "expressly" is perhaps too strong an expression, and that if the Army were necessarily employed it would be a power lawfully exercised. I concur with him, and I am willing that the amendment he suggests should be made, and that the substance of the declaration alone should stand. I have agreed, so far as I had the opportunity, that the word "expressly" should be omitted from the section.

Mr. KIRKWOOD. There is no question, I repeat, that the Army ought to be used for all purposes authorized by the Constitution and laws. There is no question that it ought not to be used for any purpose not authorized by the Constitution and laws.

Mr. EDMUNDS. That states it exactly.

Mr. KIRKWOOD. There is no dispute about that in the Senate, but without ourselves agreeing upon the circumstances under which the Army may be lawfully used, differing as widely as the poles as to the purposes for which the Army may be lawfully used, we undertake by this section to say that if the officers of the Army take the views of one set of Senators, they shall be subjected to the penitentiary or to a fine. I repeat the question, is that fair to these men? Should we not go to work and define clearly and unmistakably the purposes for which the Army may be lawfully used before we say that if the officer allows himself to be used for a particular purpose, he may be sent to the penitentiary for doing so?

Mr. BAYARD. May I ask my honorable friend, is there any citizen of the United States, whether in the naval or military branch of the service or in civil life, who does not commit any act at the peril of its being lawful or not? Is it not plain that constantly officers of the law are called upon to execute the laws? There are things they may lawfully do and things they may not do, but every officer is at his peril, looking at the statute to find authority there for his act. In the present case there is no jeopardy in which the soldier stands so long as he keeps within the pale of the Constitution and the laws. There is no more hardship to him to stand within them than to the honorable Senator or myself.

Mr. KIRKWOOD. We do not act under a threat of the penitentiary. This section creates a crime.

Mr. BAYARD. The difference of opinion between Senators, let me further say, has really nothing to do with the execution of the laws. We differ in our views as to their expediency; we even differ as to their constitutionality; but nevertheless they become the law, and when they are the law then our duties are defined to us, whether we voted for them or against them. Whatever may be our opinion of them, so long as they stand on the statute-book unreversed and unquestioned by the judicial branch, they are law unto us and we obey them, or disobey them at our peril.

Mr. KIRKWOOD. I say that this section creates a crime. Our crimes are created by law. This section creates a crime and it punishes it by fine or imprisonment or both. All statutes creating crimes should define them so clearly that they shall not become a trap and a snare to those who may be prosecuted under them; and that I fear and believe will be the effect of this measure.

I believe it is the duty of Congress, a duty that has been perhaps too long delayed, to define with much more clearness and much more precision than it has heretofore been the constitutional limits within which the Army may be used. As indicating my view upon that subject, let me allude to a single point. Last year we had unfortunately for some weeks an interruption of the whole business of the country, by what were called railroad strikes. The idea appears to prevail in some places, and I find it was somewhat yesterday in the mind of the Senator from Pennsylvania, [Mr. WALLACE,] that these are mere local matters, affecting only the locality where they exist, and that they are to be dealt with by the local authorities only. I do not subscribe to that view. Let me explain what I mean.

The State of Pennsylvania lies right across the pathway of the people of Iowa to the seaboard. The railroads by which we reach New York and Philadelphia pass through the State of Pennsylvania. If a riot or an outbreak occurs in Pennsylvania affecting only the people of Pennsylvania, we, the people of Iowa, are perhaps only indirectly concerned with it; but if a riot in Pennsylvania obstructs the passage of the people of Iowa to the seaboard, the passage of our products to the seaboard, the passage of the people of Iowa who may be in New York back to Iowa, and the passage of what we buy in New York back to Iowa, then we are concerned in that which otherwise would perhaps be merely a local matter in Pennsylvania. I, for one, am utterly unwilling to subscribe to the doctrine that we must depend upon the ability or the will of the people of Pennsylvania as to whether or not we shall pass through either States to and from the seaboard. It is the duty of the Government of the the United States to see that we have free passage-way through all the States. It is the duty of the Government of the United States to see that our mail passes back and forth freely through Pennsylvania and every other State we may wish to go through. It is the duty of the United States to see that our persons and our merchandise shall pass back and forth free and unobstructed through every State of this Union. I do not subscribe to the doctrine which has been set forth here. It may be that a law must be passed to enable us to do this; and that is an additional reason why the matter involved in this section should be deferred until upon careful consideration we can define the circumstances under which the Army can or cannot be used, so as not to set a trap for these men who are to some extent the preservers of the peace of our country. I am afraid of it; and reluctantly, because the case as stated by the Senator from Delaware is a self-evident proposition, I shall be compelled to vote against the section.

Mr. BURNSIDE. Mr. President, I see no very serious objection to this section as it has been amended, but I shall vote against it for the reason that I think it is superfluous.

In the first place, I do not think it ought to be on an appropriation bill. It declares a truth that already exists, that the President of the United States shall not employ the Army and that the officers of the United States Army shall not act in opposition to the Constitution of the United States and its laws.

In the next place, I shall vote against it because I am satisfied that

the Senator from New York [Mr. KERNAN] would not support this section if there had been a democratic President in the presidential chair; and if a republican had proposed this section in such a case he would not have voted for it.

Mr. KERNAN. I beg leave to say that I would all the more speedily support such a proposition if there were a democratic President in the chair.

Mr. BURNSIDE. Then I stand corrected. If we had a democratic President I hardly think the question would have been mooted; I do not think the section would have originated at all. I do not think it would have come from the other House, but for the fact that there is a republican President in the chair. I am quite sure if there were a democratic President in the chair, and a section of that kind were brought forward, I would not vote for it for the same reason that I shall not vote for it now.

Mr. MATTHEWS. At the risk of prolonging the debate only a few minutes, I desire to say a word or two in regard to this section, and in considering this section of the bill I shall assume that the pending amendment of the Senator from Colorado, [Mr. TELLER,] to strike out from the section as it stands the word "expressly," has been adopted. In that event the main proposition in the section is a self-evident proposition; it is a mere truism. It is that it shall be unlawful to violate the law. The section as it stands does mean something without the word "expressly" stricken out, because then it means that it shall not be lawful to obey the law unless the law to be obeyed is express in its language; that it shall not be lawful to obey the law when the law is derived by argument and inference and legitimate construction from the Constitution and statutes. So that as the section stands without amendment it makes it unlawful to obey the law; as it stands amended, the word "expressly" being stricken out, it is simply that it shall be unlawful not to obey the law. I see no particular reason for legislating in that way.

So far as the Constitution by its own terms makes the President of the United States the Commander-in-Chief of the Army and the Navy and enjoins upon him the principal executive duty that he shall take care that the laws be executed, Congress cannot either take away or add to his duties as defined by statute. At the same time it must be admitted that it is a matter of discretion entirely with Congress whether we shall have any Army or any Navy at all. The Constitution has manifested jealousy even of the Congress in respect of the maintenance of a standing army by prohibiting appropriations for a longer period than two years for the support of armies. It is also, however, in contemplation that military force shall be used for the purpose of executing the laws, in spite of the criticism of the Senator from Georgia, [Mr. HILL,] in his remarks yesterday, that military force could only be used when all civil power failed, and that the only object of military power was to remove the obstruction to the execution of the law, and that that could not properly be termed using the military power to execute the law. Nevertheless the Constitution itself has used that very language and in that very connection, for in the eighth section of the first article of the Constitution the power is conferred upon Congress:

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

Therefore the idea of employing military power organized into military force for the direct purpose of executing the laws of the Union is nevertheless strictly a constitutional idea, and Congress has the same right to authorize the employment of the Army and the Navy under the general power—

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

Mr. JONES, of Florida. Will the Senator from Ohio permit me to ask him a question?

Mr. MATTHEWS. Certainly.

Mr. JONES, of Florida. Does the Senator think that the duty confided to the militia of executing the laws is not intended to be different from that allotted to the Army? In other words, is it the proper construction of the Constitution to say that the Army of the United States may be employed to execute the laws the same as the militia? The Constitution, as the Senator has just read, distinctly authorizes Congress to provide for calling out the militia to execute the laws of the Union. It would seem to be the proper interpretation of that provision of the Constitution that that portion of the military organization was intended to be confined to that duty, and that the Army of the United States—the regular Army—which it may well be said was intended for the purpose of defense and warfare against sovereign power, was not to be intrusted with that power which the militia of the States were to perform.

Mr. MATTHEWS. I think not. My construction of the Constitution is that the Army and the Navy of the United States may be used both for the purpose of carrying on foreign war and also for the purpose of executing the laws of the Union, suppressing insurrection, and repelling invasion, but that in addition to that, for these three last-named purposes, the express provision was made that Congress might provide for calling forth the militia in addition to the service of the regular Army and Navy.

But I think that it is hardly worth while to spend time in arguing about a proposition in respect of which as it now is proposed to stand there is no conceivable difference of opinion. No one that I have

heard contends that the power to use the Army in the execution of the law is an arbitrary power. By the very terms of the proposition that is impossible, for it is to execute the laws only, not to do anything illegal. We propose to enact a proposition which does not need enactment to make it valid and effective, which is a mere truism.

It is said on the other side, why object to a proposition of that kind? If the proposition stood alone in that naked form I would not spend the time I have in arguing against it; but there is a clause in this section which I think makes the enactment of the prior part of it objectionable, and as to that I dissent from the opinion expressed yesterday, I believe by the Senator from Maine who has charge of the bill, that the penal provision of this section would apply to a private soldier. I think it would not, because the offense is not in serving in a part of the Army employed for this purpose, but it is in employing the Army or any part of it for this purpose. The private soldier does not employ the Army, he serves in it and with it, and under the orders of those who do employ him. Then who is capable in law of becoming amenable to that penal provision of this section? Is it the President of the United States? In one aspect of it he alone could become amenable to it because there is no other authority known under our system which can lawfully employ the Army or any part of it. Whenever the Army or any part of it is employed, and wherever it is employed, and by whomsoever directly it is employed, nevertheless the person alone in law who employs it is the Commander-in-Chief, because from him and from him alone emanates every lawful order, and all orders issued by subordinates have force and effect only by virtue of having emanated from him.

Mr. BLAINE. The Senator will not contend that if the officer of the Army is away or if in a distant department transcends the authority, that the President is liable and might be held accountable for that?

Mr. MATTHEWS. But if he employed him according to law, by virtue of the order of the President.

Mr. BLAINE. That is a different question.

Mr. MATTHEWS. A subordinate officer may commit trespass and may do an illegal thing and then he transcends his orders and violates them and becomes liable both to military and civil punishment for doing so, if he acts outside of his jurisdiction. How can it be that by the terms of the Constitution we can impose by an act of Congress upon the President of the United States the penalty of a fine or imprisonment in the penitentiary upon the allegation that he has been guilty of a misdemeanor when the President himself by the terms of the Constitution has all power of pardon except in cases of impeachment? How can you reach him? How can you legitimately make him the subject of such a provision? The fact that the Constitution has given him the power to pardon others is an exclusion of the idea that he can be subject to the provision of the statute himself, for either he may pardon himself, which is a solecism, or he may pardon every one else but alone is compelled to bear the brunt of the accusation.

Mr. BAYARD. May I ask the honorable Senator from Ohio whether his reasoning does not lead him to this result, that if the President of the United States should commit any offense against the United States, however culpable, he cannot be tried and convicted of it?

Mr. MATTHEWS. Except by impeachment.

Mr. BAYARD. I never heard before that the President of the United States or that any other officer of this Government is less responsible to the laws of the land for his infraction of them than the humblest citizen. The idea that the President of the United States could not be convicted, if such a thing were supposable, of theft or of larceny, and punished in accordance with the laws, would strike me as being novel. I apprehend that for an assault and battery, that for any offense against law, he is amenable.

Mr. MATTHEWS. Is assault and battery an offense against the laws of the United States? Is larceny an offense against the laws of the United States?

Mr. BAYARD. No; it might be against the laws here in this District, for instance. But there are many laws creating offenses against the United States; the heads of jurisdiction of the United States are very abundant; and I never heard before the proposition that the President of the United States was not equally amenable for the infraction of criminal law as any other citizen.

Mr. KERNAN. If the Senator will allow me, the Constitution provides that—

Judgment in cases of impeachment shall not extend further than to removal from office; \* \* \* but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

Mr. HILL. The Senator from Ohio will just allow me to say that in the cases he mentioned of course the officer is first impeached and removed from office, and then he is indicted in the courts.

Mr. BLAINE. Unless he should not be removed.

Mr. HILL. Then the inference is that he is not guilty.

Mr. MATTHEWS. Then he is not punishable. But the point I make, and it is a mere *reductio ad absurdum*, is that the President under the Constitution has the power, which is exclusive and unlimited, except in the case of impeachment, to pardon all offenses against the United States; so that, whether the proposition be novel or not, the logic of the situation admits of no escape; he cannot while President be made subject to a statute defining and punishing an offense against the United States; he must be removed by an impeachment. But suppose the President is amenable to this section, then I say

it follows that he is the only one who is, because in contemplation of law he is the only person capable of doing the offense, because he is the only person capable of employing any part of the Army; that is, if the Army is employed he is the person, he is the officer, he is the authority that employs it. Is it intended to inflict upon subordinates, upon the General of the Army, the Lieutenant-General of the Army, the brigadier-generals, the colonels, the lieutenant-colonels, and so on down to the second lieutenants, each of them liable, a fine and imprisonment for not disobeying the order of their superior officer?

Mr. BAYARD. Does the Senator suppose that any officer, that any subordinate, can plead a void command as a justification; that any act committed by any detachment of the Army can be warranted by the unlawful order of some superior, I do not care who it is, the Commander-in-Chief or any one under him? The safety of any soldier, the safety of any officer, in the commission of an act, depends upon whether it was warranted by law. In this country there is nothing in the world but a government of laws, and from the highest to the lowest the warrant for an act must be found under law, no matter who gave the order.

Mr. MATTHEWS. Very true, a private soldier, or a subaltern, or a subordinate officer charged with some act on its face illegal, as a trespass upon the person or the property of another, cannot successfully defend himself in an action brought against him by pleading the void order of a superior officer; very true, but that is not the point, and it is not germane to the point. The point is that this bill undertakes to define an offense different from that which is defined by the general law of the land, to wit, the offense of employing a part of the Army in a particular way. Now, I ask the Senator whether the obedience of a subordinate officer to his supreme commander in respect to the employment of the land forces of the United States can be charged against that subordinate as an employment by him contrary to law, though in accordance with the orders which, as a military officer, he is bound to obey?

Mr. BAYARD. Surely there can be no discussion made on the point that an illegal act of a subordinate cannot be warranted by a void order of his superior.

Mr. MATTHEWS. The reiteration, Mr. President, of the self-evident proposition that an illegal act cannot be justified, does not affect at all, in my judgment, what I am saying by way of objection to this proposition. The point I make is that this section of the bill undertakes to define a new offense. That offense is, in terms, the offense of illegally employing a part of the military force. Now, suppose a detachment consisting of one company, commanded by a captain and two lieutenants, is ordered to duty by a superior officer and it is charged that that is an illegal employment of that force; who commits the offense? Who is it that employs that force? Is it the second lieutenant; is it the first lieutenant; is it the captain? I say no; it is the commanding officer who has the authority to order that service, or to order those men and those officers upon that service.

But, Mr. President, if it were otherwise, then I think that the objections to the proposition are multiplied, because, if every private soldier, if every non-commissioned officer, if every commissioned officer is obliged to scrutinize every order of his superior officer for the purpose of determining whether the employment of the force of which he is to constitute a part is authorized by some existing provision of statute or not, we ought to add at least one year to the course of study at the Military Academy, and make it a course of lectures in the law. Every man of them ought to be thoroughly versed not only in a knowledge of the laws, but in the principles of interpretation, for every man is constituted a judge to determine whether or not in that case he can go upon the expedition to which he is ordered; and then what becomes of your Army? For when your discipline is gone, when the duty of obedience and the power of enforcing it is taken away, you have a mob; you have no army.

Mr. HOWE. Mr. President, I want to say two or three things about this section. It seems to me very certain that this section is intended to do one or the other of two things. It is either intended to define anew the duties of the military forces of the United States or it is intended to provide new penalties for a violation of duty on the part of these forces. The Senator from Delaware just now intimated that, according to his construction of it, it did not propose any new definition of duty, did not mean to change the law controlling the action of these forces; and he asserted a principle which I think cannot be asserted too often and cannot be too religiously believed, and that is that all human force in this country and under our system of laws is regulated by law, no matter what that force may be; that the law to-day says to every man that whatever force he has got within his control must be employed only in obedience to the law; says that to an individual who weighs two hundred pounds; says that to the captain of a company who commands one hundred men; says that to the colonel who commands a regiment, to the major-general who commands a division; says that to the President of the United States who commands the whole military and the whole naval force; says it as distinctly and unequivocally as it can be said. I believe that; and if this section is intended merely to reaffirm that, I have only three objections to it—first, that it is offensive to the military organization. It is not right; it is not decorous to put upon your statute-book this special command addressed to one of the organizations of the country. If it were proposed to say in this statute that

no Senator and no combination of Senators should employ any part of their force except in obedience to law, every Senator here would consider it a personal affront, and would say with truth: "We know that the law speaks to us to-day; we have obeyed it; we propose to obey it;" and I do not think it is the fair thing to put such a command on the statute-book addressed to the military arm of the Government.

I have another objection, and that is that I feel it is an affront to that administration of this Government which has for several years been intrusted with the command of the Army. It carries upon its face an intimation that something has transpired in our history to justify, to require the imposition of this new rule. Many Senators on this floor may think such is the case. The Senator from North Carolina [Mr. MERRIMON] I understood to say yesterday that the Army had been in multitudinous instances employed in violation of law. I understood him to say that the Army had been employed to control elections, that the Army had been employed to seize State-houses. Mr. President, where slept that supreme law to which the Senator from Delaware has pointed us when the Army was so employed? I think the Senator from North Carolina has been misinformed. I venture to say to him, although I have heard similar charges made repeatedly elsewhere, that the Army never has been employed to control elections, and never has seized State-houses. If it has been done, it has been done so covertly as not to have secured my attention; and I do not want this reproach to be hurled at the Army unless it be accompanied by the instance, and if the instance is shown, I shall reprobate the act as promptly as the Senator from North Carolina or any other Senator. I think the Army has been employed very industriously, very scrupulously, sometimes, I admit, very vigorously, but always to uphold the law and every right, so far as it could reach right, existing under law. That is my understanding of the history of the Government for many years past.

But I have another objection to this section. It proposes new and I think extravagant penalties for a violation of duty on the part of the Army. Suppose some soldier or some officer with his uniform and his epaulets on should do what the law forbids, as the Senator from Delaware has told you, as every Senator concedes, I think he is amenable to all the laws which hold you and me responsible when we do the same thing, and to this other penalty: he exposes himself to military discipline and to being dismissed from the Army. If he wrongs an individual in person or property, he must respond to that individual and make him good, just as I must if I do the same thing. If he commits a larceny, a burglary, a common assault, a battery, he responds to the State just as I respond if I do the same thing, and, in addition to these penalties, he is liable to be proceeded against under military law and is subjected to its animadversions, and in addition to all this you now propose to say that he may be subjected to an enormous fine and to a long term of imprisonment. I think this is multiplying penalties needlessly.

For all these reasons I should be opposed to this section if it were to be construed precisely as the Senator from Delaware construes it. But is that the true construction? I will not say that it is not, I only say that Senators differ as to what the construction is, and it seems to me hardly worth while to put a savage provision into the statute, the limitations of which are disputed about by even the warmest friends of the provision.

Mr. President, I am going to content myself with what I have already said touching the reasons which will guide me in voting against this section; but I want to add one word upon the dispute which was at one time quite rife as to what the Army might or might not be employed about. This section proposes to prohibit its being employed as a part of the *posse comitatus* under any circumstances, unless expressly permitted by law. Sir, without attempting to enumerate all the duties upon which the Army may be employed, or all those offices from which it is excluded, let me say, in very few words, what I understand to be the law upon this subject; and that is, that when a man is found in obedience to law, in the peace of God and of his State, when he is attending to his own business and interfering with nobody else, infracting law nowhere, then the law commands everybody to let him alone, the Army to let him alone, and every citizen to let him alone in person and in property. Whatever of authority or force there is in the State is gathered about such a man for his protection. But if that be not his predicament, if on the contrary he is found in disobedience to the law infracting it, resisting it, then I do understand the law is very careful to define how much force may be employed to put an end to that resistance; but I do not understand that the law attempts at all to define what kind of force may be put on him.

Just so much force as is necessary to preserve the law, to end that resistance, may be employed. It is just as lawful for a policeman to use a mallet, or an ax, as his club, if he uses them carefully and only uses them just to that extent that is necessary to end the resistance to enforce the law, to secure its observance. The law does not allow a sheriff to command a battalion of troops; but if, with or without command, a battalion of troops or a division of the Army of the United States passing along the highway stop at the request of the sheriff merely to execute a process, a *capias*, to make an arrest, does not do anything except to help execute the command of the law, I do not understand that the law complains of that at all. They must stop at the point where everybody must stop and all force must stop, and that is at the point where the resistance to law ends and obedience begins.

Mr. McMILLAN. Mr. President, in addition to the defects in this section already pointed out, it seems to me there is still a further objection to it and to the principle involved in it of making any act of this kind an indictable offense or a criminal offense which must be prosecuted in the forms of the common law. If these acts are unlawful, then there are punishments provided for them which are sufficient. If an officer of the Army violates a law of the United States, he is subject to court-martial and can be punished in that way. If the President of the United States himself, as Commander-in-Chief of the Army, violates a law of the United States, he is subject to a penalty; that is impeachment. But if this section, even as amended, does not create new offenses, it does prescribe a new punishment for offenses; and it prescribes a mode of punishment which must be according to the common law. That would be by indictment. If that be so, then in many cases it would be used or abused to interfere with the proper movements of the Army and the enforcement of law. Any citizen who might differ with an officer of the Army issuing a command to perform an act might, under this statute, proceed to make information against the officer, an officer in command of an actual expedition, and could have him under personal arrest taken from his command, imprisoned, and the whole penalty here prescribed inflicted upon him. There have been innumerable instances, and there might be others, in which such a step as that would result in great disaster.

Now, Mr. President, if you require the officers of the Army to incur this additional danger, rendering their action uncertain even in the absence of this interruption, but effectually interfering with it if any citizen sees proper to do so from motives, honest or dishonest, why not apply the same principle to other departments of the Government? Suppose this law passed and information be made by a citizen against an officer of the Army for an alleged violation of it, and the action is prosecuted before the courts of the country, and a judge of the court before whom the case is presented decides erroneously that the officer is guilty of an offense, is the judge liable, is there any penalty which he incurs? His decision may result for the time in totally interfering with the execution of the law through his erroneous decision; and yet, is there any penalty which can be invoked against him other than an impeachment where impeachment would lie? Why, then, impose here a penalty upon an officer, create an offense which may result in the defeat of the movements of the Army, which would be disastrous?

Mr. TELLER. If the Senator from Minnesota will allow me to interrupt him, I would suggest to him that the Commander-in-Chief of this officer, who he says might be interrupted in his course, has ample power, if there is any opposition of that character which he thinks improper, to interfere and pardon him, even before there is any accusation made. Upon the bare charge the President of the United States may pardon a whole regiment or ten regiments, if he sees fit.

Mr. McMILLAN. If this law will invoke such an act as that on the part of the Executive, then it is much worse than any imagined evil that could exist against which the law would be invoked. Certainly, if it could produce such a state of affairs, that is a sufficient argument against the passage of such a law.

Mr. KERNAN. Will the Senator allow me to put him a question? Mr. McMILLAN. Certainly.

Mr. KERNAN. Does he mean to argue that soldiers and officers should be above being indicted and punished if they violate the law?

Mr. McMILLAN. I mean that the present punishments which can be visited upon soldiers and officers of the Army of the United States are sufficient; that any further punishments or such punishments as are provided for in this section would operate to injure the Government and destroy the effective force of its Army, and it is a dangerous principle to incorporate into the laws of the country. It provides machinery here by which the movements of the Army could be interrupted instantly by any man who desired to do it by instituting a prosecution against an officer; and yet the other branch of the Government which would be called upon to pass upon the act might by its errors violate law, or make an erroneous decision which would result in defeating the movement of the Army; and still it could not be called to account for it, while the results of the decision might be disastrous.

Mr. BAYARD. Mr. President, it seems to me that the result of the argument of the honorable Senator from Minnesota [Mr. McMILLAN] would go to this extent, that an officer in charge of any military movement would be beyond the reach of the penal laws of the United States because forsooth the judge before whom the case was to be tried might be mistaken as to the law, or might find him guilty.

Mr. McMILLAN. If the Senator will allow me to answer his suggestion, I adduced that argument to show that you were applying here to the Army of the United States a principle that you would not think of applying to the judicial branch of the Government.

Mr. BAYARD. Mr. President, I should like to show here that in section 5529 of the Revised Statutes there is provision:

Every officer or other person in the military or naval service, who, by force, threat, intimidation, order, advice, or otherwise, prevents, or attempts to prevent, any qualified voter of any State from freely exercising the right of suffrage at any general or special election in such State, shall be fined not more than \$5,000, and imprisoned at hard labor not more than five years.

There is an offense denounced against any officer in the military service who does this thing, and yet he may be upon the eve of very important military movements at the time the indictment is found

against him, or at the time the trial comes off. But it seems to me scarcely worth while to illustrate the principle that no man before to-day to my knowledge has ever denied, which is that every resident of this country, official or unofficial, civil or military, is subject to the law of the land, and for every breach of that law such penalties as are therein described shall be visited against him, no matter what may be his occupation or his position under the Government.

The Senator will understand that I cannot imagine one branch of this Government in hostility and opposition to the other. I apprehend that the great spirit that is necessary to conduct our Government is harmony between all its branches. If that be not so there will be confusion, let your laws pass in what phrase they may. It is the spirit of harmonious working between the branches of our Government that makes it a success. It is not a supposable case that the judiciary are to be arrayed in opposition to the correct employment of the executive branch either through the naval or the military arm—nothing of the kind. No man estimates more highly than I do, no man deems such co-operation more essential than I do, and no man would do less to disturb it than I.

I really think the honorable Senator is conjuring up difficulties that are not fairly supposable, and imputing to this section intentions and influences which are not only totally foreign from it, but which are absolutely impossible under it.

Mr. McMILLAN. But if the Senator will allow me to call his attention to the section, an officer performing any of the acts which would come within the provisions of it might without any intention to violate law, under the command of his superior officer, even be liable to a penalty, the act might be through a mistake even, and the penalty would be incurred. As I said, a judicial officer of the Government may make a mistake in his decision, and whatever the consequences of the mistake may be you never think of applying a penalty to a judicial officer for a mistake of that kind.

Mr. BAYARD. The honorable Senator from Minnesota recognizes as well as I how essential is the doctrine that ignorance of the law excuses no man. No man can find authority under a void warrant; no man can be sheltered behind an unlawful authority. He must act, and we all act, at our peril. In executing any duty, in the claiming of our civil rights, claiming our political rights, in all matters we act under the supposed authority of the law; and yet, men have innocently been guilty of trespass, men have innocently violated law; but that does not prevent the law from standing and the violator from paying the penalty whatever it may be. But the question of the guilty intent is a question that by the very spirit of our law requires to be found. There can scarcely be an innocent breach of a penal law. I apprehend that every indictment must contain the elements of the criminal *scienter*; otherwise the indictment would be dismissed. It must be knowingly and willfully, or it must be erroneously or maliciously, according to the act charged.

Mr. McMILLAN. Is the Senator willing to admit an amendment of that character making such a declaration as that in the section?

Mr. BAYARD. Nothing of the kind is found in other penal statutes; but it is required in the very draft of an indictment to present a man for a crime. This section is drawn in the usual form of laws on this subject, and there is no reason why it should not stand in its present form.

Mr. McMILLAN. Still the objection applies to the statute, and the further objection that you place within the power of any citizen here the right to interfere with an officer in the performance of his duty in a manner which may result in its defeat.

Mr. BAYARD. No more than an interference is allowed by existing laws.

Mr. McMILLAN. You provide a remedy by instituting a process which does not exist in the law now, because you have not the proceeding of indictment in cases of this kind. If you had, then why assert it here? If you have the remedy which this section provides, why re-enact it? If you have not, then you do introduce the evils to which I have referred.

Mr. HOAR. I should like to put to the Senator from Delaware again the question just put to him by the Senator from Minnesota, because the answer to it did not satisfy me what his real opinion was. I understand the Senator from Delaware now to say in answer to the criticism upon this section that it would condemn the officers of the Army for violations of law where they had exercised their discretion and had exercised it wrong, that he does not claim that they ought to be convicted and punished under this section unless their violation of law was knowing and willful; that it would require the *scienter*. Now I wish to ask him again is he willing to put that into the section; to say "whoever willfully and knowing that it is in violation of the law shall," &c.? That will test the thing.

Mr. BAYARD. Mr. President, I hold that before the laws of the United States a soldier or civilian stands precisely on the same level and that either acts at his peril, and that there is no plea of any kind of ignorance of the law, or mistake of the law, that would not avail a civilian as much as a soldier, or a soldier as much as a civilian, or that would avail either of them one jot or one tittle.

Mr. HOAR. That is a very different answer from the answer which the Senator from Delaware gave to the Senator from Minnesota just now.

Mr. BAYARD. Well, Mr. President, the honorable Senator asked me for my answer; I gave it. If he desired me merely to make the

same answer, it was unnecessary to ask. I have not the notes of the reporter. I think the Senator from Massachusetts, however, must have misunderstood me.

Mr. HOAR. Now, if the Senator will pardon me, the difference is a difference of substance. The Senator from Minnesota urged upon the Senate with great force the impropriety of selecting one branch, those of our citizens engaged in one department of public service, and not merely say that this or that act done by them should be criminal, but saying in one sweeping clause that whenever they did as an Army, in their official capacity, an act not authorized by law or by the Constitution, they were to be punished by fine and imprisonment. That is, it does not say a specific act shall be prohibited; it says that all acts beyond law shall be punished in this way. You cannot find another instance of such legislation in this country, in my opinion.

Now, then, the Senator from Minnesota says you not only do that, but you do it to persons who are obliged to act at their peril and to obey the orders of a superior on pain of punishment, and who may do the act having done their best to know what the bounds of their legal duties are, and having honestly erred, to which the Senator from Delaware replied "why of course the *scienter*, the guilty knowledge is essential to their being punished." It was the reply which I should have expected from the legal learning and the candor of that Senator. Now I ask him, as the Senator from Minnesota did, if that be the opinion of the Senator from Delaware as to what is just and right and righteous, are you willing to express that in your law and to say that this punishment shall only be inflicted where the party errs with knowledge that he is violating law? I understand when that question is repeated the Senator from Delaware abandons that ground and desires to have the Army punished at its peril.

Mr. BAYARD. Mr. President—

Mr. McMILLAN. If the Senator before he replies will allow me—

Mr. BAYARD. It is rather difficult to have two questions asked at once, and asked by gentlemen who refuse to take the reply.

Mr. McMILLAN. The answer perhaps will be embraced in the same reply. That is the reason I wish to put it to the Senator now. The Senator says that a soldier of the Army and a citizen of the United States are both bound to know the law, and that they are both in the same position with relation to their obedience to it. The Senator in that is mistaken, as I apprehend. The soldier as a soldier is under obligation to his superior officer; he is bound to obey him; and if he resists he does it at the risk of punishment by a court-martial. He cannot act from choice.

Mr. BLAINE. He may be shot.

Mr. McMILLAN. He may be shot, as is suggested, as part of the penalty. The citizen is at liberty to obey the law or refuse to obey it without incurring any penalty, and he has but one duty that is single, always to be apprehended—obedience to the law.

Mr. BAYARD. Mr. President, I should express my astonishment, if it were not rather late, at what I hear. The Senator from Minnesota now says, and I understand him to say it with the approval of the Senator from Massachusetts, that a member of the Army of the United States by becoming subject to the rules and articles of war is absolved from his obedience to the laws of the United States.

Mr. McMILLAN. No such assertion as that was made by me.

Mr. BAYARD. Let me state the proposition. I will state the Senator as I heard him, as I comprehended him; and if I am in error I shall be gladly corrected, for I have no other wish than to understand him and to report him fairly. He states that a soldier is subject to the rules and articles of war and that his law is the articles of war, so that if he disobeys any command of him who by the articles of war he is called upon to obey and he must obey him blindly, he may be, according to the suggestion of the honorable Senator from Maine shot. My answer is this, that where a soldier is subject to the articles of war, the articles of war are subject to the law of the land, and that he does not cease to be a citizen because he enlists in the Army of the United States. He has his obligations as a citizen to obey the laws of his country, and superadded to those he has the articles of war that compel him to obedience to his military superior; but if his military superiors give him an order which transgresses the law of the land and if under that order he commits either trespass or a crime, both he and the man who gave the order will answer as criminals or transgressors at the bar of the courts of the country.

Mr. McMILLAN. Then, if the Senator will allow me to state the position of the soldier, it is this: here is a command from a superior officer which he is bound to obey at the peril of the punishment of death in some cases; he has on the other hand the command of the civil law which pronounces a penalty against him if he does the act. Now which is he to obey? There he is. He is commanded to perform an act which may be essential to the salvation of the country or some of its interests. He is to determine whether he will incur the penalty of the court-martial or the penalty of the law, and he is to decide that on the instant of action without any opportunity of examining the law under circumstances not within his reach.

Mr. BAYARD. The ultimate question is whether he lives under a government of laws or not, because if his military superior orders him to do an act in violation of the law of the land then he is guilty who executes it and he is guilty who compels its execution; and if a soldier were shot by his military superior because he did not obey an

order which would have led to a violation of the law of the land, that military superior himself will pay the penalty of murder before the laws of the country for doing it.

Mr. McMILLAN. Would that bring the soldier back to life?

Mr. BAYARD. Not in the least. The soldier has his peril for the mistaken act of his superior; and the superior has his peril in meeting the law which he has defied.

Mr. McMILLAN. Then the Senator will observe the importance of the question presented here, will you insert in the law "knowingly violate the provisions of this section?" Will you express the *scienter*? Will you require that? Or will you permit the principle to apply that from the very performance of an act in violation of it you would presume the unlawful intent, when the unlawful intent might not exist in fact, because the law does presume from acts in violation of law an intent to violate the law? Will you insert in this section that which will expressly prevent any such construction?

Mr. BAYARD. Well, Mr. President, I will follow in respect of this law, of which I may say I am not the draughtsman, the language and provision of general laws on the same subject that have been on the statute-book for many years, and here I have them before me. I have read one; I can read other sections; all of them simply declare that the violation of the act in question shall be followed by punishment. That is all that is declared here.

Mr. McMILLAN. I am not prepared now to give construction to all the acts that are upon the statute-book. I only have to reply to the Senator thus: we are called upon now to enact a statute, and if we do so we ought to insert the safeguards in it which should be inserted. If there are statutes in existence which do not contain them they should be immediately repealed or amended.

Mr. BAYARD. The Senator will find himself very busy in repealing acts, because the language of this present section is the general language of the laws on these subjects. There is no doubt about that.

I merely reiterate what I said before, that I regard the declaration of this section as very little more than a truism which I am not prepared to hear denied. The assent to it would lead us to an agreement with the House and the passage of this bill without delay. I propose that that should be accomplished. I offered an amendment striking from the proposition of the House certain language that was considered objectionable by certain gentlemen in the Senate. After that was passed the naked proposition was this, that the Army of the United States was the creature of the Constitution and laws of the United States, that it should not be used except in accordance with the laws of its being, and that he who used it otherwise than the law and the Constitution permitted should be answerable. That was all. That is what the section means. To that I can express no dissent. Whether I should originally have desired to have a reaffirmation of that proposition is a different thing; but the other branch of Congress have seen fit to affirm it. I am not to deny it. On the contrary I give it my hearty assent; and the question is simply as a practical measure whether we shall have this bone of contention removed from the opinions of the two Houses or whether we shall have it with this modification in such manner as will be acceptable to all.

I had a practical object in view. I did not design discussion because I am too well aware, I will say to Senators, that we live either in the times or too near the times when we have differed on many of these points. I feel that. I have not been disposed to go back into the history of what I suppose caused the desire to have a reaffirmation of these old doctrines on the subject of the use of the military, because I knew there were causes of difference between us on that subject, no matter who was in the right or who in the wrong. I do not make that question. I only thought the time had come when the Senate would assent to a comprehensive statement of that which I believe to be true and to be safe and secure for all men under all administrations—for I think I shall be believed when I say that I would not propose to tie the hands of a political administration to which I did not assent any more than I would those of an administration which I had assisted in placing in power.

Mr. BLAINE. Mr. President—

Mr. SARGENT. Let us have the five-minute rule. This debate ought to be exhausted.

Mr. BLAINE. I have no objection to the five-minute rule.

The PRESIDING OFFICER. It is moved that the five-minute rule be adopted. Is there objection? The Chair hears none. That is the order.

Mr. CHRISTIANCY. Mr. President, five minutes is all I want.

Mr. President, I do not materially differ with the Senator from Delaware as to the times and circumstances under which the Army of the United States ought to be employed. I believe it should always be in accordance with the Constitution and the laws. We have no controversy on that one point, and since the word "expressly" has been stricken out by amendment, I see no room for controversy on that ground.

The PRESIDING OFFICER. The Chair will say to the Senator that it has not been stricken out yet.

Mr. CHRISTIANCY. There is a motion pending for that purpose which I have no doubt will be adopted.

The PRESIDING OFFICER. That is the pending question.

Mr. CHRISTIANCY. Now, what I wish to say is, that all this con-

troversy about the liability of a private soldier is one which does not arise in this case, and the discussion of it is thrown away. If there is anything clear under this bill, it is that it does apply to the President of the United States, who must initiate all orders to the military, and on the other hand that it does not apply to the private soldier. The private soldier certainly does not employ the Army of the United States in any instance. The language cannot apply to him. On the other hand, I do not wholly agree, as at present advised, for I have not carefully looked into this matter, with the Senator from Ohio, [Mr. MATTHEWS,] who holds that the section as it now stands would apply to nobody but the President of the United States. I think there is great room for holding that it would apply to any officer in command of a post, or in command of five, or ten, or fifteen men. The language is "from and after the passage of this act it shall not be lawful to employ any part of the Army of the United States as a *posse comitatus*," &c. I think there is great room for contending that the particular officer in command of a detachment might render himself liable under that language.

Mr. CONKLING. Will the Senator allow me to ask him a question?

Mr. CHRISTIANCY. Certainly.

Mr. CONKLING. Would it not include also a marshal, for example, who summoned any part of the Army, that is of the enlisted men in the Army, to act as posse?

Mr. CHRISTIANCY. It is barely possible that it might; but, inasmuch as the command of the military officer must be given before the soldiers can be used, it is possible it might not. Upon that I should not like now to give a positive opinion.

Mr. CONKLING. Is even that true? Is it true that the command of an officer is necessary to justify or require citizens, although they may be soldiers, when summoned by the proper officer, the marshal for example, to act as a *posse comitatus*? I think the very reverse was held in the Philadelphia cases, the very reverse has been held in England continually since very long before the Senator or I knew much about judicial proceedings.

Mr. CHRISTIANCY. The Senator may be entirely right upon that. That is a point which I had not brought my mind to consider at all, and therefore I leave that to him. But I wish to say something more upon the injustice of applying this law fixing severe penalties to subordinate officers. It does not apply, as I have said, to privates, but to subordinate officers. Here is an officer in command of twenty men. Say he is a second lieutenant, if you please. He receives an order which has come down from the President of the United States by the ordinary routine, through all his superior officers. It is regular on its face. He is placed then in a position according to the Senator from Delaware that on one side if he refuses to obey that order he is liable to court-martial and to severe penalties, even to the loss of life. On the other, if the Senator from Delaware is right, he may be equally liable under this act for having obeyed the order. There is no justice in a proposition of this kind, whatever logic there may be in it; and the common sense of mankind must condemn it. Let the Senator himself take the place of the officer in command of a post who has thus received a command. What is he to do? How can he act? He is called on to act instantly; he has no time for examination, no time for reflection; he must act at once. He may either obey or disobey. In doing either he renders himself liable. That may be logic, but it certainly is contrary to all common sense and contrary to the practice of mankind.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHRISTIANCY. I consider that about nearly one-half my time has been taken up in questions which have been put to me. If that is understood to be part of my time I will yield now.

The PRESIDING OFFICER. Is there objection to the Senator's proceeding. The Chair hears none.

Mr. CHRISTIANCY. A Senator says that would be breaking over the rule. I should be the last to break the rule; and so I yield the floor.

Mr. BLAINE. Mr. President, it has not been alluded to specially in this debate, but nearly every time that debates on this question have been up in Congress for several years past, the suggestion has been made that parties have just changed sides on this question, and that in 1856, during the time of the Kansas excitement, the republican party were protesting against the very power which they are now insisting upon, and that they have entirely changed their position. I want to show that that is not at all true in regard to the position of the republicans, but it is absolutely and undeniably true in regard to the democracy. I want to read, for I have it right here in an old volume of the Congressional Globe, the famous amendment to the Army bill of 1856, on which Congress adjourned without passing the bill, and which necessitated an extra session, and the bill, I believe, was finally passed without it. I want to show what it was that the republicans insisted on then, and how entirely different it is from that which the democracy are protesting against now, for I am talking about this in a party sense. We divide largely on that line. Let me read the famous amendment of 1856. Here is what the House of Representatives put on to the Army bill of that year:

*Provided, nevertheless, That no part of the military force of the United States herein provided for shall be employed in aid of the enforcement of the enactments of the alleged Legislative Assembly of the Territory of Kansas, recently assembled at Shawnee Mission until Congress—*



Mark you that—

until Congress shall have enacted either that it was or was not a valid Legislative Assembly, chosen, in conformity with the organic law, by the people of the said Territory: *And provided*, That until Congress shall have passed upon the validity of the said Legislative Assembly of Kansas it shall be the duty of the President to use the military force in said Territory to preserve the peace, suppress insurrection, repel invasion, and protect persons and property therein and upon the national highways, in the State of Missouri or elsewhere, from unlawful seizures and searches. *And be it further provided*, That the President is required to disarm the present organized militia of the Territory of Kansas, to recall all the United States arms therein distributed, and to prevent armed men from going into the said Territory to disturb the public peace, or to aid in the enforcement or resistance of real or pretended law.

The then distinguished Senator from Maine, Mr. Fessenden, moved, in order that this might be entirely free from even passing upon the validity of the laws, to strike out that part which asked the President to disarm the militia and to merely make it to recall the United States arms heretofore distributed to the militia and the people of Kansas. And then every democratic Senator at that time in the Senate of the United States voted against the modification and they all voted against this provision. I will read the list of yeas and nays, for there are many historic names in it. Those who voted against this provision of the House were:

Messrs. Adams, Allen, Bayard, Briggs, Bright, Brown, Butler, Clay, Douglas, Geyer, Hunter, Iverson, James, Jones of Iowa, Mallory, Pearce, Pratt, Pugh, Reid, Sebastian, Slidell, Stewart, Thompson of Kentucky, Thomson of New Jersey, Weller, Wright, and Yulee.

The nays were very few, but they weighed very heavy.

Messrs. Collamer, Durkee, Foot, Foster, Harlan, Seward, Trumbull, Wade, and Wilson.

The majority of them now not living. So the issue presented at that time was not at all of this kind; and at that time the democratic party were insisting not only upon the enforcement of the laws by the Army, but they were insisting upon the enforcement against the people of Kansas, of the laws of a bogus legislature, proved to be so upon an investigation of the very House that put this provision on. You may run all through this debate, spread over a large portion of the Congressional Globe, and there never was an intimation made by a democratic Senator of that day that you could not in any event use the Army for the enforcement of the laws; nor did the republican Senators of that day dispute the fact that it might in certain contingencies be used for the enforcement of the laws. What they did assert was that the President of the United States had no right to oppress a frontier people by the enforcement of cruel, odious, bogus, counterfeit, mob law, made by ruffians that had temporarily seized the power of a Territory; and the democracy all voted against even taking that power from the President of the United States. You may read the whole debate; but let me give you an illustration. I quote from what Mr. Fessenden said:

We have witnessed in the Territory of Kansas the military arm of the United States extended to enforce those laws and to protect those in that Territory who are engaged in perpetrating outrages which stir our very blood when they are named. As I believe, the military power of the United States has been used to establish and enforce iniquity, to protect lawless men in the execution of lawless deeds, and in fact to protect those who have gone there for purposes of their own, purposes which I believe to be even baser than any political purposes which can be imagined—to act with impunity and under the protection of the Government of the United States and the troops of the United States.

That was what the republicans resisted at that day. Further on Mr. Fessenden said:

There has been organized in Kansas a government of some sort, which the House say, and have ascertained, is illegal in its nature and an outrage in its character. We choose to assume, on the contrary, that it is legal in its character and that its acts are defensible to a certain extent. The Army is used for enforcing those acts which the Representatives of the people of the United States say have no legal sanction and should not be enforced. You call upon the people represented at the other end of the Capitol to appropriate money for the support of the Army. They reply, "We will grant it all; we have no desire to affect the ordinary course of things in this Government, but the money which we grant shall not be used for the purpose of enforcing statutes which we believe to be unjust, as well as illegal, and sustaining a government in the Territory which we believe has no legal existence."

That was the issue of 1856, and the republicans to-day are perfectly consistent with their record at that time, and if I do not use the language offensively the democrats have precisely changed base, have turned completely around.

The PRESIDING OFFICER. The Senator's time has expired. The question is on the amendment proposed by the Senator from Colorado [Mr. TELLER] to the section.

The amendment was agreed to.

Mr. BLAINE. That strikes out the word "expressly."

The PRESIDING OFFICER. Yes, sir. The question now is on the amendment of the Committee on Appropriations to strike out the section as amended.

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

The yeas and nays were ordered.

Mr. WHYTE. I ask that the section, as amended, be now read.

The PRESIDING OFFICER. It will be read.

The Secretary read as follows:

From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States as a *posse comitatus*, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be authorized by act of Congress; and no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by fine not exceeding \$10,000 or imprisonment not exceeding two years, or by both such fine and imprisonment.

Mr. BLAINE. I hope the section will be entirely stricken out.

Mr. BAYARD. I hope it will be agreed to without a division.

Mr. WHYTE. Before the roll is called I think there really ought to be the word "willfully" inserted there after "person," so as to read "willfully violating the provisions of this law."

Mr. HOAR. "Willfully and knowingly?"

Mr. WHYTE. Yes, I have no objection to that. A man might innocently violate this law and it would be very wrong that he should be punished for it.

Mr. HILL. I thought the essence of a crime was in the intention.

Mr. WHYTE. Not if it is not so expressed in the face of the law, but just the reverse.

The PRESIDING OFFICER. Does the Senator submit a motion?

Mr. WHYTE. I move to insert the words "willfully and knowingly" after the words "any person" on line 9.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland, [Mr. WHYTE.]

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Committee on Appropriations to strike out the section as amended, upon which the yeas and nays have been ordered.

Mr. CHRISTIANCY. I wish to offer an amendment to the section before that question is taken. I move to strike out from line 9 the word "person" and to insert in the place thereof "Secretary of War, the General or Lieutenant-General of the Army, or commander of any military department."

I just wish to say one word. I have already said something upon the injustice of holding subordinate officers liable penally for obeying commands which come to them from their superior officers. Now all these orders must emanate in the first place from the President; they must pass through the Secretary of War, through the General of the Army, and the commander of the department; and they are supposed to be men of more capacity than the subordinate officers; and if any one is to be held liable for not obeying orders, if any one is to take the responsibility upon a point of that kind, it should be some of the superior and not the mere subordinate officers.

Mr. KERNAN. I ask the Senator if it is not true that if a soldier by order of the Secretary of War or the General should shoot a man down without legal justification, he could be indicted for murder; and is it possible that we are going to change the law here? Is it not true that he cannot justify shooting him by the order of the commander, if there was no lawful justification for it.

Mr. CHRISTIANCY. I do not know what that has to do with this. I suppose the law is so now without adopting this section, as to shooting down the man.

Mr. KERNAN. Then why change it?

Mr. CHRISTIANCY. The law would be the same to-day as it will be after this bill is passed on that point; but this bill proposes to impose additional penalties heretofore not known to the law, for employing any part of the military force of the United States without authority of the Constitution or the law, and it proposes to impose these penalties for a violation. Now, I say there is great injustice in imposing these penalties upon subordinate officers, and the whole object will be met by imposing the penalties upon the superior officers.

Mr. MAXEY. I find in Scott's Military Dictionary, which is a standard authority, the definition of "*posse comitatus*" and taken from Blackstone:

A sheriff or marshal, for the purpose of keeping the peace and pursuing felons, may command all the people of his county above fifteen years old to attend him, which is called the *posse comitatus*, or power of the county.

Upon that definition he asks this question:

Can United States troops stationed in any county be employed as a *posse comitatus*?

He answers:

Their service does not give them residence where they are employed, and more over the acts of Congress of 1795, and March 3, 1807, restrict the employment of the United States military forces in civil commotions to clearly defined cases, and then authorizes the President of the United States alone to use such force after he shall have by proclamation commanded the insurgents to disperse and retire peaceably to their homes within a reasonable time. (See calling forth of militia, obstruction of law.)

These enactments of Congress would seem to make inapplicable to United States troops the doctrine of English judges, that the soldier, being still a citizen, acts only in preservation of the public peace as another citizen is bound to do.

That plainly draws a distinction between the soldier and the citizen in his capacity as a citizen being bound to obey the call of the proper officer of the county, the sheriff, as part of the *posse comitatus*, and places the military as a part of the Federal arm distinct entirely, and that power can only be called into exercise on proclamation of the President, issued in obedience to act of Congress. So I think that point is clear.

Then it is entirely clear under all the military law, under the law as construed by military authority as well as the civil, that a military officer cannot command a soldier to commit a trespass, to perpetrate a crime, and the soldier has no right whatever to perpetrate that crime and justify by reason of an unlawful order. His duty under the articles of war, and the articles of war so read, is to obey the lawful orders of those placed over him, and a soldier cannot justify because he obeys an unlawful order. It is true he does it at his peril, and so an officer who disobeys the command of a superior does so at his peril. It is the peculiar, delicate position in which they are

placed that they are liable to court-martial for disobedience to orders if they fail to obey the order, and they are liable to the law if they do obey an unlawful order.

Section 29, therefore, as I understand it, is simply in accord with the law which authorizes the military to be called out to aid in the execution of the laws in all cases where the Constitution of the United States and laws made in pursuance thereof justify it, and in no other case can they be called or ought they to be or can they be lawfully so called.

Mr. HOAR. Mr. President, I shall vote against this section even as amended, though it has been improved by the amendments, especially for the reasons which have been so well stated by the Senator from Michigan and the Senator from Minnesota. I wish to observe, however, before voting, that I do not anticipate that within the next twelve months there will be likely to be any circumstances which will make this a practical legislation unless we are to confide in the assurances which come to us from the State represented by the Senator who has just addressed the Chair, the Senator from Texas. If those statements are true, the main effect of this section is to be to tie the hands of the military commanders who have been placed on the Texan and Mexican border in protecting citizens against wrongs or redressing them after they have been inflicted; but of course if the gentlemen representing that State do not object to it, it is not for our end of the Union to be specially interested on that subject.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Michigan, [Mr. CHRISTIANCY.]

Mr. HAMLIN. I want to ask the Senator from Michigan one question. Suppose an order emanates directly from the President to one of these officers commanding him to do a certain thing; then in what position is that officer placed, and how is he to act?

Mr. CHRISTIANCY. In answer to that question, I will say that I do not understand that is the way military orders are ever issued or can properly be.

Mr. HAMLIN. I do understand that they are sometimes so issued, and may be at any time.

Mr. CHRISTIANCY. I do not so understand; but it may be.

Mr. DAWES. The President is Commander-in-Chief and he can command every military officer below him.

Mr. CHRISTIANCY. But his commands go through the proper channels.

Mr. DAWES. Exactly, but they emanate from him.

Mr. CHRISTIANCY. Precisely; and that is what I have said.

Mr. DAWES. Suppose the Commander-in-Chief issues his order, as is said by the Senator from Maine, through the Secretary of War—

Mr. CHRISTIANCY. Or through the General of the Army; sometimes through the Lieutenant-General or commander of a department.

Mr. DAWES. Why should not the General of the Army ordered by the Commander-in-Chief under the Constitution to do a certain act be protected as much as a lieutenant in the Army?

Mr. CHRISTIANCY. If the Senator had paid attention to what I said a while ago, he would not have asked that. I said if any military officer is to be compelled at his own risk to determine the question whether an order is legal or not, it should be the superior and not the subordinate officer.

Mr. DAWES. But the distinction is just here, that any military officer who is bound to obey the orders of his superior, should find protection in that obedience.

Mr. CHRISTIANCY. That may be; but I suppose the Senator from Massachusetts and anybody else can see quite a difference between a man who is General in the Army assuming to decide whether an order is such that he can properly obey it under the Constitution and laws and submitting the same question to a second lieutenant in command of ten men.

Mr. DAWES. I can see a difference; but I do not see that protection which is due to any officer who is bound under the Constitution and laws to obey his superior officer. I know there is a difference between the General of the Army or a major-general and a lieutenant of the Army. It is the difference in years which bring discretion, which bring wisdom and bring ability, it is said; but it is a difference in degree only and nothing else. If a lieutenant, or a captain, or a colonel is entitled to protection when he obeys his superior officer it is because he obeys his superior officer, and not because he happens to be an inferior officer. It is because the law compels him to obey his superior officer or be subjected to the penalties visited upon him by court-martial; and that is true of every one up to the Commander-in-Chief, and he is responsible when he issues his orders.

Mr. CHRISTIANCY. That may be true, but a General of the Army is generally a man who is as competent as the President of the United States to determine a question of law, and so ought the Secretary of War to be; so ought the Lieutenant-General to be, so ought to be the commander of a military department, but so we know the lieutenants and second lieutenants are not.

Mr. BLAINE. The amendment of the Senator from Michigan then is that the General, the Lieutenant-General, and the commander of every department shall look at the order and read it over and say, "Upon the whole, I do not think I will obey that;" and he sends back word to the President of the United States that he has received his order, but on full consideration does not think it is one he ought to have issued. That will make a fine state of military discipline.

Mr. CHRISTIANCY. Is not that a great deal less absurd than it is to give to every lieutenant and second lieutenant that same power?

Mr. BLAINE. Undoubtedly it is less absurd, but I am trying to get the Senator from Michigan out of the absurdity altogether.

Mr. CHRISTIANCY. Ah! that is it. Then you want to get the whole thing out of the bill?

Mr. BLAINE. Of course I do; the whole thing is mischievous, and mischievous only.

Mr. CHRISTIANCY. If the amendment makes it better, I do not see why the Senator should not vote for it.

Mr. BLAINE. I would not vote for it if it gave the section any more chance of passing.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan to the section.

The amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Committee on Appropriations to strike out the section as amended, upon which the yeas and nays have been ordered.

Mr. CONKLING. I ask to have the section read as amended now.

The PRESIDING OFFICER. It will be read as amended.

The Secretary read as follows:

SEC. 29. From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States as a *posse comitatus*, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be authorized by the Constitution or by act of Congress; and no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section; and any person willfully and knowingly violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding \$10,000 or imprisonment not exceeding two years, or by both such fine and imprisonment.

Mr. DAWES. I thought the words "or otherwise" in line 3 had been stricken out. ["No, no."] I should think the phraseology "as a *posse comitatus*, or otherwise" would embrace pretty much everything.

The PRESIDING OFFICER. The words have not been stricken out, the Chair understands.

Mr. BLAINE. The Senator from Georgia [Mr. HILL] yesterday moved to strike out the words "as a *posse comitatus*, or otherwise."

Mr. HOAR. And it was accepted.

Mr. BAYARD and others. He withdrew it.

The PRESIDING OFFICER. That amendment was withdrawn this morning. The words "under the pretext or" were stricken out.

Mr. McMILLAN. I should like to know what the question is before the Senate.

The PRESIDING OFFICER. On striking out the section as amended.

Mr. McMILLAN. As I understand the question, the Committee on Appropriations reported the bill back striking out entirely section 29.

Mr. HOAR. Moving to strike out; that is their motion.

Mr. BLAINE. We moved to strike it out.

Mr. McMILLAN. Then the Senator from Delaware, since the report has come into the Senate, has moved an amendment to the committee's report. Has that amendment been adopted?

Mr. BAYARD and others. Yes.

The PRESIDING OFFICER. Several amendments have been made to the section.

