

By Mr. DAVIS, of California: The petition of merchants of San Francisco, for the passage of House bill No. 3648—to the Committee on Appropriations.

Also, resolution of the Legislature of California, relative to grading streets adjacent to the San José Point reservation—to the Committee on Military Affairs.

Also, a communication of Judge Lorenzo Sawyer, relating to the appointment of United States shipping commissioners—to the Committee on Commerce.

By Mr. EICKHOFF: The petition of Mary M. Butler, for a pension—to the Committee on Invalid Pensions.

By Mr. GARFIELD: The petition of H. M. Brown and William C. McGill, that a substitute be adopted for the bill (H. R. No. 4621) relating to the sale of spirituous liquors in the District of Columbia—to the Committee for the District of Columbia.

By Mr. GARTH: The petition of Mrs. C. L. Robinson, for compensation for property taken and damaged by the United States Army—to the Committee on War Claims.

By Mr. GIDDINGS: The petition of the board of aldermen of Austin, Texas, for an appropriation of \$10,000 to repair barracks upon the military reservation in said city—to the Committee on Military Affairs.

By Mr. HARRIS, of Georgia: The petition of citizens of Talbot County, Georgia, for the passage of the Texas and Pacific Railroad bill—to the Committee on the Pacific Railroad.

By Mr. HENKLE: Papers relating to the claims of Albert Greenleaf, William Flinn, and Samuel P. Brown—to the Committee of Claims.

By Mr. HOUSE: The petition of S. E. Jones & Sons, of Nashville, Tennessee, relating to a patent for improvements in cane-mills—to the Committee on Patents.

By Mr. LOCKWOOD: Papers relating to the Indian depredation claim of Henry A. Bateman—to the Committee of Claims.

By Mr. MORGAN: The petition of J. B. Emory, John W. Tidings, and 40 other citizens of Barton County, Missouri, for the enactment of a law prohibiting the introduction of Texas cattle into the State of Missouri during the summer months—to the Committee on the Judiciary.

By Mr. MULLER: The petition of Henry L. Joyce, for compensation as a page in the House of Representatives—to the Committee on Reform in the Civil Service.

By Mr. PEDDIE: The petition of steam-yacht-owners of Newark, New Jersey, that small steam-vessels used as pleasure boats, for private uses and for the purposes of improvement in steam-navigation, shall be exempted from the requirements of existing laws relating to the inspection of vessels propelled by steam—to the Committee on Commerce.

By Mr. TOWNSEND, of Ohio: The petition of Nathaniel Anson, Edward L. Hildebrandt, John P. Fletcher, and 400 other mechanics and laboring-men of Cleveland, Ohio, for the passage of Mr. WRIGHT'S bill in aid of settlers on homesteads, or for some other similar bill—to the Committee on Public Lands.

By Mr. VEEDER: Papers relating to the pension claim of Mary E. Murphy—to the Committee on Invalid Pensions.

By Mr. WOOD: The petition of Jonas P. Levy, that he be paid the sums of money due him by the government of Mexico—to the Committee on Foreign Affairs.

IN SENATE.

WEDNESDAY, May 22, 1878.

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

PETITIONS AND MEMORIALS.

Mr. HAMLIN presented the petition of John Brown, guardian of the children of John Nelson, deceased, who was a soldier in the late war, praying the passage of an act granting them a pension; which was referred to the Committee on Pensions.

Mr. MERRIMON. I present five petitions, signed by more than 300 of the leading citizens of Fayette, North Carolina, of all trades and businesses, representing that in their opinion the tax of 10 per cent. levied on the circulating notes issued by banks chartered by the different States is unjust and against the best interests of the people, and they pray Congress to repeal as much of the internal-revenue law as imposes this tax. I believe I can say that the public sentiment of North Carolina is unanimous on that subject. I move the reference of these petitions to the Committee on Finance.

The motion was agreed to.

Mr. SARGENT. I present the petition of Benjamin S. Brooks, Egbert Judson, John Carter, and David S. Turner, of California, in which they state that they are the owners of an island called Yerba Buena, somewhat known in the discussions of Congress, and they trace the right to the same back to 1849, as they claim. They pray that this right be recognized by Congress by appropriate legislation. As the island is a military reservation, I move the reference of the petition to the Committee on Military Affairs.

The motion was agreed to.

Mr. MATTHEWS presented the memorial of Allison, Smith & Johnson, and others, manufacturers of and dealers in type, of Cincinnati, Ohio, remonstrating against the refunding to Miller & Richards of a fine imposed upon them for undervaluing goods passed through the custom-house at San Francisco; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. DAVIS, of Illinois, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 4874) for the relief of the sureties of John McNellis, asked to be discharged from its further consideration and that it be referred to the Committee on Finance; which was agreed to.

Mr. SARGENT, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 4420) for the relief of Horace E. Mullan, reported it with amendments, 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. 1918) for the relief of Milton B. Cushing, paymaster United States Navy, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 230) to authorize and enable the Eastern band of the Cherokee Indians to institute and prosecute a suit in the Court of Claims against the Cherokee Nation, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. HEREFORD. I am instructed by the Committee on Claims, to whom was recommitted the bill (S. No. 235) for the relief of Joseph Kinney, administrator of David Ballentine, of Missouri, to report it favorably, adopting the report previously submitted by the committee. There is a minority report also, which will be presented by the Senator from Massachusetts, [Mr. HOAR.]

Mr. HOAR. I desire in behalf of four members of the committee to present the views of the minority; which I ask to have printed. The PRESIDENT *pro tempore*. The order to print will be made.

Mr. GROVER, from the Committee on Public Lands, to whom was referred the bill (S. No. 885) to amend the act approved September 27, 1850, creating the office of surveyor-general of Oregon, providing for the survey and making donations to settlers of the public lands in Oregon, and also the act amendatory thereof, approved February 14, A. D. 1853, reported it without amendment.

Mr. JONES, of Florida, from the Committee on Naval Affairs, to whom was recommitted the bill (S. No. 1132) for the relief of Lieutenant-Commander James H. Sands, United States Navy, reported it with amendments.

Mr. OGLESBY, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 613) subjecting the Fort Wayne military reservation, in the State of Arkansas, to entry as other public lands in said State, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

DRURY BYNUM.

Mr. OGLESBY. I am directed by the Committee on Public Lands, to whom was referred the bill (S. No. 1201) for the relief of Drury Bynum, to report it without amendment and to submit a written report thereon. I will state that the amount involved is only \$35, being a fractional part of a quarter's payment due him in 1861 in some land office in Mississippi. The Commissioner of the General Land Office sent the account to be examined, and it was found that that balance was due Mr. Bynum. All that is needed is an appropriation to allow the money to be paid. It will be a troublesome matter to take up again, and it is better for the Senate to dispose of it now than at any other time. I therefore ask that the Senate proceed to the consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to pay to Drury Bynum, late register of the United States land office at Paulding, Mississippi, the sum of \$35.

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

BILLS INTRODUCED.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1291) granting a pension to Archibald Nelson and John Nelson, minor children of John Nelson, deceased; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1292) for the relief of Elias D. Bruner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1293) granting a pension to Sallie A. Palmer; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1294) authorizing the construction of a bridge across the Wabash River; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENT TO POST-ROUTE BILL.

Mr. BECK and Mr. WITHERS submitted amendments intended to

be proposed by them respectively to the bill (H. R. No. 4286) to establish post-routes in the several States therein named; which were referred to the Committee on Post-Offices and Post-Roads.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. GROVER submitted an amendment intended to be proposed by him to 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; which was referred to the Committee on Commerce.

SETTLERS ON PUBLIC LANDS.

Mr. PADDOCK. I move that the Senate take up the bill (H. R. No. 3373) for the relief of settlers on the public lands under the pre-emption laws, which I reported yesterday from the Committee on Public Lands. It is a mere matter of form, and a similar bill has passed the Senate.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs that any person who has made a settlement on the public lands under the pre-emption laws, and has subsequent to such settlement changed his filing in pursuance of law to that for a homestead entry upon the same tract of land, shall be entitled to have the time required to perfect his title under the homestead laws computed from the date of his original settlement heretofore made, or hereafter to be made, under the pre-emption laws, subject to all the provisions of the law relating to homesteads.

Mr. BECK. What is the meaning of "changed his filing in pursuance of law?"

Mr. PADDOCK. The change of his filing made under the pre-emption law to that for a homestead. The object of the bill is to give pre-emptors who have spent a year or two or three years upon their lands in improving them the benefit of that time when they shall make the change described in the bill as they may do now under the law as it stands but with the loss of their time theretofore spent upon the land. I will state to the Senator that although this is a House bill the Senate some time ago passed exactly the same bill and sent it to the House; but instead of the House taking up the Senate bill and passing it they passed the House bill, every word of which is the same, and sent it to us.

Mr. BECK. I did not catch the word exactly and did not understand its meaning. I understand it now.

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

JOHN HENDERSON.

Mr. ALLISON. I move to take up the bill (S. No. 796) for the relief of John Henderson. I think it will take but a moment.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to refund and pay to John Henderson \$5,000, in full satisfaction of the amount paid by Henderson upon a bond for the release of one hundred barrels of spirits given by him as claimant, under the order of the United States district court for the eastern district of Missouri, and upon which spirits he in good faith had paid the taxes assessed by the United States officers.

Mr. DAVIS, of West Virginia. I think the bill ought to have an explanation.

Mr. ALLISON. I will say that this bill was considered by the Committee on Finance of the Senate and unanimously agreed to. Mr. Henderson was a citizen of New Orleans, and a dealer in liquors. He purchased in bond from a Government warehouse one hundred barrels of whisky, paying the owner of it the excess over the tax of about a thousand dollars. This was done in the ordinary course of business. He shipped these high wines to Saint Louis and sold them there in open market. Afterward, the Government of the United States seized the hundred barrels of whisky upon the idea that the original intent of the distiller was to defraud the revenue. Mr. Henderson filed his bond, and secured the release of the whisky. The case was tried in the district court and Henderson recovered. It was appealed to the circuit court and Henderson recovered, and then it was appealed by the Government of the United States to the Supreme Court of the United States, and a majority of that court decided against Henderson under a section of the statute which states, as interpreted by a majority of the court, that if the distiller had the original intent to defraud the Government that intent must follow the high wines through until they were purchased in open market. A minority of the court, however, held that Mr. Henderson, having purchased these liquors in good faith, was entitled to recover the amount of his bond. The committee were unanimously of the opinion that Mr. Henderson ought to have refunded to him the amount paid on the bond, and therefore they reported the bill favorably.

Mr. SAULSBURY. The bill is then to reverse the decision of a majority of the Supreme Court?

Mr. ALLISON. No, sir; it has no such purpose. Upon a technical construction of the statute the Government of the United States has taken out of Mr. Henderson a tax on those distilled spirits. The innocent purchaser paid only the value of the spirits. The Government has recovered the amount of the bond originally given by Mr. Henderson when he recovered the spirits from the Government under a writ of replevin.

Mr. BAYARD. There has been no defalcation.

Mr. ALLISON. No defalcation in any respect was made either by the distiller or by Mr. Henderson. Henderson purchased the spirits from a Government bonded warehouse and paid the tax, over \$3,000 I believe, or about \$3,000, for the spirits, and paid the distiller the value of the spirits over and above the tax, amounting to \$1,000 more. In other words he paid over \$4,000; \$3,000 of which went into the Treasury, and under a technical construction of the statute by a majority of the Supreme Court he has had a judgment rendered against him of \$5,000 on his bond. We say that is inequitable and unjust, and therefore the Government cannot afford to hold this money.

Mr. WITHERS. It is to relieve him from the payment of that judgment.

Mr. ALLISON. He has paid the judgment, and it is to refund the amount paid to the Government as tax.

Mr. WITHERS. I understand.

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

TREASURY DISCREPANCIES COMMITTEE.

Mr. DAVIS, of West Virginia. I ask the Senate to take up the resolution I offered a few days ago in regard to the Treasury discrepancies committee, and providing for the continuance of the committee during the recess of Congress, and I call the attention of the Senator from Vermont [Mr. MORRILL] to the matter.

The Senate resumed the consideration of the following resolution, submitted by Mr. DAVIS, of West Virginia, on the 17th instant:

Resolved, That the select committee to investigate the finance reports, books, and accounts of the Treasury Department, appointed under resolution of the Senate of November 19, 1877, in addition to the powers conferred by said resolution, have leave to continue its investigation and sit during the vacation or recess of the Senate.

Mr. MORRILL. I do not propose to make any objection to the proposition made by the Senator from West Virginia, although I think the statement that he made the other day was rather gratuitous in anticipating the report of the committee and saying that there was no doubt about the facts that he had stated being as stated by him. I thought that was rather anticipating the verdict. I must say in addition to this, having ascertained from the Senator's own admission that he does not propose to superintend or take care of this investigation during the recess, that this appears to be nothing more than a proposition to allow the clerks to have a *per diem* during the recess. I trust to the prudence of the Senator from West Virginia, knowing his notions of economy, that he will see to it that they do not cavort about and run the Government largely into debt during the recess.

Mr. DAVIS, of West Virginia. Mr. President, as to the gratuitous part of anticipating the report of the committee, I had not intended to say one word on that branch until the resolution was objected to; but I will say to the Senator from Vermont that there was no gratuitous information given. I stated as a Senator, not upon the authority of the committee, as the committee had not been consulted, that each and every statement that I had made in my previous remarks in the Senate would I believe be found substantially true, including the assertion that the debt statements had been changed to the extent of over \$200,000,000. I repeat that now. I believe that every word I said, and more too, will be proven. But that statement is made upon my own responsibility. I have no authority from the committee to make it.

As to the examination to be made during the recess, it is known to the Senate that the committee has two clerks engaged at a *per diem* of \$6. That is all the expense that will be and all that has been incurred. There has been no testimony taken up to the present time, and probably none will be taken during this session. The committee as a whole I believe thought it best that the clerks during the recess of Congress should look carefully into the books of the Register, the Secretary, and the Treasurer, and make comparisons. I believe that the work will be done by the two clerks properly. Eight or nine hours every day will be employed by those two clerks in examining and comparing the books. What the result will be, of course I know nothing about; but in justice to myself, having made repeated statements in the Senate that discrepancies did appear, that changes had occurred, and that those changes involved very large amounts, I wanted the Senator from Vermont and the Senate and the country to know that we are not asking to continue the committee in order to examine into what I had stated in the Senate, for that already has been examined into, but that it is other and new things into which we propose to examine. I say to the Senate that I believe the committee have worked diligently. They have called upon the Secretary of the Treasury and other Secretaries for information which has not yet been furnished. It is impossible for the committee to make a report until the information asked for by the committee from the heads of Departments is furnished. I believe the heads of Departments have done what they could properly to furnish the committee with information. There has been nothing kept from them that ought to have been furnished.

Mr. ALLISON. The object of this resolution, as I understand it, is specifically as stated by the Senator from West Virginia, namely, to enable the two clerks of the committee to continue their investigations in the Treasury Department. I think there is no other object proposed. I do not understand that the committee propose to take

testimony or to continue specially their investigations. The object is only that these two experts, as they are called, may continue during the recess their examinations of these voluminous books, extending through a long time, and prepare tables and matters of comparison for the committee when the recess shall have ended. But that there may be no mistake about it, I suggest to the Senator from West Virginia that he add to the resolution the words "so far as to continue the examination of the books in the Treasury now in progress." That is the exact purpose the committee have in view, and I think it had better be expressed upon the face of the resolution.

Mr. DAVIS, of West Virginia. I listened with pleasure to my colleague on the committee [Mr. ALLISON] and I agree with him except in this, that his suggested amendment may restrict us to books now being examined. I think it would be better to let the resolution merely give the committee leave to continue its examination, and the committee will have power to determine what kind of investigation it shall be. The Senator himself will have power to direct the examination by suggesting to the chairman what to do, if he thinks proper. The object of the committee is that these clerks may continue their work during the recess. That is all. But if we incorporate in the resolution the suggestion of the Senator from Iowa, it may restrict us to some particular books, which the Senator does not intend, I know.