Mr. McMILLAN. All the amendments we have been voting on today are amendments to perfect the text of the amendment proposed by the Senator from Delaware. I do not understand at all that the amendment of the Senator from Delaware has been adopted.

The PRESIDING OFFICER. The Chair has been informed that it was adopted yesterday.

Mr. McMILLAN. I was not aware of that fact.

Mr. KERNAN. The RECORD shows it. I offered it yesterday.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations to strike out the section as amended.

Mr. CONKLING. Mr. President, this is an example, peculiar perhaps, but not solitary, of a question being presented the answer to which might be understood as affirming or denying the truth of the statement made, and in which that supposition would be erroneous as reflecting the intention of those giving the vote. To state myself more clearly, I will say that I should be sorry to seem to affirm disbelief in or disrespect for the import of this section. As it is amended, although I think the verbiage might be improved by other changes, on an appropriate bill, at the proper time, in a proper manner, implying as it then would nothing beyond its terms, I should vote for it. I cannot conceive that the Army or any other instrumentality or representative of law or order should ever in any contingency be employed except in observance and obedience of constitutional and statutory authority; and yet I cannot read this language, I cannot hear my name called propounding to me the question how I vote upon it, without remembering and appreciating the implication, I might say the imputation intended by it.

It is designed, I think I may say, and if that be not parliamentary because imputing motive, I will say adapted to make those who vote for it put a *cognovit* on the record, to make them plead in substance that things have been done in derogation of this principle, that they so admit that they regret it, and that they affirm by their votes that the time has come when a disapproval ought to be recorded.

Mr. President, I am not sure that somewhere, at some time, some

man in the Army—and I suppose every unit is a part of the Army—has not done that which I wish he had not done. I will not stop to deny, or inquire whether I could truly deny that any part of the Army has recently done that which is reprehensible. To vote for the provision now would, however, imply that some special occasion in this regard has arisen, or that there is something in the present Constitution of the Government alarming in this respect. I shall not be suspected, Mr. President, of being too partial to the present national administration. I am not credited with friendship for it; indeed I am not sure that I have credit for a wish to judge it impartially or justly. I may be permitted to say, however, that the present Administration, and I speak both of its head and of all its components, has never to my knowledge given evidence of any intention so unobservant of the improper use of the Army as to demand from any Senator a penal statute by way of menace. If the head of any administration in ancient or in modern times has so conducted himself as to avoid reasonable suspicion of his intention to do that which this section denounces, I think I may say the head of the present administration has so conducted himself; and therefore I am not willing to vote even for truisms, if they be such, which seem to imply that the recent past, or the present, or the visible future have in them that which summons Congress to its feet to invent new and heavier denunciations or penalties against those who attempt to trample the Constitution and the laws under foot by the employment of military force.

I hope, Mr. President, that no Chief Magistrate, no commander of the Army and Navy, will ever be so perverted as to take it into his head that he has a right to use either arm of the service except as the Constitution and laws permit. When any Chief Magistrate ever does take that in his head, if at that time I have any position of power or responsibility I will surely vote to chastise such an intention if executed by an act; but I do not feel bound, in the absence of any summons in this regard, to put on the statute-book such a denunciation.

The PRESIDING OFFICER. The Secretary will call the roll on the motion to strike out.

The Secretary proceeded to call the roll.

Mr. DAWES, (when his name was called.) On this question I am paired with the Senator from Virginia, [Mr. JOHNSTON,] who is detained by sickness from the Senate Chamber. If he were present, I should vote "yea."

Mr. EDMUNDS, (when his name was called.) On this question I am paired with the Senator from Tennessee, [Mr. HARRIS,] who was obliged to leave the Senate Chamber on account of illness.

Mr. McMILLAN, (when his name was called.) Upon this question I am paired with the Senator from Ohio, [Mr. THURMAN.] If he were here, I should vote "yea" and he would vote "nay."

Mr. MATTHEWS, (when his name was called.) On this question I am paired with the Senator from Indiana, [Mr. McDONALD.] If he were here, I should vote "yea" and he would vote "nay."

The roll-call was concluded.

Mr. KIRKWOOD, (after having voted in the affirmative.) When the Senator from Delaware [Mr. SAULSBURY] went home yesterday he requested me to pair with him on questions of a political character. This seems to be assuming that character, and I desire to withdraw my vote.

The PRESIDING OFFICER. The vote is withdrawn.

Mr. PADDOCK. On this question I am paired with the Senator from New Jersey, [Mr. RANDOLPH.] If he were here, he would vote "nay" and I should vote "yea."

Mr. DORSEY, (having voted in the affirmative.) On all political questions I am paired with my colleague, [Mr. GARLAND,] who is absent on account of illness in his family. As this seems to assume that nature, I will withdraw the vote which I gave.

The PRESIDING OFFICER. The Senator from Arkansas withdraws his vote.

Mr. HOWE. As I am not paired at all, and this seems to be a political question, I will vote "yea."

Mr. SPENCER. Upon all political questions I am paired with the Senator from New Jersey, [Mr. MCPHERSON.]

Mr. PADDOCK. I should have stated in stating my pair that I am paired with the Senator from New Jersey [Mr. RANDOLPH] only on political questions. Supposing this to be a political question, I have announced the pair.

Mr. TELLER. I desire to say that my colleague [Mr. CHAFFEE] is sick and unable to be present.

The result was announced—yeas 21, nays 29, as follows:

## YEAS—21.

Allison,	Cameron of Wis.,	Jones of Nevada,	Saunders,
Anthony,	Christiancy,	Kellogg,	Wadleigh,
Blaine,	Conkling,	Mitchell,	Windom.
Booth,	Hamlin,	Morrill,	
Bruce,	Hoar,	Oglesby,	
Burnside,	Howe,	Rollins,	

## NAYS—29.

Armstrong,	Eaton,	Kernan,	Teller,
Bailey,	Enstia,	Lamar,	Voorhees,
Barnum,	Gordon,	McCreery,	Wallace,
Bayard,	Grover,	Maxey,	Whyte,
Beck,	Hereford,	Merrimon,	Withers.
Butler,	Hill,	Plumb,	
Cockrell,	Ingalls,	Ransom,	
Coke,	Jones of Florida,	Sargent,	

## ABSENT—26.

Cameron of Pa.,	Dorsey,	McDonald,	Randolph,
Chaffee,	Edmunds,	McMillan,	Saulsbury,
Conover,	Ferry,	McPherson,	Sharon,
Davis of Illinois,	Garland,	Matthews,	Spencer,
Davis of W. Va.,	Harris,	Morgan,	Thurman.
Dawes,	Johnston,	Paddock,	
Dennis,	Kirkwood,	Patterson,	

The PRESIDING OFFICER. The section is not stricken out.

Mr. SAUNDERS. I wish to offer an amendment that was presented by me a few days ago and referred to the committee, to come in on the ninth page.

Mr. BLAINE. We have not passed on this section yet.

Mr. SAUNDERS. I thought it was disposed of.

The PRESIDING OFFICER. The Senate has refused to strike out the section.

Mr. BLAINE. I move to amend section 29 of the bill by striking out all after the word "section" in line 9; that is, I move to strike out the following words:

And any person willfully and knowingly violating the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding \$10,000, or imprisonment not exceeding two years, or by both such fine and imprisonment.

The PRESIDING OFFICER. The question is on the amendment moved by the Senator from Maine.

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

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DAWES, (when his name was called.) For the reasons stated on the former vote, I consider myself paired with the Senator from Virginia, [Mr. JOHNSTON.] If he were present, I should vote "yea," and I suppose he would vote "nay."

Mr. EDMUNDS, (when his name was called.) I am paired with the Senator from Tennessee [Mr. HARRIS] upon all these questions. I understood him to be for the section pure and simple as it was.

Mr. KIRKWOOD, (when his name was called.) I am paired with the Senator from Delaware, [Mr. SAULSBURY.]

Mr. McMILLAN, (when his name was called.) On this question I am paired with the Senator from Ohio, [Mr. THURMAN.] If he were here, he would vote "nay" and I should vote "yea."

Mr. MATTHEWS, (when his name was called.) On this question I am paired with the Senator from Indiana, [Mr. McDONALD.] If he were here, I should vote "yea" and he would vote "nay."

Mr. SPENCER, (when his name was called.) On this question I shall refrain from voting, being paired with the Senator from New Jersey, [Mr. MCPHERSON.]

The roll-call was concluded.

Mr. PADDOCK. On this question I am paired with the Senator from New Jersey, [Mr. RANDOLPH.] If he were here, I should vote "yea."

The result was announced—yeas 25, nays 24, as follows:

## YEAS—25.

Allison,	Christiancy,	Kellogg,	Saunders,
Anthony,	Conkling,	Mitchell,	Teller,
Blaine,	Ferry,	Morrill,	Wadleigh,
Booth,	Hamlin,	Oglesby,	Windom.
Bruce,	Hoar,	Plumb,	
Burnside,	Howe,	Rollins,	
Cameron of Wis.,	Ingalls,	Sargent,	

## NAYS—24.

Armstrong,	Cockrell,	Hill,	Merrimon,
Bailey,	Coke,	Jones of Florida,	Ransom,
Barnum,	Eustia,	Kernan,	Voorhees,
Bayard,	Gordon,	Lamar,	Wallace,
Beck,	Grover,	McCreery,	Whyte,
Butler,	Hereford,	Maxey,	Withers.

## ABSENT—27.

Cameron of Pa.,	Dorsey,	Kirkwood,	Patterson,
Chaffee,	Eaton,	McDonald,	Randolph,
Conover,	Edmunds,	McMillan,	Saulsbury,
Davis of Illinois,	Garland,	McPherson,	Sharon,
Davis of West Va.,	Harris,	Matthews,	Spencer,
Dawes,	Johnston,	Morgan,	Thurman.
Dennis,	Jones of Nevada,	Paddock,	

So the amendment was agreed to.

The PRESIDING OFFICER. The section is still open to amendment.

Mr. HOAR. Will the Chair inform me whether the word "expressly" is stricken out. If not, I move it.

The PRESIDING OFFICER. It was stricken out on motion of the Senator from Colorado, [Mr. TELLER.]

Mr. BLAINE. I move to strike out in the third line of the section the words "or otherwise."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine, [Mr. BLAINE.]

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

The yeas and ways were ordered, and the Secretary proceeded to call the roll.

Mr. KIRKWOOD, (when his name was called.) I am paired with the Senator from Delaware, [Mr. SAULSBURY.] If he were present, I should vote "yea" and he would vote "nay."

Mr. McMILLAN, (when his name was called.) On this question I am paired with the Senator from Ohio, [Mr. THURMAN.] He would vote "nay" and I should vote "yea."

Mr. MATTHEWS, (when his name was called.) On this question I am paired with the Senator from Indiana, [Mr. McDONALD.] If he were here, I should vote "yea" and he would vote "nay."

Mr. PADDOCK, (when his name was called.) On this question I am paired with the Senator from New Jersey, [Mr. RANDOLPH.] If he were here, he would vote "nay" and I should vote "yea."

Mr. RANSOM, (when his name was called.) On this question I am paired with the Senator from Michigan, [Mr. FERRY.] He would vote "yea," if present, and I should vote "nay."

The Secretary concluded the call of the roll.

Mr. DAWES. On this vote I am paired, as before, with the Senator from Virginia, [Mr. JOHNSTON.] I should vote "yea."

The result was announced—yeas 21, nays 25; as follows:

## YEAS—21.

Allison,	Cameron of Wis.,	Ingalls,	Rollins,
Anthony,	Christiancy,	Kellogg,	Saunders,
Blaine,	Conkling,	Mitchell,	Windom.
Booth,	Hamlin,	Morrill,	
Bruce,	Hoar,	Oglesby,	
Burnside,	Howe,	Plumb,	

## NAYS—25.

Armstrong,	Coke,	Kernan,	Voorhees,
Bailey,	Eustis,	Lamar,	Wallace,
Barnum,	Gordon,	McCreery,	Whyte,
Bayard,	Grover,	Maxey,	Withers.
Beck,	Hereford,	Merrimon,	
Butler,	Hill,	Sargent,	
Cockrell,	Jones of Florida,	Teller,	

## ABSENT—30.

Cameron of Pa.,	Eaton,	McDonald,	Ransom,
Chaffee,	Edmunds,	McMillan,	Saulsbury,
Conover,	Ferry,	McPherson,	Sharon,
Davis of Illinois,	Garland,	Matthews,	Spencer,
Davis of W. Va.,	Harris,	Morgan,	Thurman,
Dawes,	Johnston,	Paddock,	Wadleigh.
Dennis,	Jones of Nevada,	Patterson,	
Dorsey,	Kirkwood,	Randolph,	

So the amendment was rejected.

Mr. SAUNDERS. In line 190, after the word "dollars," I move to add:

Of which the Secretary of War be, and he hereby is, authorized in his discretion to expend the sum of \$80,000, or so much thereof as may be necessary, in the construction of suitable buildings for headquarters of officers, at Omaha, Nebraska.

Should this amendment be agreed to, the item would read:

For hire of quarters for officers on military duty, hire of quarters for troops, of store-houses for the safekeeping of military stores, of offices, and of grounds for camp and summer cantonments, and for temporary frontier stations; for the construction of temporary huts and stables; and for repairing public buildings at established posts, \$1,100,000; of which the Secretary of War be, and he hereby is, authorized, &c.

I will state to the Senate that this does not increase the appropriation at all. The reason why the amendment was not brought forward at an earlier day is because I waited to get an answer from the Secretary of War and the General of the Army on this subject, knowing that they knew very well the necessity for these buildings. The answer to my communication, addressed to them several days ago, came too late for an opportunity to go before the committee and present it; but the Senator in charge of the bill has the letter to which I refer. I do not think it is necessary probably for me to make any statement at all in relation to the matter. The committee no doubt would have reported the amendment if circumstances had allowed.

Mr. BLAINE. There was nothing whatever before the committee in regard to this amendment. The Senator from Nebraska presents to me a letter which I will read. It is very brief:

WAR DEPARTMENT,  
Washington City, June 6, 1878.

SIR: In reply to your letter of the 5th instant, asking the opinion of this Department and of the officers most familiar with the subject, on your proposed amendment to the bill "making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes," making an appropriation of \$80,000 to erect suitable buildings for headquarters and offices at Omaha, Nebraska, I have the honor to inform you that the General of the Army remarks, "I approve this measure most heartily."

The Department concurs in this approval.

Very respectfully, your obedient servant,

GEO. W. MCCRARY,  
Secretary of War.

Hon. A. SAUNDERS,  
United States Senate.

It is not in the regular estimate, and it comes in this way before the Senate. No point of order lies against it. Of course I do not stand here to favor an increase of the appropriation which I have reported, nor do I want unreasonably to oppose what may have the approval of the War Department.

Mr. PADDOCK. If the Senator will allow me, I will state that I waited upon each and every member of the committee, and that I was notified by each and every one of them that they would not object to the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska, [Mr. SAUNDERS.]

The amendment was agreed to.

Mr. DAWES. I move in the two hundred and seventy-seventh line to increase the appropriation "for manufacture of arms at national armories" from \$100,000 to \$150,000. My amendment is to insert the words "and fifty" after the word "hundred" and before "thousand."

I will state that the estimate for this item is \$900,000. There has been very little if any amount appropriated for two or three years past for the manufacture of arms at the national armories, so that the amount of arms there has run down to a mere nothing. I will read a communication made by the Ordnance Department, in the Book of Estimates, which explains the whole matter:

During the ten years preceding the war of the rebellion, from 1852 to 1861, there was appropriated annually, on an average, \$251,000 for the manufacture of arms at the national armories, and with this sum the wants of a smaller army and of a smaller population permitted the gradual increase of them in store. The increased cost of the present breech-loading rifle, the greater demand for its use, and the paucity of the appropriations of late years, have left the country in a dangerous condition, there being on hand August 31, 1877—

About a year ago—

subject to issue, but thirteen thousand rifles and carbines, the usual demand, to say nothing of contingencies, will, at the end of this fiscal year leave none on hand. The money asked for—

That is, the \$900,000—

will manufacture fifty thousand rifles and carbines, which is a very small number to have in store if war should come. It is of the most vital importance to the nation that the manufacture of arms by this Department be steadily continued in quantities sufficient to render a gradual accumulation of them in store a certainty. The number of small arms on hand should never be less than five hundred thousand.

I have ventured to ask an addition of \$50,000 to this \$100,000 for another reason. It requires all the machinery and it requires the same set of hands, because the manufacture of arms is a specialty as to each particular article that goes to make up the arm, so that \$150,000 expended in the manufacture of arms could be much more economically used than \$100,000, because the smaller amount keeps the armories running along in just about the same way. I do not think it would be wise to appropriate the whole sum estimated, but as a matter of economy I think \$150,000 would be better than \$100,000. Then it keeps the men employed who cannot safely be discharged altogether and sent adrift. I think, indeed I am almost authorized to say, that those who reported this bill in the other branch, upon looking at this subject since, will not oppose an increase of \$150,000 if it should be put in by this body.

If this matter had been brought to the attention of the committee of the Senate I have no doubt their views would have concurred in increasing the appropriation to \$150,000. It is a small matter I know, but still in keeping the armories going and not having them stop half the time and discharge and call back the men, and so on, it is better that it be \$150,000. There are in point of fact, as is said in this note, none of these guns on hand, and the old guns are there that are constantly, so long as there is an appropriation, changed into new models; otherwise they are of no use; they are old flint-locks and old muzzle-loading guns which are of no use in the Army. Unless we can have money to keep them going, I think it would be bad economy, and I hope the Senate will not object to this increase.

Mr. BLAINE. I do not think that is an unreasonable amendment. As the Senator in charge of the bill I take the responsibility of saying so.

The PRESIDING OFFICER put the question on the amendment and declared that the yeas appeared to prevail.

Mr. DAWES. I hope the Senate will not vote against the amendment. The Senator having charge of the bill has just stated that he thinks it is a reasonable amendment.

Mr. BLAINE. I hope there will be no objection to it.

The amendment was agreed to.

Mr. BLAINE. I shall be done in one moment with all I have to offer from the Committee on Appropriations. In lines 56, 57, and 58 the clause reads:

For commutation of officers quarters at places where there are no public quarters, \$156,000.

That is provided for and was taken into account in a subsequent part of the bill making appropriations for the Quartermaster's Department. It is here under the Pay department, and the clause ought to be stricken out. I move to strike out those lines.

The motion was agreed to.

Mr. BLAINE. In lines 39 and 40, on the same page, "fifty-two paymaster's clerks" should be "fifty-four," and the sum should be "\$64,800" instead of "\$62,400."

The amendment was agreed to.

Mr. BLAINE. That will necessitate a change of the total in lines 71 and 72. The words "eleven million six hundred and one thousand two hundred and eighty-seven dollars and eighteen cents" should be changed to "eleven million four hundred and forty-seven thousand six hundred and eighty-seven dollars and eighteen cents."

The amendment was agreed to.

Mr. BLAINE. I am through with the amendments of the committee. I hope there will be as little as possible added to the bill.

Mr. BURNSIDE. I move to add as an additional section:

That nothing in the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes," approved June 16, 1874, shall be construed to exclude from the accounts of paymasters of the Army the actual expenses incurred when traveling on duty under escort of troops ordered simply for the protection of public funds or property; and all such expenses heretofore incurred or which may hereafter be incurred by paymasters of the Army shall be allowed by the proper accounting officers of the Treasury.

I will state for the information of the Senate that all officers traveling without troops, where the soldiers have their camp equipments,

guns, &c., are allowed actual traveling expenses. That was construed for the two years mentioned in the amendment as depriving the paymasters of the right to their actual expenses when they were traveling under escort of troops, which troops were simply ordered to accompany them as guards for the safety of the public funds; they had nothing whatever to do with the *personnel* of the Army or its expenses. The amount involved in this amendment is very small indeed. It is a very unjust thing to the paymasters because every other officer when traveling without troops or traveling on duty is allowed his actual expenses, but when an escort is ordered to the paymaster, who has the escort appertaining peculiarly and particularly to the public moneys, then the paymaster is deprived of the privilege of drawing his actual expenses the same as other officers. It is a very great injustice to them. It involves a very small sum of money and I hope the Senate will adopt the amendment.

Mr. ALLISON. May I ask the Senator a question? I understand that officers traveling on duty now receive a mileage, which is allowed.

Mr. BURNSIDE. The amendment has reference to acts that were passed in 1875 and 1876 where the construction of the law was such that the paymasters traveling with an escort were not allowed their actual traveling expenses.

Mr. ALLISON. In other words it is to settle up an old account?

Mr. BURNSIDE. It is to settle up the old accounts of 1875 and 1876.

Mr. ALLISON. Then I suggest that it ought to go on the deficiency bill rather than on this bill. This bill relates simply to future appropriations.

Mr. BLAINE. I supposed when the Senator from New Jersey rose that his proposition was to cure a condition of things in regard to the paymasters who are located on the frontier.

Mr. BURNSIDE. If the Senator from Maine will allow me, I will say that the object of the amendment is to rectify mistakes of that kind in the future and to allow paymasters' accounts for all future time to be settled on that basis. The latter part of the amendment is simply to rectify evils that have occurred already. My amendment is general in its character and is intended to correct evils in future in that direction.

Mr. ALLISON. But now paymasters traveling on duty receive the same mileage as other officers.

Mr. BURNSIDE. So they do, but if they have escorts the accounting officers consider that they are traveling with troops the same as officers in the Army and their actual expenses are not allowed.

Mr. ALLISON. But if they have an escort of soldiers the soldiers are paid.

Mr. BLAINE. West of the Missouri River all the paymasters located throughout that vast region, where there are so many, complain that the mileage, which I suppose is somewhat in excess of actual expenses in a railroad country, does not begin to pay their expenses.

Mr. ALLISON. I think that is very likely, but then the law should be changed.

Mr. BLAINE. The Senator from Rhode Island proposes to change it.

Mr. BURNSIDE. My amendment fixes the law in that particular.

Mr. ALLISON. But it does not apply to these officers on duty west of the Missouri River. It applies to all these officers on duty—

Mr. BLAINE. It gives them their actual expenses. Probably it will work a saving in the end. It gives them actual expenses instead of mileage.

Mr. BECK. I rise to a parliamentary inquiry. Is this amendment still subject to the point of order, or is it too late?

The PRESIDING OFFICER. It is still subject to the point of order, the Chair thinks.

Mr. BECK. Then I make the point of order upon it.

The PRESIDING OFFICER. The Senator from Kentucky raises the point of order that this is new legislation and increases the appropriation. The Chair thinks the point is well made.

Mr. BLAINE. It does not increase the appropriation; it diminishes it, I think.

The PRESIDING OFFICER. The Chair feels constrained to sustain the point of order.

Mr. BURNSIDE. The Chair decides the point of order well taken?

The PRESIDING OFFICER. That is the opinion of the Chair.

Mr. KERNAN. I wish to offer an amendment which, as Senators say, is not a very large matter, and yet I feel it my duty to present it. At the end of line 36, on page 2, I move to insert:

It shall not be lawful for musicians of the Army or Navy of the United States to act as musicians for any private party or parties.

There was a very numerous signed petition sent to me on this subject; indeed, a very respectable man came to me with it, and I presented it to the Senate.

Mr. BLAINE. I make the point of order on the amendment that it is new legislation, creating entirely new duties.

Mr. KERNAN. It does not increase any appropriation.

Mr. BLAINE. It is new legislation. I make that point of order.

Mr. KERNAN. I present it on behalf of these people, who say that the bands from the Army and Navy take the bread out of their mouths by playing for very small pay even when they do not more than get their supper for it; and they think that while these bands are under the pay of the Government they should not as bands play for private parties and for private emolument. These people ask that they be protected against that competition. There is a very large body of

men affected by this practice, and they are composed mainly of Germans. They set forth their reasons in their petition and they ask that we protect them. I ask the Senate to do it in justice to them and in entire justice to musicians who are in the employ of the Government.

Mr. BLAINE. I insist on my point of order.

The PRESIDING OFFICER. The Senator from Maine submits a point of order which the Chair sustains.

Mr. MAXEY. I will state for the benefit of the Senate that this question came before the Committee on Military Affairs of the Senate and that committee reported adversely upon it.

Mr. KERNAN. That is a mistake. They have not reported upon it. I have watched for it among the reports, and I find that they have not reported upon it, or if so I do not know it.

Mr. MAXEY. The Senator from Rhode Island [Mr. BURNSIDE] was directed to make the report.

Mr. KERNAN. That may be. I only want to say that I should be glad to test the question on a separate bill if I could. I watched for a report from the Committee on Military Affairs, and as it seemed the matter would not be reported I offered the amendment.

Mr. SPENCER. The Committee on Military Affairs yesterday morning instructed the Senator from Rhode Island to report adversely on the proposition. I do not know whether he has yet made the report or not.

Mr. BURNSIDE. That statement is correct. I am directed by the Military Committee to report adversely on the bill, although I myself am in favor of it.

Mr. MAXEY. I was speaking of the order of the committee.

Mr. KERNAN. What is the ruling on the point of order?

The PRESIDING OFFICER. The Chair thinks that the point of order is well taken.

Mr. KERNAN. Then I hope the Senator from Rhode Island will report the bill and let it go on the Calendar, and then I shall seek to get a vote on it.

Mr. BURNSIDE. I shall make the report in the morning or during the day on Monday.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is, Shall the amendments made as in Committee of the Whole be concurred in in gross?

Mr. McMILLAN. I ask to have a separate vote upon section 29.

The PRESIDING OFFICER. The Senator from Minnesota reserves the amendments in section 29. If no other reservation is made the question is on concurring in the amendments with this exception.

Mr. McMILLAN. I withdraw my request to have it reserved.

Mr. BLAINE. I do not see any necessity for a separate vote on it. We have had several tests on that question.

The PRESIDING OFFICER. The request to reserve it is withdrawn.

Mr. MERRIMON. I reserved the amendment to strike out so much of the bill as provided for the transfer of the Indian Bureau to the War Department, and I want to have a call of the yeas and nays upon it.

Mr. SARGENT. What is the form of that amendment?

Mr. BLAINE. To strike out and insert.

Mr. SARGENT. The Senate, in Committee of the Whole, put in other words in place of section 23. The question is, will the Senate concur in the amendment, not in striking out, but in the amendment made as in Committee of the Whole striking out and inserting.

Mr. BLAINE. Of course that is the only way of submitting it. The amendment was to substitute for section 23 a joint committee of the two branches of Congress to take the subject into consideration.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole with this reservation.

The amendments were concurred in.

The PRESIDING OFFICER. The question is now upon concurring in the amendment reserved by the Senator from North Carolina, on which the yeas and nays are demanded.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. PADDOCK. I should like to inquire—

The PRESIDING OFFICER. Debate is not in order.

Mr. GORDON. Some of us here do not understand what we are to vote upon.

Mr. PADDOCK. On what proposition are we voting? Senators do not understand it.

Mr. BLAINE. Yesterday the Senate as in Committee of the Whole resolved to strike out the twenty-eighth section of the bill as it came from the House, which provided for the transfer of the Indian Bureau, and to insert instead thereof a section providing for a joint committee of the two Houses to take the subject into consideration and to report on or before the 1st day of January next. The question now is whether the Senate will concur in what the Committee of the Whole did.

The PRESIDING OFFICER. That is the question.

Mr. BLAINE. Those in favor of the joint committee of course will vote "yea."

The PRESIDING OFFICER. The Secretary will proceed with the call of the roll.

The Secretary resumed the roll-call.

Mr. MATTHEWS, (when his name was called.) I am paired on all questions on this bill with the Senator from Indiana, [Mr. McDONALD.]

The Secretary concluded the call of the roll.

Mr. GROVER. I am paired with the Senator from Louisiana, [Mr. KELLOGG.]

Mr. PADDOCK. Understanding this not to be a political question, I shall vote "yea."

The result was announced—yeas 42, nays 9; as follows:

YEAS—42.

Allison,	Conkling,	Howe,	Plumb,
Anthony,	Dawes,	Ingalls,	Rollins,
Armstrong,	Dorsey,	Jones of Florida,	Saunders,
Barnum,	Edmunds,	Jones of Nevada,	Spencer,
Bayard,	Eustis,	Kernan,	Teller,
Blaine,	Ferry,	Kirkwood,	Voorhees,
Booth,	Gordon,	Lamar,	Wadleigh,
Burnside,	Hamlin,	McMillan,	Wallace,
Butler,	Hereford,	Mitchell,	Windom.
Cameron of Wis.,	Hill,	Morrill,	
Christiancy,	Hoar,	Oglesby,	

NAYS—9.

Bailey,	Coke,	Maxey,	Wyhte,
Beck,	McCreery,	Merrimon,	Withers.
Cockrell,			

ABSENT—25.

Bruce,	Eaton,	McPherson,	Sargent,
Cameron of Pa.,	Garland,	Matthews,	Saulsbury,
Chaffee,	Grover,	Morgan,	Sharon,
Conover,	Harris,	Paddock,	Thurman.
Davis of Illinois,	Johnston,	Patterson,	
Davis of West Va.,	Kellogg,	Randolph,	
Dennis,	McDonald,	Ransom,	

So the amendment was concurred in.

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

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia.

The message also announced that the House had passed the bill (S. No. 1272) to amend section 4127 of the Revised Statutes of the United States, in relation to the judicial powers and functions of consuls.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. R. No. 34) granting the use of artillery, tents, &c., at the soldiers' reunion to be held at Centreville, Iowa; and it was thereupon signed by the President *pro tempore*.

RIVER AND HARBOR BILL.

Mr. SPENCER. I move that the Senate proceed to the consideration of the bill (H. R. No. 4236) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

Mr. VOORHEES. I hope the friends of House bill No. 805, being the bill to repeal the resumption act, will oppose the motion of the Senator from Alabama, for the purpose of taking up the bill which I have indicated. I do not wish to discuss the order of business, but I call for the yeas and nays upon the motion of the Senator from Alabama.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) On this question I am paired with the Senator from Illinois, [Mr. DAVIS.] He would vote "nay" and I should vote "yea."

Mr. EDMUNDS, (when his name was called.) The Senator from Tennessee [Mr. HARRIS] asked me to pair with him on the resumption bill in all its forms, and after the notice given by the Senator from Indiana [Mr. VOORHEES] I think it right that I should withhold my vote, although I am not by any means in favor of this river and harbor business as it stands.

Mr. MATTHEWS, (when his name was called.) On this question I am paired with the Senator from Indiana, [Mr. McDONALD] who, if here, would vote "nay."

The roll-call having been concluded, the result was announced—yeas 41, nays 11; as follows:

YEAS—41.

Anthony,	Dawes,	Kernan,	Sargent,
Armstrong,	Dorsey,	Kirkwood,	Saunders,
Barnum,	Eustis,	Lamar,	Spencer,
Bayard,	Gordon,	McMillan,	Teller,
Blaine,	Grover,	Merrimon,	Wadleigh,
Bruce,	Hereford,	Mitchell,	Whyte,
Burnside,	Hill,	Morrill,	Windom,
Butler,	Hoar,	Paddock,	Withers.
Cameron of Wis.,	Howe,	Plumb,	
Christiancy,	Jones of Florida,	Ransom,	
Conkling,	Jones of Nevada,	Rollins,	

NAYS—11.

Bailey,	Cockrell,	McCreery,	Voorhees,
Beck,	Coke,	Maxey,	Wallace.
Booth,	Ingalls,	Oglesby,	

ABSENT—24.

Allison,	Dennis,	Harris,	Morgan,
Cameron of Pa.,	Eaton,	Johnston,	Patterson,
Chaffee,	Edmunds,	Kellogg,	Randolph,
Conover,	Ferry,	McDonald,	Saulsbury,
Davis of Illinois,	Garland,	McPherson,	Sharon,
Davis of W. Va.,	Hamlin,	Matthews,	Thurman.

So the motion was agreed to.

The PRESIDING OFFICER. The bill is before the Senate.

Mr. HAMLIN. I wish to make a personal appeal to the Senator from Alabama and to the Senate, and ask that this bill may be laid informally aside this evening, so that it will remain the unfinished business for Monday morning, and that the Senate consider the bill for the payment of the fisheries award. There are personal reasons connected with myself why I ask that indulgence of the Senate.

The bill has been in my charge much more than that of any other member of the Committee on Foreign Relations. It is an important bill; it is one which will convene an extra session of Congress unless disposed of; and as I feel that it is not my duty to remain here, I want it taken up and disposed of this evening.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) The Senator from Maine [Mr. HAMLIN] asks unanimous consent that the bill which has been taken up be laid aside temporarily for the purpose of taking up the fisheries-award bill.

COMPLETION OF WASHINGTON MONUMENT.

Mr. INGALLS. Are conference reports in the nature of privileged motions?

Mr. EDMUNDS. They are not privileged in this body, but nobody will object.

Mr. INGALLS. I should like to make a report from a committee of conference.

The PRESIDING OFFICER. Is there objection to the Senator from Kansas submitting a report from a conference committee? The Chair hears none, and the report will be received.

Mr. INGALLS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. R. No. 152) to enable the joint commission to carry into effect the act of Congress providing for the completion of the Washington Monument having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to the resolution as passed by the House; and that the House agree to the same.

J. J. INGALLS,  
J. B. EUSTIS,  
*Managers on the part of the Senate.*  
CHAS. FOSTER,  
JOHN GOODE,  
*Managers on the part of the House.*

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

Mr. EDMUNDS. The question is first whether the report be taken up now, reserving the right to have it go over and be printed so that we can understand it. I should like to hear the Senator from Kansas explain just how it is.

Mr. INGALLS. The Senator from Massachusetts [Mr. DAWES] has had the matter more particularly in charge, and I will ask him to make an explanation of the report.

Mr. DAWES. I was unable to sign the report. I desire to state the reasons—

The PRESIDING OFFICER. The Senator from Massachusetts will suspend a moment. The question is whether the Senate will proceed to the consideration of this report.

Mr. EDMUNDS. No, it being a report like that of any other committee it cannot be considered to-day without unanimous consent.

The PRESIDING OFFICER. That was the question the Chair was about to submit to the Senate.

Mr. EDMUNDS. I wish to hear the explanation subject to the right to object to the consideration of the report to-day.

The PRESIDING OFFICER. Very well. The Senator from Massachusetts will proceed.

Mr. BLAINE. Does the Senator from Vermont say that a conference committee's report cannot be considered the day it is made except by unanimous consent?

Mr. EDMUNDS. In this body. That is exactly what I say.

Mr. BLAINE. Then the most important appropriation bill on the last day of the session can be defeated by a single objection?

Mr. EDMUNDS. That is perfectly true.

Mr. BLAINE. That is the rule of the Senate?

Mr. EDMUNDS. I so understand it. It has been held so a thousand times, and nobody has ever been harmed by it.

Mr. BLAINE. Then it should not be the rule of the Senate another day.

Mr. EDMUNDS. Nobody has ever suffered from it yet.

Mr. HOWE. The Senator has listened to an appeal made by the Senator from Maine, and I thought granted the request preferred. It is half past four o'clock, and if that grant is to be of any value to the Senator in whose behalf it was made, it seems to me conference reports ought to be postponed until Monday, when the Senators having them in charge will be here and when the Senator who has made this appeal has notified us that he does not want to be here and cannot conveniently be here.

Mr. DAWES. I suggest to the Senator from Kansas that he withhold this report until Monday.

Mr. INGALLS. Let it lie on the table.

Mr. DAWES. Very well.

Mr. EDMUNDS. I make no objection to its present consideration.

Mr. INGALLS. I have no objection to the course suggested.

The PRESIDING OFFICER. The Chair will, before the matter passes away, call attention to Rule 49:

The presentation of reports of committees of conference shall always be in order, except while the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and, when received, the question of proceeding to the consideration of the report shall immediately be put, and shall be determined without debate.

By unanimous consent, the report will lie upon the table for the purpose of proceeding to the consideration of the request of the Senator from Maine.

Mr. INGALLS. I ask that the report be printed.

The PRESIDING OFFICER. That order will be made.

#### DISTRICT GOVERNMENT.

Mr. DORSEY. I ask leave to present a report from the conference committee upon the bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia.

The PRESIDING OFFICER. The report will be received.

Mr. DORSEY. I ask for its present consideration.

Mr. EDMUNDS. Let us know what it is.

The PRESIDING OFFICER. The Secretary will report it.

The Secretary proceeded to read the report.

Mr. ALLISON. I suggest to the Senator from Arkansas that he had better present the report and let it be printed and go over until Monday morning. It is a very important report, and I think we had better have it printed, so that we can see exactly how the bill will be when it becomes a law.

Mr. SARGENT. I think that is a good suggestion.

Mr. BAYARD. Let it be printed.

Mr. DORSEY. The Senate occupied about a week's time in discussing this bill to the exclusion of other important business. The conference committee has not changed the bill as it passed the Senate in any material respect. I can see no reason why the conferees on the part of the Senate cannot explain in five minutes or in three minutes the changes that have been made in the bill.

Mr. EDMUNDS. If the report has been received, I move that it lie upon the table and be printed.

Mr. DORSEY. I should like to inquire if the report cannot be considered except by unanimous consent?

Mr. EDMUNDS. Yes. I was mistaken apparently in what I said just now, because Rule 49, which I never saw before, put in on the last revision since it was reported, has changed what the law was before. I think apparently from Rule 49, as it now stands, the Chair has a right to put the question whether the report shall be considered to-day. The rule says:

The presentation of reports of committees of conference shall always be in order, except while the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and, when received, the question of proceeding to the consideration of the report shall immediately be put, and shall be determined without debate.

Therefore I am not authorized to make the motion I did, under this rule, and the Chair must put the question whether the Senate will proceed to the consideration of the report. The rule seems to be imperative.

The PRESIDING OFFICER. And this debate is out of order also.

Mr. EDMUNDS. Apparently.

The PRESIDING OFFICER. The rule says the question "shall be determined without debate." The Chair will submit the question imposed upon him by the rule, which is, Will the Senate proceed to the consideration of this report? [Putting the question.] The noes have it, and the Senate refuses to proceed to the consideration of the report.

Mr. EDMUNDS. Now I move that it be printed, and in such form that it shall show just how the bill will read as proposed.

The PRESIDING OFFICER. That motion is in order. The question is on the motion of the Senator from Vermont that the report be printed and lie on the table.

The motion was agreed to.

#### FISHERIES AWARD.

Mr. WINDOM. I have a report from the committee of conference on the Military Academy bill. I cannot present it after the appeal made by the Senator from Maine, but I hope that after the matter he has asked to be considered is completed, I may have two minutes to present this report.

The PRESIDING OFFICER. The Senator from Maine [Mr. HAMLIN] has asked unanimous consent that the present order, which is the river and harbor bill, be laid aside temporarily, so that it may be the unfinished business on Monday, for the purpose of proceeding to the consideration this evening of the fisheries-award bill. Is there objection? The Chair hears none, and that is the order of the Senate.

Mr. SPENCER. With the understanding that it is not to displace the river and harbor bill on Monday, I am in favor of it.

Mr. EDMUNDS. It has been done.

The PRESIDING OFFICER. That is the understanding. The

bill moved by the Senator from Maine [Mr. HAMLIN] is now before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1328) providing for the payment of the award made by the fisheries commission at Halifax under the treaty of Washington.

Mr. HAMLIN. Mr. President, it will be recollected by the Senate that we consumed about two days in this body in discussing a resolution which was reported from the committee touching this question. That resolution was offered in pursuance of the suggestion in the President's message that he wished for some direction from Congress in relation to the payment of the award. The resolution was adopted by this body. It has gone to the House. At this late hour there is a possibility, indeed a probability, that on that resolution there may not be action. I therefore offer a very slight amendment to this bill, by the direction of the Committee on Foreign Relations, to meet briefly the same object that was compassed in that resolution. After the word "government" in line 10 of the bill, I move to insert:

On the subject of the conformity of the award to the requirements of the treaty and to the terms of the question thereby submitted to the commission.

The amendment was agreed to.

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

Mr. WALLACE. Let the bill be read as it has been amended.

The PRESIDING OFFICER. The bill will be read as amended.

The Secretary read as follows:

That the sum of five and one-half million dollars, in gold coin, be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and placed under the direction of the President of the United States, with which to pay to the government of Her Britannic Majesty the amount awarded by the fisheries commission, lately assembled at Halifax in pursuance of the treaty of Washington, if, after correspondence with the British government on the subject of the conformity of the award to the requirements of the treaty and to the terms of the question thereby submitted to the commission, the President shall deem it his duty to make the payment without further communication with Congress.

Mr. MORRILL. I offer the following amendment, to come in as a second section:

SEC. 2. That to enable the Secretary of the Treasury to comply with the terms of this act, he is hereby authorized to issue and sell at public sale, after thirty days' notice of the time and place of sale, at not less than par in coin, such an amount as may be necessary of coupon or registered bonds of the United States authorized by the acts of July 14, 1870, and January 20, 1871, known as the refunding acts.

I may say that I offer this amendment by the consent of the Committee on Finance. I will also add that all of the matters pertaining to the award at Geneva were settled and adjusted by means of bonds of this character. At the present time the Treasury is not in any condition to spare this amount of money. Therefore it is eminently proper that this amendment should be incorporated in the bill.

Mr. HAMLIN. This same point was submitted to the Committee on Foreign Relations; I understand it precisely as the Senator from Vermont does; but we thought it more appropriate that the amendment should come from the Finance Committee. It ought to prevail.

Mr. COCKRELL. I merely desire to say, without calling for the yeas and nays upon the amendment, that I am opposed to issuing any interest-bearing obligation by this Government at all. I shall vote "no."

Mr. BAILEY. I should like to make an inquiry of the chairman of the Finance Committee as to whether it shall be absolutely necessary in order to comply with this obligation of the Government that these bonds shall be put upon the market and sold. I do not understand that it will be absolutely necessary to do so unless it shall be the purpose and policy of the Government to appropriate the sum of thirty-five or forty million dollars each year to the extinguishment of the public debt. I cannot understand why it should be necessary to make that appropriation and at the same time go into the market in order to borrow money for the purpose indicated in the amendment.

Mr. MORRILL. I suppose the Senator from Tennessee understands very well that our revenues are very largely falling off. This amendment is in pursuance of a recommendation from the Treasury Department. I cannot conceive that there can be the slightest objection to it, as it is in exactly the form of the proceedings under the Washington treaty heretofore had.

Mr. BAILEY. I do not hear distinctly the answer that has been made by the chairman of the Committee on Finance, but I ask this question distinctly, whether it is in contemplation to apply as usual the sum provided by former laws to the extinguishment of the public debt and at the same time go into the market and borrow other moneys with which to pay this debt? It seems to me that a simpler, a readier, and a better plan would be to appropriate at once moneys that are in the Treasury or that may come into the Treasury to the payment of this debt without the compound process of paying and borrowing again. I ask the question whether there will not be money enough in the Treasury in the opinion of the chairman of the committee to meet this obligation?

Mr. MORRILL. I do not understand that there will be half enough, or anything like it, to appropriate for the amount that is required for the sinking fund. There will be a very small amount, and whatever that amount may be I suppose will be used for the purpose of the sinking fund.

Mr. BAILEY. Will the chairman of the Finance Committee please

answer the question whether the sum that properly constitutes the sinking fund will be sufficient to meet this demand against the Government, namely, five million and a half of dollars; whether in the opinion of the chairman of the Finance Committee or of the Secretary of the Treasury, whom of course he has consulted upon this subject, the amount that may be applied to the sinking fund will be sufficient to meet this obligation?

Mr. MORRILL. It will be utterly impossible to say what amount there will be left after this Congress shall have adjourned. I do not know what the amount of the appropriations may be, and yet I understand that there is a very large falling off in the revenues of the Government, and that there cannot be under any circumstances more than a very small amount to be appropriated to the sinking fund.

Mr. HAMLIN. In my interview with the Secretary of the Treasury I understood this to be the precise condition of things, and upon that condition this amendment is offered. There is a falling off of the revenue. No one can now tell what will be the precise amount appropriated when Congress shall have adjourned. The fact is that there may be a deficiency. This amendment is offered simply to clothe the Secretary of the Treasury with authority to raise the money to pay this award, if it shall be paid, and the amount shall not be in the Treasury. That is all there is of it. If the money is in the Treasury at that time, not one dollar under this provision will be raised by the sale of bonds.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Vermont, [Mr. MORRILL.]

The amendment was agreed to; there being on a division—ayes 30, noes 14.

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

#### CONGRESSIONAL ELECTION IN CALIFORNIA.

Mr. SARGENT. I ask leave of the Senate to have considered House bill No. 4519, a local bill relating to my State similar to one relating to the State of West Virginia.

Mr. SPENCER. By unanimous consent the river and harbor bill is the unfinished business on Monday morning.

Mr. SARGENT. Certainly; that is the understanding. As this is a matter which refers to my own State, I should like to have it considered now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4519) fixing the time for holding the election for Representatives to the Forty-sixth Congress of the United States in and for the State of California. It provides that the election for Representatives to the Forty-sixth Congress of the United States in and for the State of California shall be had and held in that State at the general election to be held on the first Wednesday of September, 1879.

Mr. SARGENT. This is a House bill, and it has been reported favorably.

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

Mr. HEREFORD. I desire to call up a bill similar to this, relating to the State of West Virginia, fixing the time for holding its congressional election just as in the case of California.

Mr. SPENCER. Do I understand now that the river and harbor bill comes up as the unfinished business on Monday morning?

Mr. SARGENT. Certainly.

The PRESIDING OFFICER. That is the understanding.

Mr. SPENCER. All I want is to have it understood distinctly.

Mr. HEREFORD. The Secretary will please report the bill.

Mr. WINDOM. While the Secretary is looking for the bill I ask leave to make a report from a committee of conference.

The PRESIDING OFFICER. The Chair will receive it.

#### MILITARY ACADEMY APPROPRIATION BILL.

Mr. WINDOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2507) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1879, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, 5, 6, and 11.

That the House recede from its disagreement to the amendments numbered 1, 3, 7, 9, 10, 12, and 13, and agree to the same.

That the House recede from its disagreement to the amendment numbered 8, and agree to the same with an amendment as follows: in lieu of the sum proposed insert "\$13,000;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 14, and agree to said House amendment amended as follows: insert after the word "That" in the first line of the section proposed to be restored by said House amendment the following: "from and after July 1, 1882;" and the House agree to the same.

WM. WINDOM,

J. G. BLAINE,

R. E. WITHERS,

*Managers on the part of the Senate.*

M. J. DURHAM,

HESTER CLYMER,

A. HERR SMITH,

*Managers on the part of the House.*

The PRESIDING OFFICER. The question is on proceeding to the consideration of the report submitted by the Senator from Minnesota.

The motion was agreed to; and the Senate proceeded to consider the report.

Mr. WINDOM. A word in explanation. There are no disagreeing votes on this bill about which I think any explanation is desired, except those upon which the former report was made, namely, for completing the new hospital building, for completing the system of sewerage, and for the purchase of a lake and adjoining lands for the purpose of supplying water to the post. Under the present report, if agreed to by the Senate and House, there will be \$13,250 appropriated for completing the system of sewerage; there will be nothing appropriated for the purchase of the lake and supplying water; but for the new hospital the conference report provides \$12,000. This hospital building is completed, nearly ready for roofing. It has stood there ever since the 30th of June, 1876, at least, without anything having been done to it. Open, exposed to the elements, the winds of heaven whistling through it, standing out upon that prominent point, it advertises to everybody who passes up and down the river the bankruptcy or supposed bankruptcy of this nation. After a great deal of effort the committee of conference succeeded in obtaining \$12,000 to proceed with the work, so that we may keep a few men at work on it at least, and possibly to some extent counteract the advertisement that we are bankrupt and unable to finish a building that we have partially completed. It will require \$46,000 to finish it. The best the committee of conference on the part of the Senate were able to obtain was one-fourth of that sum, so that we may expect to be four years longer if the same proportion is appropriated hereafter in completing the building. What has been appropriated will hardly roof it and inclose it. The proposition of the bill as it came from the House was to appropriate \$800 to put a board roof on. Seventy-two thousand dollars has already been expended on this work. The hospital is needed; but rather than lose the bill the conferees on the part of the Senate thought it best to go on with the work, although it may require four years to finish it.

I have no further remarks to make unless some Senator desires to ask me a question.

Mr. BLAINE. A single moment on this report. There is one radical change made here which the Senate ought to understand in voting upon it. I will read it. The House sent to us this provision:

That only such number of the graduates of the United States Military Academy in any one year shall be entitled to appointment as second lieutenants in the Army as are required to fill vacancies of that grade existing on the 1st day of July in each year; those entitled to appointment to said vacancies to be determined by the academic board on the basis of their standing in the graduating class. And hereafter no supernumerary officers shall be attached to any company or corps of the Army, and all graduates of the Military Academy who are not appointed to the Army under the provisions of this act shall be discharged upon the graduation of their class.

The Senate conferees have agreed to that provision with this amendment.

Mr. EDMUNDS. The Senate disagreed.

Mr. BLAINE. The Senate disagreed, but the conference have agreed that from and after July 1, 1882, only such number shall be appointed; that is to say, every cadet already entered shall be treated fairly under the law as he entered, and all future appointees will go in with the understanding that those who graduate shall be appointed only to vacancies existing; that only the number of vacancies existing shall be commissioned. That will apply from the 1st of July, 1882.

Mr. EDMUNDS. I merely wish to suggest for the purpose of information, that by fixing it at a specific date, if there should happen to be ten vacancies existing on that day and twenty graduated cadets, half of them could be appointed; but the next day a vacancy might occur, and it would seem to be forbidden to appoint another one of the cadets.

Mr. BLAINE. It is fixed on that date, fixed at the time of their graduation. In the case suggested it would fall to the benefit of the next year's class. The Senator will observe that that would be the luck of the next year's class.

Mr. EDMUNDS. No, because a vacancy occurring between the 1st of July following the graduation and the next 1st of July, under the general provisions of the Army law, the President of the United States could fill from anybody except these particular persons.

Mr. BLAINE. No; they would not be excluded.

Mr. WITHERS. There is a proviso in regard to appointments from civil life.

Mr. BLAINE. Where is that?

Mr. WITHERS. I have not the bill before me, but my impression was that after this time it was provided that no appointment should be made from civil life except during time of war.

Mr. BLAINE. The second section is, and that ought to be read in connection:

That appointments of civilians, except such as are regular graduates of the United States Military Academy who have been honorably discharged from the service, to be second lieutenants in any of the regiments of the Army shall only be made in time of peace, and when more vacancies exist in the Army than will be required in the assignment of the next graduating class of cadets at the United States Military Academy: *Provided*, Nothing herein shall prevent the appointment of a commission in the Army of meritorious non-commissioned officers or private soldiers.

Taking the two together, I think they cure the point suggested by the Senator from Vermont; but it must be observed that it is a radical change after 1882 in the constitution and organization of the West Point Academy. I think it has points of wisdom in it.



The PRESIDING OFFICER. The question is on concurring in the report.

The report was concurred in.

THE CALENDAR.

Mr. EDMUNDS. It is five o'clock—

Several SENATORS. Let us have an executive session.

Mr. McMILLAN. If the Senator from Vermont will give way to me for a moment, I should like to ask the Senate to take up House bill No. 3548, making appropriations for claims reported by the southern claims commission.

Mr. EDMUNDS. There is a bill I wish to take up reported from the Committee on Private Land Claims, that ought to be considered, and there are a great many other bills on the Calendar that are meritorious. If we could take them up in their order we should have then a methodical and systematic and economical use of our time. Doing business in this way is not I think entitled to that description. I move, therefore, that the Senate proceed—

Mr. ROLLINS. Will the Senator—

Mr. EDMUNDS. I have not finished my motion yet.

The PRESIDING OFFICER. The Senator from Vermont is entitled to the floor.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of the Calendar under the Anthony rule, commencing at the point where we last left off.

Mr. McMILLAN. If the Senator will yield to me, I wish to state that the bill to which I have referred is one of—

The PRESIDING OFFICER. The Chair was about to submit the question.

Mr. McMILLAN. I appeal to the Senator from Vermont.

Mr. TELLER. Is not the question debatable?

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate proceed to the consideration of the Calendar under the Anthony rule.

Mr. McMILLAN. Before that motion is put I desire to submit a remark. I hope the Senate will not adopt that motion, but that the Senator from Vermont will withdraw it and permit me, from the Committee on Claims, to ask the attention of the Senate to House bill No. 3548. This is the bill making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871. The committee have reported this bill with some amendments which will render it necessary that it be sent back to the House and the action concurred in there. I hope the Senate will now take up the bill and proceed to its disposition this evening, for I think it will not lead to much discussion. I ask the Senator from Vermont if he will not withdraw his motion.

Mr. EDMUNDS. I cannot. I think I have made a correct motion.

Mr. TELLER. There are several bills here that can be passed by mere reading. They are matters of no concern except to the several States interested. For instance, there is a bill to change the time of holding elections in Colorado. In half the time we have spent in trying to get the floor to be heard we could have passed the bill. These bills will be at the foot of the Calendar and will never be reached. A majority of the bills that are on the Calendar will not be injured by lying over. The bill proposed by the Senator from Minnesota to-day if it ever gets before the Senate will cause debate. There are radical changes in it that I am confident from my very little experience in this body will call out discussion, while these other bills can be simply read and passed. I think it is no more than fair that those bills which can provoke no possible discussion should be now presented and read and passed.

Mr. McMILLAN. The Senator from Colorado I think is mistaken in the opinion that this bill will lead to a lengthy discussion. I think that a statement in explanation of the amendatory clauses will satisfy the Senate and they will be concurred in immediately.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont, [Mr. EDMUNDS,] that the Senate now proceed to the consideration of the Calendar under the Anthony rule.

The motion was agreed to; there being on a division—ayes 34, noes 15.

The PRESIDENT *pro tempore*. The Secretary will report the first case on the Calendar.

Mr. McMILLAN. I now move that the existing order be suspended for the space of an hour for the purpose of taking up the bill (H. R. No. 3548) making appropriations for the payment of claims allowed by the Commissioners of claims under the act of Congress of March 3, 1871.

Mr. PADDOCK. I object to that.

Mr. PATTERSON. I move to amend that by making it "for miscellaneous business." Give us all a chance.

Mr. COCKRELL. I call for the regular order.

The PRESIDING OFFICER. The regular order is called for.

Mr. PATTERSON. A motion is always in order. The Senator from Minnesota has made a motion.

Mr. PADDOCK. The motion of the Senator from Minnesota is clearly not in order. The Senate has just made an order.

Mr. McMILLAN. I should like to hear from the Senator from Nebraska why it is not in order.

Mr. PADDOCK. The Senate has already passed an order to proceed to the Calendar under the Anthony rule.

Mr. PATTERSON. Cannot the Senate change the order by a majority vote?

Mr. TELLER. Mr. President, I call for the Calendar. Let us proceed.

Mr. PADDOCK. Regular order.

The PRESIDING OFFICER. The Chair will submit the motion of the Senator from Minnesota to the Senate.

Mr. TELLER. What is the motion?

Mr. McMILLAN. Before that is submitted I just wish to say a word to the Senate. This is a matter involving the interests of a large number of people. The cases have been passed upon by the commissioners of claims. We have examined the bill and reported it to the Senate with an amendment which will render it necessary that the House take action upon it; and unless the bill is passed soon it will be lost at this session. The bill can be passed, I think, without delay. If it leads to discussion I do not intend to press it so that it shall interfere with any other business.

Mr. INGALLS. How much does it appropriate?

Mr. COCKRELL. Will the Senator from Minnesota answer me one question? What bill is he asking the consideration of?

Mr. McMILLAN. The southern claims commission bill.

Mr. INGALLS. How much is appropriated by the bill?

Mr. McMILLAN. I cannot state the precise amount.

Mr. COCKRELL. Is it the bill which has passed the House and been reported by the Senate Committee on Claims? Is that the bill?

Mr. McMILLAN. Yes, sir.

The PRESIDING OFFICER. The Senator from Minnesota moves that the present order be temporarily suspended for the purpose of considering the bill indicated by him.

Mr. PATTERSON. And I amend that by moving that the regular order be laid aside for miscellaneous business.

Mr. HOAR. I rise to a question of order. The point of order is that a motion to lay aside the present order of business is not amendable. The only mode to reach that is to vote down this motion and then to make another.

The PRESIDING OFFICER. The point is sustained. The question is on the motion made by the Senator from Minnesota.

The question being put, a division was called for; which resulted—ayes 17, noes 20; no quorum voting.

Mr. VOORHEES. I move that the Senate do now adjourn.

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

The question being put, a division was called for.

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

The yeas and nays were ordered.

Mr. BECK. Is it not developed that there is no quorum in the Senate?

The PRESIDING OFFICER. On the division there was no quorum, and now the yeas and nays are called for.

Mr. BECK. On adjournment?

The PRESIDING OFFICER. On adjournment.

Mr. McMILLAN. Was the motion announced as lost?

Mr. WHYTE and others. It is not debatable. Question! Question!

The Secretary proceeded to call the roll.

Mr. SPENCER. Before this vote is announced I wish to inquire if the river and harbor bill does not come up as the unfinished business on Monday morning? ["Yes!" "Yes!"] I wanted to find out whether the motion of the Senator from Vermont that we should proceed to the Calendar displaced the river and harbor bill. ["No!" "No!"]

Mr. MORRILL. It was understood that the river and harbor bill should come up.

Mr. SPENCER. I understand the Chair to state that it was understood that the river and harbor bill was to be the unfinished business for Monday.

The PRESIDING OFFICER. That is the understanding.

The roll-call having been concluded, the result was announced—yeas 27, nays 23; as follows:

YEAS—27.			
Anthony,	Christiancy,	McCreery,	Sargent,
Armstrong,	Dawes,	Matthews,	Saunders,
Barnum,	Eustis,	Merrimon,	Voorhees,
Bayard,	Hill,	Mitchell,	Wallace,
Beck,	Ingalls,	Morrill,	Whyte,
Blaine,	Jones of Florida,	Patterson,	Withers.
Booth,	Kernan,	Ransom,	
NAYS—23.			
Bailey,	Conkling,	Kirkwood,	Rollins,
Burnside,	Dorsey,	Lamar,	Spencer,
Cameron of Wis.,	Gordon,	McMillan,	Teller,
Butler,	Hereford,	Maxe,	Wadleigh,
Cockrell,	Hoar,	Oglesby,	Windom.
Coke,	Jones of Nevada,	Paddock,	
ABSENT—26.			
Allison,	Dennis,	Harris,	Plumb,
Bruce,	Eaton,	Howe,	Randolph,
Cameron of Pa.,	Edmunds,	Johnston,	Saulsbury,
Chaffee,	Ferry,	Kellogg,	Sharon,
Conover,	Garland,	McDonald,	Thurman.
Davis of Illinois,	Grover,	McPherson,	
Davis of W. Va.,	Hamlin,	Morgan,	

So the motion was agreed to; and (at five o'clock and sixteen minutes) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

SATURDAY, June 8, 1878.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. W. P. HARRISON.

The Journal of yesterday was read and approved.

## COMMITTEE ON EXPENDITURES IN THE POST-OFFICE DEPARTMENT.

Mr. BROGDEN. I ask unanimous consent to report for present consideration, from the Committee on Expenditures in the Post-Office Department, the resolution which I send to the desk.

The Clerk read as follows:

*Resolved*, That the Committee on Expenditures in the Post-Office Department is hereby authorized to sit during the recess of Congress, so as to enable them to complete their report in detail; and the said committee is hereby authorized to continue the services of the expert now in the employ of said committee, the said expert to be paid during the recess of Congress the same per diem as at present paid him, out of the contingent fund of the House of Representatives.

Mr. EDEN. I would like to know the necessity for that.

Mr. FOSTER. I object to the present consideration of the resolution.

## PENITENTIARY IN DAKOTA TERRITORY.

Mr. RIDDLE, by unanimous consent, from the Committee on the Territories, reported back, with a favorable recommendation, the bill (H. R. No. 2425) to appropriate money for the building of a penitentiary in Dakota; and the same was referred to the Committee of the Whole on the state of the Union, not to be brought back on a motion to reconsider, and the accompanying report ordered to be printed.

## JUDICIAL POWERS AND FUNCTIONS OF CONSULS.

Mr. MONROE. I ask unanimous consent to report back from the Committee on Foreign Affairs for present consideration the bill (S. No. 1272) to amend section 4127 of the Revised Statutes of the United States, in relation to the judicial powers and functions of consuls. The bill is intended to perfect the statute for the protection of American citizens abroad in countries not Christian. I am instructed unanimously by the Committee on Foreign Affairs to report it favorably.

The SPEAKER. The bill will be read, after which the Chair will ask for objections, if any.

Mr. HALE. I object now, unless it is understood that the bill will occupy no time.

Mr. MONROE. It ought not to take a minute of time to pass the bill.

The bill was read, as follows:

*Be it enacted, &c.*, That section 4127 of the Revised Statutes of the United States be, and the same is hereby, amended so that it shall hereafter read as follows:

SEC. 4127. The provisions of this title, so far as the same are in conformity with the stipulations in the existing treaties between the United States and Tripoli, Tunis, Morocco, Muscat, and the Samoan or Navigator Islands, respectively, shall extend to those countries, and shall be executed in conformity with the provisions of the treaties and of the provisions of this title by the consuls appointed by the United States to reside therein, who are hereby *ex officio* invested with the powers herein delegated to the ministers and consuls of the United States appointed to reside in the countries named in section 4053, so far as the same can be exercised under the provisions of treaties between the United States and the several countries mentioned in this section, and in accordance with the usages of the countries in their intercourse with the Franks or other foreign Christian nations. And whenever the United States shall negotiate a treaty with any foreign government, in which the American consul-general or consul shall be clothed with judicial authority, and securing the right of trial to American citizens residing therein before such consul-general or consul, and containing provisions similar to or like those contained in the treaties with the governments named in this act, then said title, so far as the same may be applicable, shall have full force in reference to said treaty, and shall extend to the country of the government negotiating the same.

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

Mr. MONROE 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.

## THOMAS COTTON.

Mr. ACKLEN. I ask unanimous consent that the Committee of Elections be discharged from the further consideration of the papers relating to the claim of Thomas Cotton, and move that the same be committed to the Committee of Claims. I will state that there has been no meeting of the Committee of Elections recently and therefore it is impossible to have the case reported.

The motion of Mr. ACKLEN was agreed to.

Mr. ACKLEN moved to reconsider the vote by which the claim was referred to the Committee of Claims; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## ELECTION CONTEST—TILLMAN VS. SMALLS.

Mr. COBB. I rise to a question of privilege. I submit a report from the Committee of Elections in the case of Tillman vs. Smalls, from the fifth congressional district of South Carolina, and ask that it be printed, and I give notice that I will call it up for the consideration of the House on Wednesday next.

The SPEAKER. The Clerk will read the resolution reported by the committee.

The Clerk read as follows:

*Resolved*, That there was no free, fair, and peaceable election in the fifth congressional district of South Carolina on the 7th day of November, 1876, and that

neither Robert Smalls nor George D. Tillman is entitled to the seat from said district in the Forty-fifth Congress by virtue of said election, and that said seat is hereby declared vacant.

Mr. WAIT. I submit the views of the minority of the committee and ask that they be printed together with the report of the majority.

The Clerk read the resolution reported by the minority of the committee, as follows:

*Resolved*, That the sitting member is entitled to retain his seat.

The reports were ordered to be printed.

## GEORGE C. ELLISON.

Mr. MAYHAM. I ask unanimous consent to offer a resolution for reference to the special committee on ventilation in regard to the suspension of George C. Ellison, chief-engineer of the House, and directing his restoration to said position.

Mr. HENRY. I object.

## O. B. AND O. S. LATHAM.

Mr. LOCKWOOD, by unanimous consent, from the Committee on Claims, reported back the bill (H. R. No. 1290) in addition to an act for the relief of Obadiah B. Latham and Oliver S. Latham, of Seneca Falls, New York, approved March 3, 1863, and moved that the same be committed to the Committee of Claims, and that the report and the accompanying papers be printed.

The motion was agreed to.

## LEAVE TO PRINT.

Mr. EAMES. I ask unanimous consent to have printed in the RECORD some remarks upon the bill in reference to the reduction of postage on letters.

There was no objection, and the leave was granted. [See Appendix.]

## JOHN B. NIX.

Mr. GAUSE, by unanimous consent, introduced a bill (H. R. No. 5136) for the relief of John B. Nix, of Miller County, Arkansas; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

## GOLOID COINAGE.

Mr. VANCE, from the Committee on Coinage, Weights, and Measures, by unanimous consent, reported a joint resolution (H. R. No. 187) relative to goid coinage; which was read a first and second time.

The joint resolution authorizes the Secretary of State to inquire into the subject of said goid coinage, with the exhibits explanatory thereof, together with fair specimens of the coinage, to be prepared at the mint with any improvement in the process as proposed by Dr. Hubbell, under the direction and at the discretion of the Director of the Mint and submit the same to the international monetary congress proposed by the act of February 28, 1878, if the same convenes, and provides that the subject be reported back, by the proper officers, to the next or any subsequent session of Congress.

The joint resolution received its several readings, and was passed.

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

The latter motion was agreed to.

Mr. VANCE. I ask that the report and the papers accompanying the joint resolution be printed.

There was no objection, and it was so ordered.

## HEAD-MONEYS.

Mr. COX, of New York, by unanimous consent, introduced a bill (H. R. No. 5137) to legalize the collection of head-moneys already paid; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. COX, of New York. I ask leave to have printed in the RECORD letters in relation to this subject.

There was no objection, and the leave was granted.

The letters are as follows:

NEW YORK, June 4, 1878.

SIR: As counsel for the commissioners of emigration you argued the case of Henderson vs. The Mayor, &c., reported in 2 Otto.

Since that time suits for the recovery of many hundreds of thousands of dollars have been brought against the commissioners of emigration and against the New York City authorities. In the care of the sick and infirm, the imbecile and the aged, the commissioners of emigration have expended large sums of money upon emigrants who were unfit to take care of themselves when landed at New York City. The police powers of the State would undoubtedly have been susceptible of such constitutional enactment and enforcement at the time the head-moneys were paid as would have compelled the steamship lines to have provided for such emigrants as required immediate provision upon landing, or else that they be refused landing and compelled to take them back.

It is manifestly unjust that when the head-moneys have been expended upon the emigrants which the steamship companies have landed and to the support of whom they were equitably if not legally bound, should be permitted to recover head-moneys so expended.

I have drafted a short act, which I inclose for your approval, and ask you to introduce it and urge its passage.

It would be out of place for me to trace the history of the commissioners of emigration, or the benefit they have been as banker, friend, guide, nurse, and physician to the poor, unknown, ignorant, sick emigrant, to the Senator from New York who must know it so much more thoroughly than I do. I must rely upon that knowl-

edge to secure your active urgency of the bill, or some one which will accomplish the same end.

Very respectfully,

Hon. FRANCIS KERNAN,  
United States Senator, Washington, D. C.

LEWIS SANDERS,  
Counsel to the Commissioners of Emigration.

CITY OF NEW YORK,  
FINANCE DEPARTMENT, COMPTROLLER'S OFFICE,  
June 4, 1878.

DEAR SIR: I inclose a draft of an act to be passed by Congress, validating the collection of head-moneys already paid.

The equities are all in favor of the bill. Since the Supreme Court at Washington decided that the act of this State authorizing the collection of head moneys, to be paid in lieu of a bond conditioned for the support of such emigrants as might become a public charge, is unconstitutional, a number of suits have been brought by various steamship companies to recover the head tax paid, amounting to large sums of money.

The fact that a recovery in law is extremely problematical will not materially reduce the cost of defending these suits by the municipal and State authorities sued. It is of importance that this bill be passed at this session if possible, and to that end that it be introduced into both Houses at once.

Upon your fidelity to the interests of the city and State, and your activity in protecting them, I rely to secure a favorable report and speedy passage of the bill.

I inclose a letter to Senator KERNAN, from Mr. Louis Sanders, counsel to the commissioners of emigration, which I heartily indorse. You are at liberty to use Mr. Sanders's letter or not, as your judgment dictates to be best. Hoping to hear from you, I remain,

Very truly,

JOHN KELLY, Comptroller.

Hon. S. S. COX,  
Washington, D. C.

#### IMPROVEMENT OF TWELVE-MILE BAYOU, ETC.

Mr. REA. I ask unanimous consent to put upon its passage the bill (H. R. No. 4578) to improve the navigation of Twelve-Mile Bayou and the lakes between Shreveport, Louisiana, and Jefferson, Texas, and for other purposes.

Mr. EDEN. Is not that already provided for in the river and harbor bill?

Mr. HALE. I object.

RICHARD S. BULLOCK.

Mr. DICKEY, by unanimous consent, introduced a bill (H. R. No. 5138) granting a pension to Richard S. Bullock, of Adams County, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### ORDER OF BUSINESS.

Mr. PAGE. I call for the regular order.

Mr. BLOUNT. The regular order being called for, I move that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the deficiency appropriation bill.

ALICE E. DE GROOT.

Mr. CLARK, of Missouri. I have been requested by the gentleman from Georgia [Mr. STEPHENS] to ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the bill of the House No. 3160, to refer the claim of Alice E. De Groot and others, administrators of William H. De Groot, deceased, to the United States Court of Claims, and that the same be referred to the Committee of Claims, not to be brought back by a motion to reconsider.

There was no objection, and it was so ordered.

#### MEXICAN AWARDS.

Mr. WILSON. I ask unanimous consent to have taken from the Speaker's table Senate bill No. 1016, to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868. The House passed that bill with an amendment and sent it to the Senate. The Senate have disagreed to the amendment, and I now ask that the House insist upon its amendment and ask a committee of conference.

There was no objection, and it was so ordered.

#### DEFICIENCY APPROPRIATION BILL.

Mr. BLOUNT. I now move that the rules be suspended and the House resolve itself into Committee of the Whole for the purpose of proceeding with the consideration of the deficiency appropriation bill. The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. BEEBE in the chair.)

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of proceeding with the consideration of the bill (H. R. No. 5117) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1878, and prior years, and for those heretofore treated as permanent, for reappropriations, and for other purposes. The Clerk will report the pending paragraph, and also the amendment which is now pending offered by the gentleman from Louisiana, [Mr. ELAM.]

The pending paragraph was read, as follows:

To meet a deficiency that may occur in the appropriation for compensation of postmasters, for the fiscal year ending June 30, 1878, \$400,000, or so much thereof as may be necessary.

The amendment offered by Mr. ELAM was read, as follows:

That the sum of \$183 be, and is hereby, appropriated to pay the balance due E. R.

Boisset, of the State of Louisiana, for balance due him as the postmaster at Alexandria, in said State.

The question was taken on the amendment, and it was not agreed to. Mr. FOSTER. I desire the attention of the gentleman from Georgia [Mr. BLOUNT] having charge of this bill. By the pending paragraph \$400,000 is appropriated for a deficiency in the compensation of postmasters. The Department says that the deficiency will amount to \$900,000. It will necessarily have to be paid, because the postmasters retain their pay out of the revenues of their offices.

I might go on in regard to the next paragraph, which appropriates \$550,000 to meet a deficiency in the revenues of the Department. The two paragraphs appropriate \$950,000 for deficiencies, which the Department estimates at \$2,137,000.

The deficiencies arise in this way: the receipts are estimated at \$33,584,143. In that estimate is included \$750,000 for official postage-stamps. The fact is that the last appropriation bill made no appropriation for official postage-stamps, yet the Committee on Appropriations have assumed that the revenues will be the full amount of the estimates, including the \$750,000 for official postage-stamps.

In addition to that the Department estimates that there will be a deficiency of \$1,400,000 in the revenues, making a total deficit of \$2,137,000. Now to meet that entire deficiency this bill appropriates \$900,000. It seems to me that is utterly insufficient.

The deficiency arises from two causes: one is the failure of the Committee on Appropriations to take into account the fact that we have made no appropriation for official postage-stamps, amounting to \$750,000, and the further fact that the revenues of the Post-Office Department are less by \$1,400,000 than the estimated receipts for this year. Unless this deficiency is made up at this time it will have to be made up at some future time; that is all there is of it. I think it will be wisdom on the part of the House to make the necessary appropriation now. I therefore move to amend the pending paragraph by striking out "\$400,000" and inserting "\$900,000."

Mr. BLOUNT. My colleague on the Committee on Appropriations [Mr. FOSTER] has represented correctly the estimate made by the Post-Office Department. I have examined those estimates carefully. The estimate of the Department for the present fiscal year was only \$7,500,000; the appropriation for this fiscal year was \$7,250,000.

Mr. FOSTER. That is the amount the Post-Office estimates will be needed in excess of the revenues of the Department.

Mr. BLOUNT. Yes, sir. Now, if we add to the amount which was appropriated for this fiscal year the amount which is proposed to be appropriated by this bill we will have an appropriation for this fiscal year of over \$8,000,000, which is more than the Department estimated for.

I know it is the habit of the Department to overestimate in this particular. I concede that there may be no disadvantage so far as the Post-Office Department is concerned in overestimating. But they take a very latitudinarian view of the matter. Their idea seems to be that if they do not spend the whole amount appropriated it will be left in the Treasury; but that has not been the practice of Congress. In their appropriation bills they have estimated differently from the Department. The Forty-fourth Congress appropriated \$250,000 less than the amount estimated for.

In this bill we have gone even beyond that amount and appropriated \$400,000, making \$7,650,000 appropriated altogether, more than the Department estimated last year would be needed for other purposes.

Now we are told that this state of things grows largely out of the fact that frauds have been practiced upon the Government by the postmasters in the sale of stamps. That is the leading feature upon which this deficiency is based.

For some months past the Department has adopted the plan of restraining postmasters in the sale of stamps. Previously they obtained stamps whenever they called for them. Now when such applications are made the Department goes into an examination, and oftentimes refuses to furnish stamps. The hope is that this supervision by the Department will largely check this abuse.

The course which we propose to adopt can be no disadvantage to the Government; no embarrassment can grow of out it. My colleague on the committee, [Mr. FOSTER,] as well as the House, will remember that in this very bill we have appropriated in the neighborhood of \$400,000 for 1876. There is no failure on the part of any postmaster to receive his pay; and therefore we think we are entirely safe in adopting the sum named in the bill.

As to the next item it will be observed that this money is not taken from the postal revenues, but comes out of the Treasury. Therefore it is a fund which the Department may use even if it gets this \$2,000,000. The plan of the Department was to take from the revenues of the Department the amount necessary to pay the postmasters. But we have provided an appropriation of \$550,000; and these two items come from the Treasury directly, making \$950,000.

[Here the hammer fell.]

Mr. FOSTER. In order that the gentleman from Georgia may continue his remarks I withdraw my amendment.

Mr. EDEN. I renew the amendment and yield my time to the gentleman from Georgia, [Mr. BLOUNT].

Mr. BLOUNT. Now the estimate as to the revenues is made upon the first two quarters of the fiscal year, and it is assumed that the revenues of the last two quarters will not be in excess of the first

two. But I have before me a statement of the receipts for the fiscal year ending June 30, 1877, by which the revenues for the several quarters are shown to have been as follows:

First quarter.....	\$6,539,171 38
Second quarter.....	6,770,009 68
Third quarter.....	7,221,293 41
Last quarter.....	7,001,110 71

It thus appears that during the last two quarters of the fiscal year the revenue amounted to a million dollars more than in the first two quarters; and by examination it will be found that this is about the ratio of receipts for several fiscal years. Hence the Department is wrong in the assumption that the deficiency in the last two quarters will be as great as that in the first two quarters. We are satisfied that the Department with the appropriations here proposed will have enough. If not it will simply do as it has done heretofore. If I could see a probability of any embarrassment in the operations of the Department I might assent to the proposition of the gentleman from Ohio, [Mr. FOSTER;] but as we believe there is no such probability we think it best that the appropriation should be made as reported in the bill.

Mr. FOSTER. The gentleman from Georgia assumes that his figures are more safely to be trusted than those of the Department. I have given the estimates of the Department for the balance of the fiscal year, those estimates being founded on the first two quarters. I have only to say that unless a larger sum is appropriated, we shall when we meet next winter be again met with a deficiency appropriation for this Department, a thing very unpleasant to my friends on the other side, and which it may take a great deal of time to explain away. I make the prediction now, as I have often made it in the past, that the gentleman is utterly mistaken and when we meet next December we shall be met with another call to make up a deficiency which we are asked to appropriate now.

Mr. BLOUNT. The gentleman refers to the deficiencies in appropriations of the Forty-fourth Congress, but he does not refer to deficiencies in the appropriations for 1876, which were made by his own party. Besides the gentleman very well knows that his party when in power in this House did not conform to the estimates.

The question being taken on the amendment of Mr. FOSTER, as renewed *pro forma* by Mr. EDEN, it was not agreed to; there being—ayes 44, noes 72.

Mr. RIDDLE. I move to amend by inserting the following:

To pay T. A. Kendig for carrying the mails in Louisiana from November 1, 1866, to June 30, 1867, (routes Nos. 8108 and 8109) being a deficiency for the fiscal year 1871, and prior years, the sum of \$4,099.44.

This account has been audited by the Auditor of the Post-Office Department and approved by the Secretary of the Treasury.

Mr. BLOUNT. Before the gentleman proceeds, I desire to reserve a question of order on the amendments.

Mr. RIDDLE. This is a deficiency of the same sort as those appropriated for yesterday.

Mr. EDEN. If this account which is thirteen or fourteen years old has been audited in the Treasury Department, I want to know more about it than we can learn in the debate on this appropriation bill.

Mr. BLOUNT. I ask the attention of the Chair to Rule 48. The facts in regard to this case are that a bill for the payment of this claim has, by direction of the House, been referred to the Committee of Claims, and is there pending. Consequently this is not in order as an amendment to the present bill.

Mr. RIDDLE. I will state very frankly that a bill covering this claim has been introduced and has already been passed by the House; it is now pending in the Senate, but with no probability of its being reached.

Mr. BLOUNT. That does not relieve the amendment from the point of order.

Mr. RIDDLE. The bill in this House was referred to the gentleman from Maryland [Mr. HENRY] as a subcommittee, and a favorable report was made upon it.

Mr. EDEN. Rule 48 covers the case.

The CHAIRMAN. It appears that this claim is not pending before the House, but pending before Congress. According to the statement of the gentleman from Tennessee, [Mr. RIDDLE,] it is not now before the House.

Mr. RIDDLE. I introduced a bill for this same purpose in the last Congress, but it never became a law, and I presume it never will, unless attached to an appropriation bill.

Mr. EDEN. There are plenty more of such cases on the Private Calendar.

Mr. RIDDLE. The Government is bound to pay its debts just as much as private citizens are. The obligation is the same in both cases.

The CHAIRMAN. The Chair fails to see that this proposition is one that comes within Rule 120, and therefore rules it not in order.

Mr. RIDDLE. Will the Chair allow me just one remark? Similar propositions were decided in order yesterday, I believe.

The CHAIRMAN. On each occasion where a point of order has been raised the Chair has consistently and uniformly ruled such propositions out of order.

Mr. RIDDLE. In regard to deficiencies?

The CHAIRMAN. Yes, sir.

Mr. RIDDLE. Two or three were passed yesterday.

The CHAIRMAN. But no point of order was made on them.

Mr. HARRIS, of Virginia. I move the following amendment:  
The Clerk read as follows:

To pay Samuel Cootes \$28, being amount due him by settlement of his accounts as late postmaster at Cootes's Store, Virginia.

Mr. BLOUNT. We acted on that yesterday.

Mr. HARRIS, of Virginia. The gentleman is mistaken. That is not the amendment I proposed last night. The amendment I proposed last night had twenty-six cents added to it. It was suggested the sum was much too large or much too small. In the interest of economy I have omitted the excess over \$28, and I think if the House will listen to me they will pass the appropriation.

Mr. BLOUNT. I insist on the question of order.

Mr. HARRIS, of Virginia. I never raised a question of order on my friend from Georgia, although he is frequently out of order. This money is due to an old man ninety years of age. It was due in 1860 in settlement of his postal accounts. It was so small it did not then attract his attention, but since then fortune has dealt harshly with him. He is poor, ninety years of age, served in the war of 1812, and has been asking for this little pittance for a number of years, the Department writing to him all the time that the money was due him, and that the law authorized it, but that there was no appropriation out of which to pay it. That is the purport of the letter upon your table. That is the purport of the letter to him. I hope the House will pay this debt. It is small to be sure, but though small it is honestly due and should be paid.

Mr. EDEN. There are two or three hundred cases upon the Private Calendar of precisely the same character and just as good as the one the gentleman from Virginia advocates, and if this is to go on I move as an amendment to the gentleman's amendment all those cases.

Mr. HARRIS, of Virginia. I make the point of order on the amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BLOUNT. I insist on my point of order to the amendment of the gentleman from Virginia notwithstanding his persuasive argument.

The CHAIRMAN. For the same reason given in reference to the amendment to the amendment suggested by the gentleman from Illinois—

Mr. HARRIS, of Virginia. Before the Chair decides let me say that this amendment of mine is perfectly competent. It cannot be rejected because of any want of principle in it, but the amount may be too large or too small and therefore it is competent to correct the amount according to the facts. I offer it as a distinctive proposition, and it is not subject to the point of order. It never has been acted on.

The CHAIRMAN. The gentleman from Virginia submitted a point of order against the proposition of the gentleman from Illinois, and the Chair sustained that point of order. For the same reason the Chair is bound to sustain the point of order raised by the gentleman from Georgia as against the amendment of the gentleman from Virginia, not because it has been previously acted on, but because it is not germane to the bill under consideration.

Mr. HARRIS, of Virginia. Yesterday it was decided to be in order.

Mr. ATKINS. I insist, Mr. Chairman, that we shall proceed in order. The Chair has decided, and this is the end of the matter, unless the gentleman takes an appeal.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

To meet a deficiency that may occur in the revenues of the Post-Office Department, for the fiscal year ending June 30, 1878, \$350,000, or so much thereof as may be necessary.

Mr. FOSTER. I move to strike out "\$350,000" and in lieu thereof to insert "\$1,000,000." I hope the amendment I have offered will be adopted, because unless it is adopted we will be met next year with a deficiency to the difference between the two amounts.

Mr. BLOUNT. I entirely disagree with the gentleman from Ohio, and hope the amendment will be rejected.

The amendment was rejected.

The Clerk read as follows:

House of Representatives:

To pay James J. Spellman amount due him as page for the Doorkeeper's office from March 1 to October 15, 1877, as approved by the Committee of Accounts, \$572.50.

Mr. PAGE. I move to strike out the last word in order that I may inquire what this is for. We certainly should have some explanation of the matter as to how this deficiency arose.

Mr. BLOUNT. In reference to matters concerning the employes of this House the Committee on Appropriations have acted upon the recommendation of the Committee of Accounts, which committee has examined into these matters and reported in this case that this party is entitled to this amount of money.

Mr. PAGE. I wish simply to know how these deficiencies have occurred. I have no doubt there is a deficiency, but I wish to know whether the officers of the House have exceeded their authority.

Mr. BLOUNT. My friend from North Carolina will remember we had a good deal of trouble under the last Doorkeeper and that this is one of the cases.

Mr. PAGE. I withdraw the formal amendment.

The Clerk read as follows:

To Charles Christian, for services as laborer in the office of the Sergeant-at-Arms from March 1, 1877, to June 30, 1878, \$800.

Mr. CORLETT. I move the following amendment:

After line 585 insert:

For newspapers and stationery for Members and Delegates of the House of Representatives, for the present session of Congress, \$37,500.

Mr. CLYMER. That surely is not a deficiency.

Mr. BLOUNT. The committee think there has been ample provision on that subject.

Mr. CORLETT. I ask the Clerk to read, on page 139 of the Manual, Rule 154 and the note appended to that rule.

The Clerk read as follows:

154. The allowance of stationery to each Member and Delegate shall be of the value of \$75 for a long session and \$45 for a short session of Congress.

[This rule is inoperative, as by act of February 12, 1868, the allowance for stationery and newspapers is fixed at \$125 for each session.]

Mr. BLOUNT. I make the additional point of order that it is not germane. If it belongs anywhere it belongs to the legislative appropriation bill.

The CHAIRMAN. The Chair sustains the point of order.

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

Surveying public lands:

To pay George O. Elms, deputy surveyor in Louisiana, for service performed during the fiscal year 1874, \$216.25.

Mr. PAGE. I offer the following amendment, to come in after the paragraph just read:

To pay J. R. Glover, contract September 16, 1875, \$388.21; J. A. Benson, contract December, 13, 1875, \$491.90; S. W. Brunt, contract June 10, 1875, \$2,205.11; J. A. Benson, contract November 14, 1876, \$913.46; F. T. Perrio, contract January 31, 1876, \$268.66; John Gilchrist, contract January 21, 1876, \$535.94; William Minto, contract June 26, 1875, \$2,266.85.

Mr. BLOUNT. I raise the question of order that these are not audited accounts; that they are mere claims.

Mr. PAGE. They are in the estimates of the Secretary of the Treasury accompanied by the following note:

NOTE.—The foregoing estimates for surveying public lands in Arizona, California, Florida, Louisiana, and Oregon are submitted in order to liquidate balances due to the deputy surveyors for surveys executed under their respective contracts entered into with the respective surveyor-generals of the United States and Territories. The deficiencies were caused by said surveyor-generals underestimating the cost of the work embraced in the contracts, but as the surveys have been approved and are available to the Government in the disposal of the lands thus surveyed, the respective sums are submitted.

Mr. BLOUNT. From what page is the gentleman reading?

Mr. PAGE. I am reading from page 21 of the estimates of the deficiencies in appropriations transmitted by the Secretary of the Treasury. This is money due these men for surveys. They are poor men. They have gone into the field and paid their own expenses; they have done this work, and it has been approved and accepted; and the estimates for the payment have been submitted to the Committee on Appropriations by the Secretary of the Treasury. On the same page, to the estimate for \$913.46, amount due John A. Benson, deputy surveyor for surveys in California, executed under contract of November 14, 1876, the following note is appended:

NOTE.—The above contract was for surveying the out-boundaries of the Round Valley Indian reservation in California, for which no appropriation is applicable. It was necessary, however, to have the boundaries of this Indian reservation surveyed, in order to make the adjacent public lands available, and to keep white settlers from intruding on the reservation.

Now these are just and equitable claims. And let me remark that the item in the bill which has just been read is not to be found in the estimate at all. I have no objection to its being paid, but these men named in my amendment ought to be paid for work already done and of which the Government has had the benefit.

Mr. BLOUNT. As to the statement of the gentleman that the item in the bill is not in the estimates, I will state that since the document containing the estimates was prepared and sent in the auditing has taken place in regard to that item. But as regards all the items the gentleman from California has named, the committee was informed by officers of the Treasury Department that they were not audited. The reason they were not audited was because there was no appropriation for the purpose. It is set forth in the statement the gentleman himself reads that a contract was made for a given survey on certain estimates, that subsequently it turned out the service went beyond the contemplation of Congress at the time the appropriation was made. It is not a deficiency, and I submit the amendment is not in order on this bill.

Mr. PAGE. Does the gentleman make the point of order that these are not deficiencies?

Mr. BLOUNT. Yes, sir.

Mr. PAGE. Why, sir, they are submitted by the Secretary of the Treasury in Executive Document No. 45, being a letter addressed to the Speaker of this House, and they are for surveys under contracts made with the surveyor-general. These are deputy United States surveyors, and if they exceeded the amount which the surveyor-general expected, that is another reason why they should not be paid. The contracts were let at so much per mile, and it turned out that more money was required than was expected when the contracts were let. But the labor has been performed and the work has been accepted, and the only reason the accounts have not been audited is

that there is no money in the Treasury to pay them. If there was, there would not be any deficiency.

Mr. BLOUNT. We have limited the amount of money for these surveys.

The CHAIRMAN. The Chair would inquire of the gentleman from California if the appropriation was not made for this work at the time the work was done?

Mr. PAGE. An appropriation was made for surveys undoubtedly. But the work is in excess of the amount appropriated and now there is a deficiency, because it amounted to more than the money in the hands of the surveyor-general was sufficient to pay. But the work has been accepted by the Government; the surveys have been accepted, and the Secretary of the Treasury reports this to the House as being a deficiency in each of these cases.

Mr. RIDDLE. Suppose no appropriation was made, would it then be a deficiency?

The CHAIRMAN. Is that an inquiry addressed to the Chair?

Mr. RIDDLE. Yes, sir, it is addressed to the Chair.

The CHAIRMAN. The Chair has stated to gentlemen in reply to the same inquiry on former occasions that if no appropriation had been made at all and the service had been rendered without any limitation, in that case it would be an expenditure authorized by law. But if the expenditure is authorized and the appropriation made under section 3979 of the Revised Statutes the officer cannot exceed the amount of the appropriation.

Mr. RIDDLE. In regard to the amendment I offered I find this note in the Book of Estimates:

NOTE.—No appropriation was made for deficiencies in the postal revenues for the years 1866 and 1867.

Those were the deficiencies that covered my amendment.

The CHAIRMAN. The gentlemen did not call the attention of the Chair to that condition of facts at the time.

Mr. RIDDLE. I was not aware that that would have changed the decision of the Chair.

The CHAIRMAN. As regards the amendment under consideration the Chair fails to see where it differs from other cases already ruled on in their order. An appropriation was made and this work was done in excess of the appropriation; and while it may now constitute a valid claim against the Government it must be passed upon by Congress in the ordinary way, and not as an amendment to this bill.

Mr. PAGE. Let me state, before the Chair makes up his mind, that the appropriation that was made for the survey of the public lands in the States and Territories was made in gross, at so much per linear mile.

The CHAIRMAN. Was the number of miles directed to be surveyed stated?

Mr. PAGE. There was a certain amount appropriated in gross for the survey of the public lands in the States and Territories, at so much per linear mile. Now it was impossible for the surveyor-general to tell exactly how much it would cost to give out the work under the law. But these surveys have been made, and it was found that the number of miles was greater and the labor greater than had been supposed. The reports were sent in to the Government, and their surveys were accepted, and you will find the difference between the amount paid and the amount due set opposite the names read by the Clerk in my amendment. The Secretary asks the House to appropriate a sum sufficient to pay for this labor. It was performed in accordance with law, authorized by law, and at rates fixed by law.

Mr. BLOUNT. I want to say that these accounts have never been audited and reported.

Mr. PAGE. Oh, yes, they have been.

Mr. BLOUNT. The claims have been reported, but they have not been audited.

Mr. PAGE. How can they be audited until an appropriation is made? And how do these cases differ from the one already in the bill?

The CHAIRMAN. The expenditures already authorized by law have always been held to be expenditures for which an appropriation has been made. These may constitute claims which are subsisting and valid claims against the Government; but they cannot be moved as an amendment to a general appropriation bill.

Mr. PAGE. But this is not a general appropriation bill.

The CHAIRMAN. The Chair has ruled that it is.

Mr. ATKINS. This is the general deficiency appropriation bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PAGE. Then I make the point of order upon the paragraph at the end of page 34, as follows:

Surveying public lands:

To pay George O. Elms, deputy surveyor in Louisiana, for service performed during the fiscal year 1874, \$216.25.

I hope the gentleman will not insist upon smuggling this claim through when he makes the point of order against others.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PAGE. I make the point of order upon that clause.

The CHAIRMAN. Is the gentleman prepared to show that the clause against which he raises the point of order is an expenditure not authorized by law?

Mr. PAGE. It occupies the same relation exactly as the claims I have submitted.

The CHAIRMAN. The Chair ruled yesterday, and was sustained,

as he supposed, by the emphatic action of the committee, that where a proposition is embraced in the bill and it is assailed, the onus rests upon the party assailing it to prove that it is in violation of law.

Mr. PAGE. I make the same point of order on this clause that the gentleman from Georgia made yesterday.

The CHAIRMAN. The onus is now changed, and the gentleman must show that this changes the existing law.

Mr. PAGE. I will take the same argument that induced the Chair yesterday to rule out a clause.

The CHAIRMAN. To what law does the gentleman from California refer?

Mr. PAGE. The same law to which the gentleman from Georgia referred and which induced the Chair to rule a clause out of order.

Mr. BLOUNT. That law will not work here.

Mr. PAGE. I know the rule will not work both ways.

Mr. BLOUNT. In this case the appropriation is under authority of law and is for the payment of an audited account, as the committee is informed.

Mr. PAGE. It is not in the Book of Estimates and it is not a deficiency, and I make the point of order that it is not.

The CHAIRMAN. If there is a question of fact between the gentleman from California and the gentleman from Georgia the Chair must be governed by the text of the bill, and the Chair overrules the point of order made by the gentleman from California.

Mr. RIDDLE. I ask that the Chair may have before him the note to the estimates which I hold in my hand and that he may reconsider his decision in regard to my amendment applying to the Post-Office Department.

The CHAIRMAN. We have passed from that portion of the bill.

Mr. COX, of New York. I offer the following amendment:

To place the three instructors of field-music at Fort Columbus on the same footing as chief musicians of regiments.

Mr. BLOUNT. I raise the question of order that the amendment is not germane to the bill.

The CHAIRMAN. To what portion of the bill does the gentleman from New York propose his amendment.

Mr. COX, of New York. To come in just where we stopped.

The CHAIRMAN. Does the gentleman desire it to come in under the heading of "public lands?"

Mr. COX, of New York. Anywhere; it appertains to nearly everything.

The CHAIRMAN. The portion of the bill to which the amendment might be applicable has been passed.

Mr. COX, of New York. This bill is a miscellaneous deficiency bill and the amendment is in order anywhere.

The CHAIRMAN. The Chair must sustain the point of order.

Mr. COX, of New York. On what ground?

The CHAIRMAN. It is not germane to the portion of the bill at present under consideration.

Mr. COX, of New York. Very well; I will offer it again.

The Clerk resumed the reading of the bill, and read as follows:

To pay for horses, mules, oxen, wagons, carts, sleighs, harness, steamboats and other vessels, railroad engines and railroad cars, killed, lost, captured, destroyed, or abandoned while in the military service, \$75,666.50.

Mr. COX, of New York. I move to insert after that clause the following:

To place the three instructors of field-music at Fort Columbus on the same footing as chief musicians of regiments.

I will state that one of these men has served thirty years, another twenty-eight, and the other twenty-five years.

Mr. FOSTER. Is that germane to a proposition to pay for horses, mules, and oxen?

Mr. BLOUNT. It might be germane to the Army appropriation bill or to the legislative bill.

The CHAIRMAN. Does the gentleman make a point of order against the amendment?

Mr. BLOUNT. I do.

The CHAIRMAN. The Chair must sustain the point of order for several reasons. In the first place it proposes to change existing law and is not in the direction of retrenchment; and in the second place it is not germane to the portion of the bill under consideration.

Mr. WHITE, of Pennsylvania. There is a small item here, not a very large one; but it contains a principle contrary to what has hitherto been the practice of the Government.

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania [Mr. WHITE] now take the floor?

Mr. WHITE, of Pennsylvania. For information.

The CHAIRMAN. Does the gentleman submit an amendment?

Mr. WHITE, of Pennsylvania. I move to strike out the last word. I inquire of the gentleman from Georgia [Mr. BLOUNT] or of the Committee on Appropriations why interest is allowed in the following item, on page 37 of the bill:

To pay George Billow the sum of \$410, with interest from December 28, 1864, to date of payment.

It has not hitherto been the practice of the Government to allow interest upon any claim, and I would like to know why this is made an exceptional case.

Mr. BLOUNT. I must object to going back to a portion of the bill

which we have passed; but I will answer the gentleman by saying that the item to which he refers is according to the estimate of the Department.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. WHITE] withdraw his amendment?

Mr. WHITE, of Pennsylvania. Yes, I withdraw it; but I protest against this being made a precedent.

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

For the payment of claims originating prior to July 1, 1875, under act of March 2, 1867, (Statutes at Large, volume 14, page 487, section 7,) as follows:

To pay for the traveling expenses of such California and Nevada volunteers as were discharged in New Mexico, Arizona, or Utah, and at points distant from the place or places of enlistment, such proportionate sum, according to the distance traveled, as has been paid to the troops of other States similarly situated, \$210.24.

Mr. COX, of New York. I move to strike out the last word for the purpose of calling attention, on behalf of my colleague [Mr. MULLER] and myself, to a statement which I hold in my hand, in connection with an amendment which I offered, and which was ruled out on a point of order.

The amendment was as follows:

To place the three instructors of field-music at Fort Columbus on the same footing as chief musicians of regiments.

The statement referred to by Mr. COX, of New York, is as follows:

HEADQUARTERS PRINCIPAL DEPOTS GENERAL RECRUITING SERVICE,  
Fort Columbus, New York Harbor, September 27, 1877.

SIR: We, the undersigned, instructors of field music at this depot, would most respectfully solicit your valuable aid in our behalf at the extra session of Congress in October next.

Sergeant James Condon had the honor to make a personal application to General Sherman, on one of his visits to this post, and the General kindly promised to recommend us to Congress for increase of pay at the next session. His official promise is now in the hands of our friend, Hon. NICHOLAS MULLER, member of Congress from the fifth New York district, who promised to aid us, the three instructors of field music on this post, and if possible have us placed on an equality with the chief musicians of regiments as to rank, pay, and allowances, to be appointed by the Secretary of War, and date from July 1, 1877, by bill or otherwise.

We take the liberty of asking your services for the following reasons:

First. We teach three-fourths of the field music for twenty-three regiments of infantry, five of artillery, the Military Academy, and engineers. The number of musicians allowed by law is, for the infantry four hundred and sixty, artillery one hundred and twenty, Military Academy and engineers twenty, making a total of six hundred.

Second. The field music of the Army is the only music recognized by law, and prior to enlistment of young men and boys very few, if any, have any knowledge of music until taught by us, and it takes from three to twelve months to make a competent musician.

Third. As instructors we receive no pay whatever. Our rank is that of sergeants of infantry, and we perform all the duties of such other than guard duty.

Fourth. As the law now stands there is allowed to each regiment of infantry and artillery one chief and two principal musicians; the former, with the rank of quartermaster sergeants, receive \$60 per month, and the latter, with the rank of regimental staff sergeants, \$22 per month. In the branches of the service above mentioned there are twenty-eight chief and fifty-six principal musicians, all of whom rank the instructors of this depot, who teach the only music known to the law.

Fifth. The pay of the instructors is as follows: Drum instructor, James Condon, as sergeant, \$17 per month, extra allowance for thirty-seven years' service, \$9; total per month, \$26. Fife instructor, John Delaney, as sergeant, \$17; extra allowance for twenty-seven years' services, \$6; total per month, \$23. Bugle instructor, Edward D. Hughes, as sergeant, \$17; extra allowance for twenty-four years' services, \$5; total per month, \$22. There are at present under instruction at this depot about seventy musicians who receive each \$13 per month.

We now, sir, submit our case to your kind consideration, and trust it may be favorably received and that you may think us deserving of the rank and pay asked for our long and faithful services and duties as instructors.

Subjoined is an official copy of the number of boys instructed at the depot for five years ending July, 1877.

JAMES CONDON,  
Drum Instructor.  
JOHN DELANY,  
Fife Instructor.  
EDWARD D. HUGHES,  
Bugle Instructor.

HEADQUARTERS PRINCIPAL DEPOT GENERAL RECRUITING SERVICE,  
Fort Columbus, New York Harbor, September 20, 1877.

The following number have been under instruction in Company B, Music Boys' General Recruiting Service, as field musicians between the 1st day of July, 1872, and the 1st day of July, 1877, as appears from the records of said company, namely, six hundred and thirty-five.

M. BARBER,  
First Lieutenant Sixteenth Infantry, Commanding Company B, Music Boys.

FORT COLUMBUS, NEW YORK HARBOR, June 6, 1878.

Number of field musicians instructed for five years ending July 1, 1877,..... 635  
Number instructed and sent to regiments since July, 1877,..... 130  
Number instructed and under instructions at this date ..... 72

Total ..... 837

Sergeant Condon, thirty-eight years' service; Sergeant Delaney, twenty-eight years' service; Sergeant Hughes, twenty-five years' service. Total service, ninety-one years.

Mr. COX, of New York. I now withdraw my formal amendment.

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

SEC. 4. That so much of section 5 of the act approved June 20, 1874, as directs the Secretary of the Treasury at the beginning of each session to report to Congress with his annual estimates any balances of appropriations for specific objects affected by said section that may need to be reappropriated, be, and hereby is, repealed. And it shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of said section that may be brought before them within a period of five years from the date they accrued or may accrue. And the Secretary of the Treasury shall report the amount due each claimant, at the commence-

ment of each session, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration: *Provided*, That nothing in this act shall be construed to authorize the re-examination and payment of any claim or account which has been once examined and rejected, unless reopened in accordance with existing law.

Mr. BLOUNT. I move to amend the section just read by striking out the words "from the date they accrued or may accrue," in that portion of the section relating to the bringing of claims before the accounting officers of the Treasury.

Mr. WILLIAMS, of Oregon. I would ask the gentleman in charge of this bill [Mr. BLOUNT] to include the words "within a period of five years" with the words which he proposes to strike out.

Mr. BLOUNT. I think the amendment I have offered will be sufficient to meet the purpose. I have consulted with gentlemen who entertain the same views as the gentleman from Oregon, [Mr. WILLIAMS,] and they have assented to the amendment I have offered.

Mr. WILLIAMS, of Oregon. I will not insist upon any further amendment.

Mr. BLOUNT. The object of the amendment is to let the statute of limitations commence to run from the passage of this act and to have it run for five years.

The amendment was agreed to.

Mr. BLOUNT. The gentleman from Minnesota [Mr. STRAIT] offered an amendment to this bill which was adopted, and consent was given that it be inserted in the proper place. I ask unanimous consent now that the amendment be inserted on page 25 of the bill, after line 7.

The amendment was as follows:

For amount due George Brown, of Minnesota, \$200; it being the amount of award by commission appointed by an act of Congress approved February 16, 1863.

There being no objection, it was so ordered.

Mr. BLOUNT. I ask unanimous consent to offer an amendment to come in at the end of that portion of the bill relating to the Department of State. I send the amendment to the Clerk's desk.

The amendment was read as follows:

To pay George W. Jones, late Minister to Bogota, New Granada, \$17.56 for a deficiency in the contingent expenses for missions abroad for the fiscal year ending 1861.

The amendment was agreed to.

Mr. BLOUNT. I now move that the committee rise and report the bill with amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BEEBE reported that pursuant to order of the House the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 5117) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1878, and prior years, and for those heretofore treated as permanent, for reappropriations, and for other purposes; and had directed him to report the same to the House with sundry amendments.

Mr. BLOUNT. I call the previous question upon the bill and amendments.

The previous question was seconded and the main question ordered. Mr. BLOUNT moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair is advised that separate votes have been demanded upon sundry amendments. Will the gentleman from Georgia [Mr. BLOUNT] indicate what order he desires in reference to the amendments? The Chair will state that it is competent for any member of the House to call for a separate vote on any amendment.

Mr. BLOUNT. I ask for a separate vote on the amendment made on page 22 of the bill on motion of the gentleman from New York, [Mr. WILLIS.]

Mr. CLYMER. In addition to that I ask a separate vote—

Mr. BLOUNT. I ask separate votes upon all the amendments relating to naval deficiencies.

Mr. CLYMER. That is what I proposed to do.

The SPEAKER. The Chair will first submit to the House the amendments upon which separate votes have not been asked.

Mr. BLOUNT. Let the amendments be read in their order.

Mr. HALE. Is there any necessity for that in regard to the amendments upon which there is no contest?

Mr. BEEBE. The safest way is to have the amendments read in their order, and those to which there is no objection may be considered as adopted.

The SPEAKER. That will be done.

Mr. ELAM. Is there any way in which I can obtain a vote upon the amendment which I offered yesterday in Committee of the Whole?

The SPEAKER. Was the amendment rejected?

Mr. ELAM. It was.

The SPEAKER. Then it cannot now be voted upon, because it is not now before the House.

The first amendment on which a separate vote was asked (by Mr. BLOUNT) was read, as follows:

Amend by striking out after "cents" in lines 510, 511, and 512, and by inserting at the end of the section on page 22 the following:

To American Tube Works, \$7,059.75; to E. H. Ashcroft, \$625; to A. P. Brown, \$51,845.38; to D. Babcock & Co., \$6,464.93; to Chalmers, Spence & Co., \$1,243.73; to

G. P. Goff, \$8,265.40; to A. M. Ingersoll, \$13,156.50; to Manhattan Oil Company, \$16,883.56; to W. A. Toney & Co., \$36,521.72; to Walton Brothers, \$8,694.63; to James M. Motley, \$4,320; to Providence Steam-Engine Company, \$288,187.23; to John Roach, \$323,139.50; to South Boston Iron Company, \$181,049.64; in all, \$1,423,876.77.

Mr. BLOUNT. Upon this amendment I will save time by asking the yeas and nays at once.

The yeas and nays were ordered.

Several MEMBERS. Let the amendment be read again.

The Clerk again read the amendment.

The Clerk proceeded to call the roll, and several responses had been made, when,

Mr. THOMPSON. I ask whether a separate vote cannot be had on each of these items.

The SPEAKER. The amendment is divisible.

Mr. CASWELL. I submit that the demand comes too late.

The SPEAKER. Did the gentleman from Pennsylvania [Mr. THOMPSON] call for a division before the roll-call began?

Mr. THOMPSON. Yes, sir, before the amendment was read a second time.

Mr. BANKS. This demand comes too late.

The SPEAKER. It is not too late if the gentleman says he asked for the division in time.

Mr. THOMPSON. I addressed the Chair and demanded a division before the reading of the amendment the second time was begun.

Mr. HALE. The gentleman did not rise in his seat and ask for a division until after the roll-call had commenced. The gentleman will not say that he did.

The SPEAKER. The gentleman does say so; otherwise the Chair would not recognize him.

Mr. HALE. He says that he went to the Chair, but he does not say that he rose in his seat.

The SPEAKER. The gentleman states that he rose and demanded a division in time.

Mr. EDEN. I understand that there cannot be a division of the question upon an amendment reported from the Committee of the Whole.

The SPEAKER. The Chair disagrees with the gentleman on that subject. The Clerk will read the rule.

The Clerk read as follows:

Any member may call for the division of a question, before or after the main question is ordered, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House.

Mr. WHITE, of Pennsylvania. I submit that we shall not know any more about these items by voting upon them singly than if we vote upon them altogether.

Mr. THOMPSON. Some gentlemen might not understand them if they were discussed until next Christmas, but others might. [Laughter.]

Mr. WHITE, of Pennsylvania. The gentleman refers to himself, not to his colleague.

The SPEAKER. The only point is for the gentleman from Pennsylvania [Mr. THOMPSON] to say whether he rose in time.

Mr. THOMPSON. Well, I will not antagonize gentlemen here. I withdraw the call for a division.

The question was taken; and there were—yeas 126, nays 80, not voting 85; as follows:

YEAS—126.

Acklen,	Davis, Joseph J.	Itnner,	Robinson, G. D.
Aiken,	Dean,	James,	Ryan,
Aldrich,	Deering,	Jones, John S.	Sampson,
Bacon,	Denison,	Keifer,	Sapp,
Bagley,	Dunnell,	Keightley,	Shallenberger,
Baker, John H.	Dwight,	Kelley,	Shelley,
Baker, William H.	Eames,	Ketcham,	Sinickson,
Banks,	Ellis,	Lapham,	Smalls,
Bayne,	Ellsworth,	Lathrop,	Smith, A. Herr
Bisbee,	Errett,	Luttrell,	Strait,
Blair,	Evans, I. Newton	Marsh,	Swann,
Brentano,	Evans, James L.	McKinley,	Townsend, Amos
Briggs,	Foster,	Metcalfe,	Townsend, M. I.
Bundy,	Franklin,	Mitchell,	Van Vorhes,
Burehard,	Frye,	Money,	Waddell,
Burdick,	Gardner,	Monroe,	Wait,
Cain,	Goode,	Morse,	Walsh,
Calkins,	Hale,	Neal,	Ward,
Campbell,	Hanna,	Norcross,	Warner,
Cannon,	Harmer,	O'Neill,	White, Harry
Carlisle,	Harris, Benj. W.	Page,	White, Michael D.
Caswell,	Hart,	Patterson, G. W.	Wigginton,
Chittenden,	Haskell,	Phelps,	Williams, Andrew
Clafin,	Hayes,	Phillips,	Williams, C. G.
Clark of Missouri,	Hendee,	Pollard,	Williams, Richard
Clark, Rush	Henderson,	Pound,	Willis, Benj. A.
Cole,	Henkle,	Powers,	Willits,
Conger,	Henry,	Price,	Wren,
Cox, Samuel S.	Hubbell,	Rainey,	Yeates,
Cummings,	Humphrey,	Reed,	Young.
Danford,	Hungerford,	Reilly,	
Davis, Horace	Hunter,	Rice, William W.	

NAYS—80.

Atkins,	Boone,	Caldwell, John W.	Cook,
Beebe,	Bouck,	Caldwell, W. P.	Covert,
Bicknell,	Bright,	Clark, Alvah A.	Cravens,
Blackburn,	Brogden,	Clymer,	Crittenden,
Blount,	Cabell,	Cobb,	Culberson,

Cutler,  
Dibrell,  
Dickey,  
Durham,  
Eden,  
Elam,  
Ewing,  
Folton,  
Finley,  
Forney,  
Fuller,  
Garth,  
Gause,  
Giddings,  
Hamilton,

Hardenbergh,  
Harris, Henry R.  
Harris, John T.  
Harrison,  
Hartridge,  
Hartzell,  
Hatcher,  
Herbert,  
Hewitt, Abram S.  
Hewitt, G. W.  
Hooker,  
House,  
Jones, James T.  
Kenna,  
Knott,

Ligon,  
Lockwood,  
Mayham,  
McKenzie,  
McMahon,  
Mills,  
Morgan,  
Morrison,  
Muldrow,  
Pridemore,  
Randolph,  
Rea,  
Reagan,  
Rice, Americus V.  
Riddle,

Robbins,  
Ross,  
Singleton,  
Smith, William E.  
Southard,  
Sparks,  
Steele,  
Stenger,  
Townshend, R. W.  
Turney,  
Vance,  
Whitthorne,  
Williams, A. S.  
Wilson,  
Wright.

NOT VOTING—85.

Ballou,  
Banning,  
Bell,  
Benedict,  
Bland,  
Bliss,  
Boyd,  
Bragg,  
Brewer,  
Bridges,  
Browne,  
Buckner,  
Butler,  
Camp,  
Candler,  
Chalmers,  
Clarke of Kentucky,  
Collins,  
Cox, Jacob D.  
Crapo,  
Davidson,  
Douglas,

Freeman,  
Fort,  
Eickhoff,  
Evins, John H.  
Garfield,  
Gibson,  
Glover,  
Gunter,  
Hazelton,  
Hiscock,  
Hunton,  
Jones, Frank  
Jorgensen,  
Joyce,  
Killinger,  
Kimmel,  
Knapp,  
Landers,  
Lindsay,  
Loring,  
Lynde,  
Mackey,

Maish,  
Manning,  
Martin,  
McCook,  
McGowan,  
Muller,  
Oliver,  
Overton,  
Patterson, T. M.  
Peddie,  
Potter,  
Pugh,  
Quinn,  
Roberts,  
Robertson,  
Robinson, M. S.  
Saylor,  
Scales,  
Schleicher,  
Sexton,  
Slemmons,  
Springer,

Starin,  
Stephens,  
Stewart,  
Stone, John W.  
Stone, Joseph C.  
Thompson,  
Thornburgh,  
Throckmorton,  
Tipton,  
Tucker,  
Turner,  
Veeder,  
Walker,  
Watson,  
Welch,  
Williams, James  
Williams, Jere N.  
Willis, Albert S.  
Wood.

So the amendment was concurred in.

During the roll-call the following announcements were made:

Mr. LIGON. My colleague from Alabama, Mr. WILLIAMS, is absent by leave of the House.

Mr. STEELE. My colleague, Mr. SCALES, is absent from the House on account of sickness.

Mr. HATCHER. My colleague, Mr. BLAND, is detained at home by sickness.

Mr. PHELPS. On this question the gentleman from Rhode Island, Mr. BALLOU, is paired with the gentleman from New York, Mr. QUINN.

Mr. BRAGG. On this question I am paired with the gentleman from Delaware, Mr. WILLIAMS. If he were present, he would vote "ay" and I should vote "no." My colleague, Mr. LYNDE, is paired with the gentleman from Massachusetts, Mr. LORING.

Mr. WILLIS, of Kentucky. I am paired with the gentleman from Maryland, Mr. ROBERTS. If he were present, I should vote "no."

Mr. MAYHAM. My colleague, Mr. BENEDICT, is paired with my colleague, Mr. CAMP.

Mr. EDEN. The gentleman from Missouri, Mr. BUCKNER, is paired with the gentleman from Vermont, Mr. JOYCE. Mr. BUCKNER, if present, would vote "no." My colleague, Mr. SPRINGER, is absent by leave of the House.