Mr. ALLISON. I suggest to add, "so far as to continue the examination of the books in the Treasury now in progress." That is the examination of the Treasury books being now in progress, it may be continued during the vacation. That is the object, and I think it is wise to state it on the face of the resolution.

Mr. DAVIS, of West Virginia. I do not like to differ with my colleague on the committee, but I think the resolution now will cover it.

Mr. ALLISON. I move the amendment which I have suggested, so as to take the sense of the Senate upon it.

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

Mr. DAVIS, of West Virginia. Let it be reported.

The PRESIDENT *pro tempore*. The Secretary will report the amendment.

Mr. INGALLS. It is probable that the interval between the adjournment of Congress and the commencement of the next session will be brief, and the members of the select committee will undoubtedly be considerably occupied. A number of the committee live at quite a distance from the capital, and it would be very inconvenient to have this resolution adopted in such a shape that meetings of the committee might be called which some of the members could not attend. I understand the only object which the Senator from West Virginia has in view is to have the formal examination of the books now in progress continued by the clerks or experts who have that branch of the examination in charge. That being the case, it is proper that the resolution offered by the Senator from West Virginia should be restricted by the amendment proposed by the Senator from Iowa.

While I am upon the floor, I will say that I regretted extremely to hear the statement made by the Senator from West Virginia when this resolution was before the Senate on a previous day, and which he has repeated again this morning. He alluded to the fact that he spoke for himself and not by order of the committee. That is true. But my understanding of the proceedings of that committee up to this instant has been that under no circumstances were any declarations to be made or any statements to be offered to the public while the investigation was in progress, the apprehension being very natural that as the examination was but partial, statements might be made which would injuriously affect the credit of the country, and I will venture to observe that myself having examined the records so far as they have been made by these experts now having the case in charge, I differ entirely from the Senator from West Virginia in regard to the statement that he has made. I do not believe that the examination when concluded will show that there has been any dereliction of duty or any corrupt appliance or any improper use of the public funds by any officer of this Government, but that on the contrary discrepancies, if they exist, will be found to be entirely innocent and explicable upon theories consistent with the honesty of the public officials and due simply to the different methods of book-keeping that have been adopted by different administrations having the finances of the country in charge.

Mr. DAVIS, of West Virginia. Mr. President, before I speak to the change proposed to the resolution I will say a word in reply to my colleague on the committee, [Mr. INGALLS.] It is true, as he stated, that there was an understanding in the committee that no statements made and no information gathered by the committee should be made public. I think that has been adhered to, at least so far as I know, though there have been many applications of course by correspondents for information. I believe the committee has adhered to its rule. I regret that my colleague on the committee differs with me in that—I ought to say that the statements I had heretofore made I believed would be found true. That was the extent to which I went. I said nothing about what any result of the committee's examination had been. I spoke as a Senator, and not on the part of the committee, and I thought I was not going beyond the proper understanding of the committee when I made that statement. If I had thought so I should not have used the language I did. But the statement has been made, and I think it is true. I believe as firmly as that I am

here that every statement I have made heretofore about discrepancies in the Treasury Department and the changes and alterations is true. Now as to the misapplication of money and as to what officer did this and as to how it was done, as the Senator has spoken of that, I have expressed no opinion. I do not expect to express any. That does not change the statement I have heretofore made that the changes and alterations, especially in the debt statement, had increased the public debt over \$200,000,000. That is a fact. The statements show for themselves. I am not stating it for the committee; I state it as an individual, and I have stated it heretofore in the Senate two or three times, and I now repeat it. I believe it to be so, and I think the investigation will show it. I am sorry, though, that I have in any way got beyond, if I have, the understanding of the committee. I had no understanding with the committee that I as an individual in the Senate could not speak of what I believed to be the facts as connected with the investigation. In that respect I spoke not upon the part of the committee, and I do not say now that the committee has passed upon anything at all connected with the investigation.

Mr. ALLISON. I wish to ask the Senator from West Virginia a question before he sits down. He says the debt statement has been increased \$200,000,000.

Mr. DAVIS, of West Virginia. Over \$200,000,000.

Mr. ALLISON. Over \$200,000,000. Does he mean by that to say that the debt has been improperly stated to the extent of \$200,000,000 or does he mean to say that somebody has taken \$200,000,000 out of the Treasury?

Mr. DAVIS, of West Virginia. Certainly, Mr. President, the Senator does not mean to infer that I had said that somebody had taken \$200,000,000 out of the Treasury. I never have made such a statement and I never expect to make such a statement until the committee make the report, and not then unless it be a fact. I have made no such statement, nor do I intend to make any such statement, nor can any Senator draw me into making such a statement in advance of the fact being investigated by the committee. What I do state is this: take the Register's report, also the Secretary's and Treasurer's reports for 1869, and compare them with the official finance reports to Congress made in 1871, and there will be found an increase of the public indebtedness of more than \$200,000,000 upon the face of the statements themselves. Now, the object of the committee is to investigate that change and see why it was made. Does either of the Senators or does any Senator deny that fact? Can any Senator deny that important fact?

Mr. ALLISON. There was a different mode of statement; that was all.

Mr. DAVIS, of West Virginia. A different mode of statement when the amount is increased, as I have said, over \$200,000,000! It is a different mode of statement; but you may take an accountant and let him desire to make a different mode of statement and make an increase or decrease, and he certainly can do it. There is no trouble about that. It does not take away from the fact that the debt statement has been increased over \$200,000,000.

Mr. BLAINE. This seems to me a very important statement, and I should like to get what the Senator means.

Mr. DAVIS, of West Virginia. I mean just what I say.

Mr. BLAINE. There has been ever since the war closed a monthly statement of the public debt every month, and it has shown right along a gradual decrease. At what point was this \$200,000,000 increase?

Mr. DAVIS, of West Virginia. The Senator is mistaken about the monthly debt statement having been made ever since the war. I think it commenced in 1866 or 1867.

Mr. BLAINE. That was very near the war. I did not mean the very day it closed.

Mr. DAVIS, of West Virginia. I say to the Senator that the monthly debt statements do not agree with the statements contained in the finance reports as sent to Congress. I say further that the Register, the Secretary, and the Treasurer all differ as to the amount of public debt constantly up to 1870, and in 1870 there was a general revision of the public debt and all these statements got comparatively together; and between 1869 and 1871 as stated previous to 1869 there was an increase. For instance, I will take one year, if the Senator desires me to do so; take the year 1862: Secretary Chase, as will be remembered, made the report to Congress in 1862. In round numbers he said the public debt was \$514,000,000, and it was so reported by each Secretary and by Secretary Chase himself in after years up to 1869. When you take up the report of 1870 the debt of 1862 is put down at \$524,000,000, an increase in round numbers of \$10,000,000 in that particular year. Now take, if you choose, the year 1868, and you will find an increase from what it was reported at in 1868, when it is reported in 1870 of about \$75,000,000 according to my recollection. In that way, I say, the debt statements have changed, and increases have taken place.

Mr. BECK. Mr. President, on the 19th of November, 1877, the President of the Senate appointed Mr. DAVIS of West Virginia, Mr. BECK, Mr. ALLISON, Mr. INGALLS, and Mr. CAMERON of Pennsylvania a committee under a resolution which I will read:

To investigate the finance reports, books, and accounts of the Treasury Department, particularly with reference to differences, discrepancies, and alterations in amounts and figures that have been made in them, if any such there be, especially in the annual statements of the expenditures of the Government, revenue collected, and the public debt contained in said reports; and, if any such differences, dis-

crepancies, and alterations be found to exist, to report the same and the extent and nature thereof, the years wherein they occur, by what authority made, (if any,) the reasons that induced them, and to report generally such other and further information bearing upon the subject as to them may seem best; and that said committee have power to send for persons and papers, to take testimony, to employ a stenographer and two clerks, and with leave to sit during the session of the Senate; and that the expenses attending this investigation shall be paid out of the contingent fund of the Senate, upon vouchers approved by the committee; and said committee shall not be dissolved by the expiration of the present session of the Senate, but shall exist until it shall make its report or shall be discharged.

That resolution indicated, by the elaborate and careful language and details it contains, not only that the Senate regarded the question as an extremely important one, and one involving a vast amount of labor, one which involved perhaps the correctness of the books of the Treasury Department and the confidence the people of this country and of other countries would have in the statements made by the Treasury officials. I think the resolution gave us power to sit during the recess. It uses this language:

And said committee shall not be dissolved by the expiration of the present session of the Senate, but shall exist until it shall make its report or shall be discharged.

Fearing, however, that we might not have the power to sit under those general words, the committee at a meeting it held ordered the chairman to ask for this additional authority:

That the select committee to investigate the finance reports, books, and accounts of the Treasury Department, appointed under the resolution of the Senate of November 19, 1877, in addition to the powers conferred by said resolution, have leave to continue its investigation and sit during the vacation or recess of the Senate.

I thought we had the power, but the committee desired to have it made perfectly clear, and I am sorry that anything has been said on either side as to what will be the result of our investigations. Our action evidently is extremely important, and we have been making them with great care. I do not know how much attention others have paid to them; I know I have gone to our committee-room at least once a week during the whole winter and have found the chairman of the committee there, I believe, nearly every time I went, with the clerks working faithfully, calling for a report of the Secretary from his books, of the Register from his books, of the Treasurer from his books, comparing them together and with the finance and other reports, to see how the different accounts stood and how they had from time to time been kept or changed; calling on the Secretary of War for the expenditures of his Department, on the Secretary of the Navy for the expenditures in his, on the Secretary of the Interior for the expenditures in his, on the Postmaster-General for his, so as to compare each together and with the reports of the Treasury officials. I avow here that the object I had in view in seeking to extend this examination and sitting during the recess if necessary, calling the committee together if it was thought best and keeping the clerks at work under the general authority, not limiting it as the Senator from Iowa seems to desire—in short I was anxious to do whatever is necessary to ascertain the truth and the whole truth in the matter. I desired, above all other things, not to make a partial report now. It cannot be done and do justice, the proper investigation cannot be had and the examination of witnesses made before this session of Congress adjourns if we attend properly to our other duties; and as there will be a heated canvass all over the country this fall in a majority of the congressional districts, I greatly desire that no imperfect report should be made that would perhaps do injustice to one side or the other during that canvass. I hope that every fact and every opinion that gentlemen on the committee on either side might have should be withheld from the public until the examination was concluded and the result carefully and well announced to the Senate. In order to do it even next winter, I believe these clerks will have to work all summer. I think the committee ought to meet once or twice during the recess, or perhaps we could come here say two weeks before Congress meets, in order to take testimony, in order to be able to get through next winter after the excitement of the November election shall have passed away.

For myself I never have indicated and I will not now indicate any opinion as to the result; and I was anxious to bridge over this examination during any political excitement because it will be better for all parties that the facts should turn out, if they can be shown to do so, that the books of the Treasury have been honestly kept and that the accounts and the money of this people have been properly cared for; and I hope it may turn out that way. Whether it will or not is not for me to say now, because we have not progressed far enough to ascertain whether it will or not; but I do not want any party in these congressional races to assume the fact to be one way or the other. But I did not want, after spending six months of labor here trying to ascertain all the facts, to come in now with an imperfect report or be cut off from continuing the investigation in any way we may desire. I hope we shall not be called upon to meet during the recess. I have a great desire not to come here then, but it may be that it may be important to come a week or two in advance of the regular meeting of Congress, and I should like the authority to remain as I think it remains in the original resolution to do whatever the circumstances may require us to do.

I hope the Senator from Iowa will withdraw his amendment. I understand the Senator from West Virginia will be absent the greater part of the summer. The Senator from Iowa, the Senator from Pennsylvania, the Senator from Kansas, and myself, (and perhaps the Senator from West Virginia may return in time,) may deem it best

to come here a week or ten days before the regular session of Congress or take some steps to facilitate and promote the investigation. It is extremely important; it is important to the country; it is important to the officers who have been in these positions; it is important to the world to know just what the facts are. We should not cripple ourselves now by curtailing our power to ascertain the whole truth. If it is deemed best not to do it, the committee need not be called together. I hope for my own personal convenience that there will be no session, but I do think we ought not to be limited in an investigation which all admit to be so important. The amendment may cripple it. The Senator from Iowa may be sure that no step will be taken without full consultation with him and with each member of the committee.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Iowa.

Mr. DAVIS, of West Virginia. It has not been reported yet.

The PRESIDENT *pro tempore*. The Secretary will report the amendment.

The CHIEF CLERK. The amendment is to add:

So far as to continue the examination of books of the Treasury now in progress. And strike out "and sit."

Mr. DAVIS, of West Virginia. Do I understand that it is proposed to strike out the word "sit" in the original resolution? I would much rather have no additional power granted at all, because the amendment goes back and takes from the committee powers given them by the Senate after a week or more debate here on the original resolution. That I never could consent to; and I hope the Senator from Iowa has no wish to restrict the committee in any form or in any manner. I have no objection to say that under the resolution now under consideration the committee itself will not sit during the recess; but I cannot consent willingly—of course it is for the Senate to decide—that we shall only examine the books "now in progress." We are examining some books; that will be through to-day, perhaps, and to-morrow we shall want to take up others.

Mr. ALLISON. I will modify the amendment in that respect.

Mr. DAVIS, of West Virginia. Now let the amendment be read as modified. But will it not be satisfactory to the Senator to say that the committee shall not sit during the recess? I have no objection to that, and I have not said that it will sit during the recess, or, rather, that any testimony will be taken during the recess.

Mr. ALLISON. That is what I desire to avoid. Of course, if we desire to come here a week or ten days before the next session there will be no objection to doing that; but we shall have an abundance of labor in making examinations of these books in the Treasury as compared by the experts without taking testimony.

Mr. DAVIS, of West Virginia. Just add that no testimony shall be taken until ten days before the next regular session, if you choose, or say not at all. Either way will suit me.

Mr. ALLISON. I suggest to the Senator that he leave the resolution with my amendment as modified.

Mr. DAVIS, of West Virginia. Let it be read.

The CHIEF CLERK. The resolution, as proposed to be modified, will read:

Resolved, That the select committee to investigate the finance reports, books, and accounts of the Treasury Department, appointed under resolution of the Senate of November 19, 1877, in addition to the powers conferred by said resolution, have leave to continue its investigation and sit during the vacation or recess of the Senate so far as to continue the examination of books in the Treasury.

Mr. DAVIS, of West Virginia. Now, will it not be satisfactory to the Senator to strike out the words "and sit," and let the resolution stand as offered.

Mr. ALLISON. Certainly.

Mr. DAVIS, of West Virginia. That will be satisfactory.

Mr. ALLISON. Very well.

Mr. DAVIS, of West Virginia. Now I understand the resolution is just as offered by myself, with the words "and sit" taken out. Now will the Clerk read it as it stands?

Mr. ALLISON. With the addition I made.

The CHIEF CLERK. The resolution is proposed to read as follows:

Resolved, That the select committee to investigate the finance reports, books, and accounts of the Treasury Department, appointed under the resolution of the Senate November 19, 1877, in addition to the powers conferred by said resolution, have leave to continue its investigation during the vacation or recess of the Senate, so far as to continue the examination of the books in the Treasury.

The PRESIDING OFFICER, (Mr. HOAR in the chair.) Is there objection to the resolution as proposed to be modified?

Mr. BECK. I understand that by this proposition all questions relating to expenditures in the War Department, Navy Department, Interior Department, and everywhere else are to be excluded during the whole recess.

Mr. ALLISON. No.

Mr. BECK. That is the meaning of it; that is the effect of the amendment; and if that is the purpose we might as well quit examining, because it is by the details obtained from the various Departments that we compare the Treasury books.

Mr. ALLISON. I will obviate the objection of the Senator from Kentucky by modifying the amendment so far as to continue the examination of the books in the several Departments of the Government. I wish to continue this investigation through these experts, but I do not wish to be called here, because I do not believe there is

any necessity for any of us being called here during the recess to take the testimony of witnesses with reference to this matter of book-keeping in the Treasury. Therefore I only desire that these experts, selected by the chairman of our committee, shall continue their examinations everywhere and anywhere so far as to furnish us complete and full information when we return here in December.