Mr. MULLER. I am paired on this question with my colleague, Mr. STARIN.

Mr. HERBERT. The gentleman from Florida, Mr. DAVIDSON, is paired with the gentleman from Minnesota, Mr. STEWART. Mr. DAVIDSON, who is absent on account of sickness, would, if present, vote "no." Mr. STEWART would vote "ay."

Mr. THROCKMORTON. I am paired with the gentleman from Indiana, Mr. BROWNE. He would vote "ay" and I should vote "no."

Mr. CRAVENS. My colleague, Mr. GUNTER, is paired with the gentleman from Michigan, Mr. MCGOWAN.

Mr. CANDLER. I am paired with the gentleman from New York, Mr. BLISS. If he were present, he would vote "ay" and I should vote "no."

Mr. CLARKE, of Kentucky. I am paired with the gentleman from Pennsylvania, Mr. WATSON. If he were present, I should vote "no." I do not know how he would vote.

Mr. MCKENZIE. My colleague, Mr. TURNER, is paired with the gentleman from Indiana, Mr. SEXTON.

Mr. LANDERS. I am paired with the gentleman from Massachusetts, Mr. CRAPO. I do not know how he would vote, but if he were here, I would vote "ay."

Mr. MCCOOK. I am paired on this question with Mr. EVINS, of South Carolina.

Mr. TIPTON. I am paired with my colleague, Mr. KNAPP. I do not know how he would vote, and the democrats seem to be divided on the question.

Mr. OVERTON. I am paired with the gentleman from Missouri, Mr. GLOVER.

Mr. WILLITS. My colleague, Mr. STONE, is paired with Mr. SHEPHERD, of Alabama.

Mr. ALDRICH. My colleague, Mr. FORT, is paired with the gentleman from Mississippi, Mr. MANNING.

Mr. BOYD. I am paired with Mr. SCALES, of North Carolina.

Mr. OLIVER. On this question I am paired with Mr. BELL, of Georgia, who is confined to his room by sickness. If he were present, he would vote "no" and I would vote "ay."

Mr. CAMP. I am paired with Mr. BENEDICT, of New York. If he were here, I would vote "ay."

Mr. TUCKER. I am paired on all political questions with the gentleman from Ohio, [Mr. GARDNER.] I do not know how he would vote on this question, nor do I know whether this is regarded as a political question, and I therefore decline to vote.

Mr. MARTIN. I am paired with Mr. PUGH, of New Jersey. If he were here I would vote "no." I do not know how he would vote.

The vote was then announced as above recorded.

Mr. WILLIS, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. LAPHAM. In line 488, the word "Company" is incorrectly used instead of "Son." I move to amend so as to make it "E. M. Whittaker & Son."

Mr. BLOUNT. I take it the gentleman from New York is correct, and I do not object to the amendment.

There was no objection, and it was ordered accordingly.

Mr. CLYMER. In line 469 the word is spelled "Fabrey;" it should be "Fabri." I move the correction be made.

There was no objection; and it was ordered accordingly.

The Clerk read the following amendment, reported from the Committee of the Whole:

Strike out all after the word "dollars," in line 541, and insert in lieu thereof the following:

To J. W. Baker, \$196.38; G. H. Creed, \$804.05; G. P. Goff, \$585.52; H. W. Gardner, \$13,100; N. McKay, \$6,900; John Roach, \$295,318.89; Seyfert, McManus & Co., \$19,674.92; American Windlass Company, \$6,200; A. M. Ingersoll, \$15,000; Jos. P. Manton, \$15,000; amounting in all to \$931,134.55; also, for timber, \$416,319.32, or so much thereof as may be necessary, said timber to be paid for at no greater rate than the market price at date of contract or order, after the most rigid inspection.

Mr. BLOUNT. I demand the yeas and nays on the amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 115, nays 80, not voting 96; as follows:

YEAS—115.

Aeklen,  
Aiken,  
Aldrich,  
Bacon,  
Bagley,  
Baker, John H.  
Baker, W. H.  
Banks,  
Bayne,  
Bisbee,  
Blair,  
Brentano,  
Briggs,  
Bundy,  
Burchard,  
Burdick,  
Cain,  
Calkins,  
Campbell,  
Cannon,  
Carlisle,  
Caswell,  
Chittenden,  
Clafin,  
Clark of Missouri,  
Clark, Rush  
Cole,  
Conger,  
Cox, Samuel S.

Cummings,  
Danford,  
Davis, Horace  
Dean,  
Deering,  
Denison,  
Dunnell,  
Dwight,  
Eames,  
Ellsworth,  
Errett,  
Evans, I. Newton  
Evans, James L.  
Foster,  
Franklin,  
Frye,  
Gardner,  
Goode,  
Hanna,  
Harmer,  
Harris, B. W.  
Hart,  
Hayes,  
Hendee,  
Henderson,  
Henry,  
Hubbell,  
Humphrey,  
Hungerford,

Hunter,  
Itner,  
James,  
Jones, James T.  
Jones, John S.  
Jorgensen,  
Keightley,  
Kelley,  
Ketcham,  
Lathrop,  
Lindsey,  
Luttrell,  
Mackey,  
Marsh,  
Metcalfe,  
Money,  
Monroe,  
O'Neill,  
Page,  
Patterson, G. W.  
Phillips,  
Pollard,  
Pound,  
Powers,  
Price,  
Rainey,  
Reed,  
Reilly,  
Rice, William W.

Robinson, G. D.  
Robinson, M. S.  
Ryan,  
Sampson,  
Sapp,  
Shallenberger,  
Shelley,  
Sinnickson,  
Smalls,  
Smith, A. Herr  
Strait,  
Swann,  
Townsend, M. I.  
Tucker,  
Van Vorhes,  
Waddell,  
Wait,  
Walsh,  
Ward,  
White, Michael D.  
Wigginton,  
Williams, Andrew  
Williams, C. G.  
Williams, Richard  
Willis, Benj. A.  
Willits,  
Wren,  
Yeates.

NAYS—80.

Atkins,  
Banning,  
Beebe,  
Bicknell,  
Blackburn,  
Blount,  
Boone,  
Bouck,  
Bright,  
Brogden,  
Cabell,  
Caldwell, John W.  
Caldwell, W. P.  
Clark, Alrah A.  
Clymer,  
Cobb,  
Cook,  
Covert,  
Cravens,  
Crittenden,

Cutler,  
Davis, Joseph J.  
Dibrell,  
Dickey,  
Durham,  
Eden,  
Elam,  
Felton,  
Finley,  
Forney,  
Fuller,  
Gause,  
Giddings,  
Hamilton,  
Hardenbergh,  
Cobb,  
Cook,  
Covert,  
Cravens,  
Crittenden,

Hatcher,  
Herbert,  
Hewitt, Abram S.  
Hewitt, G. W.  
Hooker,  
House,  
Kenna,  
Knott,  
Ligon,  
Lockwood,  
Mayham,  
McKenzie,  
McMahon,  
Mills,  
Morgan,  
Morrison,  
Muldrow,  
Phelps,  
Potter,  
Pridemore,

Randolph,  
Rea,  
Reagan,  
Rice, Americus V.  
Riddle,  
Robbins,  
Robertson,  
Singleton,  
Smith, William E.  
Southard,  
Sparks,  
Steele,  
Stenger,  
Townshend, R. W.  
Turney,  
Warner,  
Whitthorne,  
Willis, Albert S.  
Wilson,  
Wright.

NOT VOTING—96.

Ballou,  
Bell,  
Benedict,  
Bland,  
Bliss,  
Boyd,  
Bragg,  
Brewer,  
Bridges,  
Browne,  
Buckner,  
Butler,  
Camp,  
Candler,

Chalmers,  
Clarke of Kentucky,  
Collins,  
Cox, Jacob D.  
Crapo,  
Culbertson,  
Davidson,  
Douglas,  
Eickhoff,  
Ellis,  
Evins, John H.  
Ewing,  
Fort,  
Freeman,

Garfield,  
Gibson,  
Glover,  
Gunter,  
Hale,  
Hartridge,  
Haskell,  
Hazelton,  
Henkle,  
Hiscock,  
Hunton,  
Jones, Frank  
Joyce,  
Keifer,

Killinger,  
Kimmel,  
Knapp,  
Landers,  
Lapham,  
Loring,  
Lynde,  
Maish,  
Manning,  
Martin,  
McCook,  
McGowan,  
McKinley,  
Mitchell,



Morse, Muller, Neal, Norcross, Oliver, Overton, Patterson, T. M. Peddie, Pugh, Quinn,	Roberts, Ross, Saylor, Scales, Schleicher, Sexton, Slemmons, Springer, Starin, Stephens,	Stewart, Stone, John W. Stone, Joseph C. Thompson, Thornburgh, Throckmorton, Tipton, Townsend, Amos Turner, Vance,	Veeder, Walker, Watson, Welch, White, Harry Williams, A. S. Williams, James Williams, Jere N. Wood, Young.
--	---	---	---

So the amendment was concurred in.

During the roll call,

Mr. BRAGG said: I am paired with Mr. WILLIAMS, of Delaware. If he were present, he would vote "ay" and I would vote "no." I wish further to announce that my colleague, Mr. LYNDE, is paired with Mr. LORING, of Massachusetts.

Mr. PHELPS. I am requested to announce that Mr. BALLOU is paired with Mr. QUINN, of New York. If Mr. BALLOU were present, he would vote in the affirmative.

Mr. EDEN. Mr. BUCKNER is paired on this question with Mr. JOYCE. My colleague, Mr. SPRINGER, is absent by leave of the House.

Mr. CLARKE, of Kentucky. I am paired with Mr. WATSON. If he were here, I would vote in the affirmative.

Mr. THROCKMORTON. I am paired with Mr. BROWNE, of Indiana. If he were here, he would vote "ay" and I would vote "no." I wish further to announce that my colleague, Mr. CULBERSON, is absent on account of important business.

Mr. CRAVENS. My colleague, Mr. SLEMONS, is paired with Mr. FREEMAN.

Mr. CANDLER. I am paired with Mr. BLISS. If Mr. BLISS were here, he would vote in the affirmative and I would vote in the negative.

Mr. LANDERS. I am paired with Mr. CRAPO.

Mr. MULLER. I am paired with my colleague, Mr. STARIN.

Mr. HARRIS, of Virginia. I am paired on this question with Mr. HALE, of Maine. If he were here, he would vote in the affirmative and I would vote in the negative.

Mr. SEXTON. I am paired with Mr. TURNER, of Kentucky.

Mr. STEWART. I am paired on this question with Mr. DAVIDSON, of Florida. If he were present, I would vote in the affirmative and he would vote in the negative.

Mr. OVERTON. I wish to announce that I am paired on this question with the gentleman from Missouri, Mr. GLOVER, who is confined to his room by sickness.

Mr. WILLITS. I wish to announce that my colleague, Mr. STONE, is paired with Mr. SHELLEY, of Alabama.

Mr. OLIVER. On this question I am paired with Mr. BELL, of Georgia, who is confined to his room by sickness. If he were present, he would vote "no" and I would vote "ay."

Mr. ALDRICH. I wish to announce the pair of my colleague, Mr. FORT, with Mr. MANNING, of Mississippi.

Mr. BOYD. I am paired with Mr. SCALES, of North Carolina.

Mr. CAMP. I am paired with Mr. BENEDICT, of New York. If he were here, I would vote "ay."

Mr. TIPTON. I am paired with my colleague, Mr. KNAPP.

Mr. MCKENZIE. I wish to announce the pair of my colleague, Mr. TURNER, with Mr. SEXTON.

Mr. MARTIN. I am paired with Mr. PUGH, of New Jersey.

On motion of Mr. HARRIS, of Massachusetts, by unanimous consent, the reading of the names was dispensed with.

Mr. WILLIS, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that he had approved and signed bills of the following titles:

An act (H. R. No. 1918) for the relief of Milton B. Cushing, paymaster United States Navy;

An act (H. R. No. 4425) to alter and amend a law of the District of Columbia relative to the inspection of flour;

An act (H. R. No. 3064) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1879, and for other purposes;

An act (H. R. No. 430) for the relief of John Clinton, postmaster at Brownsville, Tennessee;

An act (H. R. No. 4413) to provide for the free entry of articles imported for exhibition by societies established for encouragement of the arts or sciences, and for other purposes;

An act (H. R. No. 2176) granting an increase of pension to Mattie McTaggart, widow of the late First Lieutenant McTaggart, Seventeenth United States Infantry;

An act (H. R. No. 1119) to confirm the title of Benjamin E. Edwards, his heirs, assigns, or legal representatives, to a certain tract of land in the Territory of New Mexico;

A joint resolution (H. R. No. 153) providing for issue of arms to Territories;

An act (H. R. No. 3969) regulating the appointment of justices of the peace, commissioners of deeds, and constables within and for the District of Columbia, and for other purposes;

An act (H. R. No. 1951) for the relief of John F. Sutherlin & Brother, of Parke County, Indiana;

An act (H. R. No. 4988) to authorize the Secretary of the Treasury to constitute superintendents of mints or assayers in assay offices assistant treasurers of the United States;

A joint resolution (H. R. No. 177) authorizing the Secretary of War to turn over to Governor Hubbard, of Texas, such tents, poles, and pins as he may require for the use of the volunteers of the State at their summer encampment;

An act (H. R. No. 1660) for the relief of St. Michael's church, Charleston, South Carolina; and

An act (H. R. No. 1855) for the relief of John C. Ray.

DEFICIENCY APPROPRIATION BILL.

Mr. BLOUNT. The roll-calls we have had have answered the purpose I had in demanding separate votes. I withdraw the demand for a separate vote on any other amendment.

The remaining amendments were agreed to, no separate vote being demanded thereon.

Mr. BLOUNT moved to reconsider the vote by which the several amendments were agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

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

The question was on the passage of the bill.

Mr. EDEN. I call for the yeas and nays on the passage of the bill.

The question being taken on ordering the yeas and nays, there were yeas 44.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 132, nays 77, not voting 82; as follows:

YEAS—132.

Aeklen, Aiken, Aldrich, Bacon, Bagley, Baker, John H. Baker, William H. Banks, Bayne, Bisbee, Blair, Brentano, Briggs, Brogden, Bundy, Burchard, Burdick, Cain, Calkins, Campbell, Cannon, Carlisle, Caswell, Chittenden, Clafin, Clark of Missouri, Clark, Rush Cole, Conger, Cox, Samuel S. Cummings, Danford, Davis, Horace	Dean, Deering, Denison, Dunnell, Dwight, Eames, Ellsworth, Errett, Evans, I. Newton Evans, James L. Foster, Franklin, Frye, Gardner, Goode, Hanna, Harmer, Harris, Benj. W. Hart, Haskell, Hayes, Hendee, Henderson, Henry, Hubbell, Humphrey, Hungerford, Hunter, Ittner, James, Jones, John S. Jorgensen, Keightley,	Kelley, Kenna, Ketcham, Kimmel, Landers, Lapham, Lathrop, Lindsey, Luttrell, Marsh, McKinley, Metcalfe, Mitchell, Money, Monroe, Morse, Neal, O'Neill, Page, Patterson, G. W. Phelps, Phillips, Pollard, Pound, Powers, Price, Raineey, Reed, Reilly, Rice, William W. Robbins, Robertson, Robinson, G. D.	Robinson, M. S. Ryan, Sampson, Sapp, Schleicher, Shallenberger, Shelley, Sinnickson, Smalls, Smith, A. Herr Stone, Joseph C. Swann, Thompson, Townsend, Amos Townsend, M. I. Tucker, Vance, Van Vorhes, Waddell, Wait, Walsh, Ward, Warner, White, Michael D. Wigginton, Williams, Andrew Williams, C. G. Williams, Richard Willis, Benj. A. Willits, Wood, Wren, Yeates.
--	--	--	---

NAYS—77.

Atkins, Banning, Beebe, Bicknell, Blackburn, Blount, Boone, Bouck, Bright, Cabell, Caldwell, John W. Caldwell, W. P. Clark, Alvah A. Clymer, Cobb, Cook, Covert, Cravens, Crittenden, Cutler,	Davis, Joseph J. Dibrell, Dickey, Durham, Eden, Elam, Ewing, Felton, Finley, Forney, Fuller, Garth, Gause, Giddings, Hamilton, Hardenbergh, Harris, Henry R. Hartridge, Hartzell, Hatcher,	Herbert, Hewitt, Abram S. Hewitt, G. W. Hooker, House, Jones, Frank Jones, James T. Knott, Ligon, Lockwood, Mayham, McKenzie, McMahon, Mills, Morgan, Morrison, Muldrow, Pridemore, Randolph, Rea,	Reagan, Rice, Americus V. Riddle, Saylor, Singleton, Smith, William E. Southard, Sparks, Steele, Stenger, Townshend, R. W. Turney, Whitthorne, Williams, A. S. Willis, Albert S. Wilson, Wright.
--	---	---	--

NOT VOTING—82.

Ballou, Bell, Benedict, Bland, Bliss, Boyd, Bragg, Brewer, Bridges, Brown, Buckner, Butler, Camp, Candler,	Chalmers, Clarke of Kentucky, Collins, Cox, Jacob D. Crapo, Culbertson, Davidson, Douglas, Eickhoff, Ellis, Evins, John H. Fort, Freeman, Garfield,	Gibson, Glover, Gunter, Hale, Harris, John T. Harrison, Hazelton, Henkle, Hiscock, Hunton, Joyce, Keifer, Killinger, Knapp,	Loring, Lynde, Mackey, Maish, Manning, Martin, McCook, McGowan, Muller, Norcross, Oliver, Overton, Patterson, T. M. Peddie,
---	--	--	--

Potter,  
Pugh,  
Quinn,  
Roberts,  
Ross,  
Scales,  
Sexton,

Slemons,  
Springer,  
Starin,  
Stephens,  
Stewart,  
Stone, John W.  
Strait,

Thornburgh,  
Throckmorton,  
Tipton,  
Turner,  
Veeder,  
Walker,  
Watson,

Welch,  
White, Harry  
Williams, James  
Williams, Jere N.  
Young.

So the bill was passed.

During the call of the roll the following announcements were made:  
Mr. PHELPS. The gentleman from Rhode Island, Mr. BALLOU, is paired with Mr. QUINN, of New York. Mr. BALLOU, if present, would vote "ay."

Mr. BRAGG. I am paired with Mr. WILLIAMS, of Delaware. If he were present, I would vote "no" and he would vote "ay." My colleague from Wisconsin, Mr. LYNDE, is paired with Mr. LORING, of Massachusetts.

Mr. STEELE. My colleague from North Carolina, Mr. SCALES, is absent on account of sickness. If he had been present, I think he would have voted "no."

Mr. THROCKMORTON. I am paired with Mr. BROWNE, of Indiana. If present, he would vote "ay" and I would vote "no." My colleague, Mr. CULBERSON, is absent attending to business in the Departments.

Mr. GUNTER. I am paired with the gentleman from Michigan, Mr. MCGOWAN. I would vote "no." My colleague, Mr. SLEMONS, is paired with Mr. FREEMAN, of Pennsylvania. I do not know how either of them would vote.

Mr. CANDLER. I am paired with Mr. BLISS, of New York. If he were present, he would vote "ay" and I should vote "no."

Mr. MARTIN. I am paired with Mr. PUGH, of New Jersey. I voted against some of the amendments, but they have been adopted, and if Mr. PUGH were present now, I should vote for the passage of the bill.

Mr. MULLER. I am paired with my colleague from New York, Mr. STARIN.

Mr. TIPTON. I am paired with my colleague from Illinois, Mr. KNAPP.

Mr. CLARKE, of Kentucky. I am paired with Mr. WATSON, of Pennsylvania. If he were present, I should vote "no."

Mr. HARRIS, of Virginia. I am paired with the gentleman from Maine, Mr. HALE. If he were present, he would vote "ay" and I should vote "no."

Mr. SEXTON. I am paired with Mr. TURNER, of Kentucky. If he were present, I should vote "ay."

Mr. STEWART. I am paired with the gentleman from Florida, Mr. DAVIDSON. If he were present, I should vote "ay."

Mr. MCCOOK. I am paired with Mr. EVINS, of South Carolina.

Mr. CAMP. I am paired with my colleague from New York, Mr. BENEDICT. If he were present, he would vote "no" and I should vote "ay."

Mr. WILLITS. My colleague from Michigan, Mr. STONE, is paired with Mr. SHELLY, of Alabama.

Mr. OLIVER. I am paired with Mr. BELL, of Georgia. If he were present, he would vote "no" and I should vote "ay."

Mr. BOYD. I am paired with Mr. SCALES, of North Carolina. If he were present, I should vote "ay."

Mr. MULDRON. My colleague from Mississippi, Mr. MANNING, is paired with Mr. FORT, of Illinois. My colleague, Mr. CHALMERS, is paired with Mr. CASWELL, of Wisconsin.

Mr. TUCKER. I am paired with the gentleman from Ohio, Mr. GARFIELD, on political questions. As this is not a political question I vote "ay."

The result of the vote was then announced as above recorded.

Mr. BLOUNT. I move to reconsider the vote by which the bill has been passed; and also move to lay the motion to reconsider on the table.

The SPEAKER. The gentleman did not vote with the majority.

Mr. FOSTER. I make the motion to reconsider the vote by which the bill was passed; and I move to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. WADDELL. I call for the regular order.

#### EVENING SESSIONS NEXT WEEK.

Mr. RICE, of Ohio. I ask unanimous consent that there be an evening session on Wednesday for the consideration of invalid-pension bills upon the Private Calendar, including those to be reported.

Mr. EDEN. I hope the gentleman will include other bills for the relief of soldiers.

Mr. BRIGHT. I trust that he will include all bills upon the Private Calendar as upon objection day.

Mr. MILLS. I object.

Mr. RICE, of Ohio. Oh, I hope there will be no objection.

Mr. WOOD. If the House will permit me I will suggest that, as next week will be the last week of the session, and as there are many bills which have not been acted upon, and which should be acted on before the adjournment, every day next week the House shall take a recess at half past four o'clock p. m., and renew the regular sessions for business at half past seven o'clock.

The SPEAKER. The Chair hears no objection, and it is so ordered.

Mr. MILLS. What was that proposition?

The SPEAKER. That it should be understood that hereafter sessions of the House shall be held from eleven o'clock a. m. until half past four o'clock p. m., when a recess shall take place until half past seven o'clock p. m.

Mr. EDEN. That does not include to-day?

The SPEAKER. No; there is a session this evening for debate only, and there is a session on Monday for reports from the Committee on the Judiciary, and a session on Tuesday evening for reports from the Committee on Naval Affairs.

Mr. RICE, of Ohio. And now I ask that Wednesday be set aside for pension bills, and I appeal to every member of the House upon both sides to agree to that proposition. It is but just to the soldiers.

Mr. TOWNSEND, of New York. The gentleman means bills upon the Private Calendar?

Mr. RICE, of Ohio. Yes. We have more bills on the Private Calendar now than can be disposed of, and I appeal to the gentlemen on both sides of the House to agree to my proposition.

Mr. MILLS. I object.

Mr. RICE, of Ohio. I hope the gentleman from Texas will withdraw that objection.

Mr. MILLS. I will not withdraw it.

The SPEAKER. The Chair will recognize the gentleman from Ohio on Monday to move to suspend the rules so as to make that order.

Mr. RICE, of Ohio. I give notice, then, that I will make that motion.

Mr. WOOD. What was the action of the House on my proposition?

The SPEAKER. There was no objection to that proposition.

Mr. KNOTT. That order will not interfere with the business of the Committee on the Judiciary?

The SPEAKER. It is subject, of course, to former orders.

Several members called for the regular order.

The SPEAKER. The regular order is the unfinished business.

#### PERMANENT FORM OF GOVERNMENT FOR THE DISTRICT OF COLUMBIA.

Mr. BLACKBURN. I rise to submit a privileged report, a report from the committee of conference on the bill in relation to the establishment of a permanent form of government for the District of Columbia.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill of the House (H. R. No. 3250) providing a permanent form of government for the District of Columbia having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same, with the following amendments:

Page 1, line 15, insert after the word "Army" the following: "whose lineal rank shall be above that of captain."

Page 2, line 25, strike out the words "one year" and insert "three years."

Page 3, line 62, strike out all after the word "power" to and including the word "and," in line 64.

Page 3, line 78, insert after the word "law" the following words: "said commissioners shall have power to erect, light, and maintain lamp-posts with lamps outside of the city limits when in their judgment it shall be deemed proper or necessary."

Page 4, line 87, strike out the word "eighty" and insert the word "seventy-nine."

Page 4, line 109, strike out the word "they" and insert the word "Congress."

Page 5, line 123, insert after the word "property" the following: "held and used exclusively for agricultural purposes."

Page 5, line 126, strike out all after the word "dollars" to and including the word "taxes" where it first occurs in line 130.

Page 5, line 133, strike out the word "ten" and insert the word "thirty."

Page 7, line 158, strike out all after the word "payable" down to and including the word "States," in line 161.

Page 7, line 161, strike out all after the word "pay" to and including the word "fund," in line 162.

Page 7, line 164, strike out all after the word "provided," where it first occurs, to and including the word "seventy-five," in line 171.

Page 8, line 191, strike out the words "and all contracts" and insert the following: "All contracts for the construction, improvement, alteration, or repairs of the streets, avenues, highways, alleys, gutters, sewers, and all work of like nature, shall be made and entered into only by and with the official unanimous consent of the commissioners of the District, and all contracts."

Page 8, line 192, strike out the words "at least two of."

Page 8, line 198, strike out all after the word "manner," to and including the word "yard," in line 199.

Page 9, line 204, after the word "performed" insert the following: "to the satisfaction of and acceptance by said commissioners."

Page 11, line 269, after the word "direct" insert the following: "The President of the United States may detail from the Engineer Corps of the Army not more than two officers of rank subordinate to that of the engineer belonging to the board of commissioners of said District, to act as assistants to said engineer commissioner in the discharge of the special duties imposed upon him by the provisions of this act."

Page 12, line 283, strike out all after the word "now," through and including the remainder of that section, and insert the following: "authorized by law."

Page 13, line 314, strike out the word "four" and insert the word "three."

S. W. DORSEY,  
J. J. INGALLS,  
W. H. BARNUM,  
*Managers on the part of the Senate.*  
JO. C. S. BLACKBURN,  
A. S. WILLIAMS,  
G. W. HENDEE,  
*Managers on the part of the House.*

Mr. BLACKBURN. I desire to call the previous question upon the report.

Mr. EDEN. Before the gentleman does that I would like him to tell us what is left of the bill, if any, as it went from the House.

Mr. BLACKBURN. I will state that the report of the committee of conference is not liable to amendment, and therefore I do not see any good that would come from a discussion of it, but I am willing to answer any questions. [Cries of "Regular order!"]

Mr. EDEN. There are some gentlemen here who would like to hear something about the bill before we vote upon it.

Mr. BLACKBURN. I will state the points of difference between the two Houses and how they have been agreed upon by the committee of conference.

Under the House bill there were to be three commissioners; one to be elected by the House, one by the Senate, and the third to be detailed by the President from the Engineer Corps of the Army whose lineal rank in that corps should be above that of a captain. That was one point of difference, the House insisting on the election of the two civilian commissioners by the two Houses and the Senate insisting upon the appointment of those two commissioners by the President. The Senate also struck off all limitations of rank as regards the officer to be detailed. By the report of the conference committee that limitation is restored in the original words of the House bill and the House agrees that the President shall appoint the two civilian commissioners.

The House put a limitation of five years' residence upon the commissioners to be appointed. The Senate reduced it to one year. The report of the conference committee fixes the limitation at a period of three years.

The next amendment made by the conference committee to the Senate proposition as well as to the House proposition will be found in the printed bill, page 25, line 60, where it is provided that the said commissioners shall submit to the Secretary of the Treasury for the fiscal year ending June 30 a statement in detail of its work on and after the 30th of June, 1880. The conference committee have recommended the striking out of "1880" and to insert in lieu thereof "1879," for at least six months of that year can be covered by the estimates made.

The next amendment offered was to restore the provision of the House in reference to the tax on property outside of the cities of Washington and Georgetown which is held solely for agricultural purposes. The Senate left out that limitation so as to give the benefit of reduced taxation to all property held outside the corporate limits, whether held for agricultural purposes or otherwise. The conference committee restore that limitation as originally insisted on by the House.

The next amendment we find on the twenty-eighth page of the printed bill where ten days, according to the proposition of the Senate, were allowed the property-holders in this District in the matter of the payment of taxes and against penalties. The "ten days" have been stricken out by the conference committee and "thirty days" inserted, because it was believed that ten days would not furnish an opportunity to more than one-half of the property-holders here within which to avail themselves of the benefits of this prompt payment.

The Senate altered very materially the eighth section of the House bill, the section referring to the provision made for the payment of interest on the 3.65 bonded debt of this District of Columbia, by incorporating in it a provision creating a sinking fund. The House section provided only for the payment of the interest on these 3.65 bonds, and making that payment a credit to the Government of the United States upon its contribution of 50 per cent. toward the expenses of the District. As I said the Senate went further and provided for the establishment of a sinking fund. To that amendment the conferees on the part of the House seriously objected, and it was yielded by the conferees on the part of the Senate. The sinking-fund feature incorporated into that section by the Senate was stricken out, and that section, the only one in the bill relating to the 3.65 bonded debt of the District, now stands in the report of the committee of conference precisely in the words in which it was at first reported to the House by the Committee for the District of Columbia.

I will say in all candor, so that the gentleman from Illinois [Mr. EDEN] and others may understand distinctly the section as it now is, that there were two amendments put on that section by the House. One amendment, in the beginning of the section, was to incorporate the words "until otherwise provided by law." The committee of conference did not consider that a material amendment, because they believed that if this Congress ordered the Secretary of the Treasury, as former Congresses had ordered him, to meet the interest accruing on these 3.65 bonds, it was perfectly competent for any succeeding Congress to make other provisions and give other directions just as this Congress is now doing. That was the opinion of the committee of conference, and I doubt not this House will so hold.

There was another amendment put upon the eighth section as originally reported, offered by the gentleman from Indiana, [Mr. HANNA,] declaring that no liability upon the part of the Government of the United States should be created by reason of the provision for the payment of the interest on these bonds. In order that the House may distinctly understand the section as it is left by the committee of conference I will read it. In order to do so I must ask the Clerk to send me the engrossed copy of the bill.

Mr. HENDEE. If the gentleman from Kentucky [Mr. BLACKBURN]

will proceed with his explanation of the other amendments of the bill I will find the section to which he refers and hand it to him.

Mr. BLACKBURN. I will do so. The next amendment of the Senate was in reference to that provision of the House bill requiring that all contracts to be let for the construction and building of pavements and the repairing and improvement of streets, before they became operative should receive the sanction of all three of the commissioners, instead of a bare majority of the commissioners, as now. The Senate struck out that provision, and left it for the majority of the three commissioners to enter into these contracts. By the report of the committee of conference that provision is reinstated as it was in the House bill, and it now requires that all three commissioners shall approve each contract of this character.

The House bill also had a provision in it for the establishment and creation of a council. By the report of the committee of conference that provision is stricken out, thereby doing away with the council provided for in the original bill of the House, and doing away with all exercise of the right of suffrage in the District of Columbia.

The eighth section of the bill to which I alluded, and to which the gentleman from Vermont [Mr. HENDEE] now directs my attention, as recommended by the report of the committee of conference is as follows:

Hereafter the Secretary of the Treasury shall pay the interest of the 3.65 bonds of the District of Columbia, issued in pursuance of the act of Congress of June 20, 1874, when the same shall become due and payable. And all amounts so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia, as hereinbefore provided.

That is the section as it now stands, recommended by the committee of conference. Whatever amounts of money are paid out of the Federal Treasury under the provisions of this bill to meet the interest on the 3.65 bonds of the District of Columbia is to be credited to the United States upon its contribution of 50 per cent. of the expenses of the District. I may say here that that feature of the bill fixing the rate of contribution and distribution of expenses between the District and the United States is left at 50 per cent., precisely as in the original House bill; the Senate did not alter it.

There is another feature added to the bill. The Senate required a bond upon the part of each contractor for the faithful performance of his contract, and also imposed the condition that 10 per cent. of the cost of such contract work should be deposited with the Secretary of the Treasury and invested in United States securities, that deposit of 10 per cent. to be held for five years as a guarantee for the faithful performance of the work, and at the end of that time, with the interest accruing, to be paid over to the contractor. That amendment of the Senate the committee of conference have approved and incorporated into their report.

The sixth section of the original House bill provided that the board of school trustees with the board of Metropolitan police commissioners and the board of health should be abolished, and made provision for the appointment of nineteen persons to act in lieu of the board of school trustees. The Senate propose to vest in that number of gentlemen thus appointed all the powers now held and exercised by the present board of school trustees.

The committee of conference recommend an amendment, which is agreed to and reported here, by which is stricken out the words vesting all powers now exercised by the board of school trustees in these nineteen persons to be appointed and inserting in lieu thereof the words "all powers now authorized by law;" because there was a difference of opinion as to whether the board of school trustees was not now engaged in exercising powers not lawfully conferred upon them.

There was a difference between the two Houses as to the salary of the health officer. By both bills the board of health has been abolished. The Senate agreed to the recommendation of the House for the appointment of a health officer. The House fixed the salary at \$2,500. The Senate increased that salary to \$4,000. The committee of conference recommend the placing of the salary at \$3,000.

This, I believe, covers every amendment, unless it be something unimportant and merely verbal, that is embraced in the report of the committee of conference.

Mr. HENDEE. The gentleman will allow me to suggest that the Senate agreed to one proposition of the House which provided for the detail of two engineers of the Army corps whenever necessary.

Mr. BLACKBURN. That is true. The House bill provided that the President should have power to make a detail of not more than two subordinate engineer officers to assist in the discharge of such duties as might be found necessary in the management of the affairs of the District. The Senate struck out that provision; but in the conference committee it has been reinstated as contained in the House bill. This, I believe, embraces all the questions in issue with a statement as to their adjustment in the committee of conference.

Mr. CLYMER. What has become of the council?

Mr. BLACKBURN. That is struck out.

Mr. COX, of New York. Mr. Speaker, it is very difficult, I know, to make a good government for this city. There is a great temptation on the part of men living here—members of Congress and others. This bill at its present stage is not amendable, and there is no opportunity for discussion. This is a kind of legislation always to be disfavored, which comes up at the end of the session. I cannot state

my position on this question as I would like to do; but I do not believe it good policy to mortgage our people in the States to the extent of 50 per cent. of the expenses of this District government in order to have Capitoline splendors here while so many of the people throughout the country are living in poverty and squalor. I have great respect for my friend from Kentucky, [Mr. BLACKBURN,] but I never can vote for such a system of government as this. I must forever protest against any system which imposes taxation for the expenses of this Federal city on those who are not responsible for its government. This is all I have to say.

Mr. DUNNELL. I desire to express my surprise at the very small improvement which this bill as now reported gives over the present city government.

Mr. BLACKBURN. I cannot hear the gentleman.

The SPEAKER. The gentleman desires a few minutes to speak on the bill.

Mr. BLACKBURN. I cannot yield the floor for debate. I have at the request of the House stated as frankly as I could the points at variance between the two Houses, and the report of the conference committee thereon. I am upon the floor now to ask the previous question.

Mr. DUNNELL. Will the gentleman, then, allow me to make an inquiry?

Mr. BLACKBURN. I am ready to answer any questions, but I do not desire to debate the bill.

Mr. DUNNELL. I would like to have the gentleman state how the new government which this bill brings into existence differs from the present form of government, except that henceforth the United States will contribute 50 per cent. of the expenses.

Mr. BLACKBURN. I think it would take me about ten minutes to repeat the explanation I have just gone through; but if the gentleman and the House desire it I am willing to do so.

Mr. DUNNELL. The people are disfranchised now; and we had expected that under this bill there would be some relief to the people of the District in this respect, that there would be allowed some sort of elective franchise.

Mr. BLACKBURN. I have stated as clearly as I could that the provision of the House bill as to suffrage, limited as it was to the election of a council with nothing but negative powers, was rejected in the Senate, and has been yielded by the House in the committee of conference. Hence this report leaves no vestige of suffrage. That question I do not desire to discuss; and I hope the gentleman from Minnesota does not. I ask the previous question.

The previous question was seconded and the main question ordered; which was upon agreeing to the report of the committee of conference.

Mr. COX, of New York. I call for the yeas and nays on this question.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 129, nays 70, not voting 92; as follows:

## YEAS—129.

Acklen,	Davis, Horace	Kelley,	Sampson,
Aiken,	Davis, Joseph J.	Kenna,	Sapp,
Bacon,	Dean,	Ketcham,	Schleicher,
Bagley,	Deering,	Kimmel,	Sexton,
Baker, William H.	Denison,	Landers,	Shallenberger,
Banks,	Dwight,	Lapham,	Sinnickson,
Bayne,	Eames,	Lathrop,	Smalls,
Bicknell,	Ellsworth,	Ligon,	Smith, William E.
Blackburn,	Errett,	Lindsey,	Stone, Joseph C.
Blair,	Evans, I. Newton	Luttrell,	Swann,
Boone,	Ewing,	Mayham,	Townsend, Amos
Boyd,	Forney,	McCook,	Townsend, M. I.
Brentano,	Foster,	McKinley,	Tucker,
Briggs,	Frye,	Metcalfe,	Turney,
Bright,	Gause,	Mitchell,	Vance,
Brogden,	Goode,	Money,	Van Vorhes,
Bundy,	Gunter,	Monroe,	Waddell,
Burchard,	Harmer,	Morse,	Wait,
Burdick,	Harris, Benj. W.	Muller,	Ward,
Cain,	Hayes,	Oliver,	Warner,
Caldwell, John W.	Hazelton,	O'Neill,	Welch,
Caldwell, W. P.	Hendee,	Page,	White, Harry
Campbell,	Henkle,	Patterson, G. W.	Williams, A. S.
Candler,	Henry,	Patterson, T. M.	Williams, Andrew
Cannon,	Herbert,	Pound,	Williams, C. G.
Caswell,	Hewitt, Abram S.	Price,	Willis, Albert S.
Chittenden,	Hubbell,	Rainey,	Willits,
Clafin,	Humphrey,	Rea,	Wood,
Conger,	Hungerford,	Rice, William W.	Yeates,
Covert,	James,	Riddle,	Young.
Cravens,	Jones, James T.	Robinson, G. D.	
Cummings,	Jorgensen,	Robinson, M. S.	
Danford,	Keightley,	Ryan,	

## NAYS—70.

AtRich,	Cobb,	Evans, James L.	Hartridge,
Atkins,	Cole,	Felton,	Hartzell,
Baker, John H.	Cook,	Finley,	Hatcher,
Bouc,	Cox, Sannel S.	Franklin,	Hewitt, G. W.
Bragg,	Crittenden,	Fuller,	Hunter,
Cabell,	Culbertson,	Garth,	Itmer,
Calkins,	Cutler,	Giddings,	Jones, Frank
Carli le,	Dibrell,	Hamilton,	Jones, John S.
Clark, Alvah A.	Dickey,	Harlembergh,	Keifer,
Clark of Missouri,	Dunnell,	Harris, Henry R.	Knoff,
Clark, Rush	Durham,	Harris, John T.	Lockwood,
Clymer,	Eden,	Hart,	Mackey,

Marsh,	Powers,	Singleton,	White, Michael D.
Morgan,	Pridemore,	Smith, A. Herr	Wigginton,
Muldrow,	Reagan,	Southard,	Williams, Richard
Phelps,	Reilly,	Sparks,	Wren.
Phillips,	Rice, Americus V.	Steele,	
Pollard,	Robbins,	Thompson,	

## NOT VOTING—92.

Ballou,	Elam,	Maish,	Slemmons,
Banning,	Ellis,	Manning,	Springer
Beebe,	Evins, John H.	Martin,	Starin,
Bell,	Freeman,	McGowan,	Stenger,
Benedict,	Fort,	McKenzie,	Stephens,
Bisbee,	Gardner,	McMahon,	Stewart,
Bland,	Garfield,	Mills,	Stone, John W.
Bliss,	Gibson,	Morrison,	Strait,
Blount,	Glover,	Neal,	Thornburgh,
Brewer,	Hale,	Norcross,	Throckmorton,
Bridges,	Hanna,	Overton,	Tipton,
Browne,	Harrison,	Peddie,	Townsend, R. W.
Buckner,	Haskell,	Potter,	Turner,
Butler,	Henderson,	Pugh,	Veeder,
Camp,	Hiscock,	Quinn,	Walker,
Chalmers,	Hooker,	Randolph,	Walsh,
Clarke of Kentucky,	House,	Reed,	Watson,
Collins,	Hunton,	Roberts,	Whitthorne,
Cox, Jacob D.	Joyce,	Robertson,	Williams, James
Crapo,	Killinger,	Ross,	Williams, Jere N.
Davidson,	Knapp,	Saylor,	Willis, Benj. A.
Douglas,	Loring,	Scales,	Wilson,
Eickhoff,	Lynde,	Shelley	Wright.

So the conference report was adopted.

During the vote,

Mr. MARTIN said: I am paired on this question with Mr. PUGH. If he were here, I would vote "no." I do not know how he would vote.

Mr. SHELLEY. I am paired with Mr. STONE, of Michigan. If he were here, I would vote in the affirmative.

Mr. THROCKMORTON. I am paired with Mr. BROWNE, of Indiana. If he were present, I would vote "no."

Mr. GUNTER. I am paired with Mr. MCGOWAN on all political questions, but not regarding this as such I vote in the affirmative.

Mr. MILLS. I am paired with Mr. WILLIS, of New York. If he were here, he would vote in the affirmative and I would vote in the negative.

Mr. MCKENZIE. I am paired with Mr. BELL, who is detained from the House by sickness.

Mr. TUCKER. I am paired on all political questions with Mr. GARDNER, but not regarding this as one I vote in the affirmative.

Mr. STEWART. I am paired with Mr. DAVIDSON.

Mr. CAMP. I am paired with Mr. BENEDICT. If he were here, I would vote in the affirmative.

Mr. OVERTON. I am paired with Mr. GLOVER, who is confined to his room by sickness. If he were here, I would vote in the affirmative.

Mr. WILLITS. My colleague, Mr. STONE, is paired with Mr. SHELLEY.

Mr. TIPTON. I am paired with my colleague, Mr. KNAPP.

Mr. STRAIT. I am paired on this question with Mr. BANNING.

Mr. CLARKE, of Kentucky. I am paired with Mr. WATSON. If he were here, I would vote "no."

Mr. PHELPS. I am requested to announce that Mr. BALLOU is paired with Mr. QUINN.

Mr. DAVIS, of North Carolina. My colleague, Mr. SCALES, is detained from the House by sickness.

On motion of Mr. BLACKBURN, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

Mr. BLACKBURN moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the amendment of the House to the bill (S. No. 1208) authorizing the publication for sale of an edition of the narrative of the Polar expedition.

The message further announced that the Senate had passed a joint resolution and bills of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. No. 36) authorizing the Secretary of War to deliver to the City of Winterset, Madison County, Iowa, four cannon and carriages for the soldiers' monument in said city;

An act (S. No. 1262) to amend an act entitled "An act making appropriations for the repair, preservation and completion of certain public works on rivers and harbors, and for other purposes;" approved March 3, A. D. 1875; and

An act (S. No. 1374) authorizing the chancellor of the Smithsonian Institution to appoint an acting secretary in certain cases.

## PACIFIC RAILROAD.

Mr. LUTTRELL. Mr. Speaker, I was absent some time ago on account of sickness when the discussion took place in reference to the Pacific Railroad. I ask by unanimous consent that I may have printed as part of the debates some remarks which I have prepared on that subject.

The SPEAKER. The Chair hears no objection, and the gentleman has that privilege. [See Appendix.]

NORTHERN PACIFIC RAILROAD.

Mr. CASWELL. I ask the same privilege, Mr. Speaker, to print some remarks on the Northern Pacific Railroad.

There was no objection, and it was ordered accordingly. [See Appendix.]

ORDER OF BUSINESS.

Mr. TUCKER. I now call for the regular order of business.

The SPEAKER. The regular order is the unfinished business, a bill (H. R. No. 4414) to amend the laws relating to internal revenue.

Mr. WADDELL. I wish to raise the question of consideration between that and the morning hour.

Mr. TUCKER. There is some question, Mr. Speaker, as to what members are called upon at this time to vote on.

The SPEAKER. The question is on taking up the unfinished business, and the gentleman from North Carolina raises the question of consideration. The question is, Shall the House proceed with the consideration of the unfinished business?

The House divided; and there were—ayes 70, noes 55.

Mr. YEATES demanded tellers.

Mr. EDEN. Are you not in favor of tobacco?

Mr. YEATES. Yes; but I want to get up the post-route bill.

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

Mr. WADDELL. I will state the reason why I do this.

Mr. FOSTER. I suppose the gentleman does it for the purpose of getting a morning hour.

The SPEAKER. There is another unfinished business after the revenue bill, and that is the interstate-commerce bill, reported from the Committee on Commerce by the gentleman from Texas, [Mr. REAGAN.]

The House again divided; and the tellers reported—ayes 75, noes 82.

Mr. TUCKER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 118, nays 92, not voting 81: as follows:

YEAS—118.

Atkins,	Culberson,	House,	Rice, Americas V.
Baker, John H.	Davis, Joseph J.	Itnner,	Riddle,
Beebe,	Dean,	Jones, Frank	Robbins,
Bicknell,	Dibrell,	Jones, James T.	Robertson,
Blackburn,	Dickey,	Jorgensen,	Saylor,
Blair,	Durham,	Kelley,	Singletton,
Blount,	Eden,	Kenna,	Smalls,
Boone,	Elam,	Kimmel,	Smith, William E.
Bouck,	Ewing,	Knot,	Southard,
Bragg,	Felton,	Landers,	Sparks,
Brentano,	Finley,	Ligon,	Steele,
Bright,	Forney,	Luttrell,	Swann,
Brogden,	Franklin,	Mackey,	Throckmorton,
Burchard,	Fuller,	Marsh,	Townshend, R. W.
Burdick,	Giddings,	Mayham,	Tucker,
Cabell,	Goode,	McKenzie,	Turney,
Cain,	Hardenbergh,	McMahon,	Vance,
Caldwell, John W.	Harris, Henry R.	Metcalfe,	Walsh,
Candler,	Harris, John T.	Mills,	Warner,
Cannon,	Harrison,	Morgan,	Whitthorne,
Carlisle,	Hartridge,	Morrison,	Wigginton,
Clark, Alvah A.	Hartzell,	Morse,	Williams, Richard
Clark of Missouri,	Hatcher,	Muldrov,	Willis, Albert S.
Clark, Rush	Hayes,	Patterson, T. M.	Wilson,
Clymer,	Henkle,	Phelps,	Wood,
Cobb,	Henry,	Pollard,	Wright,
Cook,	Herbert,	Pridemore,	Yeates,
Covert,	Hewitt, Abram S.	Rainey,	Young.
Cravens,	Hewitt, G. W.	Rea,	
Crittenden,	Hooker,	Reilly,	

NAYS—92.

Acklen,	Denison,	Jones, John S.	Robinson, M. S.
Aiken,	Dunnell,	Keifer,	Ryan,
Aldrich,	Dwight,	Keightley,	Sampson,
Bagley,	Eames,	Ketcham,	Sapp,
Baker, William H.	Ellsworth,	Lapham,	Shallenberger,
Banks,	Errett,	Lathrop,	Sinnickson,
Bayne,	Evans, I. Newton	Lindsey,	Smith, A. Herr,
Bisbee,	Evans, James L.	McCook,	Stone, Joseph C.
Briggs,	Foster,	McKinley,	Strait,
Bundy,	Frye,	Money,	Thompson,
Caldwell, W. P.	Garth,	Monroe,	Townsend, Amos
Calkins,	Hamilton,	Neal,	Townsend, Martin I.
Camp,	Hanna,	Oliver,	Waddell,
Campbell,	Harmer,	O'Neill,	Wait,
Caswell,	Harris, Benj. W.	Page,	Ward,
Chittenden,	Haskell,	Patterson, G. W.	Welch,
Clafin,	Hazelton,	Phillips,	White, Harry
Conger,	Hendee,	Powers,	White, Michael D.
Cummings,	Hubbell,	Price,	Williams, A. S.
Cutler,	Humphrey,	Reagan,	Williams, Andrew
Danford,	Hungerford,	Reed,	Williams, C. G.
Davis, Horace	Hunter,	Rice, William W.	Willis, Benjamin A.
Deering,	James,	Robinson, G. D.	Willits.

NOT VOTING—81.

Bacon,	Brewer,	Collins,	Evins, John H.
Ballou,	Bridges,	Cox, Jacob D.	Fort,
Banning,	Browne,	Cox, Samuel S.	Freeman,
Bell,	Buckner,	Crapo,	Gardner,
Benedict,	Butler,	Davidson,	Garfield,
Bland,	Chalmers,	Douglas,	Gause,
Bliss,	Clarke of Kentucky,	Eickhoff,	Gibson,
Boyd,	Coie,	Ellis,	Glover,

Gunter,	Manning,	Roberts,	Thornburgh,
Hale,	Martin,	Ross,	Tipton,
Hart,	McGowan,	Scales,	Turner,
Henderson,	Mitchell,	Schleicher,	Van Vorhes,
Hiscock,	Mu'ier,	Sexton,	Veeder,
Hunton,	Norcross,	Shelley,	Walker,
Joyce,	Overton,	Slemans,	Watson,
Killing,	Peddle,	Springer,	Williams, James
Knapp,	Potter,	Starin,	Williams, Jere N.
Lockwood,	Pound,	Stenger,	Wren.
Loring,	Pugh,	Stephens,	
Lynde,	Quinn,	Stewart,	
Maish,	Randolph,	Stone, John W.	

So the House agreed to consider the unfinished business.

During the roll-call the following announcements were made:

Mr. STEELE. My colleague from North Carolina, Mr. SCALES, is absent on account of sickness. If he were present, he would vote "ay."

Mr. MARTIN. I am paired with Mr. PUGH, of New Jersey.

Mr. LOCKWOOD. I am paired with Mr. BELL, of Georgia.

Mr. EDEN. Mr. BUCKNER, of Missouri, is paired with Mr. JOYCE, of Vermont.

Mr. SHELLEY. I am paired with the gentleman from Michigan, Mr. STONE. If he were present, I should vote "ay."

Mr. MULLER. I am paired with my colleague from New York, Mr. STARIN. If he were present, I should vote "ay."

Mr. STEWART. I am paired with Mr. DAVIDSON, of Florida.

Mr. OVERTON. I am paired with Mr. GLOVER, of Missouri. If he were present, I should vote "no."

Mr. TIPTON. I am paired with my colleague from Illinois, Mr. KNAPP.

Mr. BOYD. I am paired with the gentleman from North Carolina, Mr. SCALES. If he were present, I should vote "no."

Mr. MORGAN. My colleague from Missouri, Mr. BLAND, is paired with Mr. JONES, of Ohio.

The result of the vote was then announced as above recorded.

The SPEAKER. The House, as in Committee of the Whole, resumes the consideration of the bill to amend the laws relating to internal revenue. The gentleman from Kentucky [Mr. CARLISLE] will take the chair.

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

Mr. FOSTER. I rise to make a privileged report.

The SPEAKER. The Chair will recognize the gentleman from Ohio hereafter.

Mr. FOSTER. Why not now?

The SPEAKER. Because the House has resolved to go on with the consideration of the unfinished business.

Mr. FOSTER. I rise to present a report of a committee of conference.

The SPEAKER. The Chair will recognize the gentleman for that purpose.

Mr. BURCHARD. Can that set aside the order of the House to proceed with the unfinished business?

The SPEAKER. Conference reports are of so high a privilege that they can interrupt a motion to adjourn.

Mr. BURCHARD. I am aware of that.

COMPLETION OF WASHINGTON MONUMENT.

Mr. FOSTER. I present the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution H. R. No. 152.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. R. No. 152) to enable the joint commission to carry into effect the act of Congress providing for the completion of the Washington Monument having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendment to the resolution as passed by the House; and that the House agree to the same.

CHAS. FOSTER,  
JOHN GOODE,  
*Managers on the part of the House.*  
J. J. INGALLS,  
J. B. EUSTIS,  
*Managers on the part of the Senate.*

Mr. FOSTER. I move that the House agree to the report of the committee of conference.

Mr. CONGER. I ask that the amendments be read.

The SPEAKER. That is not in order. The question is on agreeing to the report of the committee of conference.

The question being taken, the report was agreed to.

Mr. FOSTER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CONGER. I move that the House now take a recess until half-past seven o'clock.

Mr. TUCKER. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TUCKER. When the House resolved to take up the bill relating to internal revenue, and the Speaker called the gentleman

from Kentucky [Mr. CARLISLE] to the chair, was it in order for the gentleman from Michigan to move that the House take a recess?

The SPEAKER. The motion for a recess is of the same nature as a motion to adjourn, and is always held to be a privileged motion. The gentleman from Kentucky had not taken the chair.

Mr. SAYLER. If the House should now take a recess will this bill come up to-night as the regular order?

The SPEAKER. It will not. The session of to-night is devoted to debate only, no business of any sort or kind to be transacted.

The question being taken on Mr. CONGER'S motion, there were—ayes 67, noes 87.

Mr. CONGER, and Mr. WHITE of Pennsylvania, called for tellers. Tellers were ordered; and Mr. CONGER and Mr. TUCKER were appointed.

The House again divided; and the tellers reported—ayes 69, noes 90.

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

The question being taken on ordering the yeas and nays, there were ayes 40.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 87, nays 105, not voting 99; as follows:

YEAS—87.

Aldrich,	Deering,	Jones, John S.	Price,
Bacon,	Denison,	Keifer,	Rice, William W.
Bagley,	Dunnell,	Keightley,	Robinson, G. D.
Baker, John H.	Dwight,	Kelley,	Robinson, M. S.
Baker, William H.	Eames,	Ketcham,	Ryan,
Banks,	Ellsworth,	Lapham,	Sampson,
Bayne,	Errett,	Lathrop,	Shallenberger,
Bisbee,	Evans, James L.	Lindsey,	Sinnickson.
Blair,	Foster,	Marsh,	Smith, A. Herr
Briggs,	Frye,	McKinley,	Stone, Joseph C.
Burdick,	Gardner,	Mitchell,	Strait,
Calkins,	Harris, Benj. W.	Monroe,	Thompson,
Camp,	Haskell,	Neal,	Townsend, Amos
Campbell,	Hayes,	Norcross,	Wait,
Cannon,	Hazelton,	Oliver,	Ward,
Caswell,	Hendee,	O'Neill,	Welch,
Chittenden,	Henderson,	Page,	White, Harry
Claffin,	Hubbell,	Patterson, G. W.	White, Michael D.
Clark, Rush	Hunter,	Patterson, T. M.	Williams, C. G.
Conger,	Humphrey,	Phillips,	Willits,
Danford,	Hungerford,	Pound,	Wren.
Davis, Horace	James,	Powers,	

NAYS—105.

Aiken,	Culberson,	Hewitt, Abram S.	Reilly,
Atkins,	Cutler,	Hewitt, G. W.	Rice, Americus V.
Banning,	Davis, Joseph J.	Herbert,	Riddle,
Beebe,	Dean,	Hooker,	Robbins,
Bicknell,	Dibrell,	Ittner,	Saylor,
Blount,	Dickey,	Jones, Frank	Singleton,
Boone,	Durham,	Jones, James T.	Smith, William E.
Bouck,	Eden,	Jorgensen,	Southard,
Bragg,	Elam,	Kenna,	Sparks,
Brenfano,	Ewing,	Kimmel,	Steele,
Bright,	Felton,	Knott,	Throckmorton,
Brogden,	Finley,	Landers,	Townshend, R. W.
Burchard,	Forney,	Ligon,	Tucker,
Cabell,	Franklin,	Luttrell,	Turney,
Cain,	Garth,	Mayhan,	Vance,
Caldwell, John W.	Giddings,	McKenzie,	Waddell,
Caldwell, W. P.	Goode,	Metcalfe,	Walsh,
Candler,	Hamilton,	Mills,	Warner,
Carlisle,	Hardenbergh,	Morgan,	Wigginton.
Clark, Alvah A.	Harmer,	Morse,	Williams, A. S.
Clark of Missouri,	Harris, Henry R.	Muldrow,	Willis, Albert S.
Clymer,	Harris, John T.	Phelps,	Wilson,
Cobb,	Harrison,	Pollard,	Wood,
Cook,	Hartridge,	Pridemore,	Yeates.
Covert,	Hartzell,	Rainey,	
Cravens,	Hatcher,	Rea,	
Crittenden,	Henry,	Reagan,	

NOT VOTING—99.

Acklen,	Ellis,	Maish,	Smalls,
Ballou,	Evans, I. Newton	Manning,	Springer,
Bell,	Evins, John H.	Martin,	Starn,
Benedict,	Fort,	McCook,	Stenger,
Blackburn,	Freeman,	McGowan,	Stephens,
Bland,	Fuller,	McMahon,	Stewart,
Bliss,	Garfield,	Money,	Stone, John W.
Boyd,	Gause,	Morrison,	Swann,
Brewer,	Gibson,	Muller,	Thornburgh,
Bridges,	Glover,	Overton,	Tipton,
Browne,	Gunter,	Peddie,	Townsend, M. I.
Buckner,	Hale,	Potter,	Turner,
Bundy,	Hanna,	Pugh,	Van Vorhes,
Butler,	Hart,	Quinn,	Veeder,
Chalmers,	Henkle,	Kandolph,	Walker,
Clarke of Kentucky,	Hiscock,	Reed,	Watson,
Coie,	House,	Roberts,	Whitthorne,
Collins,	Hunton,	Robertson,	Williams, Andrew
Cox, Jacob D.	Joyce,	Ross,	Williams, James
Cox, Samuel S.	Killinger,	Sapp,	Williams, Jere N.
Crapo,	Knapp,	Scales,	Williams, Richard
Cummings,	Lockwood,	Schleicher,	Willis, Benj. A.
Davidson,	Loring,	Sexton,	Wright,
Douglas,	Lynde,	Shelley,	Young.
Eickhoff,	Mackey,	Siemons,	

So the motion for a recess was not agreed to.

During the roll-call the following announcements were made:

Mr. SHELLEY. I am paired with Mr. STONE, of Michigan. If he were here, I should vote "no."

Mr. WAIT. I desire to say that Mr. WILLIAMS, of Oregon, is paired with Mr. WILLIS, of New York. How the two gentlemen would vote, if here, it is impossible for me to say.

Mr. TIPTON. I desire to say that I am paired with my colleague, Mr. KNAPP.

Mr. OVERTON. I desire to say that I am paired with Mr. GLOVER.

Mr. STEWART. I am paired with Mr. DAVIDSON.

Mr. SAMPSON. My colleague, Mr. CUMMINGS, is paired with Mr. SPARKS. If Mr. CUMMINGS were here, he would vote "ay."

Mr. WILLITS. My colleague, Mr. STONE, is paired with Mr. SHELLEY.

Mr. OLIVER. My colleague, Mr. SAPP, is paired; with whom I do not know.

Mr. MARTIN. I am paired with Mr. PUGH, of New Jersey. If he were here, I should vote "no."

Mr. LOCKWOOD. I am paired with Mr. BELL.

Mr. CLARKE, of Kentucky. I am paired with Mr. WATSON. If he were present, I should vote "no."

The result of the vote was then announced as above stated.

Mr. CONGER. I move that the House do now adjourn.

Mr. SAYLER. I desire to ask a question of the Chair, a question which would probably satisfy the gentleman from Michigan. The House has decided, by unanimous consent, upon an order that there shall be a session to-night for debate only, and I presume, therefore, that it would not be admissible to bring up this question at the evening session to-night. The only object of the gentleman from Michigan, of course is—

Mr. FOSTER. To adjourn.

Mr. SAYLER. Allow me to express it in my own way. The only object which the gentleman has is to defeat the position which this bill occupies as the regular order. Now, I submit to the gentleman from Michigan that he cannot do that between this and half past seven o'clock because we can stay here just as well as he can and he can accomplish nothing by his movement. What I want to ask the Chair is this: suppose the motion of the gentleman from Michigan should be agreed to and that the House takes a recess until half past seven o'clock to-night.

The SPEAKER. That motion has been voted down.

Mr. SAYLER. I am asking in case that motion should be agreed to, whether this bill will not retain its position as the regular order as unfinished business?

The SPEAKER. It will all the time, if there is a majority in favor of it.

Mr. WADDELL. Not at the meeting to-night, for that is for debate only.

The SPEAKER. The order for to-night's session does not interfere with the bill at all.

Mr. EDEN. I wish to be informed, in order that we may not to-night meet with the difficulty that we did last night, whether when the House has made an order any other business can be interposed?

The SPEAKER. It cannot. The only difficulty last night was that the record on the Journal and the statement made in the CONGRESSIONAL RECORD varied, but to-night the session is for debate only, no business of any sort to be done.

Mr. TUCKER. Suppose the motion of the gentleman from Michigan to adjourn prevails, will not that dispense with the evening session?

The SPEAKER. It would vacate the evening session, of course.

Mr. SAYLER. But it would not affect the order of business.

The SPEAKER. Not at all.

Mr. TUCKER. Then the effect would be to bring this bill up as the first thing in order on Monday?

The SPEAKER. The first regular business on Mondays is the call of States and Territories for bills and resolutions; but this bill will retain its place as the unfinished business.

Mr. HOOKER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOOKER. If a motion to adjourn prevails will it cut off the session to-night?

The SPEAKER. It would.

Mr. HOOKER. Then I move that the House do now adjourn.

The SPEAKER. That motion is already pending as made by the gentleman from Michigan, [Mr. CONGER.]

Mr. BURCHARD. I do not know that I understand the Chair correctly. I desire to ask at what stage this bill will come up again—on Tuesday morning immediately after the reading of the Journal?

The SPEAKER. On Tuesday, after the reading of the Journal.

Mr. SAYLER. It may come up on Monday by a two-third vote.

Mr. BURCHARD. It will come up as unfinished business.

The SPEAKER. It has that place, and the Chair will protect it of course.

Mr. TUCKER. But it cannot come up until Tuesday?

The SPEAKER. It might be called up by a two-third vote on Monday; but it will keep its place as unfinished business against everything, if it has a majority in its favor.

Mr. TUCKER. Suppose that by dilatory motions we should run along until half past seven o'clock, could we then continue the consideration of this bill after that hour, or would the session then be for debate only?

The SPEAKER. The Chair will decide that question when the hour of half past seven arrives.

Mr. TUCKER. "Sufficient unto the day is the evil thereof."

Mr. SAYLER. I understand, however, that unanimous consent was given for an evening session to-night for debate only.

The SPEAKER. That is so. Should the House now take a recess until half past seven o'clock to-night, the session will be for debate only.

Mr. CONGER. No other business whatever to be done?

The SPEAKER. No business of any kind to be transacted.

Mr. CONGER. Then if it be the desire of the House to take a recess this evening I will withdraw the motion to adjourn.

The SPEAKER. Does the gentleman from Mississippi [Mr. HOOKER] insist upon his motion to adjourn?

Mr. HOOKER. I will let my motion stand, and the House can vote it down.

The motion to adjourn was not agreed to.

Mr. SAYLER. I now move that the House take a recess until half past seven o'clock.

The SPEAKER. The session of this evening will be for debate only, no business of any kind to be transacted; and the gentleman from Illinois [Mr. TOWNSHEND] will occupy the chair as Speaker *pro tempore*.

The motion of Mr. SAYLER was agreed to; and accordingly (at four o'clock and thirty minutes p. m.) the House took a recess until seven o'clock and thirty minutes p. m.

#### EVENING SESSION.

The recess having expired, the House reassembled, Mr. TOWNSHEND, of Illinois, in the chair.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2507) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1879, and for other purposes.

#### ORDER OF BUSINESS.

The SPEAKER *pro tempore*. By order of the House, the session of to-night is for general debate only, no business whatever to be transacted. The gentleman from New York [Mr. COVERT] is entitled to the floor.

Before the gentleman proceeds the Chair has been requested to ask unanimous consent on behalf of the gentleman from Missouri [Mr. CLARK] to have printed in the RECORD some remarks he has prepared on the bill of the House, No. 4414, to amend the laws relating to internal revenue, and on behalf the gentleman from Ohio [Mr. FINLEY] to have printed in the RECORD some remarks he has prepared on the bill of the House, No. 5130, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes.

No objection was made, and leave was granted accordingly. [See Appendix.]

#### SOUTHERN WAR CLAIMS.

Mr. COVERT. Mr. Speaker, the American people as a people are exceptionally well informed ordinarily upon all governmental matters. No people stand nearer to the law-making power than ours. No people watch with more intelligent interest the acts of their public agents and none are more just in adverse criticism or more generous in kindly praise in this connection than are the people whose rights and interests are represented on the floor of this House.

Under these circumstances it seems a singular fact that intelligent, conscientious, and observant citizens this wide land over should have so vague an understanding concerning the matter of the so-called "southern war claims." Not that they should be uninformed, perhaps, as to matters of detail, but that they should carry with them very erroneous impressions as to the past, present, and prospective action of Congress in dealing with the general principles which govern and control the disposition of this class of cases.

The termination of the war brought to us in this country a new and changed condition of affairs. With a readiness and an elasticity peculiar to the American people we turned readily and naturally from war to peace. Our law-makers zealously, and as carefully as they could, mapped out the peculiar legislation necessary to meet the demands made by the exceptional condition of affairs presented to them. Many persons living in the South and claiming to have been loyal during the war presented claims against the Government for property alleged to have been either used or destroyed by the Union forces, and one of the first problems presented for solution by Congress was how should these southern war claims of alleged loyal citizens be examined into and disposed of. Congress, of course, had and has the power to dispose of these matters. Every citizen had and has the right to petition this body for redress of grievance by or the enforcement of an obligation against the Government.

It was early ascertained, however, that these claims, coming as was alleged from loyal citizens, were so numerous, the attention of Congress threatened to be so engrossed by anything like a proper examination, so great delay was likely to occur to claimants before all their claims could be passed upon, that new tribunals were created

by which these matters might be more speedily and satisfactorily adjudicated. The Supreme Court was vested with authority in the matter. The Court of Claims was established with jurisdiction sufficient to cover, as was supposed, many of the cases which were demanding the attention of Congress. Subsequently the southern claims commission was created and vested with power to pass upon and determine those cases which the Court of Claims had not jurisdiction to try. In addition some of the Departments had and still have the power to make payment upon proper proofs for property of loyal citizens necessarily taken and used by northern troops during the period of the war.

In dealing with this subject, Mr. Speaker, I have no comment to make upon the proceedings relative to this general subject before the Departments, the claims commission, or the courts. I am bound to believe that all judgments or decisions rendered in all these tribunals have been just and legal and equitable, and that they have been founded upon and sustained by the evidence in each case.

I have only to deal with those claims which have been passed upon by and are now pending before Congress. It is my duty simply to aid if I can in the correction of some of the errors into which the people of this country have been led with reference to the subject-matter of these claims, and to draw the attention of Congress and of the country to what in my humble judgment should be the future policy of the Government in dealing with this subject.

The primal cause of the errors into which many of our best and most conscientious citizens have been led in this matter can be traced to the fact that they have permitted themselves to be grossly deceived and misled by those who have been and are base enough to play upon their prejudices and fears. Nearly two years ago the cry was started that in the event of the success of one of the two great political parties at the then pending elections the doors of the public Treasury would be thrown wide open and every dollar of money expended by the South in the prosecution of the late civil war would be repaid to the people of that section. Statements were made that bills for the payment of losses to property of disloyal men would be rushed through this House in the event of the return of a democratic majority here, and financial ruin to the Government was predicted by those who upon the platform or through the public press endeavored thus falsely and unfairly to mould and shape public opinion.

Men who knew the utter absurdity of such a proposition, men who knew that under no strained or forced construction of law, however perverted, could any such action be had, rung the changes upon this maliciously false prophecy; and the attempt was made to convince the people that in the event of democratic success the burdens already imposed by the war debt of the North would be augmented by the addition of the war debt of the South. In common perhaps with almost every northern democratic member of this House, in the canvass which preceded the last congressional elections I gave to the voters of my district the promise and the pledge that I would vote and labor against the payment of the first dollar of this class of claims. The pledge and the promise were alike unnecessary, perhaps, on the part of any northern, and I can I think with equal safety say on the part of any southern democrat. But so completely had the work of misrepresentation been accomplished, so peculiarly sensitive had the minds of the northern democracy become upon this subject, that even in those sections where this declaration was not demanded its enunciation was received always with marks of approbation and it was regarded as an eminently fit and proper declaration to be made.

I have said that the promise was unnecessary on the part either of northern or southern democrats who were candidates for membership on this floor. Every member of this House, before he is permitted to enter upon the discharge of the high duties committed to him by his constituents, assumes an obligation sacred in its character and as binding as it is sacred. He calls upon the Most High to witness that he will in every direction, to the best of his ability, honestly and faithfully support and defend the Constitution of the United States. One of these provisions of organic law thus sworn to be observed and supported is a portion of the fourteenth amendment to the Constitution.

But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

To effect any change whatever in this provision of our organic law, the concurrence of two-thirds of both branches of Congress and the ratification of three-fourths of the States would be necessary, or it would be necessary to have such change secured by convention called by two-thirds of the States and ratified by the action of three-fourths of their Legislatures. Is it possible, Mr. Speaker, for any one to imagine that any of the members upon this floor would so violate their solemn oaths, their binding obligations, would so far forget their duty to themselves, their country, and their God as to contravene by direct and positive action this plain provision of constitutional law? The emphatic answer is seen and read in the light of recent events. As a result of the last congressional elections a democratic majority was returned to this House. Nearly eight months have gone by since its organization, and we are rapidly approaching the end of its first session. The country has watched and waited for the passage through this House of the expected avalanche of war claims, and they have waited and watched in vain. Not one dollar of the public money has been voted in payment of the first single claim of the first soli-

tary claimant proven to have been disloyal. As was well stated on a recent occasion on this floor by the gentleman from Virginia, [Mr. GOODE:]

The great body of the southern people, and I mean the confederate people, did not expect that the losses incurred by individuals as incident to the war would ever be reimbursed to them. They staked their all on the issue of the struggle; they lost, and they accept the loss as the fate of war.

And yet, despite all this, notwithstanding the record made by this Congress, a portion of the newspaper press of the country still makes this subject a leading issue, still attempts to rouse the fears of the people and to excite their prejudices upon this matter.

It cannot perhaps be wondered at that honest, fair-minded men in every section of the North are deceived and misled by these utterances. Ours is emphatically a newspaper-reading people. Not a household, however lowly, in the section from whence I come—not a fireside however humble—that does not welcome as a cherished guest the regular issue of at least one newspaper. And to audiences of honest men within these households—warping their judgments and shaping their sentiments upon this question—come, day by day and week by week, these utterances founded upon falsehood and leading on to error.

I yield to none, Mr. Speaker, in my regard for the newspaper press; in my appreciation of the great work it has accomplished and which it may yet achieve. I yield to none in my admiration of the earnest and sincere men of brain and heart who control it. I believe with the thoughtful French author De Toqueville that in this country—

The press is the power which impels the circulation of political life through all the districts of this vast territory. Its eye is constantly open to detect the secret springs of political designs and to summon the leaders of all parties to the bar of public opinion. It rallies the interests of the community round certain principles; it draws up the creeds which factions adopt; and the power of the periodical press is only second to that of the people.

I realize and recognize the fact that this great engine—in the hands of men pure and upright capable of so much good—can, when controlled by reckless and partisan management, be made an equally potent agent for the commission of wrong. And when this great power, "only second to that of the people," arraigns the majority of this House at the bar of public opinion upon this question, it is due to the people, the first power in this country, that false statements be corrected and truth be made to prevail over error.

Attention has frequently been called to the fact that a very large number of southern claims coming from those who were not Unionists have been presented to the committee having these claims in charge. I do not know whether this be true or otherwise, nor is it material to be considered in this discussion. I have only to say that the Committee on War Claims demand proof of loyalty as a condition precedent to favorable report in these matters. And while upon this branch of this subject, I desire to repeat what has already been shown by the gentleman from North Carolina, [Mr. DAVIS,] that in the enumeration of these claims made by some of the gentlemen on the other side, claims for all objects, bills for all kinds of relief, coming from the South, have been summarily placed under the head of "southern war claims," and have been conveniently classified as such.

No power can prevent the simple introduction of bills asking the award of money to claimants. It is the right of every citizen who thinks he has a valid claim against the Government, for whatever cause it may be brought or upon whatever ground it may be founded, to ask his Representative to introduce a bill for its payment. Many Representatives conscientiously think it a duty they owe their constituents to introduce such claims, leaving to Congress the duty of passing upon their merits. Every committee of this House almost has showered upon it bills asking for payments of money for certain objects or to particular persons. They come in every conceivable shape: for river and harbor improvements; for grants to railroads; for subsidies to steamship lines; for increase of pay to Government employés; for pensions to those who are and who are not entitled to this relief; in every form and semblance they are strewn upon the tables of committee-rooms—

Thick as autumnal leaves that strew the brooks  
In Valombrosa.

It may be that out of this large number of bills asking for relief are some in the nature of these war claims which are objectionable. It does not by any means follow that their presentation means their payment. It does not follow that the fact of their introduction binds to their support the party to which the member who introduces them belongs. It does not even bind to their support the member who introduces them. Against all such claims the constitutional provision I have quoted and the rule of the committee would apply, and this application would be fatal to their passage.

It is sufficient for my purpose only to discuss those claims which have been favorably reported from the committee, and which, having thus become the property of the House, are fairly the subjects of discussion.

I do not desire, Mr. Speaker, to discuss this question in a partisan spirit. I would not attempt to draw attention to the facts which I propose to submit to this House, except that the effort has been made, persistently and methodically, not only by a portion of the newspaper press, but by gentlemen on the other side of this Chamber, to induce the belief that the democratic party stands sponsor for these war claims and makes their payment one of its pledges. Fealty to my party and, above this and far beyond it, fidelity to truth impel me

to ask the attention of this House and of the country to facts which no gentleman upon this floor will dispute or will dare to gainsay. In the discharge of this duty I shall not attempt to indulge in sophistry; indeed I shall not attempt to use logic of any kind save the plain, severe logic of facts. I shall not even attempt to produce facts save as they have been exhibited upon this floor during this and preceding Congresses.

I bring you only a bouquet of culled flowers, with nothing of my own save the band which entwines them.

No less an authority than the late Senator Morton, in speaking upon this subject, said from his place in the Senate:

Can we afford to make any other rule on this subject? We might save some money by making another rule; but it would in the end be penny-wise and pound-foolish economy. After having expended some \$5,000,000,000 to keep the South in the Union, and after all our labors to build up a loyal party down there—

And I ask the reporters to underscore this last statement—

shall we come here making shipwreck in the end by declaring upon the floor of the Senate that the loyal men whose hardships and sufferings we can never estimate, shall be treated as public enemies, and that we will not pay them under the same circumstances under which we would pay a man for the taking of like property in the North. I can never consent to it.

Senator Morton did not consent to it. The party of which he was an honored and able member did not consent to it. For up to 1876, there had been paid to the people of the South, in settlement of claims of this character, the enormous sum of \$100,000,000. These are not my figures; the estimate has not been made by me. The figures are furnished by one who, better than any other man in this country perhaps, is qualified to speak upon the subject. From a speech of Hon. John Sherman, Secretary of the Treasury, made August, 1876, is extracted the following:

When the war closed, innumerable claims against the United States were made from the lately rebel States, and Congress, in the most liberal spirit, made provision for the payment of all that by the well-settled rules of civilized war, could be properly made against the United States. \* \* \* so that it may with safety be said that more than \$100,000,000 were paid, after the war was over, to citizens of the South for losses caused by the rebellion.

I desire to call attention while upon this subject to the fact that substantially all this large sum of money was paid out under the direction of those placed in position, not by the democratic, but by the republican party. The heads of Departments and the members of the Court of Claims and of the southern claims commission were all appointed by republican administrations. From the close of the war up to the assembling of the Forty-fourth Congress both branches of that body were controlled by a majority of republican votes.

The Forty-third Congress with its republican majority, through its Committee on War Claims, reported favorably at its first session upon \$3,000,000 of these claims against less than \$216,000 at the first session of the Forty-fourth Congress with its democratic majority; and at this latter session of that Congress, out of the claims so reported favorably less than \$75,000 of them were passed by the House.

Looking at the proceedings of this Forty-fifth Congress, what is the result? Only two claims growing out of losses to people at the South as results of the war have received the attention of the House. One of these claims was that of the College of William and Mary, for property destroyed during the war. The claim had passed the House with a republican majority in the Forty-second Congress, but had failed for some reason, perhaps for lack of time, in the Senate. It was revived again at this Congress, and the merits and demerits of the claim were most earnestly and eloquently discussed, among others by the accomplished and scholarly representative of the strong republican element of Massachusetts [Mr. LORING] in favor of the claim, and by the able exponent of democratic principles, the gentleman from Wisconsin, [Mr. BRAGG,] whose services to the Union in the late war are only equaled by his services to his country on this floor, in opposition to the measure. No vote has been reached upon this matter, and the claim is still undetermined.

The other of the two claims I have mentioned was the claim of the heirs of John Heater, for supplies alleged to have been taken by the Union forces in 1861-'62. The claim was supported most strenuously and forcibly, among others, by my distinguished friend from Ohio, [Mr. KEIFER,] the gentleman from Tennessee, [Mr. THORNBURGH,] the gentleman from Wisconsin, [Mr. HUMPHREY,] and the gentleman from Minnesota, [Mr. DUNNELL,] all able and deservedly conspicuous members of the republican minority upon this floor. The claim was as strenuously opposed by the gentlemen from Ohio, [Mr. MCMAHON] and Mr. FINLEY,] and the gentleman from Wisconsin, [Mr. BRAGG,] Representatives of the democratic majority here. On the vote to lay the bill on the table, out of 110 nays, the votes which really passed the measure, fifty-two, or nearly one-half of such votes were cast by gentlemen on the other side of this House, fifty-seven of the opposition being absent or not voting.

I have given this brief résumé, Mr. Speaker, not because I want to criticise adversely the votes given upon these bills by gentlemen of the opposition. I am certain they were each and all eminently conscientious votes, cast because the gentlemen who gave them believed that the claims were just and equitable and that they should be paid. I have referred to the record simply to show that the great bulk of these southern war claims have been passed not by the votes of democratic members of the House, but by the voices and votes of the gentlemen of the opposition. I have collated these facts, the correctness of which none I think will dispute, in as concise shape as I could,



simply to show that the wild and senseless talk of these claims being urged and pressed by representatives of the democratic party alone—or that that party stand pledged to the payment of them—is not borne out by the plain, simple facts as shown by the record.

Personally, sir, I admit that I am prejudiced upon this question of the payment of these claims. I believe that as a rule men of means at the South were thoroughly and earnestly devoted to the fortunes of the confederacy. A comparatively few may have remained passively neutral; a still smaller number may have been loyal to the old Union; but by far the greater majority sacrificed their fortunes as readily as they gave their swords to the cause which for them was a lost cause. I cannot but believe that the immense sum of \$100,000,000 has more than paid for all property of loyal citizens of the South utilized in any way by the Union forces during the war. As a member of this Congress, therefore, I bring to the determination of this class of cases a condition of mind such as is described by a juror when he states that he has formed an opinion in the case in which he is called upon to act, that such an impression has been created in his mind that it will require strong evidence to remove it.

This impression, this prejudice doubtless, could be removed by evidence; but at the outset, in the sense and to the degree I have indicated, I do not doubt but that many members on both sides of this Chamber do not and cannot stand impartial as between claimants and the Government in the matter of these claims. The examination given to them, however zealously the committee may labor to ascertain the truth, must be unsatisfactory. *Ex parte* statements must be relied upon to a great extent. No attorney for the Government is at hand to contest the validity of the claims, or to inquire into their merits. The committee, anxious to do impartial justice, forms such judgment as it may upon the meager evidence often presented to it, and the House is asked to adopt or reject the conclusion reached by its committee. The whole business of this House sitting as a court to determine these claims is manifestly wrong. It is a costly matter for the country, and an unsatisfactory proceeding to conscientious men who sincerely desire to do their duty fully and faithfully.

It is for these reasons, sir, that I for one shall most heartily and earnestly support the excellent measure recently introduced in the House by my distinguished colleague, [Mr. POTTER,] conferring further and enlarged jurisdiction upon the Court of Claims to pass upon all matters of this character. Let every claimant be relegated to this court, where, without passion of any kind, without prejudice either for or against it, each claim can be disposed of; and where, under the forms of law and governed by the rules of equity, equal and exact justice may be meted out to the claimant on the one hand and to the Government on the other.

Poise the cause in justice' equal scales,  
Whose beam stands sure, whose rightful cause prevails.

#### THE CURRENCY AND FINANCE.

Mr. KENNA. Mr. Speaker, on the 9th day of February last I had the honor to present to this House my views on the financial situation. It was my purpose then to furnish a brief synopsis of the legislation which has controlled and regulated the currency of the country and to expose to some extent the iniquities of a system which has spread ruin and starvation throughout the land. It is painful for a man who has the honor and welfare of his country at heart to realize that its financial history for sixteen years is a history of oppression and wrong. It is hard to be confronted by evidences, which no temerity can deny and no ingenuity explain away, that the dignity and character of governmental approval have been given to the conduct of the pampered few in its march of ruthless aggression, while the red seal of governmental sanction has stamped with a free frank the moneyed oligarchy in its rough ride over the down-trodden rights of a free and independent people.

Sir, it was no labor of love for me to devote an hour to the blackest chapter of financial infamies that ever cursed a people or disgraced a respected nationality. And yet I am proud to have participated in that debate. It was not without its fruits in actual legislation. It was not without its good results in the education of the people of the country to a proper understanding of the causes of their distress. Corrupt legislation in the interest of the money power has made of the American laborer well-nigh a pauper; but the debate in these halls and elsewhere, which has "snatched the mask of patriotism" from the face of spoliation and plunder, has made of that pauper an educated financier. He stands to-day conscious before God and man of the innocence and righteousness of his cause. He has worked and voted each recurring year with the hope that a season would bring him relief and he has seen disappointment and dismay to reward his anxiety and pains.

He has witnessed a great political party struggling to retain power and another to acquire it. He has been swallowed up in the whirl of excitement which the contest has aroused and like my Irish cousin who meant to cry "enough" he has lustily sung "hurrah" when he was under in the fight. But the time has come when his interests will be his political issue, when the protection of his manhood will be his greatest thought, when the home and happiness of his wife and little ones will be the great, high goal at which his ambition is aimed. He knows his wrongs. He knows he has been crushed by an unrelenting power until between that power and him there is open war. I have been with him in the fight. I am with him now. I shall be with him to the end, because I believe that God and humanity are on his side. On his behalf and in his name I now give notice that

this contest for relief shall not end when this session ends. It will be renewed with the next session and the next, and kept up without intermission, until honesty shall have superseded fraud, until justice to the masses shall be recognized as an element in national legislation, and until the wrongs which have invaded the financial system shall have been wiped out forever. The adjournment of Congress, instead of ending this struggle, will be the signal for its transfer to the polls. I know full well that there are those in the interest of the sharks and the Shylocks who hope for something from dissensions among the masses. It has been said that the breach in the democratic ranks by the greenback men will make an easy victory for the hard-money men over a divided foe. Sir, the wish is father to the thought. The idea that the greenback element of the country can be induced by vote or diversion to contribute to republican success is beyond belief. The revolt will be from the republican ranks. There is no conflict between the greenback men and the democracy, and that I propose to show. The democratic party has fought the battle of the people against the money power from the first. I will demonstrate that before I get through. The republican party has ruined and bankrupted the country and now seeks aid from the independent element by asking the distressed and suffering masses to lick the hand that has smitten them. They are reckoning without their hosts.

My own constituents are for greenbacks. Nine-tenths, ay, almost ten-tenths are earnest in their determination to maintain the good fight for financial relief. But they will not turn upon themselves and contribute their strength to the power which has driven them to the wall. The history of this financial policy is too well known for anybody to be deceived by pretense or fraud. The republican party conceived it; the republican party gave it creation; the republican party nursed it, fostered it, matured it, hugged it fondly to its bosom, until the infant monster grew to such proportions as to crush beneath its giant tread the prosperity of the American people. The democratic party has fought it from its inception; fought it at every stage of its growth; met it in battle array on forty occasions in the halls of Congress and a thousand on the stump.

Sir, the democratic citizen may point with satisfaction to the proud record of his party on the financial issues. The line has been distinctly drawn. The democratic party has opposed, the republican party has passed, all the measures which have multiplied the wants and increased the sufferings of the people. Look at the record of wrong as session after session has contributed to its infamous success. Turn for a moment from the thought of idle hands, desolated homes, and hungry wives and children, and ask of the inexorable record, as fate has inscribed it, who was

#### THE CAUSE OF ALL OUR WOES.

The answer, made by a persistent career of sixteen years, gives back the name of the republican party. Every vote and act has been recorded, and from the Journals of Congress, the best evidence known to man of the truth of these assertions, I will prove every word of what I have said.

#### TAXATION OF THE BONDS.

On the 28th day of June, 1862, the question of concurring in Senate amendments to an act creating bonds, &c., was before the House. Mr. Holman, a democrat, offered the following provision:

*Provided*, That nothing in this act shall impair the right of the States to tax the bonds, notes, and other obligations issued under this act.

Sixty-three democrats voted for this righteous amendment and not one voted against it. Of the republicans, only 8 voted "ay" and 77 voted "no." Thus the republican party defeated in the House the proposition to tax the bonds!

#### THE NATIONAL-BANK SYSTEM.

In February, 1863, the bill was pending for the charter of the national banks. The vote was taken in the Senate on the 12th and in the House on the 20th of that month. The bill involved the inauguration of a system which is as cordially hated by the masses of our people as ever was a measure hostile to their interests. On its passage in the Senate the democrats voted "ay" 2 and "no" 12, which was six to one against the system. In the House the democrats voted "ay" 3 and "no" 42, making fourteen to one against it. But who passed this bill and created the national banks? In the Senate the republicans voted "no" 9, "ay" 21, constituting a majority of more than two to one in its favor. In the House the republicans voted "no" 22 and "ay" 75, making over three to one in its favor. Thus the republican party foisted upon the country the national-bank system.

#### THE SUPPLEMENTAL BANK BILL.

On April 18, 1864, what is known as the supplemental national-bank bill was before Congress. It was a repetition of the evils of the charter act, and was intended to foster and perpetuate the national-bank system. The democrats voted in the House, 65 solid "no!" The republicans voted "ay" 80, and "no," only 1. In the Senate the democrats voted, 7 solid "no." The republicans voted "no" 2 and "ay" 30. Thus the republican party passed this objectionable act. On the same day, when Mr. Arnold offered in the House a resolution to provide for taxing State banks, Mr. RANDALL, a democrat, offered to amend by providing for the

#### TAXATION OF NATIONAL BANKS.

Notwithstanding that SAMUEL J. RANDALL, who is now Speaker of

this House, stands and stood then among the first parliamentarians on the continent, on this resolution to tax national banks a republican Speaker, in the interest of the money power, arbitrarily ruled him "out of order." Every member familiar with the history of this body knows how potent is the voice of the Speaker for weal or for woe. On this occasion it was invoked for the defeat of a righteous measure and thus the republican party through its republican Speaker denied even a hearing of the cause.

In March, 1869, when the "act to strengthen the public credit," which ought to have been entitled

AN ACT TO SWINDLE THE PEOPLE,

came up for consideration, debate was cut off. Although it declared the currency indebtedness of the country to be payable in coin, and added \$500,000,000 to the public debt, it was passed under the "previous question"—the "gag law"—and debate was denied. It was a gigantic fraud. On its passage in the House only 1 democrat voted "ay," while 34 voted "no." Only 12 republicans voted "no," and 96 voted "ay." In the Senate the republicans voted—"no" 7, "ay" 42. The democrats voted solid "no." While this measure was pending in the Senate, Mr. THURMAN, a democrat, moved to add that—

Nothing herein contained shall apply to what is commonly called 5.20 bonds.

These bonds were payable in greenbacks, and this act was to make them payable in coin. It was to avoid the consummation of that outrage upon the people that Mr. THURMAN offered his amendment. The democrats voted solid for it. The republicans voted "ay," only 6, and "no" 31. Thus without amendment, in all its original injustice, the republican party passed this odious act. On March 29, 1869, Mr. Morgan, a democrat, offered a resolution to exempt salt, tea, coffee, sugar, matches, and tobacco, and

TO TAX THE BONDS.

This resolution was defeated. The democrats voted "ay" solid, 39; the republicans voted solid "no," 104. Thus the republican party in the House by unanimous vote again defeated an effort to tax the bonds.

In 1870 the act was pending which provided for funding the greenback bonds into coin bonds, and which

ROBBED THE PEOPLE OF \$500,000,000.

The democrats of the House voted solid "no," 54. The republicans voted "no" only 2, and "ay" 139! In the Senate the democrats voted solid "no." The republicans carried it, and thus the republican party is responsible for the wrong which resulted from this iniquitous measure; and when the Houses divided and a conference committee was appointed to consider the differences upon this bill, Mr. Brooks arose in his seat and told the republican Speaker, Mr. BLAINE, that the conferees were

"ALL ON ONE SIDE"

and that the minority was not represented. Having "set up" the committee, the republican Speaker contemptuously replied "it is not essential that it should be." In July, 1870, when Sherman's proposition was pending

TO INCREASE THE NATIONAL-BANK CIRCULATION

\$54,000,000, as usual in all these aggressive measures the previous question was demanded and debate refused. While the democrats voted "ay" only 4 and "no" 44, the republican party passed this bill. On June 14, when that same bill was pending, Mr. RANDALL, a democrat, offered a substitute which proposed to take up the national-bank notes, and

ISSUE \$300,000,000 IN GREENBACKS

in their stead. On this measure the democrats voted "no" only 6 and "ay" 41. The republicans voted "ay" only 10 and "no" 105. Thus this proposed issue of greenbacks was defeated in the House by the republican party.

At the same time Mr. Morgan, a democrat, offered a substitute which provided for

REPEALING THE NATIONAL-BANK ACT

and the substitution of \$400,000,000 in greenbacks, with full legal-tender qualities, for the national-bank notes. The democrats voted "no" 11, "ay" 34, or over three to one for the substitute. The republicans voted "ay" only 3 and "no" 116. Thus the republican party in the House defeated also this proposed financial reform.

On the 31st of January, 1870, Mr. McNeely, a democrat, offered the following resolution:

*Resolved*, That the national debt should be paid in strict compliance with the contract, whether it is made payable in gold or greenbacks; that the 5.20 bonds are payable in greenbacks or their equivalent, and we condemn the policy of the administration which is squandering millions of money by buying such bonds at a high rate of premium when the Government had the clear right to redeem them at par.

To this honest, fair interpretation of a contract in behalf of a people who were already overcast with the shadow of impending financial panic only 3 democrats could be found to vote in opposition, while 34 voted in its favor. Of the republicans only 1 voted for it and 119 members of the republican party laid it in its grave!

On the 17th day of January, 1870, Mr. McNeely made—

ANOTHER EFFORT IN BEHALF OF GREENBACKS.

He offered the following resolution:

*Resolved*, That the Committee on Banking and Currency be, and they are hereby instructed to report at an early day a bill providing for withdrawing from circulation the national-bank currency and for issuing, instead of such currency, Treasury notes usually known as greenbacks.

On this resolution looking to financial reform the democrats voted "no" only 2 and "ay" 53. The republicans voted "ay" 1 and "no" 112. Thus the republican party in the House slaughtered this further attempt at honest currency.

In 1872, after the policy of the Treasury had been well defined, when the Secretary was day after day

ALLOWING THE BONDHOLDERS TO ROB THE PEOPLE,

by treating the 5.20 bonds as coin bonds and negotiating them in defiance of the contract of their creation, which made them payable in currency, the following resolution was presented:

*Resolved*, That in the opinion of this House the Secretary of the Treasury in negotiating the loan authorized by the act of July 14, 1870, has neither increased the bonded debt nor incurred an expenditure contrary to law.

At the time this resolution was offered the policy of the Treasury Department was daily augmenting our national debt. It was daily fastening upon us that system which has since so cursed the country. This resolution gave emphatic approval to this whole ruinous policy, and invited and approved in advance the mischievous course which has since been pursued. It passed the House by a strict party vote. The democrats voted solid 86 "no." The republicans voted "ay" 110, and thus the republican party gave formal and official sanction to a line of policy which has scattered business calamity broadcast over the land.

In 1873 the

ACT DEMONETIZING SILVER

was passed. The country has been made aware of the manner in which this nefarious measure was smuggled and bulldozed through without even being read. Its contents were not known, the yeas and nays were not called on its passage, and hence the vote of members is not entered on the Journal. The RECORD does show, however, that Mr. Hooper, a republican, moved to suspend the rules and pass the bill. He had it in charge. He knew its contents. He knew it struck silver down and destroyed the double standard of our fathers. The RECORD therefore shows that a republican had charge of the bill, and, by a motion to suspend the rules, cut off debate and forced it to a vote. But the RECORD shows more. It shows that this giant swindle had been submitted to the republican Secretary of the Treasury, the republican director and controller of finances, and was by him approved. The RECORD on this point is as follows:

Mr. MERRIAM. Has this bill been submitted to the Secretary of the Treasury; and, if so, does it meet his approval?

Mr. HOOPER, of Massachusetts. It has been submitted to him and he not only approves it but strongly urges its passage.

Thus, Mr. Speaker, this monstrosity, this unmitigated villainy which struck down silver when it was higher in the market than gold, simply to make "money scarce" and increase the burdens of the country, was manipulated and carried through by a republican member of the House under the full sanction and support of the republican Secretary of the Treasury. Passed as the bill was, under suspension of the rules, without debate, and not even read, there is no evidence on earth that any living man knew it demonetized silver except the Secretary and member I have named.

We come now to that

PRINCE OF DESTROYERS,

the resumption act of 1875. Like other similar acts it was passed without debate. Discussion was cut off. The vote in the Senate stood republicans—"ay" 32, "no" only 1! The democrats voted solid "no." In the House the republicans voted only 24 "no," and "ay" 136, making more than five to one in favor of this great crime against the prosperity and happiness of the country. The democrats voted solid 74 to defeat it. In the Senate even Carl Schurz complained that he had "found the bill on his table to-day for the first time, and had not had time to read it or inform himself intelligently of its contents." In answer to this appeal for opportunity to understand this important measure John Sherman, the present republican Secretary of the Treasury, rose in his place in the Senate and boldly declared that he would "press the bill to its passage from that hour forward." Evidences that he kept that promise faithfully and too well are found in the blasted homes and fortunes and hungry women and children from the Atlantic to the Pacific Ocean.

These, Mr. Speaker, are the leading financial issues upon which the two great parties have divided. They mark the line between the money sharks on the one side and the people on the other. The republican party had the President and both branches of Congress during all that time. At the very threshold of the system Mr. Stevens declared to his republican associates on the floor of the House:

We are introducing new practices all around. We are making one currency for the people and another for other purposes.

And, sir, that policy was pursued from 1862 to 1875. The republican party pursued it. With a determined purpose, with unrelenting vigor, with a singleness of object that no human appeal could divert and no human misery deter, the republican party went madly on in this desperate financial career and never did it call a halt until

CONFRONTED BY A DEMOCRATIC MAJORITY

in the House of Representatives of the Forty-fourth Congress! It is a part of the financial history of the country, demonstrated by the record, that all the wicked legislation which has racked this country to the very verge of revolution—the whole of it—every act and deed, was consummated when the republican party had control of every

department of the Government. It is also true that not one single act of which the people complain was ever passed after the democrats acquired control of the House. It is equally true that not one single act of relief was ever enacted until the popular uprising of 1874 gave to the democrats control of the House of Representatives. And, Mr. Speaker, it is a matter to be remembered to the everlasting credit of the democratic party that it encountered and vanquished at the first onslaught that gigantic money power to which the republican party has been for years as the plaything to a child! The first democratic House in August, 1876, raised the banner of financial reform by the passage of a bill

TO REPEAL THE RESUMPTION ACT.

The republican vote on the passage of that bill stood "ay" only 9 and "no" 56, or over six to one against the repeal. The democrats voted "no" 29 and "ay" 97; more than three to one in its favor. The bill passed the House by democratic votes, and thus the first battle against the Shylocks was left to be turned against the people by the republican Senate which failed to pass the bill. There the matter stood when the great political contest of 1876 came on. The result of that election returned a democratic majority to the House of Representatives, while the Senate is still republican. Those who have observed the proceedings since we assembled here will bear witness to the earnestness of the warfare that has been waged for financial relief. As early as November 5, 1877, we passed the bill

TO REMONETIZE SILVER.

The republicans, driven at last by a public sentiment which had twice routed them at the polls, yielded to this measure a fair support. They voted—"no" 24 and "ay" 67; not quite three to one. The democrats voted—"no" 10 and "ay" 97, or nearly ten to one in its favor. But when this measure to restore the dollar of our fathers was sent by a democratic House to a republican Senate it was there amended and emasculated until its value was well-nigh destroyed and finally vetoed by a republican President! On the 23d of the same month the

BILL TO REPEAL THE RESUMPTION ACT

passed the House. On this repeal the republicans voted—"ay" 28 and "no" 92, more than three to one against it. The democrats voted—"no" 29 and "ay" 104, more than three to one in its favor. This act was sent to the republican Senate, and there a Rip Van Winkle sleep of seven long months has held it fast.

On the 29th day of April the bill was passed

FORBIDDING FURTHER RETIREMENT OF GREENBACKS.

The democrats voted on this measure—"no" 7 and "ay" 104; the republicans voted—"ay" 73, and "no" 28. Many of them voted with the avowed reason that it would not interfere with the resumption act, and it is equally understood in well-informed circles that the republicans who favored the bill in the Senate did so upon the same ground. Add to what I have enumerated, the bills which have been favorably reported at this session by a democratic committee, the bill to authorize the issuing of certificates for silver bullion and the bill to

SUBSTITUTE GREENBACKS FOR BANK-NOTES,

and you have a fair, epitomized history of the financial legislation of the last sixteen years. In giving the status of the political parties, I have given the result of my own individual researches; I have investigated the subject; I have examined the record, and I speak what I know.

Mr. Speaker, in conclusion, I shall add but a word. The people of this country are terribly in earnest in this financial matter. The man who imagines that they will be further deluded is a "fool in his own conceit." Already the republican party has been called to answer in part for the sins of its fatal career. It has lost the House of Representatives. The 4th of March, 1879, ushers in a democratic Senate, and the disclosures which are startling the senses of civilized mankind at the enormity of the presidential fraud make it as sure as the decrees of fate that the next administration will be in the hands of the democratic party.

This triumph will bring relief, and we can have relief in no other way. As long as the republicans hold the Senate, or the Presidency, the Senate will defeat and the President veto every measure of substantial reform. The hope of change is inevitably involved in democratic success. Of this fact the country is aware. Upon this issue the State of Ohio has polled a democratic majority of 25,000 votes. She has elected a democratic Senator to succeed the republican Senator MATTHEWS, and in that election she has chosen the gallant George H. Pendleton, an early champion of the greenback cause. Oregon, too, has been snatched from the republicans within a week past. The friends of currency reform united in that State with the democracy and have chosen a democrat to succeed a republican in the House. They have also elected a democratic Legislature, insuring the success of a democrat over the present republican Senator MITCHELL; and thus the good work goes bravely on. Never did the budding brightness of spring-time open its folds upon a more distressed and impoverished people; but, thank God, relief is assured if the power at command be only employed. That power is in unity. It is in harmony. It is in mutual determination to stand together bravely in the furtherance of a common cause. It is in the determination of every friend of reform to act in conjunction with those who have fought this fight amid the clash and smoke of battle for more than a decade of years.

Mr. Speaker, if after devoting to this struggle every day of my political career, if after staying in the contest until in all the gloom and desolation of oft-repeated reverse the day is dawning and the sun of final triumph illumines the morn—if, sir, after laboring with my hands and finding in hard work from sun up till sun down common cause with men who earn their bread by the sweat of their brows, my advice or friendly counsel is entitled to the smallest consideration, I would sum it up in a few short words: on the one hand, the money power is making war upon the property, the labor, and the liberty of the land. It has manipulated legislation, paralyzed employments, stricken down values, and robbed and plundered the people of the country until bankruptcy is universal, want and starvation are abroad, and respect for our institutions is lost in the sense of deep and damnable wrong.

On the other hand, communism is waging war upon society. It is assailing that institution which was ordained to protect the weak against the strong, and which made law and order out of chaos and confusion. It is the enemy of capital, it is the enemy of labor, it is the annihilation of both. It strikes at the interests which are nearest the good man's heart. It would undermine the monuments of achievement in high places and make desolate the home of the lowly and the humble. It brings the wolf to the poor man's door, for wealth can escape it; poverty cannot. It would tear school-houses from the hill-tops and valleys and drive the poor man's children, all unlettered, from their happy play-grounds forever.

Let the true workingman and the true patriot battle against the money sharks and the Shylocks by his vote at the polls. It is the all-powerful weapon of civilization, and I will join him in the fight. Let him deplore and avoid communism, and I will join him in that. Let him stand up manfully in the intelligent power which God has given him and assert with the ballot his determination to correct the abuses which have ruined the country and blasted its prosperity. In that struggle he will have the sympathy and aid of all good men. Let him maintain his rights in peace, with a strong heart and an iron hand, and I will help him if I can. But in his battle for the protection and character of American labor, I would implore him to do naught to sacrifice its dignity or to sully its honor, for they are dear to him as life.

CHINESE IMMIGRATION.

Mr. DAVIS, of California. Mr. Speaker, the question of Chinese immigration is regarded by the people of California with an intense interest of which citizens on this side of the continent have but little conception. Twenty-eight years ago the pioneer Chinaman was welcomed with an eager curiosity, but with no foresight of the eventful consequences of his coming. To-day, he is found in every village, in every mining camp, utterly an alien in the body-politic, and like some foreign substance in the human body, breeding fever and unrest till that system is relieved of its unwelcome presence. On the question of restricting his coming our community is almost a unit; except a few men who profit by his cheap labor, the sentiment of the people is nearly unanimous. It includes both political parties, all nationalities, all classes of the community.

The anti-Chinese societies include every nationality; both political parties have repeatedly expressed the same views on this subject in legislative enactments as well as in political platforms, and the sober sentiment of religious men is well expressed in a resolution unanimously adopted at the general association of the Congregational churches, October 9, 1877:

*Resolved*, That we express it as our conviction that the Burlingame treaty ought to be so modified and such other just measures be adopted by the General Government as shall restrict Chinese immigration, and shall especially prevent the importation of Chinese prostitutes and so relieve us from impending peril to our republican and Christian institutions.

In the city of San Francisco, my own home, this opposition is most keenly felt, as the body of Chinese is larger there than at any other point in the United States; and many thousands of unemployed men say with great bitterness that but for their presence work and bread would be plenty. For months past life and property have been threatened by this agitation, and to the wisdom of Congress we appeal to grant us that quiet and relief which our own Legislature has no power to give us.

Believing, as I do, that the indifference of Congress on this subject has arisen mainly from a lack of knowledge concerning the Chinese, I will ask your candid attention while I describe their social condition in California. I will then show you, first, that the presence of so large a foreign body unable or unwilling to assimilate to our ways renders them a dangerous element to society and a grave peril to the State; second, that their presence is a menace to free labor; and lastly, that the experience of other countries in dealing with this class of immigrants gives us no reason to hope for any change in these respects.

CHINESE QUARTER OF SAN FRANCISCO.

The Chinese quarter of San Francisco occupies from seven to eight small blocks in the heart of the city, in which are densely packed about twenty thousand human beings, which form two-thirds of its Chinese population. To pass into this quarter from the adjoining streets is like entering a foreign country. The streets are thronged with men in foreign costume; the buildings are decorated with strange and fantastic ornaments; the signs and advertisements are in queer, mysterious characters; the objects exposed for sale are

new and strange; the ear hears no familiar sound, but is assailed with an incomprehensible jargon, and the very smells that pour from the cellars and open doors are utterly foreign and marvelous.

You wonder at the entire absence of females among these people and you find on inquiry that except a few wretched prostitutes this entire mass is composed of adult males. If you enter a house it is thronged with men; no women, no children, no family relation; everywhere crowds of men. In the lodging-houses they are stowed like steerage passengers in a ship; each room is packed full from floor to ceiling with berths, full of lodgers, but all adult males.

Their social organization rests upon what is called the "Six Companies," associations, each including all the immigrants from a certain district in China and each presided over by Chinese merchants of San Francisco. To some one of these companies is consigned every Chinaman coming to this country.

#### CHINESE IMMIGRATION MOSTLY CONTRACT LABOR.

Some of this emigration is purely voluntary, being composed of California Chinamen returning to try their fortunes again in the "Golden Mountains," and perhaps bringing with them friends or relatives; but far the larger part, I am convinced, has been and is contract labor.

Says Consul Baker, writing from San Francisco to the British government, in 1875:

The general idea is that the six companies control immigration in every way; but, as far as I can learn, they do so only to a very limited extent. The six companies do not furnish means to enable Chinamen to come to this country. The necessary funds are supplied by parties making a regular business of it, who charge 250 per cent. for a loan if unsecured or 2 per cent. per month with tangible security.

Wealthy Chinese houses in Hong-Kong are employed in this business of collecting and shipping over these men. They send their agents to the densely crowded districts to pick up needy and desperate persons, to whom any change is a blessing, who are easily allured by promises of high wages in California.

To insure repayment of the passage-money and all charges, the Chinaman's labor is pledged for a term of years in advance or until the debt is worked out, and as security he mortgages his wife and children, or perhaps his relatives pledge themselves as security for the payment of the debt. Arriving in California he is taken in charge by the company to which he is consigned, who thenceforth receive the net proceeds of his labor till the debt is paid. When he wishes to return, no Chinaman, unless he be one of the very few who have joined the Christian churches, can obtain a passage to Hong-Kong on any vessel without a permit from the "Six Companies," who can thus enforce fulfillment of all these contracts, for no Chinaman ever abandons the hope of returning some day to the tombs of his fathers.

Rev. Otis Gibson, of the San Francisco Chinese Mission, in his work entitled Chinese in California, page 21, gives the following table, taken from the registers of the "Six Companies," as representing all the Chinese in America, April 1, 1876:

Ning Yung Company .....	75,000
Hop Wo Company .....	34,000
Kong Chow Company .....	15,000
Yung Wo Company .....	12,000
Sam Yip Company .....	11,000
Yan Wo Company .....	4,300
Total .....	151,300

To these are to be added, I suppose, about six thousand women, of whom Rev. Mr. Gibson says, page 134:

More than nine-tenths have been sold into a hopeless bondage worse than death. The women are bought in China and shipped across the ocean to this Christian land, to be sold again to minister to the lusts of wicked men for the profit of their more wicked masters.

I will not quote further from his description of this dreadful trade. In justice to the better class of Chinese merchants I will say here they have opposed this infamous traffic in girls, which has been conducted by a secret association known as the "Hip Yee Tong," a society strong enough to defy our laws and keep these poor creatures in slavery.

There are many other associations among the Chinese in California, prominent among which are the clubs or guilds of workmen, which exercise a controlling influence over their members, holding them in awe and subjection. I have no time to discuss here the moral aspects of these matters. The Chinese merchants are men of integrity and uprightness in their dealings, and the mass of laborers are industrious and frugal; while on the other hand the alleys of the Chinese quarter disclose forms and depths of vice and degradation without a parallel in America.

#### POLITICAL ELEMENTS OF THE PROBLEM.

The political problem presents the following elements: a mass of adult males, forming in California already two-fifths of our adult male population, utterly foreign, devoid of all sympathy with our country or its institutions, having no family relations or permanent home, enrolled under the vigilant watch of their "Six Companies," who hold a large part of them in the bondage of a temporary peonage. Let us examine some of the consequences.

And, in the first place, this persistent fondness with which the Chinamen cling to their nationality and separate themselves from other men, their incapacity to change their ways and adapt themselves to their surroundings—this alone renders them most undesir-

able immigrants, and it has been and is to-day, always and everywhere, their most marked trait.

They are the most conservative of men. Arriving at their present form of civilization many centuries ago, their development seems to have been arrested and ages of uniformity have fixed the type. And this rigidly crystallized national sentiment has nothing in sympathy with the social and political thought of a free people. Their social life degrades womanhood, and allows the mortgage and sale of the persons of both men and women, while their political aspirations are limited to a paternal despotism, with no conceptions of a popular government.

So they were born, and so they always remain. In California they are the same as they were twenty-five years ago. Nor is this surprising when we consider that although the aggregate number is steadily increasing the individual members of it are constantly changing. They remain only five or ten years, long enough to make a few hundred dollars, a competence in China, and then return home to spend the remainder of their days. They bring no wives; they have no families and no permanent residence, and are essentially nomadic. No better evidence can be given of the folly of expecting any material change than the ill-success of the missionary efforts among them. The testimony of the missionaries themselves records only two hundred and fifty or three hundred converts as the fruits of twenty-five years of self-devoting labor among them in all the churches.

Over against this picture I hardly need to draw that of the European immigrant. He comes to this country to settle for life. He brings with him his wife and children. He adopts our language, mingles with our people, and becomes an American. And even if with the first generation the love of the fatherland strives with his affection for his new home, the next generation become American citizens. But with the Chinese the so-called immigration is simply an ebb and flow from the shores of Asia of a tide of men hopelessly foreign, without wish or intention to make this their home.

#### THEIR SECRET SOCIETIES DEFEY OUR LAWS.

Another peril resulting from this singular isolation of these people is the formation of what is almost a foreign government in the very heart of the State. Living mainly apart from our people and separated from them by their own intense nationality and their ignorance of our language and laws, they look to their own officers rather than to our authorities for their guidance. The instinct of nationality leads them to shield one another from a breach of our laws, and our courts find it exceedingly difficult to punish criminals among the Chinese unless with the consent of their own authorities. On the other hand it is believed their secret societies inflict the severest penalties for the infraction of their own regulations, and on this point I will quote from the letter of the Rev. S. W. Blakeslee to the congressional commission of 1876, page 1242:

They have a perfect government among themselves distinct from our own, with their laws, their secret courts of trial, and their police, executive, and other officers, the object of which is to perpetuate their race peculiarities, their clanish interests, and their religion, with terrible sanctions of law, even the death penalty, to enforce their regulations.

This difficulty has increased with their numbers, and seems to be entirely beyond our control. The result of all this is so plain I hardly need recapitulate it. To have two-fifths of our adult male population without sympathy with our people or interest in the welfare of the Government or its institutions or knowledge of its laws, with their affections centered on a foreign government and holding allegiance thereto, all this must breed discord and civil strife. A people to be truly happy must be homogeneous.

We cannot expect absolute unanimity of sentiment, but we must hope for that harmony in variety where all love the country and respect its laws while they have enough in common to form a homogeneous and peaceful people. History is full of examples of the truth of this proposition. When two peoples on the same soil are nearly alike they blend into one harmonious whole, like the Saxon and Norman in England; but where the differences are great, discord and strife must ensue proportional to the difference of sentiment and the persistence of type. The Spaniard and the Moor, the Turk and the Bulgarian, will suggest themselves to every mind as eminent examples of the strength of this position.

I earnestly pray that California may never be the scene of such intestine strife. It would be far better that the development of the country should be arrested for years than that such a disaster should ensue. Material wealth is of trifling value beside the peace and concord of the people. Rather let us wait till the natural spread of our own people shall fill the fertile valleys of the Pacific States with contented settlers, men owning their homesteads, who have come to live and die in the land of their adoption.

#### CHINESE IMMIGRATION IMPERILS FREE LABOR.

But the most serious and really dangerous phase of this question is its relation to free labor.

In the pioneer days of California, when every idle man could find employment in the mines and there was plenty of work for all, there was no competition and consequently no strife. But as the numbers of the Chinese increased they have gradually crept into many other employments, in some of which they have supplanted American workmen, till to-day they occupy exclusively many fields of labor, especially the lighter kinds of manual labor where women and youths ought to find place.

It is idle to say that these fields are open to all, and free competition should be the arbiter. Competition is impossible. The Chinaman has reduced the necessities of life to an absolute minimum. Without families to support, crowded together in dense masses, reducing the needs of life to a bare animal existence, they can force to the wall any other nationality and yet be rich as compared with their own condition in China. What competition is possible to the American laborer, with his wife to support and children to educate, ambitious to better his condition and afford his family reasonable comfort and enjoyment? Do you wonder that there is agitation and that the workingman chafes when he sees himself crowded out of employment?

#### LABOR MADE DISREPUTABLE.

Nay, labor itself is degraded and made disreputable. That which must be the very corner-stone of a free republic is discredited and brought to shame. When every man holds a ballot our only hope of safety lies in the contentment and self-respect of the working classes. I appeal to those gentlemen on both sides of the House who have so eloquently set forth the rights of labor to stand by us in this issue and redeem us from a system which degrades labor and drives the workingman to the wall.