Mr. BECK. If we are to be crippled all around in this investigation when it is desirable to pursue the facts, I hope the whole resolution will be laid on the table and that the chairman of the committee will call us together and keep us on it from now until Congress adjourns, so as to be able to make a report next month. We can do it by working all the time, and then the country will see just what it is. But if we are to be crippled, if we are to be confined down here and there to clerks merely making inquiries at such points as the Departments may see fit to give us, we had better have no authority at all, but let us press on and bring our labors to a conclusion and make a report. We can make one. It may not be very satisfactory, but it will be a report, and the country will like to see it. I move to lay the whole thing on the table.

Mr. FERRY. Has not the morning hour expired?

The PRESIDING OFFICER, (Mr. HOAR.) The morning hour has expired.

Mr. FERRY. I ask the Senate to proceed to the consideration of House bill No. 4663.

Mr. INGALLS. I call for the regular order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in some and non-concurred in other amendments of the Senate to the bill (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, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. EPPA HUNTON of Virginia, Mr. J. C. S. BLACKBURN of Kentucky, and Mr. G. W. HENDEE of Vermont, managers at the conference on its part.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2915) to perfect the title to certain real estate in the District of Columbia;

A bill (H. R. No. 3708) to regulate the practice of pharmacy in the District of Columbia;

A bill (H. R. No. 4616) to incorporate the National Fair Grounds Association;

A bill (H. R. No. 4713) supplementary to the act of March 3, 1873, entitled "An act supplemental to the act of February 9, 1821, incorporating Columbian College, District of Columbia;"

A bill (H. R. No. 4943) to authorize the commissioners of the District of Columbia to make and enforce regulations relative to the sale of coal, and also building regulations;

A bill (H. R. No. 4944) amendatory of the act to incorporate the Capitol, North O Street and South Washington Railway Company;

A bill (H. R. No. 4945) for the preservation of game and protection of birds in the District of Columbia;

A bill (H. R. No. 4946) to amend chapters 15 and 27 of the Revised Statutes of the United States relating to the District of Columbia, and to consolidate into one the offices of recorder of deeds and register of wills of said District;

A bill (H. R. No. 4947) providing for the holding of additional terms of the district and circuit courts of the United States in the southern district of Illinois, and for other purposes; and

A joint resolution (H. R. No. 182) for the benefit of the penny-lunch house of the city of Washington, District of Columbia.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 314) to confirm the term of the period of seventeen years from the date of its original grant of the patent of Thomas A. Weston; and

A bill (H. R. No. 3546) to change the name of the steamboat D. A. McDonald to Silver Wave.

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 this day approved and signed the joint resolution (S. R. No. 23) providing for the distribution and sale of the Revised Statutes of the United States.

JOINT RULES.

Mr. BLAINE. I wish to report from the Committee on Rules a series of joint rules which the committee instructed me to report to be proposed to the House of Representatives. I merely move for the present that they be printed and laid on the table.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. FERRY, (Mr. HOAR in the chair.) The Senator from Kansas [Mr. INGALLS] has called for the regular order. I think the under-

standing yesterday was that at one o'clock to-day, on the expiration of the morning hour, the Senate would proceed to consider House bill No. 4663, pending which—

Mr. INGALLS. What is the title of that bill?

Mr. FERRY. The bill was to be called up and temporarily laid aside for the purpose of calling up what is known as the Texas Pacific Railroad bill, to allow the Senator from Mississippi [Mr. LAMAR] to express his views upon that bill. That was the understanding yesterday.

Mr. INGALLS. No, sir.

Mr. FERRY. The bill was to be called up and temporarily laid aside for the purpose of calling up what is known as the Texas Pacific Railroad bill, to allow the Senator from Mississippi [Mr. LAMAR] to express his views upon that bill. That was the understanding yesterday.

Mr. INGALLS. The understanding of the Senator from Michigan is very different from mine.

Mr. FERRY. I leave it to Senators who were here.

The PRESIDING OFFICER, (Mr. HOAR in the chair.) The Chair understands that the unfinished business is the bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia.

Mr. INGALLS. That is correct.

Mr. FERRY. I think there are many Senators present who will bear me out that the understanding was what I have stated, no objection was made, and the Senator from Ohio on my right [Mr. MATTHEWS] said "If that be the understanding, then I withdraw any objection," or something to that effect.

Mr. VOORHEES. The Senator from Michigan states the understanding correctly.

The PRESIDING OFFICER. In the absence of an agreement by Senators by unanimous consent, the Chair must take the Journal as governing the order of business, and the Chair is informed by the Chief Clerk that the unfinished business is what he has announced.

Mr. SARGENT. The Senator from Ohio [Mr. THURMAN] himself gave as a reason for moving an adjournment last night, first, that he desired until this morning to examine this bill, and he asked the Senator from Kansas [Mr. INGALLS] if he would not allow it to go over until the morning, with the understanding that it was the unfinished business, as of course it must necessarily be from the position it occupied. He also stated that he and some other Senators had some engagement which required an adjournment at an early hour yesterday. I understood, however, that the Senator from Mississippi [Mr. LAMAR] after the expiration of the morning hour was to speak upon the Texas Pacific Railroad bill, the business that should be unfinished to be laid aside temporarily for that purpose.

Mr. INGALLS. That was the agreement.

Mr. SARGENT. That was the agreement.

Mr. FERRY. In answer to the Senator from California, I will restate what occurred. Yesterday I reported from the Committee on Finance the bill which I hold in my hand and gave notice that to-day after the morning hour I would call it up and ask the Senate to proceed to its consideration. Occupying the chair when the morning hour expired yesterday, the Senator from Indiana [Mr. VOORHEES] called up the regular order, which was the finance bill reported by the committee on a prior day. The Senator from Ohio [Mr. MATTHEWS] then rose and called attention to the fact that some days since he had given notice that yesterday he would ask the Senate to proceed to the consideration of the Texas Pacific bill, and stated that his object was to give an opportunity to the Senator from Mississippi [Mr. LAMAR] to express his views upon that bill. The Senator from Michigan left the chair and urged the Senator from Indiana to withdraw his motion to proceed to the consideration of the regular order, for the purpose of extending the common courtesy which has never been refused to any Senator when he stated that he desired to express his views simply upon a pending measure. I then asked him and through him asked the Senator from Delaware [Mr. BAYARD] who was entitled to the floor upon the bill which I hold in my hand, if he would not also give way to the Senator from Mississippi who had been announced as ready to speak to-day on the Texas Pacific bill. The Senator from Delaware very courteously yielded to the Senator from Mississippi; and then there being no objection the Senator from Ohio [Mr. MATTHEWS] rose and said: "If that be the understanding, that is satisfactory," or words of that import. I think there was no misunderstanding. This was in the morning at the close of the morning hour. What occurred at the latter part of the day I have nothing to say about.

Mr. CONKLING. Mr. President, I was surprised yesterday at the point of time to which the Senator from Michigan has now alluded, that neither he nor any other Senator took any steps to establish any definite understanding in this regard, and I have looked over the RECORD to see if I could be mistaken in this, because I had a reason for observing and remembering it. The Senator from Michigan said in the conclusion of the brief statement which he made:

Now it seems to me that there can be no objection to taking up the bill that was reported this morning from the Committee on Finance, and when it is before the Senate I will then move to lay aside that bill inasmuch as the Senator from Delaware is willing to yield the floor, as he is entitled to it, for the purpose of listening to the remarks of the Senator from Mississippi. When those remarks are concluded, I shall then ask the Senate to proceed with the consideration of the finance bill, when the Senator from Delaware will have the floor.

That is all a statement of what the Senator himself proposed to do. It was a notice he gave to the Senate. But one thing ensued which looked like an understanding or the presumption of an understand-

ing at all, and that was a remark which fell from the honorable Senator from Ohio, [Mr. MATTHEWS,] and that remark does not bear out at all, I think, the understanding which the Senator from Michigan now has. I will read it, and it followed the remark that I have read from the Senator from Michigan:

Mr. MATTHEWS. Then, Mr. President, with the understanding that I now understand has taken effect that the Senator from Mississippi will be entitled to the floor at the expiration of the morning business to-morrow, laying aside temporarily and informally any pending business, I have nothing further to say.

I do not wish to occupy a moment in referring to these facts; but having had a special reason for observing, as I thought, the failure to come to any such understanding about the finance bill as the Senator from Michigan suggests, I ventured to call the attention of the Senate to some of the things which appear upon the RECORD, and I will read one or two other observations made by Senators, that the Senate may see what was the nature of this suggestion; and I say that it was a mere suggestion of the Senator from Michigan of what he proposed to do. It never was propounded from the Chair at all and never received the consent of the Senate; and I think I can be quite sure it would not have received unanimous consent if it had been propounded. The Senator from Michigan first said:

I desire to state in this connection that to-morrow I shall seek the floor to invite the Senate to consider this bill. I understand that one member of the committee, the Senator from Delaware, [Mr. BAYARD,] desires to express his views upon the bill, and I shall endeavor to ask the Senate to proceed to its consideration to-morrow.

That was the first suggestion about it. Later on, at the part of the RECORD which I read before, the Senator from Iowa [Mr. ALLISON] made an observation which is quite significant of his understanding. He said:

Now the Senator from Michigan reports another bill from the Committee on Finance this morning which in many respects covers the same points as the bill formerly under consideration, and gives notice that the bill will be taken up to-morrow. So I can see no difficulty in the way if the Senator from Mississippi only desires to submit his remarks to-morrow, and then let the regular order proceed, whatever it may be.

"Whatever it may be." That was at a time when the Senator from Ohio was insisting that it should be one bill, and the Senator from Michigan was expressing the hope and determination as far as in him lay that it should be another bill, and after he had made his final announcement the subject was dropped, when the Senator from Ohio [Mr. MATTHEWS] said that the Senator from Mississippi would be able to proceed, the pending business, whatever it might be, being laid aside, and there leave was taken of the whole matter, no proposition for general consent ever having been propounded to the Senate, and there having been no time when any Senator might, if he chose, or could be, informed what the proposition was, inasmuch as one Senator insisted that it should be one bill and another Senator insisted that it should be another.

At the conclusion of the session yesterday, when an executive session was ordered, after an adjournment had been suggested by the Senator from Ohio, [Mr. THURMAN,] it was certainly understood that the District bill was to proceed as the unfinished business to-day. That, I think, is an understanding which the RECORD will bear me out in saying obtained in the Senate. I beg to read a word from the conclusion of the day's proceedings. These are the words of my friend on my right, [Mr. HAMLIN:]

That will leave this bill as the unfinished business for to-morrow.

The District bill.

Mr. INGALLS. To be taken up at the expiration of the morning hour?

Mr. HAMLIN. It comes up, of course.

Mr. WHYTE. I want just here to ask the Senator from Maine to allow me one moment.

Mr. HAMLIN. Certainly.

Then the Senator from Maryland referred to an authority or two; and then the Senator from Maine made his motion for an executive session, and an executive session occurred, and the Senate adjourned. Now, I have no doubt myself that the unfinished business is the District bill.

Mr. VOORHEES. Allow me to call the attention of the Senator from New York and the Senator from Michigan to the conclusion of this matter as it stood when the arrangement was finally consummated. The Senator from Ohio [Mr. MATTHEWS] said this:

Then, Mr. President, with the understanding that I now understand has taken effect, that the Senator from Mississippi will be entitled to the floor at the expiration of the morning business to-morrow, laying aside temporarily and informally any pending business, I have nothing further to say.

There was an announcement of the understanding. How far that is binding on the Senate is not for me to say; but that that was the understanding at the time I think there can be no doubt.

Mr. CONKLING. The Senator from Indiana did not hear me read all that remark. Had he done so, he would have noticed an accent somewhat different from that which he gave to it. He reads it in a way which shows that the part interesting to him is the preceding part. I read it with an endeavor to show that the interesting part to me, as bearing upon the point at issue, is this "laying aside temporarily and informally any pending business." It seems to me that is significant of anything rather than an understanding that one particular bill and no other was to be the pending business, particularly when the remark came from a Senator who was insisting all the time that a bill which he had in charge, other than the bill represented by

the Senator from Michigan should have primacy at that time. I read it, as my friend from Indiana will see, to show that the Senate did intend, and of course intends now—I hope nobody will suppose that I as one Senator am standing in the way—to offer the Senator from Mississippi the courtesy, the occasion, the convenience that he preferred, but did not intend to pledge the Senate in advance, that at the conclusion of his remarks one bill rather than another should be considered the unfinished business.

Mr. FERRY. The closing remark that appears upon the RECORD in connection with this matter was from the lips of the Senator from Ohio, [Mr. MATTHEWS,] and the Senator from New York [Mr. CONKLING] in reading the RECORD does not discover that any single objection was made to that concluding expression of his views of the understanding of the Senate.

Mr. EDMUNDS. He could not make an understanding by stating his view of it.

Mr. FERRY. My honorable friend says we could not get an understanding of the Senate by his view of it.

Mr. CONKLING. Will my friend allow me to interrupt him and ask him, as he is an authority on this question, he presides so much in the Senate, whether it is not true, and is not the universal acceptance of the Senate, that to make an understanding binding, as far as one is binding, it is at some time to be stated from the Chair and objections inquired for? I ask whether I, for example, am able to estop and bind the whole Senate by getting up in my place and saying "I understand the Senate will do so and so," and, unless somebody files a caveat against it, the Senate is bound in honor to do it?

Mr. FERRY. If the Senator from New York insists on the technical practice of the Senate, he may or may not be right. The Senator from Michigan could not occupy two places. He left the chair for the purpose of attempting to reconcile the antagonistic motions that were being made in order to reach the point of allowing the Senator from Mississippi, as notice had been given of his desire, to express his views upon a certain bill to-day.

The Senator from Michigan stated precisely what he would move, and that was the report which he holds in his hand—a bill reported from the Committee on Finance—and that upon that the Senator from Delaware was entitled to the floor. The Senator from Michigan stated that he would call that up before the Senate, and that when it should be before the Senate he would move to lay it temporarily aside for the purpose of yielding an opportunity to the Senator from Mississippi to make his speech.

Mr. INGALLS. Was it the only object of the Senator from Michigan in making that motion to allow the Senator from Mississippi to make his speech?

Mr. FERRY. I am coming to that. If the Senator will allow me, I am coming to that.

Mr. INGALLS. If that was the desire of the Senator, I stated expressly that when the District bill was again taken up, if it was not concluded yesterday, I would yield this morning for the purpose of allowing the Senator from Mississippi to speak.

Mr. BAILEY. I rise to a question of order. I believe, Mr. President, that all the Senators agree that it was understood yesterday that the Senator from Mississippi should have the floor this morning. All admit that whatever might be the pending business it should be laid aside informally so that he might address the Senate in regard to the Texas Pacific Railroad. I submit to Senators and to the Chair that this question can be settled after the Senator from Mississippi has addressed the Senate. I raise the point of order that the Senator from Mississippi shall first be heard, and then this disputed question shall be settled afterward.

The PRESIDING OFFICER. The Chair will state his ruling upon the question of order. The ninth rule of the Senate peremptorily imposes a duty upon the Chair:

Immediately upon the expiration of the morning hour, the presiding officer shall lay before the Senate the unfinished business at its last adjournment, which shall take precedence of the special orders, and shall be proceeded with until disposed of by the Senate.

Accordingly it is the duty of the Chair to lay before the Senate the bill providing a permanent form of government for the District of Columbia. These orders which have been alluded to or understood, whether they were or were not entered into, unless entered upon the Journal and made in a form which suspends the standing rule of the Senate for that purpose, can only be operative as binding upon the sense of individual Senators not to object to anything which is asked for. But the business in order is the bill providing a permanent form of government for the District of Columbia.

Mr. EDMUNDS. That is now before the Senate.

The PRESIDING OFFICER. It is now before the Senate.