It is idle to talk of following the law of nature and letting things regulate themselves. Does the farmer let the laws of nature rule his farm? If the cockle and the chess come up in your grain-fields, do you leave them to fight it out with the grain? In your stables and barns, will your blooded stock maintain itself without care and protection? And are not the lives and happiness of your own countrymen as well worth your oversight?

All our laws for the protection of children, for the education of the people, in aid of the sick and the destitute, recognize the need of a fostering, paternal care of the Government for those who are unable to protect themselves.

Nay, your very revenue laws recognize the principle of protection. You discriminate in your tariff against foreign manufacturers and foreign artisans, and make the prosperity of our own workmen the excuse for such legislation. Will you not give them the same protection against Chinese immigration as against foreign manufacturers? Because the danger is at our very doors is it not all the more real?

#### A MONGOLIAN STATE.

If you deny us this protection, what shall we do? what can we do? This flood, which has been checked for the past two years by the fierce opposition of our laboring men, will resume its flow. So long as it pays, nothing but restrictive legislation will stop it. On the other hand, the movement of free labor to California will come to an end. Already it has fallen off greatly, and in place of a community of happy prosperous American citizens we shall have an aristocracy of large landed estates worked by a servile race, and perhaps in the end an Asiatic State.

Is this an imaginary danger? The Chinese Empire contains three hundred and fifty millions of population. Science has bridged the Pacific Ocean with a short and cheap transit. China is overstocked with men, and gaunt, famine and want are driving them across. The London Times of February 19 says:

It is stated on authority which cannot be questioned that seventy millions of human beings are now starving in the famine-stricken provinces of North China. \* \* \* We cannot doubt that if the Chinese have found their way to America from the comparatively prosperous eastern provinces in thousands that they will pour forth in myriads from the famine-stricken districts of the north as soon as the way is opened to them. \* \* \* The Chinese difficulty may speedily become a greater menace to the United States than ever the negro difficulty was at its worst, for negro immigration was never voluntary and ceased with the abolition of slavery, while if the Chinese tide once begins to flow in force it is difficult to see when and where it will stop.

#### THEY WILL FLOOD THE EASTERN STATES.

Who now will say the danger is imaginary? Already in California two-fifths of the adult male population is Chinese. Nevada and Idaho are filling up with them to the exclusion of settlers and their families. The advance guard has even crossed the Rocky Mountains and pushed out into several of the eastern cities, and before many years have passed the workingmen of the Atlantic States will begin to feel the sorrows of Chinese cheap labor. Wise men have long foretold this movement, and I find these remarkable words of warning by Sir John Bowring, himself for many years British governor of Hong-Kong, in his work on the Philippine Islands, published in 1859:

The adventurous spirit in China is becoming more and more active. The tens of thousands who have emigrated to California and Australia, and the thousands who have returned with savings which they have deemed a sufficiency, have given an impulse to the emigrating passion. \* \* \* The marvelous exodus of Chinese from their country is one of the most remarkable ethnological circumstances of modern history, and is producing and will produce extraordinary and lasting results.

The experience of the last nineteen years since the publication of this warning has confirmed his singular foresight, and will compel every thoughtful man to consider the consequences of this movement.

#### CHINAMEN NEVER CHANGE.

I have tried to draw the picture of the evils of Chinese immigration and the perils we may expect from it. I often hear it said this danger is overdrawn, that the Chinaman will settle down by and by, become Americanized, and behave much like the rest of us.

Now, this Chinese immigration has been going on for some hun-

dreds of years to the Indian Archipelago, so that they are freely scattered throughout the East Indies, and of late years have emigrated to more distant countries. It is very difficult to obtain accurate statistics of this emigration, but the following is an approximate estimate of the number of Chinese in foreign countries:

United States.....	156,000
Australia and New Zealand.....	100,000
Singapore and Straits Settlements.....	105,000
Sumatra and Banca.....	150,000
Java.....	186,000
Borneo.....	250,000
Philippine Islands.....	50,000
Peru.....	100,000
Siam.....	1,500,000
Cochin China, Japan, Hawaiian Islands, Cuba, West Indies, British India, estimated at.....	300,000
Total.....	2,897,000

In forecasting the future of California it would be of great use to know the condition of these people, and you will find that in all those countries where they are found in considerable numbers the emigration presents the same difficulties as in California.

#### SIR JOHN BOWRING'S TESTIMONY.

And here again I will avail myself of the standard authority of Bowring, in whose Kingdom and People of Siam I find the following striking sketch:

The extraordinary diffusion of the Chinese emigrants over all the regions from the most western of the islands of the Indian Archipelago in the Straits Settlements, in Siam and Cochin China, and now extending over a considerable portion of Western America, particularly in California, and reaching even Australia and Polynesia, is one of the most remarkable of the events of modern history and is likely to exercise a great influence on the future condition of man, for the Chinese do not emigrate to mingle with and be absorbed among other tribes and peoples. They preserve their own language, their own nationality, their own costume and religious usages, their own traditions, habits, and social organization.

Though they intermarry with races among whom they dwell, the Chinese type becomes predominant, and the children are almost invariably educated on the father's model, the influence of the mother seeming almost annihilated. And though the Chinese frequently acquire large fortunes, great influence, and sometimes high rank as a consequence of their prosperity, the ties that bind them to their country seem never to be broken, and the tides of population flow Chinward with every southwest monsoon, to be replaced by a stronger stream when the monsoon of the Northeast sends the junks on their wonted way to the South.

Twenty-seven years that have elapsed since this was written have not changed the features of the picture further than to substitute the steamship for the lazy junk.

When the Chinaman comes in contact with a race his superior in civilization, as in Australia and the United States, the intermarriage of races ceases, and the isolation becomes more complete. But wherever these singular people are found they are always organized into companies or "hoeyes," whose officers hold the main body in strict control, and who always form an interior government within the state which it is impossible for the authorities to suppress, and which in some cases the state has even recognized by law as the easiest way to manage the Chinese. It is also true that in most of these countries it has been found necessary to place them under greater restrictions, while almost everywhere they are subjected to heavier taxes than in America, and all this is just as true in countries like Java, where they have lived for hundreds of years as in California, where a quarter of a century measures their residence. I will now go briefly over this field of inquiry.

#### SINGAPORE.

In the British colony of Singapore are one hundred and five thousand Chinese, all males, forming a large majority of the population. The turbulence of the lower classes has caused serious alarm, and the management of them has puzzled their colonial legislature. Mr. Dunlop, the head of the police department, says:

The majority of Chinese in this colony are members of some secret society. A member of a "hoey" stands in much greater dread of the society than of the Government. He would carry out the orders of the first and disregard the latter whenever he could do so.

The government tried to repress the disorder by legalizing the better class of societies and employing Chinese police, for these ruffians blackmailed even the wealthy Chinese merchants. "But," says Mr. Dunlop, "I found the detective Chinese were perfectly useless," and the government finally confessed their helplessness in the following language, used by the colonial secretary:

I do not believe that it would be possible to suppress these societies at present by any law which could be passed in a free country.

A suggestive sentence to men who favor Chinese immigration.

#### COCHIN CHINA.

At the French colony of Saigon the regulations are very strict. No Chinaman is allowed to land unless intending to remain. If he lands—

He is taken directly by the police from the ship to the registrar's office, in presence of the chief of "congregations," or his representative. A ticket is handed to him, available for one year; this ticket mentions his name, age, "congregation," profession, date of delivery, and must always accompany him, and be produced at the request of any policeman whom he may meet on his way daily. The cost of the first year is \$3 and for the ensuing years \$5, for the ticket is to be renewed every year. There is an exception for the merchants, whose licenses supply the ticket, and who besides pay a duty of capitation of 300 francs for the first class.

The "congregations" here spoken of are the equivalents of our "Six Companies," groups of Chinese speaking one idiom, and associated together into a club. The French government recognizes these societies, forces every Chinaman to join one, and then holds the society responsible for his conduct. I will only add that all the Chinese at Saigon are males, and they always intend to return to China to die, even in many cases abandoning families they have raised with native wives. For this the government forbids their owning any real estate.

## SIAM AND PHILIPPINE ISLANDS.

In the kingdom of Siam the immigrants are all males, and though many marry Siamese women "and become permanent settlers, there is perhaps no example," says Bowring, "of an utter abandonment of the intention to return to the Flowery Fatherland." They pay a poll-tax of \$3 on entering the country, which is re-collected triennially, "and are compelled to wear a cord round the wrist with a seal, justifying the payment. The richer merchants pay a treble amount and are relieved from the badge."

The regulations of the Spanish colony of the Philippine Islands are very similar to those at Saigon. The Chinese are separated by their dialects into groups which choose their own officers. These officers are recognized by the Spanish government and endowed with limited civil and criminal jurisdiction. They also collect the taxes and are held responsible for the conduct of the members. Every Chinaman must be registered on arrival and must join one of the groups. All the emigrants are males and most of them return home to die. They are very heavily burdened with special taxes.

## AUSTRALIA.

The Australian colonies long ago found the presence of the Chinese onerous, and tried to relieve themselves of the burden by special taxation. In 1855 the Parliament of Victoria imposed a capitation tax of £10 on every Chinaman entering the colony. In 1865, the number having much diminished, the act was repealed. In 1861 the colony of New South Wales imposed a similar tax, which was repealed in 1867 under similar circumstances. In 1876 the colony of Queensland passed a law of the same character, which was disallowed by the Queen, but in 1877 the colonial Parliament passed another act, requiring every Chinese immigrant to make a deposit of £10, to be repaid to him if within three years he should leave the colony, and should prove to the colonial treasurer that he had never been a charge upon the revenues of the colony. This law was allowed by the home government, and is now in force.

The social condition of the Chinese in Australia is in every respect the counterpart of California—no women, no families, all birds of passage.

## JAVA.

With the Chinese in Java I will close this review. In Java they have lived for hundreds of years, longer than our people have lived in America, still they are no more domesticated than in California or Australia, their latest places of resort. They bring no women, and always contemplate a return to China when they have made a competence. They are grouped as elsewhere in societies, and the Dutch have been compelled to recognize these societies and make use of them as is done in Manila to assist in the government of these people.

The officers are given a limited jurisdiction over the members, and are held responsible for their conduct and for the collection of the taxes. These taxes are very heavy, many of them levied exclusively on the Chinese. I cannot better close this sketch than with the language of the council of Batavia, as quoted by Sir Stamford Raffles:

The Chinese being the most industrious settlers should be the most useful, but, on the contrary, have become a very dangerous people, and are to be considered as a pest to the country, for which evil there appears to be no radical cure but their expulsion from the interior.

Sir Stamford himself says:

From their peculiar language and manners they form a kind of separate society in every place where they settle. Their ascendancy requires to be carefully guarded against and restrained.

## WHAT IS OUR REMEDY?

What, then, is our remedy? The State of California has endeavored to arrest the flood, but without avail. Her statutes passed to this end have been pronounced unconstitutional and set aside. Even the United States laws against importation of contract labor have proved to be powerless, and we come again to Congress imploring relief. A modification of the Burlingame treaty is suggested, which is certainly desirable, but with the slow workings of diplomatists and the interminable delays incident to this battle of words, years may elapse before even this can be secured; and when the treaty is modified what have we gained? There were fifty thousand Chinamen in California before the treaty was ratified, and practically they enjoyed the same rights then as now.

What we want is instant relief, instant assurance that the tide shall be stopped now. What we want is positive restrictive legislation.

## POWERS OF CONGRESS.

It has been urged that this bill would modify an existing treaty and is consequently beyond the power of Congress, but our constitutional power to deal with the matter is very clear. This power has been actually exercised by Congress and has been passed upon by the courts. On July 7, 1798, under the stress of severe provocation by

the French, Congress passed "An act to declare the treaties heretofore concluded with France no longer obligatory on the United States," (1 Statutes at Large, 578;) and the power to pass laws in contravention of existing treaties has been repeatedly affirmed by the courts. I will content myself with briefly alluding to the decisions. In the case of *Taylor et al. vs. Morton*, (2 Curtis's Circuit Court Reports,) in 1855, Judge Curtis said:

To refuse to execute a treaty for reasons which approve themselves to the conscientious judgment of the nation is a matter of the utmost gravity and delicacy; but the power to do so is a prerogative of which no nation can be deprived without deeply affecting its independence.

That the people of the United States have deprived their Government of the power, I do not believe.

That it must reside somewhere, and be applicable to all cases, I am convinced, and I feel no doubt that it belongs to Congress.

This decision was reaffirmed by Judge Woodruff in April, 1871. (8 Blatchford, 304.)

The same doctrine is held in 1 Woolworth's Circuit Court Reports, 155, by Judge Miller, in 1867, and finally by the United States Supreme Court in 1870, in the Cherokee tobacco case, 11 Wallace, 616, in which Mr. Justice Swayne said:

The effect of treaties and acts of Congress when in conflict is not settled by the Constitution. But the question is not involved in any doubt as to its proper solution. A treaty may supersede a prior act of Congress and an act of Congress may supersede a prior treaty.

The power of Congress under the Constitution to deal with this matter being clearly established, it only remains to discuss the question whether the bill proposed would be a breach of national faith toward the Chinese government.

## NO BREACH OF FAITH TOWARD THE CHINESE GOVERNMENT.

And I maintain that this measure would not be such a breach of faith with the Chinese government as would justify complaint on their part, provided due notice is given them of our intentions in the matter. We simply give them notice that we intend at a future time to modify an agreement of ten years' standing which has worked to our harm. The Burlingame treaty, concluded in a gush of generous sentiment, is a singularly one-sided bargain. We gain little or nothing by it, while we guarantee to the Chinaman privileges which they never pretend to grant to us. We open all our ports to them, while they limit us to a few of theirs; we throw open our whole country to their occupation, while in China no American has any right to reside outside a treaty port. Nay, in many parts of China an American cannot even travel without danger of losing his life; and to crown all, we grant these privileges to one hundred and fifty thousand Chinamen while the Americans in China consist of only a few hundred. The bare statement of the terms of the bargain is enough to prove its absurdity and to justify us in declaring our intention to modify it.

## NO REAL IMMIGRATION.

Nor do I think the bill is any violation of the spirit in which we accepted the treaty. Under it there is no real immigration, such as our country seeks to encourage. I have shown already that the Chinese do not come to settle, do not bring wives or families, nor do they ever mean to make this their home; that the larger part of the immigration comes under labor contracts and is hostile to our system of free labor. In short, there is no real immigration under the treaty. On the other hand, so far as the demands of commerce and travel are concerned, the bill allows enough to satisfy their requirements.

## CHINESE IN CALIFORNIA HAVE ASKED FOR RESTRICTIVE LAWS.

And lastly, the Chinese themselves will make no objection to the bill. The "Six Companies" of California have repeatedly declared their desire to have us restrict the further immigration of their countrymen. In their "Manifesto to the American public," April 1, 1876, they say, (Gibson, page 301:)

Our six companies have, year after year, sent letters discouraging our people from coming to this country, but the people have not believed us and have continued to come. The necessary expense of these poor new-comers is a constant drain upon those already settled here, so that the Chinese residents of this country are also opposed to this rapid Chinese immigration.

They use similar language in their address to President Grant the same year, and on the 16th of January, 1878, they forwarded a dispatch to Hon. William M. Evarts, Secretary of State, through their agent, in which he says:

Sir: After a full and final conference with the representative Chinamen of California in reference to restricting the further immigration of their people, I am requested to convey to you the following suggestions, which, if carried out by this Government, will most assuredly meet their views and quite effectually stop further immigration.

First. That Congress enact a law entailing a capitation tax of \$100 upon each subject of China landing in the United States.

Second. That the money so collected may be used to return their indigent countrymen to China, with such other restrictions as may seem best to the minds of the humane and disinterested representatives of this great Government.

## CHINESE GOVERNMENT WOULD APPROVE.

And we have every reason to believe such a measure as we propose would be regarded with satisfaction by the Chinese government. The moral sentiment of that people has always opposed emigration, and nothing but the extreme pressure of want has ever driven them to leave their country, while the government has steadily discouraged it, manifesting a singular indifference to the fate of its citizens who have abandoned the Flowery Kingdom.

In 1740 the Dutch of Batavia, in a frenzy of fear caused by a revolt of the Chinese on the island, massacred all the Chinese in the city.

I quote from Stockdale's Java:

Much apprehension existed that this would excite the indignation of the Emperor of China, and a letter was written and deputies sent the following year to apologize. The emperor calmly answered that "he was little solicitous for the fate of unworthy subjects, who, in the pursuit of lucre, had quitted their country and abandoned the tombs of their ancestors."

This is an extreme case, but it illustrates their national sentiment toward emigration.

CHINESE GOVERNMENT DID NOT OPPOSE ENGLISH AND FRENCH RESTRICTIVE LAWS.

If there were any doubt on that point it would be laid at rest by the utter indifference with which the Chinese have regarded the restrictive legislation of the English and French colonies, which I have quoted above. In October, 1860, the Chinese government entered into conventions with both these powers, providing among other things for free emigration to the English and French possessions. The fifth article of the English convention is as follows:

As soon as the ratifications of the treaty of 1858 shall have been exchanged His Imperial Majesty the Emperor of China will, by decree, command the high authorities of every province to proclaim throughout their jurisdictions that Chinese choosing to take service in the British colonies, or other parts beyond sea, are at perfect liberty to enter into engagements with British subjects for that purpose, and to ship themselves and their families on board any British vessel at any of the open ports of China; also that the high authorities aforesaid shall, in concert with Her Britannic Majesty's representative in China, frame such regulations for the protection of Chinese emigrating as above, as the circumstances of the different open ports may demand.

This article, as declared by Lord Carnarvon, secretary of state for the Colonies, contemplated "that all Chinese subjects should have full freedom of entering the British dominions without special restrictions or impediments," and in the teeth of all this the Victoria statute heretofore quoted remained in force till 1865. The statute of New South Wales was passed in 1861, after the convention, and remained in force six years, and the Queensland statute of 1877 has received the royal sanction; each and all of which laws imposed special taxes on Chinese immigrants.

The ninth article of the French convention is as follows:

It is agreed between the high contracting parties that as soon as the ratifications of the treaty of Tien-tsin shall have been exchanged an imperial edict will be issued to the superior authorities of all the provinces of the empire to permit every Chinese who shall wish to go into countries situated beyond the seas for the purpose of settling or seeking his fortune there, to ship himself and his family, if he wishes, on board of the French vessels which may be found in the ports of the empire open to foreign commerce.

It is also agreed that in the interests of these emigrants, for the purpose of securing their entire freedom of action and preserving their interests, the competent Chinese authorities shall join with the French minister in China in making regulations which shall secure for these engagements, which must always be voluntary, such assurance of good faith and security as ought to govern them.

And in defiance of the liberal provisions of this article the French colony of Saigon imposes special taxes and restrictions on every Chinaman in its limits. But the government of China, regarding these restrictive laws with entire indifference, has never made the least remonstrance, and I am sure will care no more for the measure here proposed, but will view it with the same unconcern.

#### CONCLUSION.

In the beginning of these remarks I tried to give you some picture of the Chinese population of the Pacific States, an army of nomads having neither allegiance to our Government nor sympathy with our people. I showed you how dangerous to a republic must be this hostile element in its midst, like a foreign army encamped among its people.

I warned you of the rise of a power like the secret societies of the Middle Ages, working within our own Government and defying its laws. I pointed out the discredit, peril, and distress this element of population has brought to free labor.

And lastly, I appealed to the experience of other nations who have permitted Chinese immigration and showed you that wherever it has been allowed the same unvarying features mark their presence, and that after centuries of contact with other people in the islands of the East Indies their race peculiarities are just as distinct as they are to-day in California; so that our only hope lies in a law restricting their coming.

We earnestly entreat you not to disappoint us in this hope. Our State is torn asunder with discontent and agitation over this all-absorbing question. Assure the anxious hearts of our people that your sympathies are with us, and let us have peace. You republicans and you democrats make good the promises of your party leaders, over and over again pledging us your aid in Congress. Men of all parties who hate the memory of slavery relieve our young State from the blight of contract labor.

Champions of industry, as you would maintain the dignity, the self-respect, and the independence of labor, help the workingman buffeting against this flood which threatens to sweep him under. Soldiers, fresh from the horrors of civil war, avert from us the specter, however distant, of intestine strife, of a State divided against itself, and of a war of races.

The safety of the Republic lies in a contented people, loving their country and respecting its laws. No material prosperity can atone for the want of that allegiance. As we cherish the traditions of one flag, one Constitution, and one common country, so we can only work out one common destiny as a united and harmonious people.

#### DANGERS AND DEFECTS OF THE ELECTORAL SYSTEM.

Mr. BROWNE addressed the House on the dangers and defects of

the present electoral system. [His remarks will be found in the Appendix.]

#### REPEAL OF TAX ON BANK CAPITAL AND DEPOSITS.

Mr. TIPTON. Mr. Speaker, the bill now pending in this House, known as the bill (H. R. No. 4414) to amend the laws relating to internal revenue, is one of the utmost importance to the people. The House has voted to reduce the tax on tobacco from twenty-four cents to sixteen cents per pound, and other provisions that are thought beneficial have been added to the bill by way of amendment. I desire to call the attention of the House to section 18 of the bill. It provides as follows:

#### BANKS AND BANKERS.

SEC. 18. Whenever and after any bank has ceased to do business by reason of insolvency or bankruptcy, no tax shall be assessed against or collected from said bank, under the laws of the United States, which shall diminish the assets thereof necessary for the full payment of all its depositors; and such tax shall be abated from such national banks as shall be found by the Comptroller of the Currency to be insolvent; and the Commissioner of Internal Revenue, when the facts shall so appear to him, is authorized to remit so much of said tax against State and savings-banks as shall be found to affect the claims of said depositors.

I desire as soon as we reach that section to offer the following amendment, which I think of great importance to the people of all classes:

That all laws imposing a tax upon capital and deposits of banks and bankers be, and the same are hereby, repealed; and that all banks that have heretofore or shall hereafter cease to do business by reason of insolvency or bankruptcy, no tax shall be assessed against or collected from said bank under the laws of the United States which shall diminish the assets thereof necessary for the full payment of all its depositors, and such tax shall be abated from such national banks as shall be found by the Comptroller of the Currency to be insolvent, and the Commissioner of Internal Revenue, when the facts shall so appear to him, is authorized to remit so much of said tax against State and savings-banks as shall be found to affect the claims of depositors: *Provided*, That this section, so far as it affects the tax on deposits, shall not take effect until the 1st day of July next, and all taxes on deposits maturing on the said 1st day of July shall be collected and paid, except as herein provided by this section.

The purpose of this amendment is to repeal the present tax on bank capital and bank deposits. The present law provides for the levy and collection of a tax of one-twenty-fourth of 1 per cent. each month upon the average amount of the deposits of money subject to payment by check or draft or represented by certificates of deposit or otherwise, whether payable on demand or at some future day, with any bank association, company, or corporation engaged in the business of banking, and for the same amount each month upon the capital stock of any bank association, company, corporation, and on the capital employed by any person in business beyond the average amount invested in United States bonds.

It is not my purpose to have this provision take effect until the 1st day of July, for the reason that this tax matures on that day, and it being but a short time until such maturity, it seems to me but proper that the repeal of this provision of this statute should not take effect until that time, and as the bankers do not in fact pay this tax, but collect by way of advanced interest from borrowers, and as the bankers will necessarily get of this increased interest up to that time, I think it but just that the banks should pay the tax maturing at that time. This is a tax on the capital stock and liabilities of the banks. The capital stock is subject to State taxation, and the tax on deposits is in fact a tax on the commercial and agricultural interests of the country. The theory of our system of government is that taxes shall be equal and that no class of property shall be doubly taxed. The banks paid in taxes in ten years from 1866 to 1875 to the United States \$86,132,404 and to the States and municipalities \$84,805,746, making a total of taxes paid in ten years of \$170,938,050.

The average capital upon which this amount of tax was paid was \$450,939,435. It will thus be seen that 38 per cent. of this large sum was paid in taxes or thirty-eight tenths per year. It is the experience of the commercial and agricultural classes that legitimate bankers lose no clear money, hence this vast sum of money is simply a tax on the business men and producers of the country. I am opposed to any inflation of the currency, but I favor an expansion of the currency. I think that the banks, like other property, should be taxed by the States and municipalities, and that these taxes ought not to be imposed by the General Government. These taxes could be borne by the business men and producers when business was prosperous and every transaction returned a certain profit; but in these times of financial embarrassment and the shrinkage of values and prices, it prevents the transaction of business and stagnates the entire business of the country.

In 1866 the public debt was at its highest point. At that time the Government owed \$2,773,236,000. The expenses of the Government and the payment of the interest on this vast sum of money required taxation on almost every resource of the Government. Since then we have reduced the national debt about \$550,000,000, and we are continuing to pay at a rate beyond our agreement to pay and that too when the country is suffering from the panic of 1873 and continued failures of crops, and when every business carried on is carried on without profit, and property of every character except money and mortgages is shrinking in value. If the banks paid this money and its payment in no way reached the commercial and agricultural people, I would not object to it so seriously.

But our commercial, manufacturing, and agricultural interests must receive the fostering care of the Government, and capital must be

kept free, and it must be attainable for all these purposes. Men cannot carry on the vast business necessary to be carried on in this country unless they can obtain money at a low rate of interest, and if 3 per cent. is to be added to the annual interest to be paid, men cannot afford to go into business; hence the entire country is idle for the want of capital at a rate of interest that will justify men in going into business. In order to furnish the labor of this country employment it is necessary that manufacturers shall be able to procure capital at a reasonable rate of interest. I can see no good reason for this extraordinary tax on the capital of the country. Mr. Cox said to the Committee of Ways and Means that—

The aggregate deposits in the United States amount to \$2,022,000,000. The money of the United States—paper, gold, and every other sort called money—is about \$800,000,000, so that the deposits would represent nearly three times more than all the money in the country. This shows clearly that these deposits are not money, which is the subject-matter of discussion, but that they represent industry. They represent factories, looms, cotton, corn, even whisky and tobacco.

Or, in other words:

The tax on deposits is a tax on commerce, on its changes and interchanges. Every gentleman who knows anything about commerce knows that if he sends produce to Boston he draws upon it and deposits the draft in bank, that the owner in Boston when he forwards it somewhere does the same thing, and that it is the mass of these interchanges that go to make up bank deposits on which the banks have to pay this tax.

The money value of this question is about \$8,000,000. Is it better policy for the Government of the United States to dispense with that eight millions, which bears so oppressively upon every industry of the nation, or to continue it merely to redeem a bonded debt that is not due. What are you going to do with the money thus acquired? You have a surplus and have had for several years. These eight millions so extracted from the industries of the people are going to pay a debt in advance of its maturity. Every person in the United States would gladly borrow his portion of it and not allow it to be thus paid. It is against public policy to hurry this payment now when we are straining for our very life. It will all be fully and easily met as soon as we get back to a sound specie currency, the currency of commerce and the world. We shall then rise again like a giant from slumber; but now we are passing through a strait which must be passed.

If there is anybody that believes that this vast sum of money is in fact paid by the banks let him at once be undeceived. It finally comes from and is wrung from the producers of the country. The deposits in the banks are largely used for moving the crops of the West and this tax finally falls largely on the agricultural classes, and for this reason it is to the interest of my people that this tax should be repealed. It is these taxes that tend to keep interest so high in the South and West. The rate of interest in the South and West is so high that no man can afford to borrow any money, nor is he willing to use his own money to go into any manufacturing or agricultural enterprise. We must expect that interest must and will meet and pay this tax and that when bankers cannot do this they call for their circulation and thus contract the currency.

Almost every board of trade and chamber of commerce in the country has recommended the repeal of these taxes for the reason that I have given. This amendment is made not in the interest of banks or bankers, but in the interest of commerce, manufactures, and agriculture. We must expand instead of contract the currency of the country. The rate of interest must be reduced to a point that business, commercial men, and farmers can borrow for the purpose of carrying on and enlarging their business. The repeal of this tax will not only reduce the rate of interest on call loans, but will reduce the interest on the mortgage loans of the West. What we want is money enough to do the business of the country at a rate of interest that will justify business men to go into business.

The banking business of the entire country to-day is done upon the theory that their annual tax will be 4 per cent. It is done upon the theory that there is a Government tax upon every check, every draft, and every certificate of deposit in the country, and every accommodation and every loan made is made in view of this fact; and men who do the business of the country by usage and by necessity do their business through the banks, and the banks control the money and are thus enabled to coerce from the business men and producers of the country this enormous sum of money. The bankers themselves state the question in this way:

The deposit tax is a tax on the liabilities of the banks. It is a tax on debts. Every one knows what a bank deposit is. As regards the depositor, it is a sum of idle cash which he places in bank. As regards the bank, it is cash which must be returned on demand, or according to contract, into the hands of the depositor or his representatives. As regards commerce and trade, the bank deposits are the fund out of which are paid the advances which are necessary for the payment of wages, and for every movement of commodities toward a market. As regards taxation, bank deposits may be defined to be money on its way to mercantile borrowers. If it is just and right to tax these deposits thus placed in bank, *in transitu* to the farmers and merchants who want to borrow them, it would be equally just and right to tax the goods in warehouse which these deposits represent. It is perfectly clear that the warehouse receipts of wheat, cotton, or tobacco might as well be burdened with a specific warehouse tax as the bills of exchange which move the deposits representing these commodities as they pass on toward a market. But this is not all. If bank deposits were subjected to a single tax the burden would be unreasonable enough, however equally and impartially the tax might be distributed on all deposits alike. But it is well known that this tax cannot be levied without gross inequality and frequent double taxation. The more active are the bank deposits in aiding commerce and trade the heavier is the tax upon them. Hence Congress should repeal the tax on deposits, because the six millions which it brings into the Treasury is a very small sum in comparison with

the evils it inflicts upon the country. Every dollar of revenue from this tax, we have been told, costs the people \$20. However this may be, it is easy to see how mischievous to industry must be any tax which cripples bank facilities. Without a bank deposit wages cannot be paid to our mechanics; tobacco, cotton, or provisions cannot be moved to and from the market; our commerce cannot stir a step, and every successive transaction gives rise to and is carried on by means of bank facilities and bank deposits. By the potent magic of a bank deposit the rich harvests and the manufactures which swell the tide of our annual wealth start from the place where they are produced toward the consumers for whom they are destined. Without a bank deposit no employment can be given to the great army of producers who are creating and augmenting our trade and commerce in every State of the Union. The commodities, on the production and sale of which our forty millions of people depend for their prosperity and subsistence, require at each stage the aid of bank deposits and of banking facilities, or they cannot be made available for the payment of wages and the increase of trade.

The argument that the Government must have this money, as Mr. Cox well said, is fully answered by the fact that the only use that can be made of it is to apply it on a debt not yet due. If this nation shall increase in population and wealth for the fifty years to come as we have in the past, the ratio of the national-debt proportion to the population and property will be very small, and for one I am in favor of letting the people of fifty years hence pay some portion of the national debt. If times were prosperous and large profits were being realized in commercial and land transactions, and the farmers of the country were out of debt, I should not object, but dealing with facts as they exist I do object to this rapid payment of the national debt. I give the number of banks and the amount of Federal taxes, that all may see just what is involved in this controversy. I give the taxes for 1877:

Banks.	Number of banks.	Taxes on circulation.	Taxes on deposits.	Taxes on capital.	Total taxes.
Savings-banks.....	717	.....	\$474, 903	.....	\$474, 903
State banks and private bankers.....	3, 803	\$5, 430	2, 896, 637	\$927, 661	3, 829, 729
National banks.....	2, 080	2, 899, 037	3, 445, 252	654, 636	6, 998, 926
Total.....	6, 600	2, 904, 467	6, 816, 792	1, 582, 297	11, 303, 558

It thus appears that the National Treasury receives from 717 savings-banks nearly half a million of dollars a year; from 3,803 State banks and private bankers the total revenue is \$3,829,729; and from 2,080 national banks the revenue received is \$6,998,926; of this total taxation, amounting to \$11,303,558, somewhat less than half is derived from the taxes on circulation and capital. The remainder is from deposits, and it is this deposit tax and the tax on the capital that this amendment proposes to strike out and stop this immense draught on the industrial interests of the country, and we may then hope that the industries of the country will revive.

I now give the total taxes received on deposits by the Government of the United States, by States, for the year 1877:

Total revenue from taxes on bank deposits, 1877, in the United States.

Deposit taxes in—	From national banks.	From State banks, &c.	Total taxation.
<b>EASTERN STATES.</b>			
Maine.....	\$31, 637	\$10, 249	\$41, 886
New Hampshire.....	14, 617	19, 657	34, 274
Vermont.....	18, 408	8, 546	26, 954
Massachusetts.....	142, 036	13, 060	155, 366
Boston.....	308, 704	37, 222	346, 016
Rhode Island.....	42, 282	90, 937	133, 519
Connecticut.....	78, 159	98, 180	176, 339
<b>MIDDLE STATES.</b>			
New York.....	241, 810	217, 979	459, 789
New York City.....	959, 850	530, 048	1, 489, 698
Albany.....	42, 230	19, 539	61, 778
New Jersey.....	88, 234	54, 450	142, 684
Pennsylvania.....	175, 572	200, 049	375, 621
Philadelphia.....	236, 861	147, 040	383, 901
Pittsburgh.....	67, 605	49, 430	117, 025
Delaware.....	9, 470	4, 116	13, 583
Maryland.....	13, 224	1, 774	14, 998
Baltimore.....	65, 338	26, 263	101, 606
District of Columbia.....	2, 116	89	2, 205
Washington.....	6, 451	16, 177	22, 568
<b>SOUTHERN STATES.</b>			
Virginia.....	26, 416	33, 063	59, 479
West Virginia.....	6, 502	19, 643	26, 145
North Carolina.....	13, 689	4, 395	18, 084
South Carolina.....	11, 877	4, 938	16, 815
Georgia.....	10, 236	18, 982	29, 218
Florida.....	740	1, 280	2, 020
Alabama.....	4, 795	8, 121	12, 916



Total revenue from taxes on bank deposits, &c.—Continued.

Deposit taxes in—	From national banks.	From State banks, &c.	Total taxation.
<b>SOUTHERN STATES—Continued.</b>			
Mississippi .....		6,524	6,524
Louisiana .....		226	226
New Orleans .....	35,486	26,099	61,585
Texas .....		22,984	31,574
Arkansas .....		1,674	2,977
Kentucky .....		18,659	50,441
Louisville .....		17,500	47,543
Tennessee .....		27,639	42,126
<b>WESTERN STATES AND TERRITORIES.</b>			
Ohio .....	103,756	79,087	182,843
Cincinnati .....		45,601	86,144
Cleveland .....		23,191	57,577
Indiana .....		73,139	118,762
Illinois .....		87,978	171,113
Chicago .....		119,855	163,458
Michigan .....		38,413	63,037
Detroit .....		15,662	45,710
Wisconsin .....		22,984	41,510
Milwaukee .....		13,439	44,851
Iowa .....		44,399	47,906
Minnesota .....		26,782	30,223
Missouri .....		18,920	71,783
Saint Louis .....		41,325	158,407
Kansas .....		11,500	26,303
Nebraska .....		14,172	20,260
Colorado .....		4,949	17,121
Nevada .....		8,090	8,090
Oregon .....		5,266	11,623
California .....		7,923	111,768
San Francisco .....		8,122	299,960
New Mexico .....		2,398	175
Utah .....		1,356	2,941
Idaho .....		582	105
Montana .....		4,935	409
Wyoming .....		1,125	383
Dakota .....		471	696
Washington .....			1,475
Arizona .....			23
<b>Grand total .....</b>	<b>3,474,361</b>	<b>2,876,115</b>	<b>6,350,476</b>

RECAPITULATION.

Eastern States .....	\$636,503	\$277,851	\$914,354
Middle States .....	1,908,570	1,278,889	3,187,459
Southern States .....	183,503	224,170	407,673
Western States and Territories .....	745,785	1,095,205	1,840,990
<b>Grand total .....</b>	<b>3,474,361</b>	<b>2,876,115</b>	<b>6,350,476</b>

Another argument in favor of remitting the tax on bank deposits is that the impost is only a part of the Federal taxation imposed upon the banking business, and that when the deposit tax is removed there will still remain fiscal burdens as severe as the banking business can bear. The Comptroller of the Currency illustrates this very

National-bank capital with no dividends, 1876-77.

Geographical divisions.	Six months ending March 1, 1876.		Six months ending September 1, 1876.		Six months ending March 1, 1877.		Six months ending September 1, 1877.	
	Number.	Capital.	Number.	Capital.	Number.	Capital.	Number.	Capital.
New-England .....	26	\$3,777,000	32	\$7,700,000	25	\$8,150,000	35	\$9,085,000
Middle States .....	56	10,700,000	64	16,135,725	73	12,742,000	92	15,573,200
Southern States .....	29	4,135,000	34	4,399,000	27	3,720,000	30	4,236,000
Western States .....	113	14,778,300	129	13,873,000	106	14,090,000	118	10,737,000
Pacific States and Territories .....	11	900,000	14	1,950,000	14	1,750,000	13	1,535,000
<b>United States .....</b>	<b>235</b>	<b>34,200,320</b>	<b>273</b>	<b>44,057,725</b>	<b>245</b>	<b>40,452,000</b>	<b>288</b>	<b>41,166,200</b>

There is a popular notion that a national bank is a monopoly with rights guaranteed by the Government that gives to such bank great advantages. I have with some care examined the statute authorizing the creation of national banks, and I can see nothing of the kind in the statute. Since the act of 1875, a solvent State bank and party or body of men that can procure a certificate of good moral character and raise the collaterals can engage in banking; in other words we now have free banking, and by depositing Government bonds as security can procure notes for circulation, and I shall not stop to discuss this question of circulation at this time. On the 1st day of November, 1875, there were two thousand and ninety-three

fully in his last report. With regard to the national banks he gives the following statement:

Taxation on the national banks, 1864 to 1877.

Year.	On circulation.	On deposits.	On capital.	Aggregate.
1864 .....	\$53,096 97	\$95,811 25	\$18,402 23	\$167,340 45
1865 .....	736,247 59	1,087,530 86	133,251 15	1,954,029 60
1866 .....	2,106,785 30	2,633,102 77	406,947 74	5,146,835 81
1867 .....	2,868,636 78	2,650,180 07	321,881 36	5,840,698 21
1868 .....	2,946,343 07	2,564,143 44	306,781 67	5,817,268 18
1869 .....	2,957,416 73	2,614,553 58	312,918 68	5,884,888 99
1870 .....	2,949,744 13	2,614,767 61	375,062 26	5,940,474 00
1871 .....	2,987,021 69	2,802,840 85	385,292 13	6,175,154 07
1872 .....	3,195,570 03	3,120,984 37	380,356 27	6,703,916 67
1873 .....	3,353,126 13	3,196,569 29	454,891 51	7,004,646 93
1874 .....	3,404,483 11	3,200,967 73	469,048 62	7,083,498 85
1875 .....	3,283,405 89	3,514,310 39	507,417 76	7,305,134 04
1876 .....	3,091,795 76	3,505,129 64	632,396 16	7,239,321 56
1877 .....	2,899,057 09	3,445,252 74	634,636 96	6,978,946 79
<b>Total .....</b>	<b>36,827,770 27</b>	<b>37,055,144 58</b>	<b>5,369,183 90</b>	<b>79,252,080 75</b>

To these statistics of the taxes paid by over two thousand national banks, Mr. Comptroller Knox adds the aggregate taxation paid to the National Treasury by the forty-two hundred State banks and private bankers, as follows:

Taxation of the State banks and private bankers, 1864 to 1867.

Years.	On circulation.	On deposit.	On capital.	Total.
1864 .....	\$2,056,996 30	\$780,723 52		\$2,837,719 82
1865 .....	1,993,661 84	2,043,841 08	\$903,367 98	4,940,870 90
1866 .....	990,278 11	2,099,635 83	374,074 11	3,463,988 05
1867 .....	214,293 75	1,355,395 98	476,867 73	2,046,562 46
1868 .....	28,669 88	1,438,512 77	399,562 90	1,866,745 55
1869 .....	16,565 05	1,734,417 63	445,671 49	2,196,654 17
1870 .....	15,419 95	2,177,576 46	827,087 21	3,020,083 61
1871 .....	22,781 92	3,702,196 84	919,262 77	3,644,241 53
1872 .....	8,919 82	3,643,251 71	976,057 61	4,628,229 14
1873 .....	24,778 62	3,009,332 79	736,950 05	3,771,031 46
1874 .....	16,738 26	3,453,244 26	916,878 15	3,377,160 67
1875 .....	22,746 27	2,972,266 27	1,102,241 58	4,097,248 12
1876 .....	17,947 67	2,999,580 75	989,219 61	4,006,698 03
1877 .....	5,430 16	2,896,637 93	927,661 24	3,829,729 33
<b>Aggregate .....</b>	<b>5,435,232 59</b>	<b>32,306,827 82</b>	<b>9,994,302 43</b>	<b>47,736,362 84</b>

Further evidence is needless to show the heavy fiscal burdens of the banks or to illustrate the argument that after the repeal of the deposit tax the fiscal pressure would still be severe enough when added to the State taxation which is heavier in the aggregate as well as more unevenly distributed than that imposed by the National Government. Finally, it is urged that the losses of the banks during the last year have been so increased by the pressure of the times as to amount to nearly \$40,000,000, one-half of which was incurred by national banks. As a result of these losses and of the depression of general business a large amount of national-bank shares all over the country are paying smaller dividends to their owners, and more than one-tenth of the national-bank shares in the United States are paying no dividends at all. This fact is illustrated by Mr. Comptroller Knox in the following table, taken from his report:

on the 1st day of October, 1876, they had only \$291,544,020; a voluntary reduction of \$47,537,799, and the amount now outstanding is less than at any time since 1866. I recapitulate these facts for the purpose of showing that there is a contraction of the currency going on all the time. It seems to me that this contraction is largely caused by this fact, that the bankers must make the taxes out of their customers over and above a stated rate of interest, and when this cannot be done, like business men, they withdraw their bills from circulation and put out their reserve. With the repeal of the taxes indicated by this amendment men of capital will be induced to go into the banking business, and thus increase the volume of the currency until there is enough currency in the country to do the legitimate business of the country and business men will be enabled to procure loans at reasonable rates.

And whenever this can be done our whole agricultural and manufacturing industries will revive. For these reasons I believe the amendment should be enacted into law. Curb-stone bankers will oppose this measure, but all business men without regard to party that desire the reduction of interest and the revival of trade will certainly give this question their hearty support. At the present rate of interest it is impossible for business men to borrow money for the purpose of carrying on any enterprise that will benefit the people. We must have an increase of business, and the only way this can be brought about is to reduce the rate of interest.

#### PARTY POLICY.

Mr. LAPHAM addressed the House on the course of legislation followed by the dominant party in the House in the Forty-fourth Congress and so far during the sessions of the Forty-fifth Congress, and also the present attitude of the two great political parties. [His remarks will appear in the Appendix.]

#### THE CHINESE IN AMERICA.

Mr. LUTTRELL. Mr. Speaker, at each session since I have been a member of Congress I have introduced measures to prohibit the further immigration of Chinese to our country. At the extra session in October last I introduced the following resolution:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the treaty-making power of this Government is earnestly requested to take immediate steps to so modify our treaty with China as to absolutely preclude the further importation of servile Chinese subjects to our shores.*

Which was referred to the Committee on Education and Labor. Great credit is due the committee for the labor bestowed, and the able and statesman-like report which they have submitted to the House recommending the passage of the resolution as amended:

#### Joint resolution relative to Chinese immigration.

Whereas it appears that the great majority of Chinese immigrants are unwilling to conform to our institutions, to become permanent residents of our country, and to accept the rights and assume the responsibilities of citizenship; and

Whereas they have indicated no capacity to assimilate with our people: Therefore,

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to open correspondence immediately with the governments of China and Great Britain with a view of securing a change or abrogation of all stipulations in existing treaties which permit the unlimited immigration of Chinese to the United States.*

In behalf of the laboring men and women of our country I thank each member of the committee for their able efforts in behalf of good government, good morals, and free labor, and I trust that each and every member joining in this report may be returned to the Forty-sixth Congress; and if the workmen of their respective districts but do their duty as becomes freemen, WILLIS, GOODE, LORING, HASKELL, BELL, MANNING, and the gentlemen composing the committee will be re-elected by increased majorities.

Mr. Speaker, I am thankful for the opportunity afforded me of addressing the House on a subject of the greatest importance to the best interests of the people; a question that concerns and affects the rights of every working man and woman of our common country; a question that imperils society, good morals, and good government. The workmen and women of California appeal to you to protect them in their rights as free laborers. They have appealed to you through the public press, by petition, and through our State Legislature, and now appeal to you through their Representatives to protect them from the evils resulting from competition with cooly or slave labor; and on behalf of the laboring men and women of California I plead with you to-day.

We hear the wail of want from all over our broad land. It comes from the East and from the West, the North and the South. The workshops are closed, and hundreds of thousands of the working men and women are idle. That our youth are growing up in idleness; that want and hunger stalk abroad in the land. These complaints come not alone from the great cities of the Northern, Southern, and Eastern States, but we have heard the wail and sorrow of the working-people of the Pacific coast States. The people of the Golden State appeal to the Congress of their country to protect them from the evils that have resulted not only from the general depressed condition of the country, but from the evils of Chinese or cooly immigration.

To-day thousands of men and women are idle on that coast. And why? There must be a cause. A land so fair, so rich, so fruitful and productive, with climate unsurpassed—where else such fellowship of the temperate and the tropical, with such opulent plains? Where else such rainless summers which turn drought into harvest?

Where else gold in the rocks that rear themselves beside the mills that crush them? Where else such herds of noble cattle on a thousand hills? Where else such vineyards laden with their rich clusters? Where else such variety of mineral wealth, requiring ages to develop, perhaps never to be exhausted? Where else has the Creator connected such social blessings with the material good? It is not with boasting that I draw this picture of my favored State. It is but an honest description of the wealth and great natural advantages of our far western possessions, around which cluster States and Territories equally blessed with all these great natural resources and advantages.

In privilege of position and in resources the future of California and our Pacific coast States and Territories with free labor would be the grandest and the most favored spot that turns to the sun. With all these great natural advantages and resources, still there is a wail of sorrow, misfortune, and want in that fair land. Thousands of free laboring people of all ages and of both sexes are idle, poverty-stricken, and despite all their exertions are becoming poorer every day. Now, why is this? There must be a great and a serious cause.

Yes, Mr. Speaker, there is a cause—a great, a serious, and a blighting cause—a cause that demands the earnest consideration of the legislators of this country—a cause that it is within their power to remove—a cause that MUST be removed, or sooner or later this fair land will be dragged down to a condition more deplorable than that of the most unfortunate portion of the world in the darkest ages of its history. The free laboring men and women of the Pacific coast are struggling, grappling with a monster which, unless speedily checked, will overwhelm them. That monster is slavery in its most horrid form. The great conflict, the contest, is between free labor on the one side, led by the free laboring men and women of our own Christian race; on the other by capitalists, friends and supporters of a slavery of the most degraded character, led by monopolists backed by a pagan race.

Free labor is battling for the rights of free schools, free institutions, good government, good morals, and fair remuneration for labor. Sir, they are struggling to add to the wealth and fair fame of our country; to build up homes for themselves, to increase the taxable property of their section; to build school-houses, colleges, churches and charitable institutions; to educate their children in modern civilization; to advance the standard of human intelligence; to teach their offspring useful trades, and see them honorably employed; in a word, sir, to serve God, posterity, and their country. While, on the other hand, this accursed system of slavery that is now wrapping its dark mantle around our fair land, without one pulsation in sympathy with our systems or our people, stifles free labor, enterprise, mechanism, good government, good morals, churches and institutions of learning. It stifles the energies of the free laborer and strikes a fatal blow at freedom itself. It degrades the old and the young alike; encourages idleness and crime; filling our land with paupers and criminals.

Sir, under the "Burlingame treaty" actuated by our avarice—made that our country might have the benefit of the trade in Chinese productions—a bargain, that for the benefit of a trade of a few millions per annum, hundreds of millions of servile, degraded heathens were invited to take possession of our free and glorious country. By virtue of its provisions this great contest between free labor and slavery was inaugurated, and hardly had our country quit bleeding over a contest unequalled in the history of the world; hardly had the shout gone up "No more slavery under the Star-Spangled Banner," when the hordes of Mongolian pagan slaves, whose numbers are legion, began to take possession of our Pacific coast, flooding our shores with tens of thousands of the most degraded subjects of the Chinese Emperor who are bought and sold in our State like cattle in the market.

With these slaves come hordes of abandoned women of the same race, of the most degraded caste of creation, who are also bought and sold and hired out for the vile purpose of prostitution, infesting every city, village, and hamlet in that land, degrading the youth and tainting the moral atmosphere of our communities. These slaves, owned by the Chinese organizations known as the "six companies," are maintained upon a mere pittance, not exceeding ten cents a head per day, can afford to be and are hired for wages upon which a freeman would absolutely starve. (See testimony of Officer O. C. Jackson, page 144, as follows:)

Question. How much a day can Chinese laborers of the lower classes support themselves upon?

Answer. They can live on ten cents a day. White men cannot board themselves for less than fifty cents a day. The Chinese evade all the tax they can. A poll-tax receipt is passed around from one to the other, and they swear themselves clear of paying whenever they can.

With this system of slavery free labor cannot compete. The individual cooly has no family to support, no ambition, and is content with that which affords him bare sustenance; while, upon the other hand, the ambition of the free laborer is to build for himself a home, and rear therein a family, which ruling idea is the very spirit of our system of Government. This end he can never achieve in competition with slave labor. When laboring men and women complain to employers of the insufficiency of their wages they are met with the reply that Chinamen will board themselves and work for forty cents per day. Every industry suffers by this all-pervading competition with the degraded cooly, whose deft fingers soon become educated to perform skilled labor, whose mind, however, is not improved

by his new associations. He clings to his prejudices, his ignorance, and pagan superstition, antagonistic to our theory of government, our laws, and our religion.

For this blighting curse there is no compensation, and for these reasons the citizens of the Pacific States and Territories demand, in behalf of the laboring men and women of the country, in behalf of our race, of civilization, and good morals, protection from the degrading effects of Chinese or coolie slavery.

It is the duty of the representatives of the people to remove the evil.

From the evidence taken before the commission composed of Senators and Representatives of the Forty-fourth Congress sent to the Pacific coast to investigate this question, and evidence taken before a commission of five senators of the State of California, appointed by the Legislature of that State at its session for 1876, it appears that there are in California alone between one hundred and sixteen thousand and one hundred and fifty thousand of these Chinese slaves. (See testimony of Rev. Otis Gibson, page 27, as follows:)

Question. Have you any means of knowing how many Chinamen there are in San Francisco?

Answer. I had a conversation with some of the officers of the six companies about two months ago, just before this excitement occurred in this city. They gave me the names on the books of each company, and I judged that the number in the State was about one hundred and fifty thousand, or rather that number on the coast. In this city, (San Francisco,) thirty thousand. That is my approximation.

Not one of these one hundred and fifty thousand Chinamen owns a homestead, or contributes to the good morals of society or good government; not one of whom could be relied upon for the defense of our country in time of trouble; not one of whom ever felt one spark of love for or one patriotic pulsation in his pagan heart for free government. Is it well to encourage or even tolerate the immigration to our country of such a class of people? They neither affiliate nor assimilate with us in customs, habits of life, morals, religion, theory of government, or social management. They are akin to us in nothing. With a stoicism unapproachable, they ignore us in everything. Living in dens so filthy that a hog will turn aside from them. (See testimony of Officer McKenzie, pages 88, 89, and 90:)

Question. What do you mean by "barracon?"

Answer. A place where women coming from the ships are placed and kept until they are apportioned out. They are held as slaves for the purposes of prostitution, subject to the pleasure of their owners. The lepers, those afflicted with leprosy, are kept in these quarters. They are all very dishonest; would not believe them under oath. The great mass of the Chinese population is a criminal one, living in open violation of the law. It is filthier and dirtier than any place I ever saw.

Q. Who owns the house?

A. The Rev. Otis Gibson, who leases it to Chinamen.

Q. Do you think it possible for any human being to live in a dirtier, filthier house than this one of Gibson's?

A. No, sir; that house is as filthy as I have seen them. Had I not seen it with my own eyes I would not believe that any animal could exist in such a place.

Q. Would you think a hog could exist there, unless you saw it?

A. It would make very bad meat for butchers.

Q. Do the Chinese live there?

A. They do.

Q. How many live in a room seven feet high by eight or ten feet?

A. I suppose fifteen to twenty. They have bunks there like a ship's fore-castle.

Q. Will you give a description of the kind of filth they have there?

A. It is almost indescribable. It is much of all kinds. There is rotten garbage there, seepage water—filth of all kinds. A steam engine has been constructed to pump water for the use of Chinese, and the water pumped is from the sinks and water-closets of the whole neighborhood. The Chinese use that water, for it is being forced upon them.

Q. Who forces it upon them?

A. The landlord.

Q. Who is the landlord?

A. The Rev. Otis Gibson.

I also call the especial attention of the House to the testimony of Officer O. C. Jackson.

Question. Are you familiar with the Chinese quarters of this city?

Answer. Yes, sir.

Q. What is their condition as regards cleanliness?

A. It would be simply ridiculous to compare it with the white part of the city. It is filthy in the extreme.

Q. How do they live? Do many live in the same house?

A. They are packed in, three tiers deep. I have visited Chinatown hundreds of times in search of Chinese thieves, and have seen them stowed away head and feet together, in cellars and under sidewalks, and all their surroundings of the most filthy character.

Q. Do you know how these Chinese prostitutes are held—whether in slavery or not?

A. I think they are all held in slavery. They are all bought and sold the same as horses and cows, bringing prices according to age and beauty.

Q. Do you know how they are treated?

A. As slaves, and punished as the owners may choose.

Q. What sorts of punishment are inflicted?

A. I do not know, only from hearsay.

Q. Do you know what is done with these women when they become sick, helpless, and incurably diseased?

A. Where they see that they will be of no further use to make money, they turn them out on the sidewalk to die. I have seen men and women also turned out to die in this manner. I have found dead men while searching for stolen property, and have had the coroner attend to them. The Chinese are very superstitious in regard to sickness and death and will have nothing to do with their unfortunate fellow-countrymen. A great many die in out-of-the-way places, abandoned by the Chinese, without food or drink.

Q. How much a day can Chinese laborers of the lower classes support themselves upon?

A. They can live on ten cents a day. White men cannot board themselves for less than fifty cents a day. The Chinese evade all the tax they can. A poll-tax

receipt is passed around from one to the other and they swear themselves clear of paying whenever they can.

Q. Do they import much of their food and clothing from China?

A. Yes, sir. They spend very little money with Americans. They come here, stay until they get some money together, and then go home again. While they are here, they are sending money home all the time.

Q. From what you have seen, do you think the presence of the Chinese here tends to the advancement of Christian civilization?

A. It has the reverse effect. It is also degrading to white labor; instead of learning good, they are learning vice. They are becoming educated only in thievery, and perjury, and everything bad.

Q. In the administration of justice, do the officers meet with any assistance at the hands of the more respectable portion of the Chinese?

A. They stand in the way of the administration of the law, from the head-men down to the lowest thieves. They are a nation of thieves, the lowest being under the direction and management of the more intelligent, who know the laws, hire lawyers, procure testimony, and act as receivers of goods stolen. When you are on I street, searching for information, you can't find a man but what will answer to all your questions, "No sabe." Sometimes they put up jobs on their fellow-countrymen, and convict them of crime, whether guilty or not. They have no respect for our laws, and consider them only of use in so far as they can use them to work their own personal ends. They settle everything in their own councils, and as the thing goes there, so it goes elsewhere.

Q. What is the great difficulty in the administration of the law?

A. Our ignorance of their language; and unless white witnesses are very familiar with Chinese faces, they have great trouble in identifying them.

From thirty thousand to forty thousand huddling into half a dozen blocks in the city of San Francisco; from eight hundred to fifteen hundred living, cooking, eating, and sleeping in one house; ten to fifteen adults living, sleeping, cooking, and eating in a room eight feet by ten—literally packed like sardines in a box—festering in their own filth and breeding every conceivable disease, which but for the pure atmosphere of our State would breed a plague in our fair metropolis; living in dens under the sidewalks, like the rats on which they feed, until their stench becomes unbearable to a civilized human. Contrast this den of forty thousand Chinese pagans in the heart of one of the greatest cities of civilization, a festering sore on the body-politic, a horrible pool of filth and vice in the midst of an enlightened people; contrast this with the condition of things in some enlightened city not infested by these slaves.