Mr. FERRY. Now, I move to postpone the present and all prior orders for the purpose of considering House bill No. 4663, and I do it simply to be in order in stating what I intended to state, and to call the Chair's attention to the fact that a matter of order having been raised by the Senator from Tennessee, [Mr. BAILEY,] I was taken off the floor.

The PRESIDING OFFICER. The Senator moves to postpone the present and all other orders for the purpose of taking up the bill which he has named.

Mr. INGALLS. That motion is not in order, Mr. President.

Mr. EDMUNDS. He can make a motion to postpone alone.

The PRESIDING OFFICER. If the question of order is raised, the Chair rules that the motion must be confined to a postponement of the pending business.

Mr. SARGENT. I rise to a point of order. There was an agreement in the Senate yesterday which is not denied by any Senator, as I understand. Not any Senator denies that, whatever business might be pending at the close of the morning hour to-day, the Senator from Mississippi should have the floor to make his remarks. I raise the point of order that that understanding of the Senate must be executed.

Mr. EDMUNDS. It ought to be executed; but the Chair cannot execute it.

The PRESIDING OFFICER. The Chair does not understand that such an arrangement, not entered upon the Journal, is an arrangement which it is within his power to enforce.

Mr. SARGENT. It is entered in the RECORD.

The PRESIDING OFFICER. Undoubtedly; but not on the official record of the Senate, its Journal.

Mr. SARGENT. That is a very dangerous ruling, and if the Chair insists on it I shall have to appeal from the decision of the Chair. We cannot hold the pen in the hand of the Clerk so as to know whether he enters on the Journal an understanding of this kind; but where it is debated ten minutes and finally settles down into an agreement, recognized by Senators in all directions as an agreement, if that cannot be enforced unless the formality of entering it upon the legislative Journal is pursued, then we certainly cannot have such agreements with any safety. Therefore, for the sake of the practice of the Senate, I shall have to appeal.

The PRESIDING OFFICER. The Chair will state the appeal. The Chair rules that an agreement of Senators, not entered upon the Journal of the Senate, to take effect after the Journal of the proceedings when it is alleged to have been made has been read and approved by the Senate, the Journal containing no record of the agreement, cannot be enforced by the Chair of his own authority. From that ruling the Senator from California appeals.

Mr. SARGENT. For this reason, that a fact known to every Senator does not need record evidence to support it. The fact is undisputed and known to every Senator.

The PRESIDING OFFICER. The Chair will suggest to the Senator from California that such an agreement cannot be known to Senators who are absent when it is made.

Mr. SARGENT. That makes no difference if a quorum of the Senate is present. It is not an order the Senate makes, but an agreement made by Senators.

The PRESIDING OFFICER. Shall the judgment of the Chair stand as the opinion of the Senate?

Mr. EDMUNDS. I should like to say in one minute, in order that the Senator from Mississippi may have a chance to go on, that in my humble opinion the decision of the Chair is clearly correct, and similar decisions have always been upheld during the whole time of my experience in this body. The principle which the Chair has stated is one which I believe the Senate has never departed from. An understanding, assuming that there be one, of the kind stated by the Senator from Michigan, is an understanding that only appeals to the private sense of propriety of each Senator; but the business of the Senate and the duty of its proceedings under the rules is only shown by the Journal of the Senate; and sometimes when it has been proposed that these understandings should be put on the Journal objection has been made on the ground that we would not vary the rules, but Senators must trust to each other to carry out an understanding. Therefore I think that the judgment of the Chair ought to stand.

Mr. FERRY. The Senator from California has made a point of order which I think he will perhaps withdraw after I have made a statement.

Mr. SARGENT. I should like to state that the Journals do not show any agreement or understanding of this kind ever made in the Senate.

Mr. CONKLING. Never.

Mr. SARGENT. Such an understanding has never been entered on the Journal; and the Chair rules that unless it is entered on the Journal there can be no agreement or understanding. Now, as there never in any instance has been such an agreement or understanding entered, it cuts us off hereafter from any.

Mr. EDMUNDS. No; the Chair has not ruled that.

Mr. SARGENT. I so understand.

The PRESIDING OFFICER. The Chair has not ruled what the Senator from California states. The Chair simply rules that after the Journal of proceedings of a preceding day has been made up and approved by the Senate, the Chair cannot of its own authority enforce upon the Senate an alleged agreement found nowhere in the official records of the Senate, upon statements as to its character from Senators.

Mr. SARGENT. Then it simply amounts to this: it rests in the honor of the Senate.

Mr. CONKLING. Always.

Mr. SARGENT. This is a violation of the honor of Senators, and I raise the point of order that it is out of order for Senators to violate their honor as Senators.

The PRESIDING OFFICER. One point of order cannot be raised while another is pending.

Mr. FERRY. On the question of the appeal from the decision of the Chair, I desire to state—

Mr. LAMAR. I hope the Senator will allow me a moment.

Mr. FERRY. I am trying to protect the privilege of the Senator from Mississippi, and certainly I will yield to him if he desires to speak in that behalf.

Mr. LAMAR. I just wish to say that, thanking gentlemen for their courtesy, I trust there will be no further discussion upon this subject. I can address the Senate at some other day just as easily. ["No," "no."]

Mr. EDMUNDS. We ought to hear the Senator now, and we can.

Mr. MATTHEWS. I hope the Senator will not postpone his remarks.

Mr. FERRY. I think I have the floor.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. FERRY. Now I desire to state, as clearly as I can, the position I took yesterday; and that was that this morning, at the close of the morning hour, I should call up House bill No. 4663, and when it was before the Senate—

Mr. SARGENT. I rise to a point of order. What is the pending question?

The PRESIDING OFFICER. The pending question is upon the appeal from the decision of the Chair, on which question of order the Senator from Michigan is on the floor.

Mr. SARGENT. The Senator is not speaking to that point.

The PRESIDING OFFICER. The question is debatable.

Mr. FERRY. It is debatable, and I have the floor.

I said that when the bill should be before the Senate, upon which the Senator from Delaware was entitled to the floor, as the Senator from Delaware had given expression to his disposition to defer his opportunity of speaking upon the bill to some other day for the purpose of allowing the Senator from Mississippi to express his views upon the railroad bill which the Senator from Ohio had in charge, I would move to lay this bill aside for that purpose. The Senator from Ohio then rose and said substantially as read by the Senator from New York, that if that be the understanding he was satisfied. No objection was raised. If the Senator from New York says that it is a necessity for the Chair to put the question to the Senate and ask if there be any objection, then of course that statement not having been made it was not so ordered in the sense of the remarks of the Senator from New York; but as the Senator from Ohio had called the attention of the Senate and said "if that be the understanding then I am content," or words to that effect, and no objection being offered, the Chair, or whoever occupied the chair, understood that that was the general understanding of the Senate. Now, Mr. President, that states the position I took so far as I am concerned, and in my judgment a correct position.

Since I raised this question this morning I understand the Senator from Delaware does not desire to speak to-day, is not prepared to speak to-day, and the Senator from Kansas has intimated that he is willing to yield the floor for the purpose of allowing the Senator from Mississippi to address the Senate upon the bill proposed by the Senator from Ohio.

Mr. INGALLS. I agreed to do it yesterday.

Mr. FERRY. That I was not aware of. I heard it from the lips of the Senator this morning. My only object this morning, aside from seeing that this bill is not overridden, my only object yesterday and to-day was to allow the Senator from Mississippi to submit his remarks, he having asked that privilege, and it has always been accorded to any Senator, and I thought it was the courtesy of the Senate to accord it to him.

I now, Mr. President, hope that the Senator from Kansas will carry out the intimation he suggested, his bill being before the Senate, after the appeal has been disposed of.

Mr. INGALLS. I have been trying to do that since one o'clock. [Laughter.]

Mr. FERRY. Then the reason why it has not been brought to an issue is because other Senators with myself have occupied the floor in their several rights.

Mr. CONKLING. That is the only reason.

Mr. SARGENT. I withdraw the appeal, and will not longer delay the Senator from Mississippi.

The PRESIDING OFFICER. The appeal is withdrawn. Is there unanimous consent that the pending business be laid aside informally and the Senator from Mississippi proceed with his remarks on Senate bill No. 942. ["Certainly."] The Chair hears no objection.

TEXAS PACIFIC RAILROAD.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 942) amendatory of and supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the several acts amendatory thereof and supplementary thereto.

Mr. LAMAR. Mr. President, I have asked to be heard to-day upon a bill in the success of which I feel a deep and anxious concern, and I rise to address the Senate with a profound sense of the necessity and the importance of its passage.

The object of this bill is to extend the time for building the rail-

road from the waters of the Mississippi to San Diego on the Pacific coast and to make sure its speedy completion.

The causes which have rendered it impossible for the company to complete this work within the time prescribed in its original charter are well known, and may be stated briefly, but entirely, to have been the disastrous and universal depression of all railroad securities in the money markets of the world, consequent upon the panic of 1873. Notwithstanding these adverse circumstances in such direct contrast with those under which the other two roads were built, (for they were undertaken at a time when the capital of the world flowed in unprecedented sums into railway enterprises and securities,) this corporation has built four hundred and forty-five miles of railroad which is now in successful operation and doing a great work in the development of the country it traverses.

There is therefore nothing in the history of the management of the road itself, and certainly no change in the immense national importance of the work, that calls for a forfeiture of the franchises of the company, or that should lead Congress to deny to it such aid as the interest of the country might otherwise require or the constitutional powers of Congress justify.

I shall avoid taxing the attention of Senators with the details of this measure, and will discuss only those leading features of it which I am anxious to commend to the favorable consideration of the Senate.

The length of the road to be constructed under this legislation is fourteen hundred miles. The whole amount of bonds to be issued by the company, to be used for construction and equipment, is not to exceed \$31,750,000. The whole amount of interest to be guaranteed by the United States is less than \$2,000,000 per annum. The company is authorized to deposit with the Secretary of the Treasury its own bonds at the rate of \$20,000 per mile for the construction and equipment of the line between Fort Worth and San Diego, and for the difficult and mountainous regions not to exceed \$35,000 a mile. Those regions are two hundred and fifty miles altogether, I believe. The bill says that for not more than two hundred and fifty miles shall bonds be issued at the rate of \$35,000 per mile. I repeat, the whole amount of bonds to be issued (for construction and equipment) cannot exceed, under the provisions of this bill, \$31,750,000. They are to run fifty years upon 5 per cent. interest and are payable in coin.

The Government guarantees the payment of interest, but the bonds are not to be delivered to the company nor used by it except as sections of ten miles of road are completed and found to conform to the Government standard, and then only in amount equal to the actual cash cost of construction and equipment.

The bill has been already elaborately discussed both by its friends and opponents before the committee and elsewhere. The friends of this measure advocate its passage as the just and symmetrical completion of the great national system of railway connection between the Pacific and Atlantic already adopted and at present only partly accomplished; a completion which will be, they say, serviceable to the whole country as a measure of economy to the Government in the transfer of its mails, military forces, and supplies; as a measure of military utility for the protection of our frontier; as a measure of political importance in opening the settlement of our western Territories and furnishing a basis for a vast development of population, society, and wealth; and as a commercial measure in bringing American merchants and manufacturers into direct and easy communication with the commerce of the Pacific coast, Mexico, South America, China, and the Pacific Islands, and thus open new and invaluable markets for the surplus products of our manufacturing skill and industry, and also by bringing the vast region which the road traverses, a region teeming with agricultural resources and mineral wealth, into connection with the great Atlantic and Pacific cities and the great inland trade in the West and Northwest.

They maintain that the advantages to the Government and people are ample compensation for the aid of the Government which this legislation provides. They insist that the guarantee of interest is protected by the provisions under which it is given beyond any conceivable contingency, by a mortgage upon the entire road, section by section, as each is completed, its equipments, its franchises, and all its property; by all the earnings of the road; and by the application of all the dues to the company from the Government for the transportation of its mails, its military supplies, and forces, and also by the reconveyance to the Government of its land grant estimated at eighteen million acres of land which are to be thrown open to settlement and sale, and the proceeds of their sale to be applied to the making, if there be a surplus, of a sinking fund for the payment of the bonds.

The opponents of this measure object to it on various grounds. Constitutional doubts are expressed as to the power of Congress to give aid through land or money or credit to these undertakings of internal improvement; the gross and iniquitous abuses of the power conferred by such legislative aid for purposes of corrupt private speculation at the expense of the national interest, and which have greatly shocked the moral sense of the country are cited and urged as reasons why we should never, even with the promise of great advantage to the country, repeat such legislation.

Ingenious arguments are made to show that the securities provided in the bill will not afford any substantial indemnity to the Government for its guarantee of interest. Suggestions are made that the value of the road when constructed, the extent of its business, and

consequently its earnings, are matters of prospective speculation, and that their adequacy as security can only be determined in the future; that the amount of Government business of transportation is uncertain and may not assume the same proportion as on the Central Pacific; and, lastly, that the history of Pacific railroad legislation and the practices under it all go to prove that the Government will sooner or later have to make good its guarantee and thus a debt of \$100,000,000 will have been placed as a new and heavy burden upon the people for the benefit of a corporation; in a word that it is a huge subsidy to a private corporation of an amount, which, if used as a sinking fund and invested in Government bonds at 5 per cent., would at the maturity of these guaranteed bonds pay \$300,000,000 of our national debt. These objections are stated not with a view of controverting them. For the purposes of my argument will not require me to combat the conclusion which they are employed to establish; i. e., that the Government will have to pay the whole of the money which it guarantees without the possibility of repayment. Not that I believe it to be true or even plausible. To believe that, I would have to assume that the entire road, when completed with all its equipments, would be worth nothing, although its cost might be \$31,000,000; that it will have no business, no net earnings; that when it is completed the Government will have no mails to be transported through Texas, or through Arizona, or through New Mexico, or through South California; that the Government will withdraw its troops from the Mexican border and from the Indian frontiers; that the whole fruitful and fertile territory between Fort Worth and the Pacific is never to be the seat of population and trade, and that the land grant of eighteen millions of acres said to be so munificent is worthless, and that the lands are not worth the expenses of survey and sale, all this and more, if I accept as true the assumption that this Government will have to pay the sum which it guarantees in this bill. But, absurd as the proposition is, assume it to be true.

Then the question presents itself, Will this Government appropriate \$2,000,000 annually for the completion of a railroad connection with the Pacific, the material and moral effect of which upon the prosperity and strength of the whole Union no language can describe? Will the advantages of such a road as a postal road, as a military road, as a political road, and as a commercial road, justify the annual expenditure of \$2,000,000? This expenditure, it must be borne in mind, will not be any new outlay or additional expenditure, but simply the diversion of money that is sure to be expended in other less efficient and less economical channels.

Sir, the amount is not one-half of that which you appropriate annually for rivers and harbors without discussion. It is not equal to what this Government expends annually in the maintenance of two cavalry regiments. It is not as much as this Government expended before the war for mail transportation alone to the Pacific coast. And the question recurs, and I press it upon this body, if the completed construction of a railroad to the Pacific Ocean is not worth as much to this Government in the increase of national power, in the development of national wealth, as the transportation of the mail to the same coast was worth to this Government before the war, when we had but thirty million population and when the postal demands of that country were not equal to what they are now in South California, Arizona, New Mexico, Southwestern Texas demands which are unmet by the existing transcontinental communication.

Nor, sir, is it fair to say that this guarantee of interest would be a vast debt of \$100,000,000 pressing upon the resources of the people. It is true that the expenditure of the \$2,000,000 per annum, if the Government has to pay it, will in fifty years aggregate \$100,000,000. But the same is true of all annual appropriations. You might as well claim that building a port to protect the harbor of New York, or that the appropriations for the support of the Army, of the Navy, of the Government itself, constitute a debt. Calculate what these cost per annum and what would it be in fifty years?

My purpose is to show that the road is a great national enterprise; that its results will be to increase the national power, to develop the national interests, and to augment the wealth and prosperity of the people of the whole country, and that in the completion of it there will be an ample compensation to the Government for any aid it may render.