Take for illustration the city of Lowell, in the State of Massachusetts, where every adult toiler has his home furnished with all the comforts of civilized life; where every man is a sovereign and every woman a fit companion, in point of womanly virtues, intelligence, and culture, for the most exalted in the land; where the enlightened head of the family is surrounded by his own offspring; his own flesh and blood, the weal of whom is his greatest care and ambition, where he can call around him at morn and eve his children and teach them the tenets of his faith and fit them to become rulers in a great Republic. Visit this thrifty and enlightened city and look at its institutions of learning, its busy workshops, its extensive manufactures, its churches, where may be heard sweet anthems pealing forth in praise of Him on high. Thus it is with Lowell and other of our cities east of the Rocky Mountains. Each day their good people go forth to their labors with light hearts, full of love for each other, to return to their homes and loved ones at night, where culture, refinement, and good morals prevail. There you see cities of beauty and enterprise; their colleges, schools, churches, and public buildings, the results of free labor and the sympathy of races.

Let me give you an illustration from the great metropolis of the Pacific, a city which in the short space of a quarter of a century has grown from a Mexican hamlet to, in many respects, the second city of our great Republic. Number its three hundred thousand Caucasian souls; its hundreds of millions of wealth—a commerce excelled by but one city on the continent; its people as intelligent, virtuous, industrious, and patriotic as any, and generous to a fault, as the distressed of all parts of the globe will cheerfully testify.

The six blocks in San Francisco now occupied by the Chinese coolies or slaves was once the heart of that city. Thrift and enterprise once were there. These blocks but a few short years ago were inhabited by people of our own race, surrounded by their loved wives and little ones. There were heard the morning and evening hymn, the fervent prayer to the ever-living God. Then and now within these six blocks stood a Christian church of most beautiful architecture. Each Sabbath hundreds of Christian men, women, and children wended their way to that then most popular place of worship. The bell of that church, cast in an eastern foundry, the work of our own kindred, pealed forth the Christian call, while the organ and choir poured out sweetest melody; sacred hymns, learned at the old homes of our childhood, brought with them to that golden shore. It was a tie that bound them to their religion, their people, and their Government, that we believed never could be severed.

But how is it there to-day? With painful reluctance I will tell you. One whose name I suppress out of consideration for his family purchased property in the vicinity of this church and leased it for hire to the Chinese coolie organizations. He there sowed the seeds of crime, filth, disease, pestilence, and prostitution. In that once peaceful and Christian locality he and his pagan hordes secured a foothold. The purse of this disseminator of vice no doubt grew plenteous from his investment; but the peaceful and happy homes, the Christian church, with its sacred teachings and music and prayers, the neighborhood, with its intelligence, culture, and good morals, were forced to give way to barbarism in its most terrible form; gambling hells, homes for vice and immorality, and dens of prostitution reek and fester within the walls of that once Christian church,

and to-day gamblers, thieves, cut-throats, murderers, and prostitutes, with all the concomitants of heathenism, occupy that once sacred edifice, erected and sacredly dedicated to the worship of the ever-living God. Is the prophecy of Macaulay to be verified upon the American continent, substituting San Francisco for London?

Who can say that, in the inscrutable wisdom of the Great Creator, while He determined that civilization should begin in Asia and, marching through Europe, be thence transmitted to the American continent, barbarism, starting from the same place and traveling in an opposite direction, should not overwhelm that civilization, first beginning in our own fair land. Already it has a foothold on our Pacific shore—a foothold firm enough to create the profoundest alarm in the minds of the people. Situated as we are, nearest of all civilized nations to these Asiatic hordes, so long shut up by the edicts of their benighted rulers, now let loose and urged on by the worst passions known to the human heart—avarice, with all its degrading evils—who can say that at no distant day in the future our fair land, with its boasted forty-four millions of enlightened people, may not be overwhelmed by an influx of hundreds of millions of these pagans, and our race extinguished, civilization destroyed, and the American continent given up to Asiatic idolaters.

Mr. Speaker, this frightfully pictured result is not impossible. History furnishes us with evidence of events similar to and of greater magnitude than this. Rome, the mistress of the world, with all her boasted power, her wealth, her genius, and her high culture, fell by the hand of a more insignificant foe.

For twenty-five years the Chinaman has resided among us; he has made no step of progress socially, morally, or intellectually. He is the same stoical idolator of a quarter of a century ago; adhering to all his pagan superstitions, destitute of all love for the human race, even those of his own nationality and kin; casting his own race and kindred, when sick and disabled, upon the streets, to die like dogs, caring only to avoid the expenses of attending his sick and burying his dead. (See testimony of Officer Jackson, page 143.)

Question. Do you know what is done with these women when they become sick, helpless, and incurably diseased?

Answer. When they see that they will be of no further use to make money they turn them out on the sidewalk, to die. I have seen men and women also turned out to die in this manner. I have found dead men while searching for stolen property and have had the coroner attend to them.

I also call your attention to the testimony of James Coffey, a well-known citizen of California, who has had much to do with Chinese, as follows:

Question. Do you know whether these women are owned or not?

Answer. They are bought and sold just like we buy and sell cattle. The merchants here who claim to be connected with the six companies also claim ownership of these Chinese women.

Q. Do you know what they do with these women when they become sick and helpless?

A. Some are taken care of and some are placed in rooms by themselves to die.

I also call your attention to the testimony of Ah Gow, a very intelligent Chinaman, who speaks English:

Question. What do the people who own women do when they become sick and helpless?

Answer. I suppose they take care of them.

Q. When they are sick and going to die, do they put them on the street?

A. Sometimes.

Q. Do these people who own women whip them?

A. The boss women whip them all the time.

I also call your attention to the testimony of Officer Charles P. O'Neil, one of the oldest and most efficient police officials in our State, page 117:

Question. Do you know how these women are treated by the persons who own them?

Answer. It looks to me like they were very closely confined in the houses. I have known the masters and mistresses to whip the women, but I have never heard of it a second time where I have gone and cautioned them. When they become sick and helpless they turn them out to die.

I will call your attention to the testimony of Chief of Police Matt. Karcher, a gentleman whom I have known for long years as one among the best citizens of our State, who testifies as follows, on pages 127, 128, 129:

Question. How do they live and what is their condition as to cleanliness?

Answer. They live in small rooms, filthy, as a general thing—so much so that several times, when going in them, I have had to come out and vomit. They are as filthy as can be.

Q. Is there any difficulty in enforcing the laws of the State where the Chinese are parties?

A. There is a great deal, caused, first, by our not being acquainted with their language, and, in the second place, the Chinese as a general thing will swear to anything. I have never yet come across one that would not perjure himself where his interests were concerned. I did think at one time that I had found one that I could believe under oath, but I have changed my mind. I would not now believe one under oath unless he were corroborated by other circumstances. I would want the corroboration to be proof in itself.

Q. Is that the general estimation in which courts and juries hold their testimony?

A. Yes, sir.

Q. Do you know who own or claim to own the Chinawomen who are prostitutes here?

A. Merchants here, who pretend to be respectable; Chinese merchants, I mean.

Q. Are they buying and selling these women?

A. That is my opinion, from my experience.

Q. How are they treated?

A. Where one is young and good-looking, and makes plenty of money, she is well treated. Those who are unable to make much are treated very badly.

Q. How young are the youngest that you know of as being held?

A. I have seen them as young as fifteen years.

Q. What chance have they to escape from this life, if they desire?

A. They have very little chance.

Q. Why is that?

A. Because the Chinese will swear to almost anything, and if one is taken away by another, she is simply run off to another locality to be sold into slavery again. Sometimes the farce of marrying is gone through with in order to get the woman, who may be beyond their reach. As soon as the newly-made husband gets possession of his bride he turns her over to her former owners.

Q. Do you know of cases where they have had Chinamen arrested and convicted of crime simply because they have interfered with them?

A. Yes, sir. The arresting officer and the district attorney have to be very careful lest they be made the instruments of sending innocent men to State prison. Sometimes, where several men are arrested, one will be offered whom we may convict if we will let the others go. Several men were arrested here some time ago for robbing Harper's shoe store. These fellows put up a man who admitted that he was guilty, but I did not believe he had anything to do with it. These Chinese leaders offered to furnish me with all the evidence I wanted, if I would have a *nolle prosequi* entered in the other cases.

Q. Do you know anything about their putting up offers of rewards upon walls and street corners, written in Chinese, for the murder or assassination of given Chinamen?

A. Yes. Of course I could not read Chinese, but I secured some of these posters, and had an interpreter from San Francisco come up here and interpret them. They were rewards for the murder of some Chinamen who did something contrary to their laws. They have their own tribunals where they try Chinamen, and their own laws to govern them. In this way the administration of justice is often defeated entirely, or, at least, to a very great extent. I know this because I was present at a meeting of one of their tribunals about seven years ago. There were some thirty or forty Chinamen there, one appearing to act as judge. Finally, the fellow on trial was convicted and had to pay so much money as a fine for the commission of the offense with which he was charged. Generally the punishments are in the nature of fines; but sometimes they sentence the defendant to death. In cases in the police court we have often found it difficult to make interpreters act. They would tell us that they would be killed if they spoke the truth; that their tribunals would sentence them to death and pay assassins to dispatch them. About two years and a half or three years ago, Ah Quong was killed. During the trial, at which he was interpreter, there were a great many Chinamen. I stationed officers at the doors, and then caused each one to be searched as he came out of the room, the interpreter having told me that he feared they would murder him. Upon these Chinamen I found all sorts of weapons—hatchets, pistols, bowie-knives, Chinese swords, and many others. There were forty-five weapons in all, I think, concealed about their persons in all kinds of ways. The interpreter testified in that case, and half an hour after leaving the court-room he was brought back, shot and cut with hatchets. He was terribly mutilated, and lived only a few moments after being brought to the station-house. The murderers were arrested, but attempted to prove an alibi, and had a host of Chinese witnesses present for that purpose. Although there were some hundreds of Chinese present at the time of the murder the prosecution was forced to rely upon the evidence of a few white men who chanced to see the deed committed. We were opposed at every turn by the Chinamen and the Chinese companies. As a general thing it is utterly impossible to enforce the laws with any certainty against those people, while they will themselves use our laws to persecute innocent men who have gained their emphy. They seem to have no ideas concerning the moral obligation of an oath, and care not for our form of swearing.

Q. Have you ever seen any Christian Chinamen?

A. Never. Some make a pretense of being Christians.

Q. Do you know what they do with their sick when they become helpless and unable to make more money?

A. Put them in some out-house, or on the sidewalk, to die.

Q. Without food or bedding?

A. Generally. I have found men and women both in that condition. I have found them by accident, while hunting for other things—stolen goods, criminals, &c.

Q. You found women without food or drink, and without covering?

A. Yes, sir.

Q. And death would have come from disease or starvation, or both?

A. Yes, sir.

Q. Is that the common way of disposing of these women when they become useless?

A. Yes, sir; if not the only way.

Q. They are less cared for than are useless domestic animals by the white race?

A. A great deal less.

Q. What is the general effect of the presence of this race upon the morals of this country?

A. Bad.

Q. Is this population a criminal one?

A. Principally.

I might give you hundreds of pages of testimony from prominent citizens on this point, but I will call your attention to the testimony of but one other witness, Hon. H. H. Ellis, a gentleman of high standing in California, chief of police in the city of San Francisco, and for more than twenty years an official in that city, where he has resided for twenty-nine years. Pages 111, 112, and 113, he testifies that—

The condition of the Chinese in relation to cleanliness is very foul, and filthy beyond description. I know of no American or European city where I have traveled that will compare with the Chinese quarters of San Francisco, where some thirty thousand Chinese reside in a space of seven or eight blocks. The Chinese will swear to anything according to orders. They cannot be believed. To suppress their vices would require a police force so great that the city could not stand the expense. They combine to defeat the laws; they offer and post rewards for the murder of their countrymen. I have taken the notices down and had them interpreted. The presence of the Chinese has a very injurious influence upon the morals of the country. Their women are held as slaves for the purposes of prostitution. I have not known to exceed half a dozen Chinamen who have professed Christianity, and I have no faith in their sincerity.

Does not the testimony show a depravity unequalled in any other race of people? Destitute of all love or sympathy for his own race and nationality; destitute even of the nobler instincts of the brute, how can you expect him to assimilate with us, and what must be the fate of our laboring men and women if the influx of these pagan slaves is not stopped? This can only be done by the modification of our treaty with the Emperor of China.

How does his presence among us stifle free labor? The wages of the laborer in China are three or four dollars per month. In California if he receives from \$12 to \$20 per month he excludes free labor competition; and why? First, because he can live for ten cents per

day upon food imported from his own country; upon food on which a white man cannot and would not live; while the free laborer rears a family, supports schools, maintains a home, and with the most rigid economy it costs him at least \$1 per day. The free laborer maintains a home, cares for his sick, while Chinamen crowd together, avoiding the expense of rents, casting their sick out to be supported, cared for, and buried at the expense of the American tax-payer.

With a male adult population of over one hundred and twenty thousand in a State whose assessment-roll is nearly seven hundred millions of taxable property, gathering annually nearly \$4,000,000 State taxes, these Chinamen pay but \$9,600, as will be seen by the assessor's report, as follows:

ASSESSED VALUATION OF PROPERTY BELONGING TO CHINESE.

The committee addressed circular letters to each county assessor in the State, and from returns received the assessed value of all property, real and personal, assessed to Chinese in this State does not exceed \$1,500,000. The rate of State tax is sixty-four cents on each \$100 in value, and if the whole tax was paid the revenue derived by the State from the property-tax laid upon property held by Chinese would not exceed \$9,600.

The assessed value of all the property in the State is, in round numbers, six hundred millions.

The total population of the State is about seven hundred and fifty thousand, and the Chinese population is more than one-sixth of the whole.

The Chinese population, amounting to at least one-sixth of the whole population, pays less than one four-hundredth part of the revenue required to support the State government.

It costs California tax-payers \$21,600 annually to maintain Chinese convicts in her State prison alone, or \$12,000 in excess of the whole amount of the State property-tax collected from the Chinese population.

Now add the expense to the tax-payers for the capture, prosecution, and cost of conveying the two hundred Chinese criminals to our State prison, which statistics show averages at least \$500 per head, and to this add the expense to the several counties and municipalities of the State for the capture, prosecution, and expense of keeping while incarcerated in our county jails the hundreds of cases of Chinese annually convicted of minor offenses, and you have as the criminal costs alone annually expended from the hard earnings of the free laborer a sum of not less than a quarter of a million of dollars, to meet which the property-tax of the Chinamen does not exceed \$25,000, State, county, and municipal. (See legislative report, page 19.)

The net cost to the State of keeping one hundred and ninety-eight Chinese prisoners in the State prison is not less than \$21,600 per annum, a sum \$12,000 in excess of the whole amount of the property tax collected from the Chinese population of the State.

While for the support of Chinese paupers, and the burial of their deserted dead, forced upon enlightened people by these pagan six Chinese companies, the expense to our tax-payers is many thousands of dollars per annum. Thus it will be seen, that not only does the Chinaman by competition with the free laborer reduce his wages to starvation rates, but requires that free laborer to give of his hard and scanty earnings more than a quarter of a million per annum to punish and support Chinese criminals and paupers. Remove these one hundred and twenty thousand Chinese adults and give us in lieu thereof a like number of Europeans, with their industrious, economical habits, thrift, and sympathy with our race and theory of government, and the result would be prosperity unequalled.

I now call your attention to page 33 of the very able report of a commission of seven State senators, consisting of Senators Haymond, McCoppin, Pierson, Donovan, Rogers, Lewis, and Evans, appointed by the Legislature of the State of California to investigate the Chinese question. (See Mis. Doc. No. 9, H. R., Forty-fifth Congress, first session, as follows:)

LOSS TO THE COUNTRY FROM THIS IMMIGRATION.

The effect of this immigration is to prevent that of a more desirable class. There, again, in the mere matter of dollars and cents, the country at large is loser. These people bring no money with them, while it is assumed, on the most credible evidence, that \$100 at least is the average amount in possession of each European immigrant. A well-known social economist estimates the capital value of every laborer that comes from Europe and settles in this country at \$1,500. This value rests upon the fact that such laborer makes this country his home, creates values, and contributes to the support of the nation. The Chinese laborer, on the contrary, makes a draught upon the wealth of the nation; takes from instead of adding to its substance. Not less than \$180,000,000 in gold have been abstracted from this State alone by Chinese laborers, while they have contributed nothing to the State or national wealth.

Given in place of one hundred and twenty-five thousand Chinese laborers the same number of male European immigrants, and the result may be stated in figures as follows:

Amount of money brought into the country, \$100 each.....	\$12,500,000
Capital value of 125,000 European male laborers, at \$1,500 each.....	187,500,000
And gold abstracted by Chinese laborers.....	180,000,000

380,000,000

Thus it is beyond question that from a purely financial point of view the United States is loser nearly \$400,000,000 by Chinese immigration, a sum which, if distributed throughout the country now, would go far toward alleviating present want and misery.

I have referred to the testimony taken in California, which shows the following further facts:

First, Our judges, district or prosecuting attorneys, sheriffs, and police officers all testify that the Chinaman is destitute of veracity, knowing nothing of and caring nothing for the sanctity of an oath. His evidence in no instance is to be relied upon. Hon. D. J. Murphy, district attorney of the city and county of San Francisco, testifies, on pages 82 and 83, as follows:

The Chinese are very adroit and expert thieves. In trial of cases we are met

with perjury. I have no doubt but that they act under the direction of superiors, and swear as ordered. In many cases witnesses are spirited away or alibis are proven. They can produce so many witnesses as to create a doubt in the minds of jurymen, and thus escape justice. In cases where I have four or five witnesses for the prosecution they will bring in ten or fifteen on the part of the defense. They seem to think that numbers must succeed, and it very frequently so happened. It frequently occurs that before the grand jury or on preliminary examinations, witnesses swear so as to convict, but on the trial they turn square around and swear the other way.

Officer David Supple testifies, on pages 80 and 81, that he has resided in California over twenty-seven years, and that—

I never yet have seen a Chinaman that I would be willing to believe under oath. That is their general reputation.

Officer O'Neal and many other witnesses, judges, attorneys, and officials testify that Chinese testimony is totally unreliable.

James Duffy, of Sacramento, testifies, on page 125, that "a Chinaman will tell a lie for ten cents and swear to it." The evidence shows that the average Chinaman is always ready and willing to commit perjury, and for this gravest of crimes it is next to impossible to convict him, the proof of his guilt almost invariably lying in the mouths of his own countrymen.

One word as to the proof that they are slaves and do not come as free immigrants. On July 13, 1876, I received from Hon. Hamilton Fish, then Secretary of State, in reply to a letter of inquiry addressed to him by me on the 12th of that month, the following:

DEPARTMENT OF STATE,  
Washington, D. C., July 13, 1876.

SIR: Your letter of the 12th instant, asking copies of certain papers on file in the Department in relation to contracts with Chinese laborers, has been received. In reply I have the honor to inclose herein a copy of a dispatch dated the 19th of November, 1869, from the consul at Hong-Kong, and of the Department's reply thereto, under date of the 30th of January, 1870, these being, as is believed, the papers referred to in your letter.

I have the honor to be, sir, your obedient servant,

HAMILTON FISH.

Hon. J. K. LUTTRELL,  
House of Representatives.

Accompanying this was the following correspondence between our consul at Hong-Kong and the State Department:

UNITED STATES CONSULATE,  
Hong-Kong, China, November 19, 1869.

SIR: In view of the great magnitude which the matter of Chinese emigration hence to the United States is assuming, and in view of the fact that parties are now here making engagements with Chinese laborers to be taken to the United States and there employed for a term of years, I deem it my duty to ask for specific instructions in this regard.

What constitutes a free and voluntary emigrant? The act to prohibit the cooly trade, passed February 19, 1862, provides that the inhabitants or subjects of China known as "coolies" shall not be transported in American vessels to be disposed of in foreign countries. \* \* \* Does any conflict exist in this law? What is a "coolie" as here defined, and what is a free emigrant? \* \* \* Or, to put this question in a still more practical form, can an individual or company come here and engage Chinese to be employed for a term of days, months, or years in the United States and legally demand of the consul the certificate contemplated in the fourth section of the act aforesaid? \* \* \* It is the custom established by my immediate predecessor to give to all vessels, without regard to nationality, sailing hence for ports in the United States with Chinese emigrants, a certified list of such emigrants. For each certificate to emigrant the consul charged \$2.

The great importance of this question of emigration, together with the fact that three-fourths of all who leave China will probably depart from this port, will I trust, be deemed sufficient excuse for my lengthy dispatch on this subject.

Very respectfully, your obedient servant,

C. N. GOULDING,  
United States Consul.

Hon. HAMILTON FISH,  
Secretary of State, Washington, D. C.

Now follows the substance of the reply of the Acting Secretary of State:

DEPARTMENT OF STATE,  
Washington, January 20, 1870.

SIR: I acknowledge the receipt of your dispatch No. 5, of November 19, 1869, in relation to the coolie emigrants.

I am not aware that there is any legal definition of the term "coolie." Its general signification is understood to be a laborer at servile work, but the term has received a particular application to the class who have for many years been the subjects of the commerce known as the coolie trade.

The fact that an emigrant embarks under a contract by which he is to reimburse the expenses of his transportation by personal services for a period agreed upon, does not deprive him of the character of a free and voluntary emigrant, if the contract is not vitiated by force or fraud.

The local knowledge and experience of each consul will enable him to prevent the abuses of the coolie trade without impeding emigration really free and voluntary, without more specific instructions.

I am, sir, your obedient servant,

J. C. B. DAVIS,  
Assistant Secretary.

C. N. GOULDING, Esq.,  
United States Consul, Hong-Kong, China.

While the letter of Assistant Secretary Davis is not free from ambiguity, yet it serves our purpose, in this: it discloses the fact that contracts for servile emigration from China to the United States were being made. And the evidence taken before the commission referred to by me discloses the fact that when the Chinese immigrant is landed on our shores he immediately becomes the property of one or the other of the "six Chinese companies," and cannot return to his native land without the consent of his master; and it is hardly necessary to add that that consent will not be given so long as he continues to be a source of profit to his owner. (See testimony of Rev. Otis Gibson, page 26.)

Question. Do you know upon what terms the Chinese are imported into this country? Is there any sort of contract by which service is pledged for any specified time, during life, or until the money is repaid?

Answer. I understand the contract to be that they are under obligation to pay this back out of the first money they get, but in an amount double or treble the amount advanced for passes.

Q. So that even now a Chinaman who has not paid his debts to the various companies cannot go back unless he is a Christian, or has your sanction?

A. He must have my name, or that of any one of the missionaries. I suppose there are one thousand Chinamen in this country who would return to-day if they could return on paying the passage-money.

The evidence further shows that a Chinaman cannot return to China without a permit issued by Rev. Otis Gibson or one of the "six companies."

No Chinaman can make a contract for his service. Contracts for Chinese service are only recognized when made by the company to which he belongs—one of the "six."

Now, the fact that he cannot leave our shores without a permit from his master, and that he has not the control of his personal liberty and cannot dispose of his own time or labor while here, I submit as conclusive evidence that he does not come here a free man; for if he does come here free, we have a system of slavery organized and enforced within our own free land, and in the face of our solemn declarations to the civilized world that "America is free."

Of the ownership and control of the Chinese women, as well as the purposes for which they are brought to our country, the evidence is abundant, overwhelming, and conclusive; indeed, so strong that no effort is made by the six companies or their hirelings to deny it, but boldly flaunt their infamy in the very face of justice and decency. The market price of a Chinese woman is as well known on the Pacific coast as that of the horse or mule. The manumitted Chinaman who has been so fortunate in his gambling or other speculations as to accumulate from \$300 to \$500 usually invests his money in a Chinese woman and lives the life of a Chinese gentleman upon the proceeds of her prostitution. With others less fortunate it is no uncommon thing for six, eight, or ten of them to club together, make one common purse, purchase a Chinawoman, who becomes the subject of their brutal lust, prostituted to their kindred and debased wretches of all races, the proceeds of this debasement divided among them, to be usually expended in gambling and debauchery.

I now call your attention to the testimony of Rev. A. W. Loomis:

Question. These women engaging in prostitution are nothing more than slaves to them?

Answer. Yes, sir; and every one would go home to-day if she were free and had her passage paid. \* \* \* The women are in a condition of servitude; some of them are inveigled away from home by a promise of marriage to men here and come to be secondary wives, while some are stolen. They are sold here.

Q. They are not allowed to release themselves from that situation, are they?

A. I think they are under the surveillance of men and women so they cannot get away. They would fear being caught and sold again and carried off to a condition even worse than now.

Q. Are not the laws here used to restrain them from getting away; are they not arrested for crime?

A. Oh, yes; they will trump up a case, have the woman arrested, and bring people to swear what they want. In this way they manage to get possession of her again.

Q. Have they at any time interfered with the women brought to your mission?

A. We have not at our mission, but I think Mr. Gibson has had interference from them.

Q. Do you know what they do with the women when they become sick and useless?

A. I do not know. I have seen some on the streets that looked in bad condition and I have heard of their being abandoned to die. \* \* \*

Q. Do you know how they treat these people?

A. I understand they treat them very badly; women have come to the home with bruises, marks of violence on their persons. I think their condition is a very horrible one.

Q. Then it is a slavery which from the very first destroys body, soul, and everything else?

A. Yes, sir. \* \* \*

Q. What wages do Chinamen receive at home, in China?

A. Three, four, or five dollars a month.

Q. It has been testified before this committee that a Chinaman in China has one wife and as many concubines as he pleases.

A. A man has one wife and she is mistress of the family; the children all recognize her as mother and the secondary wives acknowledge her as such. \* \* \*

Q. Is it not a fact that in China they destroy the female children in a great many instances?

A. I understand they do. It is more prevalent in the southern portion of the country than in the northern. \* \* \*

Q. Then no Chinaman can go out of this country without your permission, the permission of Rev. Otis Gibson, or the permission of the "six companies?"

A. That is the arrangement with the steamship company.

This is the testimony of a missionary who spent many years in China, and is now at the head of a missionary home in San Francisco.

I now call your attention to the testimony of another divine, who spent ten years in China as a missionary, and is now at the head of a Chinese missionary establishment in San Francisco. Page 26, Rev. Otis Gibson:

Question. So that even now a Chinaman who has not paid his debts to the various companies, or is a Christian, cannot go back unless he has your sanction?

Answer. He must have my name or that of any one of the missionaries. I suppose there are one thousand Chinamen in this country who would return to-day if they could return on paying the passage money. \* \* \*

Q. Is there servitude for crime?

A. I never heard of it. The women are bought and sold. They sell their girls outright. \* \* \*

Q. From what class is our Chinese immigration?

A. From the lowest class. \* \* \*

Q. Do you know anything about their domestic life here?

A. There is very little domestic life here. Almost none at all. \* \* \*

Q. What are the ideas of marriage in China; are they limited to one wife?

A. No. They are not limited to one wife. They can have as many wives as they please. \* \* \*

Q. Is the woman anything more than a slave to the man?

A. I guess it is about the same in China as it is here. \* \* \*

Q. Has not money been paid to withdraw prosecutions against criminals?

A. I believe so.

Q. Is it not a well-settled matter that a great many people are held in slavery here—bought and sold?

A. Only the women. I don't think there is a man so held. The women are, as a general thing, slaves. They are bought or stolen in China and brought here. They have a sort of agreement, to cover up the slavery business, but it is all a sham. That paper makes the girl say that she owes you \$400 or so, passage money and outfit from China, and has nothing to pay. I being the girl, this man comes up and offers to lend me the money to pay you if I will agree to serve him, to prostitute my body at his pleasure, wherever he shall put me, for four, five, or six years. For that promise of mine, made on the paper, he hands him the \$400, and I pay the debt I owe you according to contract. It is also put in the contract that if I am sick fifteen days no account shall be taken of that, but if I am sick more than that I shall make up double. If I am found to be pregnant within a month you shall return the money and take me again. If I prove to have epilepsy, leprosy, or am a stone woman, the same thing is done.

Q. Are these contracts regarded as moral among the people who make them?

A. Well, there is a certain class of knaves among Chinamen who have no morals at all.

Q. These contracts are sustained by the great mass of Chinamen here, are they not?

A. I think there is in existence now—there has been—a company of men engaged in this traffic of women; not the six companies, but a guild, like the Washington Company. They have their rules and their regulations and they stand by each other. One of these companies is called the Hip-ye-tong. When a Chinaman runs away with a woman from one of these brothels and marries her, he is followed by these companies and asked to pay them her value or look out for the consequences. It is a common thing for them to use the processes of our courts to protect their interests—their assumed rights. If a woman escapes from a brothel, she is arrested for some crime, and possession is obtained in that way. Where she marries the chances are that both man and woman will be arrested, or the man will be arrested and the woman run off to some other place. Sometimes Chinese come to me to get married. I don't care to marry them and to discourage it I have set my price at \$10, whereas the justices' fees are only \$2. They seem to have a sort of indefinite and unreasonable idea of protection when they come to me.

Mr. PIERSON. You used the term "stone woman." What do you understand by that?

A. I did not know, and asked them. They said it was a woman so naturally disabled that a man could not have any intercourse with her.

Mr. HAYMOND. Then, so far as the women are concerned, they are in slavery, with more hard features than have been known to white races!

A. Yes, sir, and even after the term of prostitution service is up the owners so manage as to have the women in debt more than ever, so that their slavery becomes life-long. There is no release from it.

Q. When these people become sick and helpless what becomes of them?

A. They are left to die.

Q. No care taken of them?

A. Sometimes; where the women have friends.

Q. Do not the companies take care of them?

A. Not frequently.

Q. It is not a frequent thing that they are put out on the sidewalk to die, or in some room without water or food?

A. I have heard of such things. I don't know. I don't think they are kind. I think they are very unkind to the sick. Sometimes the women take opium to kill themselves. They do not know they have any rights, but think they must keep their contracts, and believe themselves under obligations to serve in prostitution.

Q. What is their treatment? Is it harsh?

A. They have come to the asylum all bruised. They are beaten, and punished cruelly if they fail to make money. When they become worn out and unable to make any more money, they are turned out to die.

I now call your attention to the testimony of Alfred Clark, esq., a prominent citizen who has been connected with the city government for more than twenty years—pages 63, 69, 70—who testifies as follows:

The ownership and control of the Chinese women are under the management of an independent company called the "Hip-ye-tong." \* \* \* A Chinaman married a woman at Gibson's, and after the marriage received notice that he must pay for the woman or be dealt with according to the Chinese custom; that he would suffer personally. \* \* \* We arrested several of the Chinamen and got some of their books which we had translated. On the rolls I think there were one hundred and seventy women. \* \* \* In relation to the sale of women, in searching among the papers in the office, I found bills of sale of Chinawomen, written in Chinese characters, which translated read as follows.

Judge Clark here submitted the following bills of sale, which I incorporate in my remarks:

AN AGREEMENT TO ASSIST THE WOMAN AH HO.

Because coming from China to San Francisco she became indebted to her mistress for passage. Ah Ho herself asks Mr. Yee Kwan to advance for her \$630, for which Ah Ho distinctly agrees to give her body to Mr. Yee for service of prostitution for a term of four years. There shall be no interest on the money. Ah Ho shall receive no wages. At the expiration of four years, Ah Ho shall be her own master. Mr. Yee Kwan shall not hinder or trouble her. If Ah Ho runs away before her term is out, her mistress shall find her and return her, and whatever expense is incurred in finding and returning her, Ah Ho shall pay. On this day of agreement Ah Ho, with her own hands, has received from Mr. Yee Kwan \$630. If Ah Ho shall be sick at any time for more than ten days, she shall make up by an extra month of service for every ten days' sickness. Now this agreement has proof; this paper received by Ah Ho is witness.

TUNG CHEE.  
Twelfth year, ninth month, and fourteenth day, (about middle of October, 1873.)  
AN AGREEMENT TO ASSIST A YOUNG GIRL NAMED LOI YAU.

Because she became indebted to her mistress for passage, food, &c., and has nothing to pay, she makes her body over to the woman, Sep Sam, to serve as a prostitute to make out the sum of \$503. The money shall draw no interest, and Loi Yau shall serve four and one-half years. On this day of agreement, Loi Yau receives the sum of \$503 in her own hands. When the time is out, Loi Yau may be her own master, and no man shall trouble her. If she runs away before the time is out, and any expense is incurred in catching her, then Loi Yau must pay the expense. If she is sick fifteen days or more, she shall make up one month for every fifteen days. If Sep Sam shall go back to China, then Loi Yau shall serve another party till her time is out; if, in such service, she should be sick one hundred days or more, and cannot be cured, she may return to Sep Sam's place. For a proof of this agreement, this paper.

Dated second, sixth month of the present year.  
LOI YAU.

Mr. Clark further testifies as follows:

Prostitution is carried on under just such contracts as these. We got the contracts from China women brought in.

James H. Bovee, esq., an official of the county and city of San Francisco, and a resident thereof for the past twenty-five years, testifies as follows:

The Chinese will swear to anything. I do not think they have any regard for our oaths at all.

Question. Are these prostitutes bought and sold and held in bondage?

Answer. Yes; that has always been my idea.

Q. How do they treat their sick and helpless?

A. I have seen them thrown out on the street and on the side-walk and I have seen them put into little rooms without light, bedding, or food. There they were left to die.

Q. What opportunities have these women to escape, if they should desire?

A. I don't see that they have any at all, for, where a woman escapes, a reward is offered and she is brought back. Where they can get her in no other way they use our courts.

Q. What proportion of the Chinese are law-breakers and breakers of the ordinances of the city?

A. I think nearly the whole Chinese population, from the biggest merchant down to the lowest thief. Several years ago I know that their head merchants were keepers of gambling-houses and houses of prostitution.

I now call your attention to the testimony of Ah Chung, page 109.

Question. Do you know who own these Chinese prostitutes?

Answer. Wong Woon, An Geo, Bi Chee, and Wong Fook Soi.

Q. Where do they get them?

A. They buy them in China and bring them here.

Q. What do they give for them in China?

A. About \$150.

Q. What are they worth here?

A. Some nine hundred and some eight hundred dollars.

Q. Do they buy and sell girls in China?

A. Yes, sir.

Q. What do the Chinamen do with anybody who testifies in court against the women?

A. An Geo, Wong Woon, and Ah Fook put up money to kill him.

Q. Do you know whether any paper is ever put up offering money to kill Chinamen?

A. Yes. I saw them.

Q. Have they threatened to kill you if you testify?

A. Yes. I am a little scared.

Q. What are you afraid of?

A. Afraid shoot me.

Q. Do you know of anybody being killed?

A. Yes.

Q. What for?

A. One boy he testify against women, and they kill him with a knife.

I also call your attention to the testimony of Ah Gow:

Question. To what company do you belong?

Answer. Ning-yeung.

Q. Do you know anything about threats made against Chinamen for testifying in the American courts?

A. An Geo, Bi Chee, and Wong Woon say they shoot me.

Q. What for?

A. They say I pick out prostitutes in court.

Q. Are you a witness now?

A. Yes, sir.

Q. Do they threaten to shoot you if you tell the truth?

A. Yes, sir.

Q. Do you know anything about notices being posted up offering rewards for killing men?

A. Yes. I have seen them.

Q. When they are sick and going to die, do they put them on the street?

A. Sometimes.

Q. Do these people who own women whip them?

A. The boss women whip them all the time.

I now call your attention to the testimony of Lem Schaum, pages 135, 136, 137, 138. I will add that I have known this Chinaman for many years. He is one of the most intelligent and truthful of his race that I have ever met. He is a member of Rev. Dr. Loomis's church.

Question. Do you know how these bad women are brought here?

Answer. They are stolen and bought in China, and brought here and bought, the same as we buy and sell stock.

Q. Their condition is a very horrible one, then?

A. Yes, sir.

Q. Do you know how they are treated?

A. Yes, sir; the parties who own them generally treat them pretty roughly. If they don't go ahead and make money the owners will give them a good thrashing.

Q. Is it not very common when those women try to get away for the people who own them to have them arrested for larceny and things of that kind?

A. Yes, sir.

Q. They are held by fear of punishment if they try to escape?

A. Exactly.

Q. There are cases where Chinamen have cut them all to pieces with knives for running away, are there not?

A. I have never seen any, but this is what I have heard.

Q. They torture them?

A. Yes, sir.

Q. Do they buy and sell these women here?

A. Yes, sir.

Q. And hold them in slavery?

A. Exactly.

Mr. Speaker, I might refer to the testimony of a great many others, many of whom are among the best citizens of the State which I in part represent. I will, however, call your attention to the testimony of Hon. William J. Shaw, a gentleman of culture, who has occupied some of the highest positions within the gift of the people of California. Mr. Shaw has traveled extensively in foreign countries, and has had opportunities to study the characteristics of the Chinese in

their native country as well as in California. On page 16 he testifies as follows:

Prostitution in China is not regarded as a disgrace. \* \* \* The condition of the lower classes is as near, as I should think, that of the brutes as any human exhibition can be found anywhere in human society. \* \* \* And it is considered no disgrace for a husband to have as many more women in the house as he can support. They are his concubines. \* \* \* The Chinese are filthy to a degree almost beyond belief. I have seen tricks perpetrated in the streets of the city of Peking, China, that would only be tolerated in the brutes of a civilized country. \* \* \* The Chinese women that come here are of the lowest kind, and are, as a rule, prostitutes. \* \* \*

Q. Then a man could have his wife here and bring over a dozen concubines and let them out for the purpose of prostitution?

A. I suppose there would be no domestic difficulties about it.

Q. It would not be opposed to any moral ideas the Chinese have?

A. No, sir.

I will now call your attention to the testimony of one other, whose reputation is not only national, but extends to every part of the civilized world. I refer to Bayard Taylor. In a book published by him in 1855, entitled "India, China, and Japan," he writes as follows:

It is my deliberate opinion that the Chinese are morally the most debased people on the face of the earth. Forms of vice which in other countries are barely named are in China so common that they excite no comment among the natives. They constitute the surface level, and below them are depths and depths of depravity so shocking and horrible that their character cannot even be hinted. There are some dark shadows in human nature which we naturally shrink from penetrating, and I made no attempt to collect information of this kind; but there was enough in the things which I could not avoid seeing and hearing, which are brought almost daily to the notice of every foreign resident, to inspire me with a powerful aversion to the Chinese race. Their touch is pollution, and, harsh as the opinion may seem, justice to our own race demands that they should not be allowed to settle on our soil. Science may have lost something, but mankind has gained, by the exclusive policy which has governed China during the past century.

Volumes might be added to this evidence. Testimony was taken by the California senatorial commission, too revolting for publication, as stated in the report. Of the lesser crimes, and they are sometimes pleased to term them Mongolian eccentricities, I might add hundreds of pages of testimony; for instance, the killing or drowning of their female infants, as kittens are sometimes killed to get rid of them, (see testimony of Hon. Charles Wolcott Brooks, who has spent many years in China and Japan, and has been for the last sixteen years agent for the Japanese government in the city of San Francisco, page 35.)

Question. How does the condition of the Chinese in this city compare with that of the Chinese at home?

Answer. I have been very little in the Chinese quarters here, but I know it is filthy indeed, and that they are very much overcrowded. They live in a filthy condition here and in a filthy condition at home. The buildings here are crowded pretty much as they are at home. Buildings once occupied by Chinese are unfit for white occupation. The alleys are terribly filthy. Ladies would not care to go on those streets or look into the alleys.

Q. Is the population increasing or decreasing?

A. I think it has been decreasing lately, caused, in a great measure, by the scarcity of women. They drown their females as we drown kittens.

Q. Is the killing of female children a universal practice?

A. It is among the lower classes. Nothing is thought of drowning a female child. It is rather like drowning kittens when we have more than we want. The result is there is a great preponderance of men, and the population cannot increase as rapidly as it otherwise would.

Can we conceive of anything more infamous? Is there a patriotic American to-day that is willing to encourage the immigration to our shores of a class of people so degraded and so infamous and brutal as the mass of the Chinese are shown to be by the testimony referred to?

Mr. Speaker, I am opposed to maltreating or in any way mistreating those who came here under the present treaty, but I am also opposed to any further immigration of Chinese to our shores. I believe with Bayard Taylor that "justice to our own race demands that they should not be allowed to settle on our soil."

Their killing for debt, the universal habit of stealing, of hiring to kill, inveterate gambling, and thousands of other vices are the natural results of a heathen education, of which it is unnecessary to go into detail.

We are sometimes told that the Chinese immigration has ceased. Such is not the case. The facts warrant no such assertion. We learn from reliable sources of recent date that the last steamer that arrived at the port of San Francisco from China brought nine hundred and sixty-eight of these Mongolian slaves, four hundred of whom were consigned for the Peruvian market and one hundred and fifty to a dairy firm in the State of New York, to compete with the free laboring men and women of the Empire State.

Mr. Speaker, we demand at your hands such legislation as will protect the laboring interests of our State and country; and unless you give to our people this protection we will be forced to the last alternative left to a free people. There is a maxim that "self-preservation is the first law of our being."\* I know the people of my State. They are brave and generous. They will commit no overt act unless forced to do so by the inexorable laws of self-preservation. We contribute to the support of the National Government, and we expect and demand that the Government shall protect those of its citizens who contribute to its support. We demand such legislation at your hands as will protect the free laborer from competition with cooly or slave labor. We demand that the morals of our fair cities, towns, and communities shall not be polluted, tainted, and corrupted by the introduction in our midst of a race whose very touch is polluting and degrading to every locality which they inhabit.

The several bills or measures are before you. We leave to your good judgment the duty of enacting such measures as may accom-

plish our object. I believe that the first step to be taken by Congress should be the passage of the joint resolution reported by the committee requesting the treaty-making power of our Government to modify or abrogate the Chinese or Burlingame treaty. Take this initiatory step, striking at the root of the evil, and the result will be to check the further immigration of the Chinese coolies to our shores. The next step, amend the law as provided by House bill No. 3230, so as to prevent the making of contracts for the employment of cooly labor. There are several bills now pending before the House, all of which propose to relieve the laboring classes from competition with cooly or slave labor. I propose to leave it to the good judgment of the House to select such bill or measure as will meet the wants of the people. My sole object is to secure legislation for the protection of the laboring interests of my State; and I will give my earnest and hearty support to any measure that will give the relief so much desired by the people of all classes in my State.

Mr. Speaker, I cannot close my remarks without referring to the document published by the Senate, and circulated in this House, purporting to be a speech delivered before the committees of the Senate and House by the attorney for the Chinese. He goes out of his way to denounce all who oppose Chinese immigration as outlaws and rioters. This unwarrantable attack on the citizens of California was uncalled for, and when he made it he knew that every word he uttered was totally devoid of truth. Our governor, ex-governors, judiciary, Federal and State, county and municipal officers, as well as the clergy of all denominations, unite with the great mass of the people in opposing Chinese immigration.

The general association of Congregational churches and ministers in California at their session last October adopted the following resolutions:

*Resolved*, That we, the pastors and delegates of the Congregational churches in California, earnestly deprecate and unqualifiedly condemn all illegal measures and mob "outrages" upon the Chinese in our land.

*Resolved*, That we earnestly recommend to the churches and all good men most zealous and persevering efforts to evangelize those who are and may be among us.

*Resolved*, That we express it as our conviction that the Burlingame treaty ought to be so modified, and such other just measures be adopted by the General Government, as shall restrict Chinese immigration, and shall especially prevent the importation of Chinese prostitutes, and so relieve us from impending peril to our republican and Christian institutions.

I might also add the testimony of such eminent divines as Archbishop Alemany, Rev. Father Gallagher, of the Catholic church; Rev. Dr. Bonte, of the Episcopal church; Revs. O. P. Fitzgerald and M. C. Briggs, of the Methodist church, as well as ministers of every denomination; but I feel that this is sufficient to refute the unwarrantable charges made by the advocate of the Chinese companies. He denounces our mechanics and workmen as ignorant foreigners and ruffians. I hurl back the charge as only fit to emanate from one who has never felt one spark of generous sympathy in common with the great mass of laboring people of the country. I will say to the attorney, and I thank God for it, that I know of no mechanic or laboring-man in my State who is so destitute of the noble instincts of pure manhood as to accept a fee to advocate the cause of Chinese prostitution and slave labor, to the prejudice of good government, good morals, and free labor. However, I remember that Judas Iscariot betrayed the meek and lowly Jesus for money; and so it will ever be; until the end of time there will be Judases.

Mr. Speaker, I am proud of the mechanics and workmen of my State. They are men who love good government, who love our institutions, who work and battle for the cause of free labor. They are men of warm hearts and generous impulses, men of great souls—"the noblest work of God," honest men. I thank God that I was reared to toil, to earn my living "in the sweat of my face." It has enabled me to feel, understand, and appreciate the wants, necessities, and hardships of the workingman and laboring poor. My very heart and soul go out in sympathy to the toiling masses of my countrymen. Sir, these laboring-men of California went out from their homes but a few short years ago. They went forth in their youth to a wild, unknown land. They return to you to-day as men. We point with manly pride to our Pacific coast possessions; to the great improvements and developments that we have made in that country; to the great forests we have leveled; to the great cities that we have reared; to the more than a thousand millions of taxable property that we have added to the wealth of the Government; to the two thousand millions of gold and silver that we have taken from the earth and added to the commerce of the world, that gave stability to our national Treasury in the times of peril to our country. We point to the thousands of mines of precious metals which we have developed and are still turning out millions daily to enrich the country. We point to the thousands of miles of railroads which we have built; to the millions of revenue which we have added to the Treasury of the country. We point with manly pride to our commerce and to our ships whose sails whiten every sea; to our manufactures and our public institutions; to our schools and our colleges; to the tens of thousands of our happy homes and the glad hearts that dwell within them. We point to our rich and fertile valleys, that furnish bread for millions of every land; to our vine-clad hills; to our rich pastures, with herds and flocks of the purest blood; to everything that goes to make a people happy and a country great.

This, sir, is the handiwork of your sons who crossed the Rocky Mountains twenty-five years ago. But in the noonday of our pros-

perity and happiness, when the sun was shining brightest, a dark cloud appeared in the western horizon, like the Egyptian plague of old. It wraps its dark mantle all over our bright and happy land, stifling the energies of a free people, oppressing the free laborer, a stain upon good morals and free government, thwarting the energies of the mechanic, a curse and a blight to the youth of the land, a curse to society and to the faith and teachings of our fathers. Sir, "no hell were worse." It is within the power of the Government to remove this terrible blight and again restore us to prosperity and contentment. You can do this by abrogating the Burlingame treaty and protecting the free laboring men and women of our common country from the evil effects of slavery. Do this and millions of prayers will ascend to Him on high for the preservation of those who have heeded the petitions and demands of the working men and women of our country.

#### NORTHERN CLAIMS VS. SOUTHERN CLAIMS.

Mr. DIBRELL. Mr. Speaker, the many unjust charges that have been brought against the people of the South during the present Congress in regard to the claims of the loyal citizens of the South, and the charges that southern members of Congress are making raids upon the public Treasury by introducing bills for the payment of these claims, demand an explanation at the hands of every member who has introduced any of these bills, not only to refute the false charge that we are making or contemplate any raids upon the Treasury, but to show that the South is not asking the one-tenth from the public Treasury that the North is, and that not a single claim has been allowed or recommended for allowance by the democratic Congress but for persons whose claims have been abundantly proven just and the individual claimant proven loyal to the United States during the late rebellion, notwithstanding these facts are well known to every member of Congress or should be known to them.

We find quite a number of gentlemen upon this floor who aspire to be leaders of their party, in the face of all of these facts, have published and sent out to the people of the country speeches by the thousand characterizing these claims as "rebel claims," "raids upon the Treasury," "southern claims," &c., thereby trying to create the belief in the minds of the people of the North that the people of the South who were engaged in the rebellion are asking pay for the loss of their property. And the very men engaged in retailing these vile slanders upon the people of the South know that not a single case of that kind has been allowed by the democratic Congress, and I doubt if a single one of that class has applied for pay for property taken.

The act of Congress of July 4, 1864, and various subsequent acts provide that all loyal citizens of the Southern States should be paid for all property taken and used by the United States Army. The resolution adopted by the Forty-fourth Congress as introduced by the gentleman from Indiana [Mr. HUNTER] and the one offered by the same gentleman during the present Congress each provide that the Government shall pay for the property taken and used by the United States Army from loyal citizens.

Notwithstanding these acts of Congress and these resolutions we find these distinguished gentlemen engaged in this nefarious business of declaring (in effect) that every claim from the South is a "rebel claim," and is a raid on the Treasury. I allude especially to the speech of the gentleman from Indiana, [Mr. HANNA,] printed in the RECORD, page 2819, and the gentleman from Illinois, [Mr. HAYES,] printed in the RECORD, page 3049. The former gentleman, [Mr. HANNA,] in his great zeal to excel all others in magnifying these claims to as large an amount as possible, has shown his capacity for inventions in a manner not creditable to a man who wants to do the fair thing and does not want to misrepresent. He well knew that none of the heresy charged by him upon the people of the South was true; and that his sole object was to fan the flames of sectional hatred that he may ride into place upon that issue.

In order to magnify his list of claims as much as possible he takes one bill I introduced to pay fifty-four citizens and parades it to the country as fifty-four separate bills. These claims were all allowed by a military commission assembled by order of General George H. Thomas, of which Colonel Gilbert of the Nineteenth Michigan Volunteers was president, and every one of the claimants proved their claims and their loyalty before that commission in 1864; and the payment of their claims was recommended by a unanimous report from the Committee on War Claims in the Forty-fourth Congress. The records, proofs, and everything to prove the justness of their claims and their loyalty as proven before that commission is on file in this city, and the whole claim is only about \$6,000.

In other places he lists the bill introduced and then lists it again when reported by a committee. He also charges the South with raiding on the Treasury upon every bill introduced by a southern member for Union soldiers as well as for any others. And the gentleman from Illinois [Mr. HAYES] goes even further than the gentleman from Indiana and prints as a part of his speech an extract from that unreliable and untruthful paper, the New York Tribune, (and I suppose by adopting it as a part of his speech indorses it,) a long list of bills introduced by southern members, and attempts to create the impression that they are rebel claims. And among them are many bills to pension Union soldiers, and among them is one I introduced to amend the internal-revenue laws, and various other bills as foreign to rebel claims as the gentleman is to being a patriot. And this class of



speeches is largely circulated throughout the North in order to make the good people of the North believe that the democratic party intend to break up the Government with these southern claims—claims due only to the people of the South who remained true to the Union during our late civil war. And I am sorry to see that a few of our northern democratic members are as afraid of these claims as some republicans are; that both are willing to repudiate the several acts of Congress and all the pledges made during the war to the loyal men of the South that they should be paid for all supplies they furnished the Union Army.

One of the bills introduced by me and paraded as a rebel claim is that of Colonel William Clift, of Tennessee, who was a colonel in the Union Army, and recruited as many men from Tennessee into that Army as any man from that State, and remained with it to the last, and is now over eighty years of age and still these patriotic gentlemen will deny this old soldier justice because he lives in the South, and his just demand for property is stigmatized as a rebel raid on the Treasury. Such treatment is appreciated by the loyal men of the South—men who know what loyalty means.

The list of southern claims mentioned in the speech of the gentleman from Indiana [Mr. HANNA] adds up..... \$4,728,558

Of this amount the following should be deducted:  
 Bills introduced for parties in the Northern States..... \$672,809  
 Unknown localities..... 386,537  
 1,059,346

Amount of bills for southern citizens ..... 3,669,212

Now, I want the House to compare this with the amount of bills introduced by northern members and for northern citizens, and then see who is raiding the Treasury, while the most the gentlemen with their inventive minds can bring as southern claims, all of which is for loyal persons, or never paid, is only about three and a half million dollars. And if that is going to bankrupt the Government, what would become of it if all the bills introduced by the gentlemen representing northern States and mentioned in detail by my friend from Mississippi, [Mr. MONEY], as published in the RECORD, on page 2823, were passed, amounting in the aggregate to the sum of \$1,569,122,035.13, besides various other bills not included by him in his estimate? Would the Treasury be able to pay them, and break at three and one-half millions southern claims? And gentlemen know that not one in ten of the bills introduced pass.

Let us recapitulate and see how the thing stands as between the North and the South in regard to raids on the Treasury. Take the estimates of my friend [Mr. MONEY] for the amount required by the bills introduced by northern members, namely... \$1,569,122,035 13 To which add the northern claims listed in Mr.

HANNA'S speech .....	672,809 00
Unknown claims listed by Mr. HANNA.....	386,537 00
Claims before Committee on Military Affairs by officers and others, say, at least .....	1,000,000 00
Estimate of Paymaster-General to equalize bounties .....	100,000,000 00
Estimated cost of paying bounties, clerical hire, interest on money, &c., say .....	100,000,000 00
Grand total of northern claims.....	1,771,181,381 13
From which deduct the southern claims in Mr. HANNA'S list .....	3,669,212 00

Excess of northern claims over southern claims is ..... 1,767,512,169 13

Now, will the honest people of the North be humbugged by such speeches as those referred to, under such circumstances. Let them read and reflect. To prove my estimates in regard to what the bounty bill will cost, I append a letter from the Paymaster-General of the United States Army, which is as follows, to wit:

WAR DEPARTMENT,  
 PAYMASTER-GENERAL'S OFFICE,  
 Washington, April 27, 1878.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, saying: "Considering the various bounty bills before Congress, I desire to know your opinion as to the cost of the bill allowing bounties of \$8.33 1/3 per month to all soldiers, deducting former bounties received. Please give me your best impression as to the cost."

As you do not name any of the various bills before Congress, I will base my reply on Mr. THORNBURG'S bill, (H. R. No. 389,) introduced October 29, 1877. I inclose herewith a copy of that bill, and the following was my estimate made, after mature consideration, in a letter of March 20, 1876, to the chairman of the Military Committee of the House concerning the same propositions introduced by Mr. THORNBURG at that session, namely: it proposes (stated in brief) to equalize bounties by giving eight and one-third dollars per month to each enlisted man who faithfully served between the 12th of April, 1861, and the 9th of May, 1865, and in computing the same there shall be deducted therefrom any and all bounties already paid under the provisions of any United States or State laws. The element difficult to arrive at will be to ascertain the amount each soldier received from State bounties. Such delays and difficulties in obtaining that information will, I predict, be encountered that the law would soon have to be amended; and after that is done it would take ten years to execute it.

The lowest estimate yet made for the equalization of bounties is that of the Second Comptroller, dated the 15th of February, 1874, calling for \$101,947,825. From this the amount of State bounties, if they could be arrived at, would have to be deducted. If that clause is omitted \$100,000,000 is necessary. But as a con-

ture, deducting one-fourth for that item, I believe that this bill if it becomes a law would at least call for \$75,000,000.

I have the honor to be, very respectfully, your obedient servant,  
 BENJ. ALVORD,  
 Paymaster-General.

Hon. G. G. DIBRELL,  
 Of Military Committee, House of Representatives.

Now I venture the assertion that both of these gentlemen who are so zealously guarding the public Treasury, who claim that the three and a half millions of southern claims will bankrupt the Treasury, will vote for this bounty bill that proposes to sweep one hundred millions out of the Treasury at one dash. And what will that bill cost in addition? We have no surplus money, and this sum is to be raised either by increasing the rate of taxation or by borrowing; and if by borrowing, then the interest upon the money, the additional clerical force, and other expenses for the ten years that the Paymaster-General says it will require to pay the bounties, we may reasonably say will double the cost of the bounties. And if the bill passes it may also be supposed that one-fourth of each claim will go into the hands of claim agents, attorneys, and others, thus giving these agents \$25,000,000 to get \$75,000,000 to the soldiers; all to be paid for by the tax-payers of the country.

If any gentleman says that this part of my remarks is made in opposition to the Union soldier I here denounce such statement as false and slanderous. It is only made for the truth of history, and that the country may see and know what becomes of the taxes daily wrung from them and who are the watch-dogs of the Treasury. One of those gentlemen [Mr. HANNA] on one of our appropriation bills made a most vigorous fight against abolishing certain pension agencies by which it was said the Government would save largely over \$200,000 annually. Was this done in the interest of economy, or was it because it abolished the office of his law partner or brother-in-law?