Mr. President, the sudden acquisition of our Pacific empire, through war, was a remarkable epoch in the political history of this country. It was contemplated with very different emotions by the great statesmen of that day. Some regarded the event with enthusiastic and confident feelings; others were dejected and anxious. Mr. Webster viewed it with the greatest apprehension. To him it was a monstrous apparition, and in the Senate of the United States he protested against the policy, in a speech marked by his usual ability, but by unusual earnestness and solemnity. He declared that it was impossible for this vast empire ever to be incorporated into our political system; that it could not constitute a part and parcel of this American Republic without disturbing the equilibrium of its political forces. He said that the entire country was more distant, more isolated from us than even some of the states of Europe; its scenery was Asiatic and its physical character unsuited to modes of life of an American population. He declared that to hold it as a Territory would involve us in expense, in sectional animosities, and foreign embroilments, and to admit them as States would cause to be wrought into our Constitution a disfigurement, a monstrosity, a deformity, one that would impair its principle, and he expressed apprehension that it

would break the Union to pieces. Mr. Calhoun, although he acquiesced under the exigency of war in the acquisition of this territory, manifested on various occasions great reluctance. He opposed the war which he knew would result in the acquisition of Mexican territory, and he afterward said that no one knew the depth and intensity of that opposition. Speaking of it in a subsequent discussion, he made these remarks:

When, accordingly, I was deserted by every friend on this side of the House, including my then honorable colleague among the rest, [Mr. McDuffie,] I was not shaken in the least degree in reference to my course. On the passage of the act recognizing the war, I said to many of my friends that a deed had been done from which the country would not be able to recover for a long time, if ever; and added, it has dropped a curtain between the present and the future, which to me is impenetrable; and for the first time since I have been in public life, I am unable to see the future. I also added that it has closed the first volume of our political history under the Constitution, and opened the second, and that no mortal could tell what would be written in it.

Sir, the boldest hearts if they could have forecasted the events which so soon followed would have doubtless shuddered at the prospect. After the admission of the Territory, Mr. Clay, Mr. Bell, Mr. Berrien, and others expressed similar apprehensions. Mr. Clay declared that he did not believe the connection between our Atlantic States and the group of political communities that might grow up on the Pacific coast would be permanent. But from the moment that the treaty of Guadalupe Hidalgo was ratified and this vast region had become part and parcel of the national territory the minds of American statesmen underwent a remarkable change. It was remarkable in the general concurrence of sentiment among those who had so widely differed, and also in the modification or rather revolution of opinion among many public men who had always been earnest in contending that Congress had no power to engage in works of internal improvement.

The vast increase of the territorial extent of the country, the great change which had taken place in its geographical character and relations had either changed the character of the Constitution without altering its written form, as Mr. Webster predicted, or it developed the necessity of a construction of that instrument which up to that time had been denied by the dominant political party of this country.

That sentiment, which became almost unanimous, was that, if the United States would retain the distant empire which it had wrested from Mexico, there must be a closer and more intimate connection with it than that which mere political authority could secure. In other words, the Pacific and Atlantic coasts must be brought together by a railroad connection or a series of railroad connections which no private enterprise could accomplish and was practicable alone under the direction and by the aid of the Federal Government; and the Government which had purchased Louisiana, had acquired Florida, had annexed Texas, had conquered California; which had built light-houses, cleared harbors, and subsidized ocean steamers; which had absolute control of the commerce of the nation, and over its own post-roads, and military roads; such a Government, habituated to the exercise of such powers, and supported by an almost unanimous public opinion, could scarcely afford to surrender such an empire in deference to constitutional puzzles about its power to build railroads.

Senator Seward said that the whole question involved in the building of a Pacific Railroad by Government was, shall this capital, with all its beauties and attractions, be the capital of the United States of all America or shall it dwarf and sink and become the capital of the United States of Atlantic America, while some other city, perhaps Mexico, with all its heroic traditions, will be the capital of the United States of Pacific America? And he expressed the belief that if the people of the Pacific States were not connected, directly and intimately, with the Eastern States, they would do just exactly what the older Atlantic States did with England: set up on the Pacific side of the continent an independent government for themselves. In the face of such considerations statesmen were not disposed to waste time in a sharp search for constitutional objections when they felt that the express spirit and aim of the entire Constitution demanded a work so necessary to the "common defense" of the whole country, so essential to its "domestic tranquillity," so promotive of the "general welfare."

Mr. Davis, of Mississippi, under whose direction, as Secretary of War, explorations of routes to the Pacific coast had been conducted, upon his return to the Senate took a leading part in the debates on this question, and vindicated the constitutionality of the proposed measure upon grounds which in my opinion have not been shaken. In reply to the imputation of a Senator from Tennessee, (Andrew Johnson,) that he had abandoned the doctrine of strict construction of the Constitution and gone over to the latitudinarian school of politicians, he replied that there were two classes of enemies to the Constitution: first, those who by disregarding its limitations and sanctions impaired its authority; secondly, those who by a literal interpretation of it, sticking in the bark, would destroy its spirit and life and efficiency as the organic law of a great republic. I quote this reply because it is as appropriate now as it was then. Though Mr. Davis has incurred the hostility which always falls upon one who has been called to the leadership of a people who were engaged in an unsuccessful movement that involved a revolution in government, his character is a commanding one, not only for great and shining talents and abilities, but also for his spotless morality and the unflinching purity of his public conduct.

Upon this subject men of all parties and from all sections, Seward

of New York, Davis of Mississippi, John P. Hale of New Hampshire, Douglas of Illinois, John Bell of Tennessee, Bigler of Pennsylvania, Rusk of Texas, Johnson of Arkansas, united in sentiment and were anxious to co-operate in action. In this they simply represented the popular sentiment of the country, which demanded that the completest, fullest, and strongest and most sensitive connection and sympathy, politically, commercially, and socially, should be established between the Atlantic and Pacific coasts; that this great continent should be indeed one Republic, and not the seat of two civilizations, separate, variant, and hostile. The political parties, republican and democratic, vied with each other in their platform commitments as well to the constitutionality as to the necessity of Government aid to the construction of a railroad to the Pacific. I quote from an able speech of a member of the House of Representatives [Mr. CHALMERS, of Mississippi] on this subject.

The democratic party, represented in national convention at Cincinnati in June, 1856, adopted the following resolution:

"Resolved, That the democratic party recognizes the great importance, in a political and commercial point of view, of a safe and speedy communication through our own territory between the Atlantic and Pacific coasts of the Union, and that it is the duty of the Federal Government to exercise all its constitutional power to the attainment of that object, thereby binding the Union of these States in indissoluble bonds and opening to the rich commerce of Asia an overland transit from the Pacific to the Mississippi River and the great lakes of the North."

The republican party also met in convention in June, 1856, in Philadelphia, and passed the following resolution:

"Resolved, That a railroad to the Pacific Ocean by the most central and practicable route is imperatively demanded by the interests of the whole country, and that the Federal Government ought to render immediate and efficient aid in its construction, and, as an auxiliary thereto, the immediate construction of an emigrant route on the line of the railroad."

Mr. Buchanan was nominated upon the democratic platform, and during the canvass, September 17, 1856, in a letter to the chairman of the democratic executive committee of California, he said:

WHEATLAND, September 17, 1856.

I then desire to state briefly that, concurring with the convention, I am decidedly favorable to the construction of the Pacific Railroad, and I derive the authority to do this from the constitutional power to declare war and the constitutional duty to repel invasion. In my judgment Congress possesses the same power to make appropriations for the construction of this road strictly for the purpose of national defense that it has to erect fortifications at the mouth of the harbor of San Francisco. Indeed the necessity, with a view to repel foreign invasion from California, is as great in the one case as the other. Neither will there be danger from the precedent, for it is almost impossible to conceive that any case attended by such extraordinary and unprecedented circumstances can ever again occur in our history.

Yours, very respectfully,

JAMES BUCHANAN.

To B. F. WASHINGTON, Esq.,

Chairman Democratic State Central Committee, California.

If before there was any doubt as to the meaning of the platform, this declaration of the candidate settled it. After this declaration he was elected, and in his inaugural address he strongly recommended the same doctrine.

Again in 1860 all parties were united upon this question:

THE DEMOCRATIC PARTY COMMITTED TO THE CONSTITUTIONALITY OF SUCH AID.

The democratic national convention of 1860, which at Charleston, South Carolina, nominated Stephen A. Douglas for President, adopted as part of their platform the following resolution:

"3. That one of the necessities of the age, in a military, commercial, and postal point of view, is a speedy communication between the Atlantic and Pacific States; and the democratic party pledge such constitutional Government aid as will insure the construction of a railroad to the Pacific coast at the earliest practicable period."

The convention held at Baltimore in the same year, which nominated John C. Breckinridge for President, also adopted as part of its platform the following:

"Whereas one of the greatest necessities of the age, in a political, commercial, postal, and military point of view, is a speedy communication between the Atlantic and Pacific coasts: Therefore,

"Be it resolved, That the national democratic party do hereby pledge themselves to use every means in their power to secure the passage of some bill, to the extent of the constitutional authority of Congress, for the construction of a Pacific railway, from the Mississippi River to the Pacific Ocean, at the earliest practicable moment."

THE REPUBLICAN PARTY COMMITTED TO THE CONSTITUTIONALITY OF SUCH AID.

In the republican platform of 1860 we find the following proposition:

"That a railroad to the Pacific Ocean is imperatively demanded by the interests of the whole country, and that the Federal Government ought to render immediate and efficient aid in its construction."

While, however, there existed this all-pervading harmony of sentiment diversities arose as to the location of the line. This did not, however, spring so much from the intrusion of sectional jealousy as from the fact that it was impossible for the Congress of the United States, representing different and distant States, maintaining systems of commerce and manufactures so diverse, to agree upon any one route or details of any one plan.

Perhaps it would be well to state here that a Senator from Virginia (Mr. Mason) was more strongly opposed to the scheme than any other. He said that he believed Congress had not the power to aid in the construction of such a road, and, believing that, he would prefer to lose the entire acquisition of our Pacific coast rather than violate the Constitution in order to retain it. He made a remark which perhaps is profitable for instruction here to-day: that although there was a fixed majority in the Senate in favor of the measure, although there was a very inconsiderable minority, yet, he declared that this minority had defeated the scheme once, and could continue to do so by keeping up an internecine strife among its friends and pitting one route against another, supporting first one side and then the other in their opposition to the different routes proposed. His policy of division and defeat was successful.

It is true, however, that at one time a measure came very near being passed early in the progress of the history of this enterprise. Mr. Rusk, of Texas, in 1852, introduced a bill which had in the other House

a well-ascertained majority. It came within two votes of passing the Senate. But for its having been defeated by Senators who doubted the constitutional power of the measure there would this day be a railroad on the very line designated in this bill. All the indications of opinion, then and since, show that this southern route would have been first selected. It was the shortest and cheapest route, with lower elevations to run over and easier grades. Among those who voted against this measure was one of the most distinguished statesmen of the South, who by his uncomplaining and dignified sacrifice of a great future has proved his faith in the doctrine he then advocated. I refer to Mr. Hunter, of Virginia. Shortly after my second election to Congress since the war, he did me the honor to address me a letter which, upon the subject of the constitutional relations of this Government to this great measure, is an argument far above the highest effort of my humblest power, and I will read a small portion of it to the Senate. Mr. Hunter says in this letter:

When informed by a common friend that you expressed some interest to know my opinion of this question of a Texas Pacific Railroad, I thought it might be well to take this occasion to express my views upon the subject. The question is large enough and of an interest sufficiently common to animate the whole South to common deliberation and common efforts, for it is one not only of a large pecuniary interest of trade and commerce,

BUT OF EMPIRE ALSO.

You are perhaps aware that while in the Congress of the United States I opposed the adoption of this as a Federal measure, upon constitutional grounds. I was of those who believed that the progress as well as the harmony of the country required the adoption of the old State-rights doctrines by the Federal Government, upon which I predicated my objection to this as a Federal measure. I still retain these general views; but in many respects they have been modified by further experience and the results of the war. On no subject have they been modified more than in regard to this great transcontinental route through the southern territory of the Union.

After giving the reasons for his belief in the doctrine of State rights, he says:

But while I repeat my growing convictions of this truth with the increase of experience and reflection, I feel bound to acknowledge that we have sometimes interposed objections derived from those doctrines as a barrier to Federal action unnecessarily and to the diminution of the popularity of the creed which has weakened its friends in its support where its observance was essential to harmony and justice. In cases where a work cannot be done by the States and may be effected by the General Government, and is a public necessity or of a great public use, it seems to me that it ought to be derived to the General Government by a much easier rule of implication, so as to secure a necessary public good, than in cases where the power might be used by either the State or Federal Government.

After giving several illustrations he continues:

So, too, when a railroad passing through the Territories of the United States should be necessary for military purposes or as a route for trade, the General Government should not be held to a strict rule of implication in order to derive the power as a military necessity, or for the purpose of regulating trade and commerce between the States and foreign nations, or to erect new States by filling up the Territories with

POPULATION AND INSTITUTIONS

necessary for their support.

The States cannot use their power, and lose nothing by allowing the General Government to assume it, and thus enable the settlers of these vast wastes to go to them full-handed, and with all the means and appliances of civilization, and fit them for human uses and the convenient possession of man. To prevent so grand an achievement by interposing objections derived by an extreme extension of the State-rights doctrines, where there is neither use nor necessity for it, is only to bring into odium and ridicule those grand old bulwarks of human liberty, those prime defenses of American harmony and progress. If, in order to preserve these it were necessary to give up all the splendid promises of this great enterprise, I, for one, would do it. But one has need to be sure of his case before he wastes such splendid opportunities for usefulness for the web and woof of an arbitration, no matter how skillfully or what the ingenuity with which it is woven. If our harmonious future progress, our just treatment and freedom depend on a series of arbitrations, as I firmly believe, let us beware how we weaken them by attempting to stretch them to cases which they do not cover in right reason, and where the obtrusion of such considerations can

ONLY SERVE TO SHOCK

the common sense of mankind. I hope I need not say that I mean no reproach to State-rights men, even to the Pharisees of the school, if true and sincere. I have neither the heart nor the right to cast reproach on any such. I regard the followers of this school as the soldiers of the true cross, politically speaking, if I may use the term in this sense without irreverence, which I surely do not mean, and God forbid that I should cast a word of ridicule or condemnation on any, even the least of them. If in what I have said I cast reproach on any, it falls first on myself. But I regard it as due to the doctrines of that grand old school to relieve them from the odium of interposing them as unnecessary obstacles to progress and improvement. Especially should I regret it if they should delay or prevent the construction of such a work as this, in which the South has so peculiar and the Union so deep an interest. When I speak thus of the peculiar southern interest, I mean the road from Marshall, in Texas, to San Diego.

Just as proposed in this bill.

With all connections with this road it should be made to "prorate" on fair and just terms. If the General Government should aid it to connect with an Atlantic port, it seems to me that the point and continuation of the route should be south of Missouri—say through Vicksburg, Memphis, or New Orleans, on the Gulf. For this ought to be a southern route, both from considerations of justice and previous pledges on the part of the Government. But from Marshall to San Diego this route ought to be made by Federal means, if necessary. I am anxious that the South should use its influence to that end, both on public opinion and the General Government if possible. The hold of State-rights principles on the South ought not to be weakened, if it be practicable to prevent it, by interposing them unnecessarily to the accomplishment of an object so necessary to restore that section to its just share of power in the Government and its fair share of influence on the public opinion of the country.

He then proceeded to give his ideas as to what should be the provisions of a bill looking to this result, which provisions are in their spirit and substance embodied in the measure that I am now advocating before the Senate.

From the differences just referred to it became manifest that no one single route could give equal advantages to all sections and that

to establish a real veritable connection between the Pacific and Atlantic States it must be a connection, not of a section of the Atlantic, but of the whole of it with the whole of the Pacific Coast. To effect this, three or perhaps four roads were deemed advisable; a northern connection, a central connection, and a southern connection.

But while the necessity of this work of union was impressing itself upon the people and Congress, the war of secession broke forth upon the country. The necessities of that war forced the Government to make its connection with the Pacific upon a line farther north than would have been deemed wise or judicious under other circumstances. It was a war line, selected not because it was the best in itself considered as a route for a railroad, or fair and just as a national work, the advantages of which were to be general. Do not understand me, Mr. President, as underestimating the importance and grandeur of this wonderful enterprise, accomplished at such prodigious expense and such masterful energy. Notwithstanding all the abuses with which it has been associated, every man must admit that it is now one of the great arteries of national life, necessary to the hearty action of the whole organization.

But while it is thus so eminently serviceable, its advantages are sectional, and as a Pacific connection it denationalizes the twelve millions of people, (who are from five hundred to eight hundred miles from its eastern terminus,) unless it is considered as only a part of a great and symmetrical system, as yet incomplete, but which by the passage of this bill will be completed and perfected.

Mr. President, to the Northern Pacific the Government has given a land grant of about forty-seven millions of acres of land, the most of which is as valuable as any on the continent, and its friends are confident of a speedy completion, as I am informed by its president, if the relief asked for, in a measure now pending, shall be given. The bill for this purpose passed this Senate without division. To the Union Pacific and Central Pacific the Government has given land grants of fifty million acres and in bonds millions of dollars. The aid to the Texas Pacific is far below that given to the other two and has proved insufficient to construct the line, and the South, in her impoverished condition, has no private capital with which she can assist in building it. As is well said in the report, the aid to the northern lines stands in striking contrast to that bestowed upon the southern line.

Sir, I have a strong persuasion that this inequality has only to be presented in order to insure its correction.

To the Congress of the United States is committed the guardianship of all the interests of all the parts of this nation. We, the different Members and Senators, who represent communities and States widely distant from each other, embracing diverse systems of manufacture, commerce, and agriculture, are under obligations to make known to the national council here the special interests which each Senator represents. It is my duty as a Senator from Mississippi to make known to this national council that the people of my State, who are identified with the people of the South and have the same interest and the same sentiment upon this subject, desire, without any division of sentiment, that this road should be built. Nearly every State Legislature in the South has passed resolutions recommending the aid which is here proposed to be given. Texas, Alabama, Mississippi, Kentucky, Missouri, North Carolina, South Carolina, and the more numerous branch of the Legislature of Georgia, also the Senate of Virginia, all have expressed the desire that the Government should contribute its aid to the construction of this great instrumentality and bond of exchange and intercourse and intercommunication between the Atlantic and the Pacific. Commercial conventions and boards of trade in almost all of the southern cities have given emphatic expression to the same sentiment.

Allow me, sir, to indicate a few of the benefits that will result to the South especially, and through her prosperity to the nation at large from this connection. The South has every condition of soil, climate, and raw material for the development of a great industrial community. She can produce cotton, wool, hemp, and jute. She has vast mineral deposits, especially coal and iron, and, in my opinion, the application of the machinery used in California and Nevada to the gold-mines of Georgia would develop there a product of that precious metal that would add materially to its volume in the world. The Southern States have a vast area of forest growth. I remember that the Senator from Massachusetts, [Mr. HOAR,] upon his return from his visit to New Orleans, through a section of the South that was not thickly wooded, was deeply impressed with this fact. Mr. Webster, when he traveled through the South, was equally impressed. These immense forests of excellent timber invite manufacturers of wood. Scarcely a product of the North, sir, or of England, is there that may not be as cheaply produced in the South.

She has already begun her industries of the future, and the profits that are realized from them are, in some instances, prodigious. But, to develop these industries, she must have free access to the markets of the world, and be able to attract to herself the skill and capital and the appliances of the machinery of the North. Nature has given her a soil and climate peculiarly adapted to the growth of cotton. It can be raised more cheaply than in any other section of the globe. The crop of last year was 4,700,000 bales. It will probably be larger next year, perhaps 5,000,000 bales. The only other countries producing cotton, to any extent, are Egypt, India, and China. Last year England took 67 per cent. of her cotton from the United States. The manufactures last year amounted to an equivalent of nearly 6,000,000,000 pounds. I am indebted for these statistics to a very able

pamphlet upon the subject of cotton manufactures, issued by Mr. Edward Atkinson, of Boston, which I recommend to Senators as a perfect quarry of suggestive information. I am also indebted to an intelligent gentleman from Boston, Mr. Charles Coffin, who made an able argument before the Committee on Patents on the subject of the machinery of this country and its productive power.

The time has come when the Southern States, in the restoration of her people to the control of their own affairs, (assured to them by the just and wise southern policy of the present Administration,) and through the genius of American inventors, surpassing that of any other country on the globe—the time has come, I say, when she can lay her hand upon a goodly share of the trade of the world.

The conditions that have been largely instrumental in building up the manufactures of England and preventing the development of manufacturing wealth and enterprise in this country are undergoing important changes. One great element in England's favor has been the employment of cheap labor. A very intelligent European writer who visited this country during the centennial exposition expresses the opinion that the marvelous inventiveness of the American mind and the superior aptitude of the American laborer to handle machinery will largely counteract the effect of this advantage in England's favor. Mr. Atkinson, in the paper referred to, states that labor in New England is as cheap as that in Old England.

But, sir, the conditions of soil and climate and society in the South enable the employment of labor as cheaply as it can be secured in England. The prices of lands and of houses and of rents of every kind and of food in England are high, and the taxes are burdensome, and these weigh heavily over labor, whether levied upon it or not. In the South land, food, raiment, and shelter are cheap, and taxation is growing every year less burdensome. In everything except capital, skill, and experience the manufacturers of the Southern States are on an equality with the manufacturers of England, and the saving per pound in baling, waste, and transportation must be immense. Throughout the vast territories of the South are great rivers, which neither freeze in winter nor dry up in summer, that can turn her spindles all the year round, while the English manufacturer must mine his coal a thousand or fifteen hundred feet below the surface of the earth and transport it to his mill. Nowhere in the world can this great staple be manufactured so cheaply as on the spot where it is grown. And, at the same time, these manufactures, thus fostered and growing up, will develop the diversities of Southern agriculture to an extent that will make her land blossom like the rose.

Although four million seven hundred thousand bales of cotton were raised last year, the Southern States have, as yet, but a small percentage of their cotton lands under cultivation. These lands can produce enough to clothe the world. It is estimated that not more than two hundred millions of people are yet reached by machine-made cotton, but that there are fully six hundred millions that will yet be clothed with fabrics wrought by machinery. The spindles of the world are sixty-eight millions, thirty-nine millions of which are English, nine millions six hundred thousand American, and about twenty millions throughout Europe. They give employment to about one million men and women, boys and girls; and the entire manufacture amounts to an equivalent of about ten billions of yards. That this product, enormous as it is, is to be doubled in the next few years is one of the probable events of the future. The entire amount of cotton imported into Great Britain from 1850 to 1860 was 1,006,000,000 pounds. From 1866 to 1877, eleven years, the amount was 17,148,000,000 pounds. Taking it for granted that there is to be a corresponding development in the future, in what direction shall we look for a market?

The fields which are most inviting are Mexico, South America, China, Japan, Australia, and the islands of the Pacific. In order to reach them, a railroad from the cotton-fields of the South to the Pacific is absolutely necessary. Sir, these commodities can never be sent from five hundred to eight hundred miles to reach the eastern terminus of the Union and Central Pacific at Omaha, there to meet the burdens of the high rates upon freight and travel imposed by these companies. Look at our trade with Mexico. Its commerce is almost wholly in the hands of English merchants; nor can we ever open an extensive commerce with that country till we reach it by rail. The Mexican government having no well-regulated system of finances, frequently, indeed commonly, resorts to forced loans, taking vouchers which are receivable as customs dues; and as England is the chief creditor of Mexico, these vouchers fall into the hands of the English importer, at the foreign discount. Now, nearly all the foreign goods are entered at Vera Cruz, but a railroad running along the northern border of Mexico will bring about a new state of affairs. Our exports to Mexico in 1877 were \$4,509,000, while our imports reached the sum of \$15,444,000. Of this amount \$5,205,000 was in merchandise, and the balance in specie.

I have before me a list of the articles imported, and also a list of our exports, from which it will be seen that there is no article contained in it which cannot be produced in the Southern States, and as cheaply as anywhere in the world. They are such articles as breadstuffs, cotton goods, cordage, jeans, tobacco, household furniture, bacon, butter, lard, sheep, Indian corn, &c.

All that we need is the demand for the articles at our hands, and the only thing necessary to create the demand is a cheap, easy, and direct communication with the market, which this railroad will provide.

In some excellent letters which I have seen in the Boston Journal of Commerce, there are some significant facts in relation to our trade with South America. Take Peru, for instance. The population of this country is two million six hundred and seventy-three thousand. Our trade with it is small. Our exports to that country last year amounted to the insignificant sum of \$1,545,000; our imports still less. Half of the value of our imports is nitrate of soda. A list of the articles exported, and also the exports of England to that country, I have in my hand, (for which I am indebted to Mr. Coffin,) from which it will be seen that every article sent to that country could be produced with cheapness and in abundance in the Southern States. At present that country is far distant from us, and inaccessible to us; but with the construction of this line to San Diego her people will become our near neighbors.

The western coast of South America is a rich field for American manufacturers in the future. At present the trade of Chili is almost wholly in the hands of Great Britain. The population is about two millions. The country can only be reached, at present, by vessels sailing around Cape Horn or through the Straits of Magellan, or via the Isthmus of Panama. The English line of steamships from Liverpool to that isthmus connects with a fleet on the other side, touching at every port on the western coast of South America between Panama and Valparaiso. Our own manufactures are sent by sail around the Cape. The construction of a southern line of railroad to San Diego would open a new vein of traffic with that entire section. We have a large and rapidly increasing trade with those vigorous countries under the Southern Cross, Australia and New Zealand, peopled by the Anglo-Saxon race, of high civilization, consuming a great variety of productions. Our exports to those countries in 1876 amounted to nearly \$4,000,000, and in 1877 they were nearly \$6,000,000. The construction of a southern line of railroad to the Pacific will bring us into more intimate relations with these countries. The population of Australia now numbers about two millions; New Zealand, about four hundred thousand. They are countries that already have twenty-six hundred miles of railroad in operation. Last year we sent them a great variety of our manufactured goods. With the exception of petroleum, every article of export to these countries from our own can be manufactured just as cheaply in the Southern States as anywhere in the world. And then, sir, there are China and Japan. I have not time now to go further into this subject. It is one with which Senators are very familiar.

Before the war, the trade that we had with China and Japan in manufactured cotton was 4,000,000 yards. The commerce of England was much less, amounting to only 130,000 yards. How changed were the conditions after the war. I learn from an intelligent author, whose work I have here, that we now send out about 11,000,000 yards; England, 263,000,000. But this will not clothe one out of ten of the inhabitants of that land. The population of China is estimated at from four hundred and fifty to five hundred millions. The commerce of both countries as yet furnishes China with but little more than half a yard *per capita* of manufactured cotton goods. Our cheap cottons would find a demand in that market of at least 250,000,000 of yards, without displacing or coming in competition with the trade of England.

Upon this point I will give the views of Mr. Atkinson as set forth in the pamphlet I have already referred to. He says:

Leaving to our competitors the share in the supply of the world's need of cotton goods which they have already secured, there yet remain outside of Europe and the United States, in Asia, Africa, and South America from five hundred to eight hundred millions of people whose clothing consists mainly of cotton cloth. It must now be spun and woven by the slow process of hand-work. Can we obtain our share in this unworked field? Four hundred million persons, at five pounds per head, would require from our Southern States four million additional bales of cotton, and would call for forty millions more cotton-spindles in Europe or America to work them up. Who will raise this cotton and where shall these spindles be constructed?

Now, three of the four great factors in the problem which is here presented are more within the reach of the South than of any country on earth. We have, first, the cheapness of the raw material; next, all the elements of cheap manufacturing; and, third, our capacity to exchange for the products of other lands at a profit. But the fourth and essential element in that problem we have not, and that is cheapness of transportation, and we cannot have it until this road here proposed puts it into communication with this vast demand, which, increasing the consumption, will increase so vastly our production, and thereby our wealth in like proportion.

These are some of the benefits, sir, in a commercial point of view, which the South expects from the construction of this great enterprise.

I have consumed so much of the time of Senators that I will not dwell upon the economies to the Government that will be promoted by the completion of this great highway of commerce. I have seen estimates, the correctness of which I do not doubt, which convince me that there will be a saving simply in the appropriations for our Army of nearly \$7,000,000 per annum.

In view of all these important considerations, how utterly small appears this suggestion about a "subsidy" for the sole benefit of a private corporation or a few privileged individuals. Sir, any Senator who will raise his voice or give his vote in this matter with reference to the private or personal advantage of any individual or association of individuals, or with reference to the hurt or frustration of mere personal interests, will be trifling with a grave and important

subject, one involving the prosperity of the nation and the fortunes of millions of its people.

Government cannot make any expenditure which is not incidentally for the benefit of individuals, if by that you mean the people who perform the duties which the Government requires and receive the remuneration which the law provides. Who gets the whole of your postal expenditure but the mail contractors and the railroad corporations and the officers of your Post-Office Department? Does the Government get anything in return? No, sir. The people get in return safe and speedy communication and the possibility of carrying on the vast business interests of this vast continent. Sir, there is much in the talk about soulless corporations and their vast power which is the mere exaggeration of rhetoric.

What is a corporation but an association of individuals? They are the agencies which have always been employed in modern times for the accomplishment of enterprises of any great magnitude; and while it is true that in the general demoralization which has taken place as a consequence of war great abuses of trust have been committed by officials of corporations, as by officials of government, and also by individuals, it is none the less true that corporations have been among the most efficient means of advancing the progress of humanity and civilization and education and religion. In a country of small equal fortunes, where there is no great centralized government, large and important enterprises have always been achieved by corporations and cannot be accomplished without them. They are the only agencies open to the contributions of poor men, who if left to themselves would be powerless, as they could neither share the privilege of taking part in works of any magnitude or participate in the profits which the use of vast masses of capital insures. I believe I am warranted in saying that if the political history of English-speaking people proves any one thing it is the influence of corporations in preserving constitutional liberty, in spreading public spirit, in educating and enlarging the national ambition, in bringing within the reach of the poor and the laboring man those scientific achievements which, put into practical use, elevate and improve the whole people. They are institutions, sir, which have grown up in society as society grows more free and more independent of the agencies of government. Indeed, they are the institutions of decentralization, and have been the channel through which the exercise of the functions of sovereign power have been abstracted from government, and transmitted into the domain of individual freedom, activity, and enterprise.

One or two points more and I shall close.

There is no doubt about the fact, Mr. President, that whatever may be the material condition of the people of this country, there prevails in American society more of discontent and complaint, more of tendency to social irregularities and outbreak, than has ever existed at any former period of our country's history. Many causes have been assigned for this condition of things. Political maladministration, Federal and State, errors in financial legislation, gross oppression and injustice in our systems of taxation, the incorporation into our society of some elements, causing a tendency to intestine commotions that have never been observable in our earlier history—each and all have been assigned with equal earnestness by the different advocates of the various remedies for the existing state of things.

Whatever may be, sir, the correctness or incorrectness of these theories upon this subject, and perhaps there may be something of truth and error in all of them, there are two causes which I think have been too much overlooked. One is, the prostrated and impoverished condition of one section of the country, embracing fully one-third of its population. In the South, by the results of the war alone, an immense amount of productive capital was destroyed. Then, the market value of slaves, whatever may have been the inferiority, as alleged, of slave labor compared with free labor, has also been annihilated. That event certainly precipitated half a million of opulent families living in affluence and luxury into extreme poverty and destitution. The effects, sir, of such a catastrophe as that would shock the prosperity of any commercial community holding relations of trade with them. Sir, it at once destroyed the market for all the luxuries and appointments of comfortable life which that condition of society in the South had created and maintained. The demand in the South for jewelry, costly stones, fine equipages, palatial furniture, the finest cloths, silks, alpacas and cashmeres, has ceased. The immense amounts expended in travel and sojourn in the watering-places of the North, and in our great cities, all these have disappeared, and with them an immense source of profitable exchange.