Mr. Speaker, I seldom take up the time of the House in the discussions that consume so much of our valuable time, but I feel that it is my duty to vindicate the people of the South from the false charges made against them, that they are seeking money from the Treasury contrary to law, and to appeal to gentlemen for justice to that large class of my constituents and of the people of the South who remained loyal to the Union and contributed their property freely to the support of the Union Army while in their midst. Many of them gave up everything, even their lives, for the cause they believed right, and now they and their descendants are appealing to Congress to comply with the promises made them that if they were loyal they should be paid for all supplies. And in the face of their solemn oaths their proof of good and reliable witnessess, of their services in the Union Army, they are denied their pay and their claims paraded to the world as "rebel claims;" and by this charge they and all their witnessess are charged with perjury. They are indirectly told, because they lived in the South their property was common; that we will ignore all the promises of protection, all pay for supplies, and repudiate their claims *in toto*. Is this right? Is it justice to the loyal people of the South, or is it honest? If you start the doctrine of repudiation on the part of the Government against its citizens, then you must not complain if the Government in turn reaps the reward of the doctrine of repudiation of her just and legal obligations to her own citizens. This doctrine of repudiation, as urged by the enemies of these southern claims, is not sanctioned by the gallant Union soldiers of the North, nor by the honest masses of the northern people, but are only preached by the demagogue who seeks to ride into power upon false issues and sectional animosities.

So long as I am entitled to a seat upon this floor it shall be my pleasure, as well as my duty, to present and advocate all the just claims of my constituents who shall demand this of me, regardless of the wishes of those who so bitterly denounce their claims.

VIRGINIA MILITARY DISTRICT IN OHIO.

Mr. DICKEY addressed the House on the following bill: [His remarks will appear in the Appendix.]

A bill (H. R. No. 4355) to construe and define "An act to cede to the State of Ohio the unsold lands in the Virginia military district in said State," approved February 18, 1871.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act ceding to the State of Ohio the lands remaining "unsurveyed and unsold" in the Virginia military district in the State of Ohio had no reference to lands which were included in any survey or entry within said district founded upon military warrant or warrants upon continental establishment; and the true intent and meaning of said act was to cede to the State of Ohio only such lands as were unappropriated, and not included in any survey or entry within said district, which survey or entry was founded upon military warrant or warrants upon continental establishment.

Sec. 2. That all surveys returned to the land office on or before March 3, 1857, on entries made on or before January 1, 1852, and founded on unsatisfied Virginia military continental warrants, are hereby declared valid.

Sec. 3. That the officers and soldiers of the Virginia line, on continental establishment, their heirs or assigns, entitled to bounty lands, which have on or before January 1, 1852, been entered within the tract reserved by Virginia, between the Little Miami and Scioto Rivers, for satisfying the legal bounties to her officers and soldiers upon continental establishment, shall be allowed three years from and after the passage of this act to make and return their surveys for record to the office of the principal surveyor of said district, and may file their plats and certificates, warrants, or certified copies of warrants, at the General Land Office, and receive patents for the same.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. ROBERTSON. Mr. Speaker, never before in its history has

the Mississippi River figured so prominently in the fields of legislation, science, and popular discussion, as to-day. It is a great natural and national highway of commerce, but has for years past been overshadowed by railroads, the artificial highways controlled by private corporations. The people have become weary of paying tribute to these corporations and insist upon cheap transportation, particularly when the General Government has the legal control of the great river and its tributaries, which alone can relieve their annual products from excessive rates. It is not overproduction which is the cause of the present business depression, but it is in a large degree overtaxation of the producers in the shape of costly transportation that tends to check commercial exchanges and the industries of the country. It retards the advance of civilization and prosperity.

It is because the general public see in the Mississippi River system a remedy for these ills that the question of river improvement is so prominently before the present Congress.

But improved navigation is not the only question of national importance which attaches to the Mississippi and claims the attention of the National Legislature. The richest and most productive lands of the whole country are the alluvial lands in the States along the Lower Mississippi. Their reclamation, and protection, is demanded in the interest of public economy, as well as justice to the people whose rights of property are imperiled by a highway controlled by the General Government and used by the commerce of many other States. It is, therefore, a national work.

For the solution of these two questions, improved navigation and reclamation of alluvial lands, there are five pending theories or plans:

First. It is proposed to improve the navigation between Saint Louis and the Gulf by use of jetties which would make the river of uniform width and thereby cause it to scour out and deepen the channel. It is claimed that this plan would result in lowering the surface, or flood line, and thereby protect from overflow the alluvial lands. It also seeks to close all outlets.

Second. Another plan contemplates the drainage and reclamation of the alluvial lands by a system of outlets which would divide the great river into several lesser streams.

Third. It is proposed to cut away the bars which obstruct navigation by building a wall across the bed of the river at its mouth sufficiently high to shut out the action of the gulf waves, and yet leave over its top a sufficient depth of navigation and a free outlet for the river current. It is claimed that this plan will prevent the formation of bars and will tend to deepen the channel of the river above.

Fourth. Another plan contemplates the construction of an entire new line of levees a mile or more back from the present ones. It seeks simply the reclamation of alluvial lands.

Fifth. Still another plan is to repair the present levee system, close all the outlets, and where the curves of the river bring the banks into an angle with the current from above, and thereby subject them to impingement and caving, to build revetments or wing-dams to turn aside the current. It is claimed for this plan that it will not only protect the alluvial lands but will operate similarly to jetties in deepening and permanently locating the channel of the river and improving navigation.

There are also three other plans which I omitted from the above list for the reason they are not pending at the present time. They are the cut-off plan, which consists of cutting off bends of the river and thereby straightening its course; the diversion of tributaries, which consists of turning aside the course of some of the tributaries of the Lower Mississippi, like the Red River, for instance, so it may flow directly into the Gulf instead of the Mississippi; and the reservoir plan, which requires a series of lakes at the sources of the Mississippi, Missouri, Yellowstone, and other tributaries to gather up a sufficient quantity of the surplus water in flood time and reserve it to add to the current of the river in seasons of low water.

All of the first five plans are advocated at the present time, and all attach to the Lower Mississippi, which is the embodiment, and, as has appropriately been termed, the trunk line, of the whole Mississippi River system, which intersects eighteen States and two Territories and has over fourteen thousand miles of present navigation. These theories involve questions of fact about which there is a dispute and questions of science concerning which eminent engineers disagree. They are then more appropriate for investigation by a commission of engineers than for discussion in a body purely legislative, but it is for us to determine the subject-matter which it shall be the duty of the commission of experts to consider and upon which they must report for our further action. If we place an improper restriction upon their investigations, their report must necessarily be one-sided. If we direct them to consider simply the question of river improvement, we must not be surprised if the property rights in alluvial lands are sacrificed. If we direct them to determine simply the question of reclamation, it will not be their fault if they ignore the great river and divide and subdivide it into a thousand and one little streams, fit only for purposes of drainage.

I, for one, will never help nullify the evident intentions of nature, which are that the surplus products of the great Mississippi Valley shall float down the river highway to the seaboard. The river is one of the noblest works of nature, and it would be but vandalism to diffuse its waters. Nor will I ever consent that necessary repairs to this commercial highway used by so many States be neglected, valuable property along the way be left to overflow and devastation,

and even the lives of the people dwelling in the lowlands be imperiled by the merciless flood. I am, therefore, in favor of a commission whose duty it shall be to consider all questions of science and fact appertaining to the river between Saint Louis and the Gulf.

It may be urged that the Upper Mississippi and its navigable tributaries are entitled to repairs as well as the Lower Mississippi. I admit their claims and would gladly support any comprehensive bill which would provide for the improvement of the whole Mississippi system intersecting all parts of the great valley. Such a plan would be in harmony with the spirit of the national convention which assembled at Saint Paul in the autumn of last year to consider the interests of the water-ways of the whole valley. The result of their deliberations was to give equal prominence to the interests of the Upper and Lower Mississippi and the improvement of navigation as well as protection of lands subject to overflow. All conflicting theories were adjusted and a plan for united and harmonious action decided upon.

But the various parties in interest who have advocated their respective measures before the present Congress have seen fit to work independently of each other, and the river interests have been divided into numerous bills and referred to different committees.

It is, however, impossible to consider or discuss the question of improvement of the Lower Mississippi, except in connection with the whole comprehensive river system, for it is a concentration and consummation of the whole net-work of water-ways, and is used by the commerce of the Upper Mississippi and its tributaries, the Missouri and its tributaries, the Ohio and the lesser rivers which pay tribute to it, the Tennessee, Cumberland, Arkansas, Red, and many other navigable rivers. It is, therefore, the portion of greatest interest and importance to the nation. How important it is as a national highway of commerce, and how essential it is to the welfare of the people that it be kept in good repair, can be understood and appreciated only by a comparison of the amount of inland and foreign commerce, the staple products of the Mississippi Valley with similar products of the rest of the United States, and the rates of transportation by river and by rail.

On the subject of inland and foreign commerce I quote from the introduction of that very useful book, the first Annual Report on Internal Commerce, published last year as a part of the annual official report of the United States Bureau of Statistics:

The relative importance of internal and of foreign commerce may be inferred from the following comparative statements:

Estimated value of shipping (American and foreign) employed in our foreign trade.....	\$200,000,000
Estimated value of railroads of the United States.....	4,600,000,000

The value of the commodities embraced in our foreign commerce, and the estimated value of commodities transported on railroads are as follows:

Value of imports and exports, (foreign commerce).....	\$1,121,634,277
Estimated value of commodities transported on rail, (internal commerce).....	18,000,000,000

It appears from these estimates that the value of the railroads of the country is about twenty-three times the value of the shipping engaged in our foreign trade, and that the value of our internal commerce on railroads is about sixteen times the value of our foreign commerce.

It is to be observed that these comparative statements embrace the value of our entire foreign commerce, whereas the data in regard to internal commerce relate only to railroads. If it were possible to ascertain the value of the commerce between the different sections of the country, on the ocean and gulf, and on the lakes, rivers, and other avenues of transportation, we should probably find that the total value of our internal commerce is at least twenty-five times greater than the value of our foreign commerce.

Next let us see how the commerce of the Mississippi Valley compares with the inland commerce of the whole United States. It is doubtless fair to say the percentage is as great as that resulting from a comparison of the principal products. According to the statistics contained in the report to this House which I had the honor to make a few weeks ago from the Committee on Levees and Improvement of the Mississippi River, there are eighteen States and two Territories which are intersected or bordered by the navigable portions of the Mississippi and its various tributaries and subtributaries. Those eighteen States, in 1876, produced 87 per cent. of the corn, 69 per cent. of the wheat, 72 per cent. of the rye, 70 per cent. of the tobacco, and 74 per cent. of the cotton of the whole United States, or a trifle over 74 per cent. of the combined staple products. By adding to this the products of the two Territories, which also patronize the river highway, the percentage is fully 75 per cent., or three-fourths of the principal national products. Probably no one will dispute the assertion that the ratio of transportation and commerce of an agricultural region like the Mississippi Valley, compared with the shipments and commerce of the whole country, is as great as the ratio of products. We find, then, that these eighteen States and two Territories furnish three-fourths of the total inland commerce.

Now, with this data let us compare the relative importance of the commerce of these States and Territories having a direct business interest in the Mississippi River system with the foreign commerce of the whole United States. If the internal commerce of this country is twenty-five times greater than the foreign commerce, and the eighteen States and two Territories furnish 75 per cent. of the total inland commerce, it follows that the inland commerce of said States and Territories of the Mississippi River system is over eighteen times greater than the foreign commerce of the whole United States. How much more important, then, to the people of this country are the

water-ways of the Mississippi Valley than ocean lines of transportation.

Now let us briefly consider how this vast commerce is transported. Again making use of the carefully prepared estimates in the official report on internal commerce, we find that—

During the year 1876, 83 per cent. of all the grain receipts of the Atlantic seaports was by rail, and it is estimated that over 90 per cent. of all the commerce between the West and the seaboard is now carried on over the great trunk railroads.

Because of its position in the center of this great river system we would naturally expect the commerce of Saint Louis to rely chiefly upon river transportation; but in 1875, 78 per cent. of its commerce went by rail and only 22 per cent. by river. A comparison of the shipments, by river and rail, of Cincinnati, Louisville, Saint Paul, Memphis, and of the valley as a whole, would show a still smaller percentage by river. Economy requires that the reverse should be true. The producers of the valley must rely upon the great river if they ever hope to escape from the dark cloud of taxation resting over their industries in the form of excessive rates of transportation.

As regards the rates of shipment the same official report on internal commerce states:

The cost of transportation on the river is but one mill per ton per mile, or only about one-tenth of the average cost of the tonnage movement on the railroads west of the Mississippi River; and only one-sixth of the average cost of transportation on the Pennsylvania Railroad.

This comparison may be too favorable to the river highways in considering the single item of grain. It is stated by those most familiar with the subject, and therefore competent judges, that corn can be shipped by river from the center of the valley to the seaboard at seven cents per bushel, while the cost per rail is twenty-three cents, saving to the producer sixteen cents per bushel; also that grain can be shipped from the center of the valley to Liverpool, via the Gulf, from ten to fifteen cents per bushel less than by way of New York.

The number of bushels of corn produced in 1876 in the eighteen States and two Territories which patronize the Mississippi River system was 1,123,106,000, while the wheat product was 200,899,000 bushels, making a total of both classes of grain of 1,324,005,000 bushels. Now suppose half of that amount of grain had to be transported from the center of the valley to the seaboard, the saving by river at the above rate would be the enormous sum of \$106,920,400 per annum. And suppose half had to be transported to Liverpool by way of the Gulf, instead of New York, the annual saving at ten cents per bushel would be \$66,200,250. It may be claimed that while New Orleans and the valley generally will be benefited by the improvement of the river, New York, New England, and the Atlantic States will receive no benefit. Now I desire most emphatically to refute this assertion. The East is dependent upon the Mississippi Valley for grain and other staple products. In brief, they are consumers of a large portion of the surplus products of the valley, and desire to obtain those necessities of life at the lowest possible prices. Reduced rates of transportation always tend to lessen prices, and in this way the East will, equally with the West, gain by improved navigation of the Lower Mississippi. New York will not only be benefited, but I venture to assert to an extent almost equal to the advantages she derives from inland water communication by way of the Hudson River, Erie Canal, and the lakes.

In further illustration of the advantages and economy of river transportation, I quote the following statement from the Cincinnati Commercial. It has often been quoted, but the showing is so forcible and pointed that it will bear repetition:

The tow-boat *Josh Williams* is on her way to New Orleans with a tow of thirty-two barges containing six hundred thousand bushels, (seventy-six pounds to the bushel,) of coal, exclusive of her own fuel, being the largest tow ever taken to New Orleans or anywhere else in the world. Her freight bill, at three cents per bushel, amounts to \$18,000. It would take eighteen hundred cars, of three hundred and thirty-three bushels to the car (which is an overload for a car) to transport this amount of coal. At \$10 per ton, or \$100 per car, which would be a fair price for the distance by rail, the freight bill would amount to \$180,000, or \$162,000 more by rail than by river. The tow will be taken from Pittsburgh to New Orleans in fourteen or fifteen days. It would require one hundred trains of eighteen cars to the train to transport this one tow of six hundred thousand bushels of coal, and even if it made the usual speed of fast freight lines it would take one whole summer to put it through by rail.

This statement shows the wonderful superiority of the river over rail facilities.

In view of the above facts and figures, does it not seem to be the duty of those who are sent here to represent the people, and to legislate in the interest of public economy and increased prosperity, to relieve our constituents from the heavy burden which railway corporations impose upon their industries, and improve the river highways which are the most important avenues of cheap transportation?

Having stated a few facts showing how the Mississippi River system operates in the interest of commerce, I wish, briefly, to invite your attention to some of the exactions from the river by the United States, also in the interest of commerce.

The Constitution provides that Congress shall have the power to regulate commerce "among the several States." In harmony with this principle of the organic law, Congress has from time to time enacted laws declaring the different navigable rivers to be public highways. And the Supreme Court has, in the case of the *Daniel Ball*, reported in the eleventh volume of Wallace, construed the laws as follows:

These rivers must be regarded as public navigable rivers in law which are navigable in fact, and they are navigable in fact when they are used, or susceptible of

being used, in their ordinary condition, as highways for commerce over which trade, and travel, are, or may be, conducted in the customary modes of trade and travel on water. And they constitute navigable waters of the United States, within the meaning of the acts of Congress, in contradistinction from the navigable waters of the States, when they form, in their ordinary condition, by themselves, or by uniting with other waters, a continued highway over which commerce is, or may be, carried on with other States, or foreign countries in the customary modes in which such commerce is conducted by water.

The General Government in exercising the right of eminent domain in behalf of commerce allows an encroachment upon private property along the river to a degree which, I venture to assert, will surprise most members of this honorable body who have not had occasion to become familiar with the facts relating to the overflowed district. I allude to the right given the steamboats and other water-craft of making use of new landings after the old landings have caved away from the continual attacks of the river current, the waves caused by passing boats, &c. Professor Forshey mentions one plantation the front of which was cut away from year to year until, during a period of thirty-two years, its front and the steamboat landings had extended back over one and a half miles into what was previously a private plantation. This is but one instance, but it is a fair illustration of the very frequent damages to property along the Lower Mississippi. Yet the General Government says commerce has that privilege over private property along the river highway, and can with impunity subject to the uses and advancement of commerce valuable and improved lands.

Such being the benefits to commerce, from the river, and some of its legal rights over it, let us see what are the damages, and who have to bear the burden.

The first class of damages are those resulting directly from commerce, such as the action of waves from passing steamboats, and the landing of steamboats, and other craft. According to Professor Forshey, who is one of the best informed and most reliable authorities on the Mississippi—

The steamers that transport this commerce send their restless waves against banks and levees, lashing and abrading them almost without cessation. Our lower river hardly ever rests; one set of waves succeeds another, and each finds its rest in the equivalent of its forces transferred to the banks and channel of the river. These lashings and abradings, independent of the other causes, render the task of levee construction more and more oppressive yearly, until it has become intolerable.

Again, the steamers in making their landings strike against the banks or levees, and it is no unusual occurrence for these repeated indentations, arising from this source, to result in breaks in the levees, which in high water become a very serious matter, and are but pathways for the floods to rush through and overflow the fields in the rear.

Breaks of this kind are also caused by steamers landing with the United States mail, as well as for purposes of commerce. As they are required by law to stop at the regular mail stations regardless of the high water, which makes the striking against the line of levees by the bow of the boat more dangerous than at any other time, many of the crevasses are consequently caused in the direct service of the General Government. The interests of this same mail service also require that the crevasses thus caused (and through which rush the floods, interrupting other mail-routes extending back from the river across the low lands) be closed as soon as possible. The instances are numerous where the mails between such great commercial centers as New Orleans, Memphis, and Saint Louis have been delayed for days by these overflows. As levees were constructed at very great expense by the adjoining proprietors and States, the damage done to them is a very large contribution to the interests of commerce and postal routes, which burden should, according to all principles of justice, be borne by the General Government.

Another class of damages, and that the chief pecuniary one, caused by the river is the damage to the fertile alluvial lands on each side of the river from Commerce, Missouri, to the Gulf of Mexico, comprising an area of 41,193 square miles, or 26,363,520 acres. Nearly the whole of this vast area is susceptible of reclamation, and is, when reclaimed, by far the most productive land of any in the United States. It could easily produce more than five times the quantity of cotton grown in the whole United States, which was, in 1876, as officially stated, 4,438,000 bales. At present prices such an annual product by the lowlands would be worth over \$1,000,000,000. At one bale per acre this alluvial district would annually produce over four times the amount of cotton consumed in all Europe, (both Great Britain and the Continent,) which consumption was, during the five years from 1871 to the beginning of the year 1876, an annual average of 5,433,270 bales. This is not an exaggeration of the capacity of the Mississippi Delta. Now, suppose it to be wholly reclaimed and under cultivation for the purpose of growing cotton, that commodity, which is always salable, and sufficiently potent to command gold and silver coin, who will deny that, in the exchanges of nations, the balance of trade would soon be much more largely in our favor, and the dark cloud of business depression, which has so long rested over the people of this country, would disappear like dew before the morning sun?

For the production of sugar and rice these lowlands are equally well adapted. On this subject Mr. ELLIS states, in his report for 1876:

Rice grows in its southern portion in great luxuriance and the yield is equal to any rice lands of the world, not excepting the regions of the Nile and Ganges.

Also:

In 1861 it produced 469,000 hogsheads of sugar, or one-fourth of what is now needed for our home consumption.

This, bear in mind, was on a partial reclamation and with only a portion of the sugar lands under cultivation. They could easily produce all we need for consumption in this country and thereby make unnecessary the extensive purchases from abroad, which for several years past have been about eighty million dollars' worth of sugar and molasses annually.

Yet the present value of the whole alluvial area was estimated by my colleague [Mr. ELLIS] in his able report to this House in 1876, as only \$100,000,000, and for the reason that the levees are out of repair and the lands sadly neglected and fast receding to a state of nature. According to the carefully prepared estimates by Mr. Morey in a similar report to this House in 1872, from the Committee on Levees, the value of said alluvial district, with no levees and unreclaimed, would be only \$8,524,352; and the value at the beginning of the late war, when the levees were in good repair and part of the land reclaimed and under cultivation, was \$366,043,520.

It is safe to assert that the value, if wholly reclaimed, protected from overflow, and under cultivation, would be five times greater than it was at the beginning of the war, or over \$1,800,000,000. If we were to consider these lands as a source of national wealth, that in itself, without considering the question of damages to private property, and the consequent duty of the General Government to protect them against further damage to be done, in the interest of commerce, would be a sufficient argument in favor of improving the levees.

A third class of damages consists of injury and loss to crops and stock resulting from the frequent overflows. In speaking of the floods of 1868 and 1871 Mr. Morey says:

The destruction caused by the last two floods above named in the Onachita Valley is almost incredible. A valley of almost unexampled fertility, capable of raising, besides corn and stock in great abundance, at least seventy thousand bales of cotton, worth, at the average price of this season, more than \$5,000,000, was inundated, plantations destroyed, buildings washed away, cattle and swine by the thousand starved or drowned, &c.

The loss by the flood of 1874 is estimated in Mr. ELLIS's report to be \$13,000,000, and by that of 1876 to be \$2,000,000. He says on the subject of indirect damages to crops by the flood of 1876:

It is estimated that the cotton crop this year will be cut short four hundred thousand bales, worth \$60 per bale—\$24,000,000. The sugar crop will fall short fifty thousand hogsheads, worth \$5,000,000. Total lost to the produced values of the country, \$29,000,000.

A fourth class of damages, and that the most serious of all, is danger to and loss of life from the resistless fury of the floods. During the flood of 1874 many inhabitants of the overflowed district could not escape in season from the sudden advance of the waters around them, and, in addition to great and very general suffering, not a few were swept into watery graves.

In view of this enormous damage to private property and loss to life itself caused by this great highway of commerce, the question naturally arises, who has the power and whose duty is it to afford protection?

The first question is answered by the Constitution itself, which confers on the General Government the power to regulate commerce between the States, and by the statutes and Supreme Court decisions which place the control of the river with the General Government. Assuredly no individual, community, or State has the power to regulate this important matter. Those who oppose the protection of alluvial lands by the United States necessarily take the absurd position that all benefits to commerce and the country at large from the river highway shall be under control of the General Government, but whenever a case of needed protection is presented the duty must be avoided by falling back on the extreme doctrine of State rights. Even John C. Calhoun, the foremost of strict constructionists, would not, I apprehend, go that far. In a speech delivered in this House on the 4th of February, 1817, on the subject of internal improvements, he said:

Let it not be said that internal improvements may be wholly left to the enterprise of the States and of individuals. I know that much may justly be expected to be done by them; but in a country so new and so extensive as ours there is room enough for all the General and State governments and individuals in which to exert their resources. But many of the improvements contemplated are on too great a scale for the resources of the States or individuals, and many of such a nature as the rival jealousy of the States, if left alone, would prevent. They require the resources and the general superintendence of this Government to effect and complete them.

In another speech delivered at Memphis in 1845, he said, in regard to the improvement of the Mississippi:

The invention of Fulton has in reality, for all practical purposes, converted the Mississippi, with all its tributaries, into an inland sea. Regarding it as such, I am prepared to place it on the same footing with the Gulf and Atlantic coasts, the Chesapeake and Delaware Bays, and the lakes, in reference to the superintendence of the General Government over its navigation. It is manifest that it is far beyond the power of individuals or of separate States to supervise it.

There probably has not arisen in the whole history of this country another question of internal improvement and material development so clearly beyond the jurisdiction of the States, and so much in need of the comprehensive power of the General Government, as the question of improving this national highway.

Having shown that the Lower Mississippi is national in its characteristics, that its improvement will benefit the whole country, and that the General Government is the only power with sufficient jurisdiction to perform the work, the question arises, on which one of the five theories or plans shall it be done?

The solution of this question forms the basis of the bill under consideration which provides for a commission whose duty it shall be "to

take into consideration plans and estimates for the correction and permanent location and deepening of the channel of the Mississippi River, and the improvement of the navigation of said river, and for the protection of the alluvial lands of the Mississippi Delta from overflow."

I care not what plan they adopt provided navigation is improved and the valuable low lands protected. It is the results which are all-important, and not the means of their accomplishment.

Nevertheless, I have an opinion in regard to the manner of performing this great work, and, as I recently had the honor to be addressed upon the subject by the distinguished engineers who are advocates of the two leading and rival theories, it devolves on me to state my opinion. I shall not, however, engage in any controversy about questions of hydraulic science, with which I am unfamiliar, but will confine my remarks to matters of fact with which I am conversant by virtue of many years' residence and observation on the banks of the Lower Mississippi.

Captain Eads maintains that "the relation between the quantity of sediment suspended and the rate of the current is an intimate and direct one," modified by the depth; that its power to transport it depends wholly upon the velocity; that the closing of outlets and making the channel of uniform width will tend to cut away the bars already formed and prevent the formation of new bars in the future.

General Humphreys, the Chief of Army Engineers, maintains the reverse to be true. The elaborate report of Humphreys and Abbot, on the physics and hydraulics of the Mississippi, states:

Certain operations of this survey were conducted with especial reference to determining the effects of outlets, and they demonstrate, with a degree of certainty rarely to be attained in such investigations, that the opinions advanced by these writers are totally erroneous.

The "writers" here alluded to are engineers who had stated their observations and conclusions in regard to the river, namely, that outlets reduce the discharge of the Mississippi, and will occasion deposits in its channel below, and eventually depress rather than elevate the surface level of the river.

In support of this general assertion General Humphreys cites only two crevasses, the Fortier crevasse of 1849 and the Bonnet Carré crevasse of 1850. But in neither case does he sustain his position by soundings made before the crevasses occurred. He attempts to make good the assertion by throwing the burden of proof on his opponents, and declaring that they have not made out their case for want of previous soundings. That is shrewd and lawyer-like to be sure, but it is hardly the way to establish a principle of science. It seems to me truly astonishing, that, with several years' experience in surveys of the river, he did not in support of his broad and general proposition cite a single instance of soundings made both prior and subsequent to the date of the crevasse. These crevasses are of common occurrence, and it was his duty first to obtain the facts before enunciating a principle in his report. If facts are to be assumed without actual observation, future reports on the Mississippi may as well be prepared here at Washington without the trouble and expense of a survey.

Now I make the broad assertion that shoaling occurs below every large crevasse and as the direct result of the crevasse, and in support of that assertion I will cite the authorities and the facts in several cases. In the first place I desire to say a word in regard to the two and only crevasses mentioned by General Humphreys. He admits the river had shoaled below them. Now, in absence of proof to the contrary, this is a strong *prima facie* case in support of our assertion that the shoaling was the result of the crevasses. It seems to me, therefore, that the burden of proof is on his side.

In the report of the levee commission of engineers, submitted to the governor of Louisiana in 1876, they in speaking of the Morganza crevasse, which occurred in 1874, say:

Soundings taken below and above it show a difference of ten feet less depth, and a diminished area of section below than above this crevasse.

The report does not show at what times these soundings were made, whether before or after the water ceased to flow through the crevasse.

A second crevasse occurred at Bonnet Carré about 1871 and was closed. A third one occurred in 1874 and is still open. These three (the two just mentioned and the one above mentioned in 1850) were near the same locality. Mr. Bayley, of the commission of State engineers, made a very careful survey of the river above and below this crevasse of 1874, and says in his report:

As regards the effect of a great outlet, such as the Bonnet Carré crevasse of 1874, observations and measurements show that they cause a partial filling up and contraction of the river channel below them. This certainly was the result at Bonnet Carré in 1874, and it is presumable that it always happens.

In support of the assertion he states the following facts:

A section taken about one mile above this crevasse, the river being then twenty feet below the high-water mark, showed the then low-water width to be 2,886 feet, the maximum depth 110 feet, and the area of water-way 184,653 square feet, with a firm clay bottom, into which an eleven pound sounding lead sunk from one to two inches only. The high-water width had been 3,120 feet.

Section No. 2, taken about three-fourths of a mile above the crevasse outlet, showed a low-water width then of 3,014 feet, a maximum depth of 79 feet, and water-way area of 164,167 square feet. High-water width, 3,210 feet. Average depth of upper section, 64 feet; of section No. 2, 54 feet. Average of the upper sections: depth, 59 feet; width, 2,950 feet; area, 174,410 square feet.

Section No. 4, taken about 750 feet below the lower side of the crevasse, and No. 5 about 1,500 feet below: No. 4 showed a low-water width of 2,406 feet; maximum depth, 62 feet; water-way area, 96,640 square feet; average depth, 40 feet; bottom,

except near left bank, very soft, oozy mud, into which lead sunk from one to two feet.

Section No. 5 showed a low-water width of 2,452 feet, a maximum depth of 64 feet; area of water way, 106,150 square feet; average depth about 42.3 feet; bottom same as No. 4.

Average of two lower sections: depth, 41.65 feet; width, 2,429 feet; area of channel, 101,395 square feet.

The reduction of channel below, evidently caused by the crevasse outlet, (as shown by the hard or firm bottom, where the two upper sections were taken, and the soft oozy mud, or new deposit, where the two lower sections were taken, as well as new sand-bars on the right bank shore opposite same: see map,) taking the averages of the two upper and two lower sections, amounts to 17.35 feet in average depth, 521 feet in width of low-water channel, and 73,015 square feet in sectional area.

It was also noted that there had been very extensive new deposits forming sand-bars out several hundred feet from the shore line in the river bend next the right bank below the Bonnet Carré crevasse outlet; and it is known that these were made principally during the flood of 1874.

In further support of the assertion I have made, I will quote from a letter on this subject, recently addressed to me by A. F. Wrotnowski, an accomplished civil engineer, (formerly assistant State engineer,) residing at New Orleans. His statement is from official surveys and soundings. He says:

I have chosen the Bonnet Carré crevasse, that being the best known and about which there is more data available. So many crevasses have occurred and have been left open for want of means, that it would take more time and money in surveying and studying them than the State can afford.

You will perceive in the matter of cross-sections (which I inclose) an increase in the area in the river below the crevasse. In order that this increase may not be construed as opposing the theory of contraction of the channel below a crevasse, I wish to explain certain facts concerning them in keeping with the contraction theory.

The present Bonnet Carré crevasse broke and began to discharge on April 16, 1874. The fourth flood is now passing through it. Each flood has carried, and deposited an amount of sediment behind, or near the swamp, filling it up more and more, as each flood passes, accumulating also a tremendous quantity of drift-wood in heaps, forming a dam, as it were, obstructing the free flow of water and causing at once a deposition of sediment behind these drifts. As the deposition behind the crevasse takes place the volume of the water flowing through the crevasse is correspondingly reduced and so is the volume in the river correspondingly increased, which increase at once makes itself felt, and begins to scour, enlarge, and appropriate itself to its volume, and deepening the channel. The increase in the cross-section area below the crevasse, which has taken place, fully bears this out.

We had in 1874 an average depth of 53.56 feet; in 1875, an average depth of 54.60 feet; in 1876, an average depth of 58 feet. The present abnormal condition of the channel below the crevasse leaves still much to be done. The cross-section area above the crevasse shows an average of 203,040 square feet, whereas below the crevasse the average is 153,497 square feet, showing the great difference of 49,543 square feet, or a sum nearly equal to the cross-section of the crevasse, showing conclusively that the river below has contracted in proportion as the volume of the river was reduced by the discharge of the crevasse, and *vice versa*.

The statistical table accompanying this letter is as follows:

Greatest depths above Louck's Landing, (Bonnet Carré) at and about within half mile—	
1850.....	108
1851.....	122, 118, 104
1858.....	180, 99
1874.....	129, 98
1875.....	106, 119
1876.....	120, 119
Greatest depths below the crevasse—	
1850.....	108
1851.....	80, 79, 80, 88
1858.....	80
1874.....	86, 81, 79
1875.....	91
1876.....	89.5
Average depths above crevasse—	
1874.....	61.90
Average depths below crevasse—	
1874.....	53.56
1875.....	54.60
1876.....	58.00
Cross-sections at upper end Bonnet Carré in—	
1850.....	198,734
1858.....	202,051
1874.....	223,295
1875.....	222,000
Cross-sections below Bonnet Carré in—	
1850.....	152,443
1858.....	151,244
1874.....	151,797
1875.....	158,500
Cross-sections, reference for 1874-'75—high-water mark 1874.	

In still further support of my assertion that shoaling always occurs below crevasse outlets, I quote as follows from the report of 1876 by the Louisiana board of levee engineers to the governor of said State:

In many instances—all that the writer knows of—as at the Morganza this year, and below the great Bell crevasse of 1858, the same "contraction of channel" below the outlet was found, but measurements before the crevasses occurred were wanting. Opposite and below Cubitt's Gap we have them.

Reference is here made to the Coast-Survey maps of the Mississippi River mouths and above them of 1839, (see Talcot's survey,) and the late surveys by Lieutenant Marinden, of the Coast Survey department, in 1875. These show an unmistakable filling up of the river bed below the Cubitt's Gap crevasse outlet of 1862. It cannot be said that a "natural contraction of channel," because of an abrupt bend, exists there, for the river is very wide and straight. Where the depths were thirty, forty-two, forty-one, thirty-seven, and twenty-eight feet on a line across the river, with a width exceeding one and a quarter miles about one mile above the head of the passes and below Cubitt's Gap, but from thirty to thirty-one and a half feet is found in the deepest middle portion of the river now, and corresponding reduced depths toward each shore line, the river width remaining unchanged.

Now, I assert that the intimate relation of the velocity of the current to amount of sediment suspended is a plain, simple matter of fact, and not a matter for hydraulic engineering. Any one who has had occasion to observe a bucket of water taken from the Mississippi,

at Saint Louis, for instance, knows that if allowed to stand still for a few hours the sediment will settle to the bottom and the water become clear, and that if again set in motion it will become muddy. On this same principle shoals are formed and cut away below crevasses, for the simple reason that after crevasses occur the river below has less force of current to support the sediment.

Those who deny this natural effect of crevasses reason from assumptions instead of facts. It is possible to reach almost any absurd conclusion, in a logical manner, by starting with a false premise. If I say all rivers flow northwardly—the Mississippi is a river, therefore the Mississippi flows northwardly—the conclusion is logically correct, nevertheless it is untrue, for the simple reason that the premise is untrue.

This style of reasoning is of very frequent occurrence, but it is absurd, and oftentimes very costly to the General Government. I venture to assert that a large portion of the present financial distress of the country results from ill-advised legislation, based upon the use of false premises—the assumption of opinions and statements to be facts which are not facts. The practice is sufficiently annoying in the field of politics, but in the field of science, which is expected to be exact, it is unendurable.

Believing Captain Eads to be correct in his premises attaching to the question of sediment and current, I also believe his conclusion to be correct, and that his theory will tend to deepen the channel of the river and thereby improve navigation. But he may have carried the conclusion to a degree further than the premises justify. I think he has, and I would supplement the plan by closing all outlets and putting in good repair the present line of levees.

If, however, his plan shall be adopted by the proposed commission of engineers, and he shall succeed in its entire fulfillment, and reclaim and protect the alluvial lands, as well as furnish twenty feet depth of navigation from Saint Louis to the Gulf, he will justly be recognized as one of the greatest public benefactors of the age, and his name in history will be as inseparably associated with the Mississippi as that of De Soto, who, as a pioneer sent out by European civilization, first discovered this great natural highway for the commerce of a future great republic.

I maintain that the present levee system, if repaired, and all crevasses and outlets closed, will operate similarly to the jetty plan, for it will tend to keep the channel of uniform width, and thereby cause it to scour out, and improve navigation. But it is less permanent for the reason that the banks are subject to caving at the bends or curves of the river, where the current from above strikes them at an angle. To remedy that defect I would, at these bends, construct revetments, or wing-dams, to deflect the force of the current, prevent caving, and keep the channel permanently located. And it may have to be further supplemented by improvements at the shoals, between Cairo and the mouth of the river, which are in number about ninety, where there is less than eight feet depth at low water. It is virtually the jetty plan, for the principle is the same. But the cost of these revetments or wing-dams would be many times less than the enormous cost of new levees, and in my opinion much less than works on the jetty plan all the way from Cairo to the Gulf.

While, then, agreeing with Captain Eads in theory, I disagree with him in regard to the manner and expense of putting that theory into practical operation.

In speaking of outlets I wish to say that there is but one natural outlet, and that is the La Fourche, which carries its waters directly to the Gulf and has a delta formation of its own. The Bayou Plaquemine, Mancha, and Atchafalaya have been considered as outlets of the Mississippi, but I assert they are but crevasses in the natural banks of the river, for it is susceptible of proof, and can be established by witnesses now living, that even the Atchafalaya was but a waste weir fifty years ago, and always dry in low water; that the Bayou Plaquemine, soon after it diverges from the Mississippi, with a fall of eighteen feet and six inches in the first eight miles, then diffuses itself and overflows the adjoining country.

That the Atchafalaya River has a fall of over forty feet in the first fifty miles, and then diffuses itself and inundates the whole country to an extent forty miles wide by sixty miles long, and then merges into the Berwick's Bay and the Gulf. The Bayou Moncha possesses the same characteristics. The latter stream and the Bayou Plaquemine have both been closed, and therefore the only outlets are the Atchafalaya and La Fourche. Strictly speaking, the last-mentioned one is the only natural outlet. All others are crevasses and breaks in the levees and banks. As the La Fourche and Atchafalaya are needed for purposes of commerce, I do not think they should be entirely closed, but works should be so constructed that their navigation be left free and unimpeded; but any outflow of water more than necessary for this purpose should be checked. Every other outlet and crevasse of the river should be entirely closed.

As regards the effect of closing the outlets and repairing the levees, I desire to read the opinions of two steamboat captains of many years' experience and practical observation on the Mississippi. No more reliable or competent authorities can be cited on this subject.

Captain Leathers, in a letter addressed to me a few weeks ago, says:

I came on the river in 1836. The river was very low that year. The average depth of water on the shoalest bars from the mouth of the Ohio to the mouth of the Arkansas, a distance of about four hundred and fifty miles, was about four feet. From mouth of Arkansas to mouth of Yazoo, about two hundred and

twenty-five miles, there was about five feet. From that to the mouth of Red River, about the same distance, the average depth on the shoaled bars, was seven feet. Below Red River levees had been built, I do not know how long, but thence to the Gulf there was deep water.

Then levees began to be built above Red River in the parishes of Concordia, Tensas, Madison, and Carroll, the result of which was that in 1857, a period of twenty-one years, while the river was twenty inches lower in its banks there was not less than eight and a half feet of water on the shoalest bars in the formerly unleveed district between the Red and Arkansas Rivers, showing an increased depth of four feet scoured out by the current created by concentration of the water.

I am convinced from my observations that if the levees were rebuilt and kept up on the low lands, the concentration of volume, and consequent accelerated current, would soon wash out a channel large and deep enough for any purposes of commercial navigation. I am thoroughly satisfied that in the last ten years the frequent breaks in the levees and crevasses, dispersing the waters over the country and diminishing the current, have caused the river to begin to shoal again. It always shoals near these breaks, evidently in consequence of the slackened current and natural deposit of sediment on the bottom which follows.

I am confident that the only way of deepening the channel and getting reliable navigation is to concentrate the current, and if the great river accommodates itself by scouring out the bottom there will be no necessity for higher barriers at the top, and the levees will become more solid and reliable because relieved in a measure from the great pressure to which they are subjected.

The other authority, Captain Aiken, who is president of the New Orleans and Red River Transportation Company, says in a recent communication to me as follows:

Red River from Shreveport, Louisiana, to its mouth, distance about five hundred miles, was previous to the building of levees along its banks a shoal stream, having a rise and fall of from eight to twelve feet, overflowing its banks during every high water and inundating the country for miles on either side. As the country became settled, the planters built levees to protect their lands from the annual overflows. At about the year 1860 these levees, from Loggy Bayou to Alexandria, distance two hundred and twenty miles, had become connected and continuous, presenting an unbroken line on each bank. It was soon found that the concentration of the water and increased current caused by the levees was washing out and lowering the bed of the river, and the effect has been so great that along this section of the river the rise and fall is now as much as twenty-five to thirty feet, and the lands have not been inundated for years. There are levees standing to-day four feet high above their base, that the highest floods have not touched for years. Since the war the levees have been extended above Loggy Bayou to Robinson's, distance about twelve miles, and the same deepening or lowering of the river-bed has been the result.

From Robinson's to Shreveport, distance about ninety miles, there are outlets on either side; the levees are not continuous and connected as they were below; the lands still overflow and the river is gradually shoaling. Below Alexandria the river is in about the same condition as when first navigated by steamboats, namely, no perfect system of levees, no lowering of its bed; open outlets and annual overflows.

Red River runs its entire course below Shreveport through alluvial soil similar in all respects to that of the Mississippi. There can be no disputing the facts as to the Red River levees having lowered the river bed and deepened the channel as above described. There are thousands of people living on its banks to testify to the truth of this statement, and as the Mississippi and Red Rivers are similar in all respects, except as to the volume of their waters, it seems reasonable to expect that a perfect system of levees on the Mississippi would deepen that river and improve its navigation. In fact, it is known to old Mississippi steamboatmen that the permanent depth of water on the shoalest bars had been increased by several feet along the sections of that river that had been leveed, and that since the breaking of the levees this deepening process has ceased. It is also known to them that bars form opposite and the river shoals below any permanent break or crevasse in a levee.

As to the effect of jetties on river bars we state that Snaggy Point bar, on Red River, seventy-five miles above its mouth, and Alexandria bar, three miles below the town of that name, had always, until recently, been almost impassable obstructions to boats in low water, seldom in these seasons having depths over them of more than fifteen to twenty-four inches. During the low water seasons of 1876 the New Orleans and Red River Transportation Company placed jetties made of willow mattresses on Snaggy, and in less than fifty hours the depth of channel had increased from twenty inches to five and a half feet. After the high water of the following year had subsided, the jetties were found intact and the channel so deep and well defined that not a single boat had a moment's detention at that place throughout the entire season (fall of 1877) which was one of unusual low water. During the fall of 1877 this same company placed jetties on Alexandria bar when there was but sixteen inches water and boats had after putting off all cargo found it impossible to pull over. The channel immediately deepened, and although the river continued to fall for several weeks afterward there was at no time throughout the season less than four and a half to five feet water. Freight charges by the boats were lowered one-third at once in consequence of this improvement.

With the above statements of facts by two competent and trustworthy witnesses, which facts can, as stated by Captain Aiken, be substantiated by thousands of people dwelling in the lowlands, does it not logically follow that the theory of improvement which I have advanced should be put into early operation.

I wish, Mr. Speaker, to say a word in regard to the plan advocated by General Humphreys of constructing new levees a mile or more back from the present ones. There are a few significant facts bearing on that theory of improvement which will, I apprehend, show that it is neither in the interest of economy nor calculated to protect one important portion of the alluvial lands. In the first place the cost would be about \$45,000,000, in addition to the total loss of the enormous sums which have already been expended upon the present works.

Again, by building them a mile or more back from the present line of levees, there would be left to overflow and ruin at least one thousand six hundred square miles, or one million twenty-four thousand acres of fertile lands upon which greater improvements have been made than any other portion of the delta. The value of that area, at \$50 per acre, is over \$50,000,000; and at \$100 per acre, which is not an overestimate when reclaimed and properly cultivated, would be over \$100,000,000. This area, which embraces the property of the front proprietors, is more generally improved by cultivation, buildings, and valuable stock than the low lands farther back from the river. The plan of improvement proposed would result in almost sweeping the whole out of existence.

It is a fact, though perhaps not generally known, that the chief sufferers from the abandonment of this area, as well as from the overflow of the low lands farther back, would be the colored people. Since the war they have in large numbers settled in the overflowed district for the reason that they thought the General Government was pledged to protect those lands from the floods. The failure of the Government to afford such protection has brought upon them untold misery and suffering, as was sadly illustrated by the great flood of 1874.

There is one other plan for protecting the alluvial lands by means of outlets, to which I will allude simply to record my emphatic protest. It would ignore the plans of nature and result in transforming a great national highway of commerce into a series of ditches to drain the lands of the valley.

If there is any one policy more than another which I desire adopted in our legislation upon the interests of the Lower Mississippi, it is the harmonious adjustment of the two great questions, improved navigation, and protection of overflowed lands. And any plan of improvement, or bill, which shall ignore either of these great interests shall receive my earnest opposition.

Believing that questions of theory should be left to a commission to determine, there is, however, an exception to that rule. The closing of outlets and crevasses is a matter of too vast importance to be delayed for the investigations and report of the proposed commission. One single flood is liable to damage crops to the extent of \$50,000,000, and perhaps twice that sum. Is it not economy to insure against such loss to the general wealth? No delay in the work is necessary, for the estimates have recently been submitted to the War Department by the Government engineers in charge of the present surveys. These estimates form the basis of the amendment to the bill providing for a commission, and the immediate prosecution of the work would in no way interfere with a permanent and comprehensive system of improvement. I repeat that I am in favor of leaving theories to the commission; but this is an exception to the rule, for the reason that we have a sufficient report and guide for this preliminary work which it is extravagance to delay.

In conclusion, Mr. Speaker, I feel it to be my duty to urge one other reason why this important work should not be delayed. It seems to me that with the present crippled condition of the industries of the country, and almost unprecedented hardships of the laboring classes, it is the duty of the General Government above all others to afford employment to the unemployed to a degree commensurate with necessary work it has on hand.

The work in arrears in the Departments here at Washington, in the Government offices in the various States, on the unfinished public buildings throughout the country, as well as work upon needed public improvements and material development would if intrusted to the thousands of skillful and competent laborers now idle go far to revive the industries of the country.

Such a progressive policy would be conducive to the welfare of the people who pay us for our labors here, and whom we should consider it an honor as well as sacred duty to serve.

I for one am decidedly of the opinion that all such needed legislation should be consummated before our adjournment.

#### PACIFIC RAILROAD COMMISSION.

Mr. RICE, of Massachusetts, addressed the House on the subject of the Pacific Railroad commission. [His remarks will appear in the Appendix.]

Mr. TIPTON moved that the House adjourn.

The motion was agreed to; and accordingly (at eight o'clock and fifty-five minutes p. m.) the House adjourned.

#### PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BANKS: Memorial of the Chicago soldiers and citizens' colony, signed by C. N. Pratt, Louis White, and 200 other persons, heads of families, contemplating immediate colonization in Kansas, on the line of the Kansas Pacific Railway, in townships 10, 11, 12, and 13, range 25, and 10, 11, 12, 13, range 26, and having located a town to which twenty-five families have removed and established a post-office and filed applications each under the homestead laws that an extension of time may be granted by Congress in which their titles may be perfected from six months, as now provided, to two years on account of the impossibility of providing for the removal of their families in the present depressed condition of the country—to the Committee on Public Lands.

By Mr. BANNING: The petition of Jacob Halbauer, for a pension—to the Committee on Invalid Pensions.

By Mr. CORLETT: A communication from Frederick Whittaker, of Mount Vernon, New York, that an investigation be made into the conduct of the United States troops engaged in the battle of Little Big Horn, fought June 25, 1876, in which Lieutenant-Colonel Custer, Seventh United States Cavalry, brevet major-general United States Army, perished with five companies of the Seventh Cavalry at the hands of the Indians—to the Committee on Military Affairs.

Also, a paper relating to the claim of Robert H. Young—to the same committee.

By Mr. DEAN: The petition of Elizabeth Clune, for a pension—to the Committee on Invalid Pensions.

By Mr. GIDDINGS: The petition of citizens of Grimes County, Texas, for the division of said State into two judicial districts—to the Committee on the Judiciary.

By Mr. STEVENS, of Arizona: Five petitions of citizens of Arizona Territory and one petition from citizens of the Territory of New Mexico, for the enactment of such laws as will allow the Southern Pacific Railroad Company to build their road through New Mexico and until a connection is made with the Gulf of Mexico—to the Committee on the Pacific Railroad.

By Mr. VANCE: A paper relating to the establishment of a post-route from Cashier's Valley, via Gum Bottom, to New Pickens Court House, South Carolina—to the Committee on the Post-Office and Post-Roads.

## IN SENATE.

MONDAY, June 10, 1878.

The Senate met at eleven o'clock a. m.  
Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.  
The Journal of the proceedings of Saturday last was read and approved.

### DISTRICT GOVERNMENT.

Mr. DORSEY. I move that the Senate proceed to consider the conference report upon the District bill.

The motion was agreed to; and the Senate proceeded to the consideration of the report; which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill of the House (H. R. No. 3250) providing a permanent form of government for the District of Columbia, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with the following amendments:

Page 1, line 15, insert after the word "Army" the following: "whose lineal rank shall be above that of captain."

Page 2, line 25, strike out the words "one year" and insert "three years."

Page 3, line 62, strike out all after the word "power" to and including the word "and" in line 64.

Page 3, line 78, insert after the word "law" the following words: "said commissioners shall have power to erect, light, and maintain lamp-posts with lamps outside of the city limits when in their judgment it shall be deemed proper or necessary."

Page 4, line 87, strike out the word "eighty" and insert the word "seventy-nine."

Page 4, line 109, strike out the word "they" and insert the word "Congress."

Page 5, line 123, insert after the word "property" the following: "held and used exclusively for agricultural purposes."

Page 5, line 126, strike out all after the word "dollars" to and including the word "taxes" where it first occurs in line 130.

Page 5, line 133, strike out the word "ten" and insert the word "thirty."

Page 7, line 153, strike out all after the word "payable" down to and including the word "States," in line 161.

Page 7, line 161, strike out all after the word "pay" to and including the word "fund," in line 162.

Page 7, line 164, strike out all after the word "provided," where it first occurs, to and including the word "seventy-five," in line 171.

Page 8, line 191, strike out the words "and all contracts" and insert the following: "All contracts for the construction, improvement, alteration, or repairs of the streets, avenues, highways, alleys, gutters, sewers, and all work of like nature, shall be made and entered into only by and with the official unanimous consent of the commissioners of the District; and all contracts."

Page 8, line 192, strike out the words "at least two of."

Page 8, line 198, strike out all after the word "manner" to and including the word "yard," in line 199.

Page 9, line 204, after the word "performed" insert the following: "to the satisfaction of and acceptance by said commissioners."

Page 11, line 269, after the word "direct" insert the following: "The President of the United States may detail from the Engineer Corps of the Army not more than two officers of rank subordinate to that of the engineer officer belonging to the board of commissioners of said District, to act as assistants to said engineer commissioner in the discharge of the special duties imposed upon him by the provisions of this act."

Page 12, line 283, strike out all after the word "now," through and including the remainder of that section, and insert the following: "authorized by law."

Page 13, line 314, strike out the word "four" and insert the word "three."

S. W. DORSEY,

J. J. INGALLS,

W. H. BARNUM,

Managers on the part of the Senate.

JO. C. S. BLACKBURN,

A. S. WILLIAMS,

G. W. HENDEE,

Managers on the part of the House.

The report was concurred in.

### PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Mrs. W. D. Williams and others, citizens of Michigan, praying for an amendment to the Constitution of the United States granting to women the right of suffrage; which was referred to the Committee on Privileges and Elections.

Mr. CONOVER presented a preamble and resolution adopted at a meeting of citizens of Key West, Florida, in regard to the Great Southern Railway; which was referred to the Committee on Railroads, and ordered to be printed in the RECORD, as follows:

At a meeting of the citizens of Key West, Florida, held at the city hall May 25, 1878, the following memorial and resolutions were unanimously adopted, namely: Whereas we, the citizens of Key West, in public meeting assembled, considering

the great necessity of more direct and ready communication with the West Indies and the more northern of the South American states, and the fact that the geographical position of the peninsula of Florida, with its level surface and numerous advantages, its line of keys extending to within ninety miles of the coast of Cuba in an unbroken chain, and in almost immediate contact, presents a most favorable opportunity for the construction of a railroad to supply the required demand, and that such railroad having its terminus at the port of Key West, a point of the greatest military importance, commanding, as it does, the entrance to the Gulf of Mexico, is a matter of sufficient general interest to the country at large to justify entitle it to national aid, assistance, and encouragement, and that the vastness of the undertaking renders it necessary to seek such aid: Therefore,

Be it resolved, That our Senators and Representatives in Congress be requested to do all within their power to procure the passage of House bill No. 3562, in aid of the Great Southern Railroad.

Resolved, That the secretary of this meeting be requested to send a certified copy of this memorial and resolution to each of our Senators and Representatives in Congress.

WILLIAM CURRY,

Chairman.

G. BROWNE PATTERSON,

GEORGE D. ALLEN,

Secretaries.

Mr. ANTHONY. I present the memorial of the heirs of John W. Vose and James S. Ham, representing that they were in possession of certain bonds of the United States which were deposited in the Traders' Bank of Providence, and that the bank was robbed; and, as the bonds have been called in, they ask for the issue of new bonds to themselves. I think, Mr. President, that there should be a general law providing that where bonds have been lost or stolen and called in new bonds can be issued and deposited in the Treasury as security against the return of the old bonds, and interest paid to the equitable owners. I ask the special consideration of the Committee on Claims to this case, to whom I move the memorial be referred.

The motion was agreed to.

Mr. VOORHEES. I present a petition, praying for an increase of pension, signed by S. L. Emerson, who lost his left leg in front of Petersburg, July 26, 1864; S. F. Haskell, who lost his right arm in front of Petersburg, June 16, 1864; Francis M. Allen, who lost his left arm at Cedar Creek, on the 19th of October, 1864; Josiah Doran, who lost one leg in the Wilderness, May 6, 1864; W. H. Howard, who lost a leg at Gettysburg; Lyman Wright, who lost an arm at Cedar Mountain; Charles E. Mayburg, who lost an arm at Weldon Railroad, and A. H. Penly, who lost his left arm in front of Petersburg, June 18, 1864. I take the liberty of reading the names because they have subscribed themselves in that way. I move the reference of their petition to the Committee on Pensions.

The motion was agreed to.

Mr. EATON presented the petition of Mrs. H. A. Foster, D. E. Easton, Sarah A. Hinds, and others, citizens of Meriden, New Haven County, Connecticut, praying for an amendment to the Constitution of the United States, prohibiting the several States from disfranchising United States citizens on account of sex; which was referred to the Committee on Privileges and Elections.

Mr. THURMAN presented the petition of William H. Remington and others, citizens of Meigs County, Ohio, praying for an amendment to the Constitution of the United States, so as to provide for the election of President and Vice-President of the United States by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented the petition of J. Barker and others, citizens of Cleveland, Ohio, praying for the prompt recognition of the claims of pensioners who are sufferers, as is alleged, by the provisions of an unwise limitation law; which was referred to the Committee on Pensions.

Mr. THURMAN. I present the memorial of certain ladies of Oberlin, Lorain County, Ohio, remonstrating against any legislation looking to the conferring upon women of the right of suffrage. I want to say in this connection that the memorial was sent to me a year ago, but by accident it became mislaid. I found it to-day, and I comply with their request in presenting it now. I move that it be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. OGLESBY. I present the petition of Kate B. Ross and 150 others, citizens of Abingdon, Knox County, Illinois, and also the petition of Mrs. S. Brown and about 100 others, citizens of Adams, La Salle County, Illinois, praying for an amendment to the Constitution of the United States, prohibiting the several States from disfranchising United States citizens on account of sex. I move that they be referred to the Committee on Privileges and Elections, and I ask that the committee take serious notice of these petitions.

The motion was agreed to.

### REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1344) relating to tax sales and taxes in the District of Columbia, reported it with amendments.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. No. 1106) to reimburse purchasers at direct tax sales in Arkansas declared illegal by United States courts in consequence of a defective board of commissioners, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 116) authorizing the Secretary of the Treasury to adjust and settle the debt due the United States by the State of Arkansas, reported it with amendments.

Mr. BURNSIDE. I am directed by the Committee on Military