Now, sir, one of the great national wants is the restoration of that market or its equivalent. It lies in the restoration of the South to the full vigor of her capabilities. It can be secured by the resuscitation of her commercial and industrial life and the opening of new fields for emancipated labor. Sir, the completion of this road will go far toward that consummation.

But, sir, there is still another cause. The conditions of American society are, for the first time in a half century, stagnant and unprogressive. The forty millions of the people of this country cannot safely remain in this condition. They are energetic, aspiring, restless, eager. The whole history of the American people has been one of dramatic movement and interest. For a long time it was the march of emigration to the West, the advance of pioneers, the receding of frontiers, the felling of forests, the opening of fields, the rearing of school-houses and court-houses, the organization of society

into communities, and communities into Territories, and Territories into States—opening up civil employments as objects of a noble ambition, and giving all that was aspiring and energetic and progressive full scope for unlimited development.

Then came the acquisition of the great Territories of Louisiana and Florida, followed some years after by the annexation of Texas. Then the Mexican war, which gave a grand field for employment and activity to the martial spirit of the country. Then the acquisition of our Pacific empire, the discovery of the gold mines, the rush of population to that shore, the vast influx of the precious metals into this country, increasing the prices and giving an impulse to industry in all its forms. Then came, sir, the great contest about slavery in the Territories, followed by a war which strained the energies of both sections to their utmost, accompanied as it was with the grand enterprises of Government subsidies and aids to railroad connections between these Atlantic and Pacific States, giving employment to thousands of laborers and opening demands for innumerable markets, filling up the intermediate country with population, and with towns and cities, and commerce, and great commonwealths—when, sir, all of a sudden there is a pause in this grand movement. No railroad enterprises are going on. Thousands of laborers have been thrown out of employment on that account, and that has stopped the demand for the production of all other manufactures and industry, and this by inevitable law stops the profits of merchandise. And this eager people, in the very youth of their vigorous existence, with no objects of internal development, with nothing of external progress, find themselves expending their energies in communistic excitement and intestine commotion. Here I think you have the most efficient cause of that hidden discontent which flamed out so fearfully but a year ago.

Now, sir, I hold to the doctrine very firmly that it does not fall within the functions of Government to give bounties to capital or employment to labor. I do not believe that either the interest or the dignity of the laboring classes will ever be subserved in that way. But if in the prosecution of a great national policy capital will find new channels of profitable investment and labor new fields of remunerating employment, such results are strong arguments in favor of that policy. Sir, the construction of this road will throw open these new channels to capital and also a new field for the peaceful employment of the labor and for the development of the resources of wealth, of strength, and of power which lie in the recesses of the vast regions between the western lands of Texas and the Pacific coast.

I ask the attention of the Senators to the views of one whose fame needs no tribute from me, but whom I am proud to call my friend. I allude to Hon. A. H. STEPHENS, of Georgia:

A liberalized currency would tend greatly to relieve the producing sections of the country; but such influences are a mere drop in the bucket as means of rehabilitating the South, the Southwest, and the Southeast, when compared with the building of the Texas and Pacific Railroad, and as a means of reviving the industries of the whole country. At least twenty States would instantly feel the quickening impulse and would throb with rejuvenated vitality in all their industries. Think of the vitalizing effect upon southern industries, particularly resulting from the expenditure of the money necessary to construct the road; of the thousands of mechanics, unwilling idlers now; of the young men of education now vainly seeking clerkships; of the laborers in every pursuit of industry, who would be provided with remunerative employment were the enterprise set in motion. Besides, too, the increased value of land and other property in the States east of the Mississippi would be enormous. In this respect alone the increased wealth to Mississippi, Alabama, Georgia, Kentucky, Tennessee, the Carolinas, and Virginia from increase of business and travel over this road would amount to figures that would startle us now could they be given.

What we want now is stimulation of business. Just as in the human system stagnation superinduces congestion, so we are suffering in matters of commerce and manufactures. Money is locked up because there is nothing to invite it from the coffers of capitalists. Ten millions of dollars spent in the ensuing year in an enterprise like the Texas and Pacific would start one thousand millions. Iron-foundries and steam-mills now inactive would be revived. Timber, cross-ties, blacksmiths' materials, iron and wood in all their varied uses, would be in great demand, and in the work of constructing this great continental enterprise there would be employment for all kinds of railroad labor, from that of the chain-carrier to that of the bridge-builder. There would indeed come a great business and industrial revival far exceeding any ever known in America. Immigration that has heretofore shunned the South would then be tempted and invited because of facilities for reaching that section never enjoyed before and because of the inducements of soil and climate.

I have, sir, but one or two remarks to make in addition, and those I should like to address to the Senators from the East, and I ask that they will not consider it an intrusion upon their reserve. I do not make the appeal to the Northwest because I know that we shall receive a degree of support from that section; nor to the South, because the South is almost a unit upon the subject of a great southern transcontinental route. There have been no diversities among us that are worth mentioning, and the only difference, it will be seen, will be a difference as to details. I am most anxious to commend this measure to the favor of Senators from the Eastern States. I regard that section of this Union as being now in a sense the especial representative of the most precious principle of our American Constitution at this time, the most conservative part of our Government, that which alone will protect us from democratic absolutism, which is always the sure forerunner of imperialism. I mean the federal principle of our system, that which co-ordinates the States of this Union and makes them coequal in dignity and power.

Sir, when we look at the power that the six New England States and two or three other Eastern States of still smaller population have in this Government, we can but be struck with the extent of the political authority they exercise; the power of positive, affirmative

legislation, to say nothing of their negative power, as compared with the population upon which it is based. Four millions of people have an actual affirmative force in the legislation of the nation as great as, perhaps greater than, that of fifteen millions in other States, simply by virtue of the principle of State sovereignty and State equality in this Chamber. It is a principle which is essential, in my opinion, to the preservation of liberty on the American continent; but the people in some parts of this country are growing restive under this inequality of popular representation; complaints are being made as to this great disparity. I have no sympathy whatever with such complaints. The right of these States to equality here, irrespective of population, is as sacred as the Constitution itself, and if impaired in the least, the whole system of constitutional liberty in America will fall into irretrievable ruin.

But, Mr. President, this sentiment of reverence for the Constitution is not, I fear, as deep and abiding in this country as it once was. The thought to which late events in our history have given most frequent expression is that "the will of the nation, as one people, is supreme," and that this will must not be subordinated to a political form or a political dogma; and that if there be in the Constitution any provision whereby the people in their action are prevented from effecting amendments to it, it will not be a revolution when the spirit of the people, in its real strength, breaks through the system by which it is gaged. This is the view which is now put forth with greatest acceptance by the political philosophers in this country of the present day. I do not concur in it; but if the contest for supremacy ever arises in this country (may God forefend that it ever shall!) it is a fact which the history of all popular governments attests, that constitutional right must give way before numerical power. The mere holders of the symbols of power cannot stand before the actual possessors of power.

Such a contest may be averted by exercising these vast powers in a spirit of correspondence with the will and interests of the whole people and not as representatives exclusively of the local interests of their constituencies. It is in this way, sir, that the hereditary principle of the British government has been preserved and made to accord and co-operate with the elective principle in the promotion of the greatness and glory of that Empire. I would therefore invoke these Senators when they come to act upon this question to look in a large, liberal, and benignant spirit to the interests of the twelve millions of people who are deeply and directly concerned in its success; and if they can find it not inconsistent with the interests of the whole country to give it their support, that they will do it. Their constitutional power will thus have, sir, a solid foundation in the affections and gratitude of a constituency far wider than that whose suffrages have sent them here.

Mr. President, if I thought that this measure could have any ill effect upon any section or any interest of the country I would not advocate it. I have attempted to commend it to the favorable action of this body because I believe it will, while benefiting the whole country, infuse new life and prosperity in the South and give to the people of that section the assurance that in this great Union their material interests are considered and promoted and that they are to become in future full participants in its greatness, and glory, and prosperity.

Mr. JOHNSTON. Mr. President, I desire to address the Senate on this question, but I do not wish to trouble the Senate at this time. I merely give notice that at some other day, when there is less press of business, I shall ask the Senate to indulge me in some remarks upon the bill.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) The unfinished business of yesterday will now be resumed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 1021) for the relief of certain settlers on the public lands, and the bill (S. No. 933) to authorize the commissioners of the District of Columbia to refund certain taxes erroneously collected, and for other purposes.

INDIAN APPROPRIATION BILL.

Mr. ALLISON 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. 4549) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 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 15, 25, 30, 37, 51, and 62. That the House recede from its disagreement to the amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 24, 26, 27, 28, 29, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 44, 46, 48, 49, 50, 53, 54, 55, 56, 57, 59, 60, and agree to the same.

That the Senate recede from its amendment numbered 9, with an amendment as follows:

Substitute for the words proposed to be stricken out the following: "at the Abiquin agency, at the rate of \$1,200, during the continuance of said agency."

And the House agree to the same.

That the House recede from its disagreement to the amendment numbered 22, and agree to the same with an amendment as follows:

Strike out "one" and insert "three."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 23, and agree to the same with an amendment as follows:

Substitute for the sum proposed by said amendment the sum of \$103,800.

And the Senate agree to the same.

That the Senate recede from its amendment numbered 31, with an amendment as follows:

Strike out the words "Commissioner of Indian Affairs," and substitute therefor "Secretary of the Interior."

And the House agree to the same.

That the Senate recede from its amendment numbered 43, with an amendment as follows:

Strike out of said amendment the word "eighty" and substitute therefor the word "ninety."

And the House agree to the same.

That the House recede from its disagreement to the amendment numbered 45, and agree to the same with an amendment as follows:

Strike out after the word "select," in line 4 of said amendment, the words "with the consent of said Indians" and insert in lieu thereof "not inconsistent with treaty stipulations with said tribes."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 47, and agree to the same with an amendment as follows:

Strike out the word "sixteen," in line 2 of said amendment, and insert in lieu thereof the word "ten."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 52, and agree to the words proposed to be stricken out, amended as follows:

After the first word insert "the sum of \$25,000 of," and strike out the word "re-appropriated" in lines 6 and 7, page 42 of the bill, and insert in lieu thereof the word "appropriated."

And the House agree to the same.

That the House recede from its disagreement to the amendment numbered 58, and agree to the same with an amendment as follows:

After the word "hundred," in the first line of said amendment, insert "and thirty."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 61, and agree to the words proposed to be stricken out, with an amendment substituting for the words "Commissioner of Indian Affairs" the words "Secretary of the Interior."

And the House agree to the same.

W. B. ALLISON,
WILLIAM WINDOM,
WILLIAM W. EATON,
Managers on the part of the Senate.
WILLIAM A. J. SPARKS,
JOHN H. BAKER,
O. R. SINGLETON,
Managers on the part of the House.

The report was concurred in.

AMENDMENT TO POST-ROUTE BILL.

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

DISTRICT GOVERNMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia, the pending question being on the amendment reported from the Committee on the District of Columbia as a substitute for the bill.

Mr. INGALLS. I ask that the first section of the substitute may now be read. As it has once been read in full, I suggest that it need not appear again in the RECORD.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) The first section of the amendment will be reported.

The Chief Clerk read the first section of the substitute.

Mr. INGALLS. If there be no objection, I move that this section be agreed to by the Senate.

Mr. COCKRELL. I hope the Senator will wait until the Senator from Delaware [Mr. BAYARD] and the Senator from Vermont [Mr. EDMUNDS] are in their seats. They have been sent for and are expected in the Chamber every moment. I know they desire to be present, and I trust a delay of a moment or two will be given.

The PRESIDING OFFICER. Is there objection to considering the amendment of the committee by sections? The Chair hears none. Is there objection to the section just read?

Mr. COCKRELL. I hope that action will be delayed until the Senators I have named appear.

Mr. INGALLS. This bill has been under discussion since yesterday; and the Senators to whom the Senator from Missouri has referred were aware that it would be called up for consideration immediately upon the conclusion of the remarks of the Senator from Mississippi. I feel that it is unjust to delay the consideration of public business in order to await the convenience of Senators who were aware that this bill was to come before the Senate. I shall therefore ask that the business may be proceeded with in order, subject to the action of the Senate.

Mr. COCKRELL. I trust that the section will be reported again for information. If that is not done I can assure the Senator that he will not get action until those Senators have time to come in, for I shall certainly consume that much of the time of the Senate.

Mr. INGALLS. I have no doubt of the ability of the Senator from Missouri to consume the time of the Senate unprofitably; he has shown his capacity in that way too often.

Mr. DORSEY. On the 16th instant, when the Senator from Kansas reported this bill, he called the attention of the Senate to it particularly and gave notice then that he would call it up for action the following Monday, which was a week ago from last Monday. For some reason the bill did not come up then. It was taken up yesterday after the morning hour expired, and then the Senator in charge gave way for the consideration of another question. When it was

taken up yesterday no one seemed to understand the question at all. Several Senators expressed surprise that the bill was before the Senate. We occupied an hour or two here in a dallying sort of way without anybody appearing to know exactly what was being done. Then the Senator from Ohio [Mr. THURMAN] moved, inasmuch as the Senate did not understand this bill and did not seem to be able to understand it, that we adjourn until to-day, and he suggested that each Senator take a copy of the bill home with him, so that he could read it last night and this morning and we could take it up to-day and proceed with it. To-day the Senator from Kansas gave way to the Senator from Mississippi as per agreement, and the understanding then was that we should proceed with this bill immediately after the conclusion of the remarks of the Senator from Mississippi, and as the hope was expressed by the committee, in which I trust the Senate will concur, for the purpose of finishing the bill to-day. Now the Senator from Missouri and probably other Senators suggest a delay because one or two Senators are out of the Chamber. Those Senators have known that this bill would be proceeded with to its passage at the earliest day possible, and if they are not here it is not the fault of the committee. I hope we shall proceed with the bill until it is completed.

The PRESIDING OFFICER. The first section will be again reported.

Mr. SAUNDERS. If there has been any understanding of the Senate by which this bill is to have precedence, I shall give way of course and let it proceed, but if not I wish to insist upon the Calendar being taken up and gone through with. There is a bill that has been on the Calendar for more than two months in favor of organizing the Territory of Lincoln. There are more than twenty thousand people there to-day representing every State in this Union, and they are unanimously asking that this Territory may be organized. On that account I shall insist upon going on with the Calendar unless there was an understanding that the District bill should come up to-day. If such has been the understanding, then I shall give way to that bill for the present.

Mr. DORSEY. Nearly an hour was consumed this morning by the Senate in endeavoring to determine what the order of business was and what was before the Senate. I supposed after that long debate that everybody understood that the bill to provide a permanent form of government for the District was the unfinished business that came over from yesterday, and of course is the business now before the Senate. I hope the Senator from Nebraska will not move to lay that business aside in order to take up his bill. When the time comes I shall be glad, and I presume the Senator in charge of the District bill will be glad, to aid the Senator from Nebraska in a proper way; but the District bill is now before the Senate and I for one insist that it shall remain so until it is disposed of either by being passed or voted down.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and can only be displaced by a vote of the Senate.

Mr. SAUNDERS. I said I would certainly not insist upon going on with the Calendar if such was the understanding; but after this bill is concluded I shall ask that we take up the Calendar and proceed with it as the regular order.

The PRESIDING OFFICER. Does the Senator from Missouri insist on the first section being reported again?

Mr. COCKRELL. Yes, sir.

The PRESIDING OFFICER. The first section will be read.

The Secretary read the first section of the committee's amendment.

Mr. COCKRELL. I did not hear the remarks of the Senator from Kansas yesterday. I reserve the right to offer amendments to this section or any of the sections of the amendment before the bill is reported to the Senate.

Mr. INGALLS. The right is undoubted in the case of any Senator or any section.

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

The section was agreed to.

The PRESIDING OFFICER. The Secretary will report the second section of the amendment.

The Secretary read section 2 of the proposed substitute.

Mr. BAYARD. On line 18 of section 2 I move to strike out the word "three," and insert "one," and the letter "s" in the word "years," so as to read:

The two persons appointed from civil life shall, at the time of their appointment, be citizens of the United States, and shall have been actual residents of the District of Columbia for one year next before their appointment, and have during that period claimed residence nowhere else.

I know the constitution of no State which requires a longer actual residence, a fixed residence, with the intention of remaining, to qualify a resident to become a citizen of that State. Some of the States, indeed, I believe shorten the period of residence. One of the objections to the government in this District for some years past has been that persons not identified in interest with the local population and property-owners have had too much to do with their government. The fact of a long residence may not always give a man a proper interest, or make him a fit person to take charge of the affairs of a community. It is the identification of interest and intelligence necessary for the

office that qualifies the person for the appointment. Any man, it seems to me, who is qualified to vote for another for an office should by law be qualified to be voted for; and this District would be the exceptional case that would require a longer residence in the official than in the persons creating him by their votes. There might possibly be an exclusion of very fit and proper candidates for this office if this term of residence, unusual in the laws of any community known to me, should be insisted upon. I therefore move my amendment, which will allow the District commissioners to be chosen from persons who are residents of this District and have been continuously so with the intention of remaining for one year, if it meets the approval of the Senate.

Mr. INGALLS. The provision in the House bill upon the subject of the length of residence that should entitle a person to be appointed commissioner was five years. There was a difference of opinion in the committee as to the term that should be prescribed. Of course there is nothing in the nature of things that renders a man specially competent to discharge the duties of his position from the mere fact of his having resided here a time greater or less than that prescribed in the bill. One great cause of complaint that the citizens of the District have frequently urged has been that strangers have been sent among them to rule over them, and harass them, and eat out their substance; and it was thought best, in order to comply with the sentiments of the people upon this subject and to carry out the general ideas of local self-government that prevail to so great an extent among the American people, that a period of residence and citizenship should be provided which would prevent this cause of complaint hereafter. The committee believed that as a proper measure of compromise between the term prescribed by the House, which seemed to them to be excessive, and the condition that had heretofore existed, in which no term at all was prescribed, the term of three years would perhaps be best adapted to compose existing differences and ally hostile interests in support of the measure.

I may say in passing that it has been rumored, with what degree of veracity I do not know, that the provision of the House bill was inserted for the express purpose of hitting a particular case. If this be true, of course it would be unwise in the Senate to agree to it.

I hope the Senate will not agree to the amendment offered by the Senator from Delaware, because the committee considered the whole subject and instructed me to insist upon the period prescribed in the substitute. There is no special reason that I know of why one year or three years should be prescribed; but the period of three years is one that would enable a person residing here to familiarize himself with the wants of the people, with their peculiarities, and with the necessities of administration here. It seems to me to be appropriate, and I trust the Senate will agree to the provision as reported by the committee.

Mr. BAYARD. I would ask the honorable Senator whether he can name any other community in the United States where a longer residence than one year is required to enable a man to become a voter and to hold office.

Mr. INGALLS. I cannot. Not having the volume of Colonial Charters and Constitutions here, I should not be able to state definitely the fact upon that subject. I know, however, that the Constitution of the United States in treating of offices as important as those of Senator and Member of the House of Representatives merely insists that persons elected to those offices shall be inhabitants of the States where they reside. Of course, as the Senator from Delaware is well advised, there is nothing in the natural limitations of time that would render one period essential rather than another. I believe that, in consequence of the peculiar character of the population here, being to a great extent transitory and fugitive, and owing to the conflicting relations between the Government and the corporation, it would be advisable to prescribe a longer period of residence than exists in States, because it will require more time to become familiar with the necessities of the community.

Mr. BAYARD. It seems to me that the Senator's argument is rather against himself. He says that this is a community in which the mass is very frequently varied.

Mr. INGALLS. Oh, no; I say there is a large transitory element here.

Mr. BAYARD. Very well. If there is a large transitory element, then there will be in proportion a less permanent element. The Senator from Kansas proposes to make a discrimination in favor of the permanent population, which will exclude a larger portion of the people than in any other community in the United States.

Mr. INGALLS. Does the Senator mean to say that the permanent population here is not as much entitled to respect as the transitory?

Mr. EDMUNDS. It is entitled to equal respect.

Mr. BAYARD. It is very plain that in any community where there is a transitory population there will be fewer of the permanent population, and yet the Senator would diminish the right of choice by limiting the class from whom the commissioners can be selected to a smaller class than any other community known to me in the United States. I know those States considered most conservative in their frame-work of government are satisfied to make the residence of an inhabitant for one year the prescription for his citizenship. It is so I think in Virginia; it is so in Maryland; it is so in the little State where I live. I believe a shorter period is generally assigned in the

other States. Perhaps the period is shorter in States where the desire exists to encourage population and to grant the right of citizenship as fast as they can. Therefore, unless there be some reason which has not yet been given, (but on the contrary the reasons which have been given rather militate against the proposition of the Senator,) there is no good cause for prolonging the time of residence in the District to prevent a man from holding office longer than exists in other and well-settled communities all over the country.

Mr. MERRIMON. Mr. President, it will be observed, on looking into the substitute reported by the Committee on the District of Columbia, that the three commissioners are virtually the rulers of the city. They are to exercise the chief and a very high authority. The policy of the measure is to select persons who are thoroughly identified with the people of this District. As my colleague on the committee has very justly said, a large part of the population of this city is very transitory. A year here, looking to citizenship and the purposes of citizenship, is briefer, in one sense, than elsewhere. It is very doubtful, if a man stays here but a year, whether he is going to stay any longer or not. We thought that three years would be a reasonable time for one to live here in order that the people and the President who appoints these officers might be satisfied that such person as might be appointed was fully and thoroughly identified with the people. Besides, these commissioners, exercising such high power, ought to be very familiar with the circumstances and wants of the people; they ought to be familiar with the condition of the city, with all its localities; and such familiarity would not be probably gained by a person who had resided here simply twelve months. And in twelve months, in a city like this, a man would scarcely become very well acquainted with the people and their respective wants, of all classes and conditions. The committee thought, on due consideration, looking at the action of the House, that three years would be a reasonable time—not extravagant one way or the other. That length of time seems to me reasonable and conservative.

Mr. EDMUNDS. Mr. President, I rise to support the amendment proposed by the Senator from Delaware to make this limitation of residence one year instead of three. I do not think, under the condition of the District and the relations of the United States to it, that there ought to be any provision at all of that character, but I shall not oppose a provision of one year.

This bill provides for the United States paying one-half of the expense of carrying on the government of the District. The United States, therefore, ought to have, through its Executive and Senate, the right, inasmuch as it pays half the expense, to select for a part of the governors of the District, and more than one as this bill provides, any citizen of the United States whom the Chief Magistrate and the Representatives of all the States and of all the tax-payers think is a fit man, even if he has not been a permanent resident in this District for three years. It seems so to me. Half the money comes from the whole people of the United States, and then the Constitution itself provides that this District, in which nobody is a resident (except those in jail) without his free and voluntary consent, shall be a district in which Congress is to exercise exclusive legislation. Congress is the legislative power of the District, and that Congress is the Congress of the whole people. This is a place for the whole people of the United States to have an interest in and to take care of and to pay the expenses of, as it does now by this proposition to the extent of one-half, and indirectly to a much larger degree.

Therefore it appears to me, with great deference to the opinions of the gentlemen of the committee, that the proposition of the Senator from Delaware to bring it down to one year ought to be satisfactory even to the committee.

Mr. MERRIMON. It seems to me inasmuch as Congress and the American people through Congress exercise such absolute power over the District of Columbia and the people who reside here, that it would be but reasonable and Congress ought to be content to rule them through persons who live here and know their wishes and their wants better than strangers can know them.

Mr. EDMUNDS. Yes; but according to the statement both of the gentleman in charge of the bill and my honorable friend from North Carolina, a very large proportion of the people in this District are not citizens of the District, but people of the United States who are lawfully here for necessary purposes, and they are to be governed as well as the others.

Mr. MERRIMON. But a large majority of the people here are permanent residents of this city. A population of eighty or ninety thousand people are as much at home in the District of Columbia as the Senator is in Vermont or myself in North Carolina. They are attached to their homes, and they want to be governed by their own people. That is a natural impulse that they should desire to be governed by their own people. Now, if we intend to consult the wishes of the people of the District at all, will anybody doubt that if the people were going to elect their commissioners they would not elect a man who had been here a less time than three years?

Mr. EDMUNDS. That would depend upon a great many circumstances.

Mr. MERRIMON. I think on looking at the circumstances, taking a reasonable view of them, that the people would naturally want to elect a man who was identified with them, and who they knew was identified with them by the length of time he had been here; they would want to take one who was familiar with their wants, who had

lived among them a long time, a man whom they had come to know. They would not want a stranger. It is repulsive to human nature to have a stranger rule over you. There is no government, as a friend beside me says, so hateful as that of a stranger.

Mr. BAYARD. I want to ask my honorable friend from North Carolina whether the constitution of North Carolina requires a longer residence than twelve months for a person to become a voter or be capable of being appointed to office in that State.

Mr. MERRIMON. The old constitution required a residence of two years. The new constitution requires a residence of one. But, as was said by my colleague on the committee, who has charge of the bill, the state of society here is very different from what it is in North Carolina, or Vermont, or Delaware. Persons who go there for purposes of citizenship very soon become identified with the State and its wants, and their opinions and purposes are pointed out by the circumstances. Here when a stranger comes it is very difficult to say, sometimes it is difficult for himself to say, how long he intends to stay. He comes to be employed by the Government or to live off the Government for a while. In the course of a few months he becomes tired and passes away, although he may at first have come with a view to stay.

But furthermore, in large cities like this the stranger, even though he should come for the purpose of citizenship, learns slowly about localities, the various ramifications of interests and wants in a great city. We put it upon the ground that it was reasonable and just to the people of Washington to fix the term at three years.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware, to strike out "three years" and insert "one year."

The amendment was agreed to; there being on a division—ayes 23, noes 18.

The PRESIDING OFFICER. The question is on the section as amended.

Mr. EDMUNDS. I understand that this vote on the section does not preclude amendments to be offered afterward.

The PRESIDING OFFICER. Not at all.

Mr. EDMUNDS. Before that is put, there are one or two verbal amendments which I will merely suggest for the consideration of the committee, to make more clear what they desire. In line 9 after the word "limited" I move to insert the words "or provided;" so as to read that these commissioners "shall exercise all the powers and authorities now vested in the commissioners of the District of Columbia except as are hereinafter limited or provided." There may be some cases of provision which would not operate, technically considered by a court, as a limitation.

Mr. INGALLS. I have no objection to that.

The PRESIDING OFFICER. Is there objection to the amendment of the Senator from Vermont. The Chair hears none and it is agreed to.

Mr. EDMUNDS. Then in line 10 after the word "limitations" I move to insert the words "and duties;" so as to carry out the same idea to save any question in court.

The PRESIDING OFFICER. Is there objection to this amendment? The Chair hears none, and it is agreed to.

Mr. MERRIMON. I beg to give notice now that I reserve the right to ask a vote in the Senate on the amendment adopted on the motion of the Senator from Delaware.

Mr. EDMUNDS. In line 12 I move an amendment, which will be of substance, and therefore I call special attention to it. I move to insert after the word "detailed" the words "from time to time;" so that that clause will read:

The commissioner, who shall be an officer detailed from time to time from the Corps of Engineers by the President for this duty, shall not be required to perform, &c.

Another clause provides apparently for his being appointed once in three years and to hold for three years. I think in the very nature of the bill this detail from the Army, from the Corps of Engineers, ought to be a detail which may be made just as it is for the Commissioner of Public Buildings and Grounds, from time to time. The exigencies of war, or some public service, or some disqualification that is discovered, some unfitness of this officer, ought to allow the Commander-in-Chief of the Army from time to time to detail the engineer who is to act; and I think from our experience it will be found that that power of the President of detailing from time to time (that is to detail the officer and remove him just as often as he pleases) will not be in the least abused as it never has been in respect to the management of public buildings and grounds. It might be found a very great and necessary convenience in the way of authority in cases that might arise.

Mr. INGALLS. It is my understanding, and I believe it was the understanding of the committee, that the power of the President to detail was not considered to be exhausted by a single exercise, and that in detailing it was not necessary to be understood that it was a permanent disposition of the services of that officer. If that is not clear in the bill, or if the meaning of the word is not distinct, I should have no objection to the words the Senator from Vermont proposes being inserted, because that was the purpose.

Mr. EDMUNDS. I certainly myself put the opposite construction on it, which led me to make the proposal.

Mr. HOAR. I move to reconsider the vote by which the committee

just struck out the words "three years" and substituted "one year."

Mr. EDMUNDS. Let us dispose of this amendment first.

The PRESIDING OFFICER. There is a pending amendment offered by the Senator from Vermont.

Mr. SARGENT. It seems to me there is an objection to the amendment offered by the Senator from Vermont. I do not think that the third of this board ought to be as transient as that amendment supposes. It seems to me that the other provision of the bill which contemplates, unless removed for cause, that he shall hold for three years, is a very much better theory for a government for a city like this. The idea of detailing a person from time to time, so that by changes he shall—

Come like shadows, so depart—

hardly seems consistent with the duties that are to be intrusted to him. If the other commissioners are to hold for three years, he ought to hold for three. If it is objectionable to use an engineer on account of the exigencies of war that may require him elsewhere, then strike him out and put somebody else in that can perform the duty. If that is not the case, however, and it is likely a man might be able to serve three years, his selection ought to hold good as in the other cases and he ought to be allowed to give the city the benefit and the experience he acquires during the time of his service. He is better qualified, if he is a good man, to serve the second year than the first, and the third year than the first and second; but as there should be a reasonable limit, three years seems to be a reasonable limit. Changing him every six months, or every three months perhaps, or even every year, while the others remain permanently, makes necessarily the engineering part of the board of very little experience and very little influence. My principal confidence in that board is that it has in it a man educated in Army traditions, highly educated by his graduation at the Military Academy which we maintain, raised on account of having a permanent life employment and a provision after he arrives at a certain age above the temptations that assail men who are not so fortunately situated. These circumstances will give peculiar value to his services in the board; and it seems to me that he ought not to be changed, so that when he shall have acquired a little knowledge of his duties and be prepared to discharge them well somebody is to go to school and learn them and be again discharged himself. If my friend means that by the officer being detailed from time to time, I desire to suggest for his consideration what I have said.

Mr. EDMUNDS. There would be great force in that—I agree with every word my honorable friend has said—but we have the responsible duty of the President of the United States in selecting this engineer from time to time, if you have it that way, to select a good man; and the considerations occurring to the mind of the Chief Magistrate of the United States will be exactly those that my friend has so well stated. He will consider that it ought not to be constantly going and coming; and practically when now for nearly ten years we have provided for all the public buildings and grounds in this District being administered by an officer of the Corps of Engineers, to be detailed from time to time by the Chief of Engineers who is made the responsible man who details from time to time, we have found by experience that the detailing authority never makes a change unless there is a clear and a good reason for it.

Then, it appears to me that we ought to have sufficient confidence in the Chief Magistrate of the United States in this permanent arrangement that in selecting an officer of the Corps of Engineers he is to have the discretion of relieving him from duty, just as he has in his duty in the engineers in sending him to be something else whenever, in his judgment, the interest of the District requires it. That is my impression. While I agree to all my friend has said as to A or to B, I think that the best end is subserved by making the Chief Magistrate responsible all the time for a good engineer in the place.

Mr. BLAINE. If this provision stands, I ask the Senator from Vermont would it not conflict with the power of the Commander-in-Chief over the Army officers?

Mr. EDMUNDS. Yes, but this bill provides for a regulation of the Army, and the Constitution declares that Congress may make rules and regulations for the government of the Army.

Mr. BLAINE. Do you pass this to regulate the Army?

Mr. EDMUNDS. It is a special regulation as to a particular officer.

Mr. BLAINE. It takes an officer out of the command of the President.

Mr. EDMUNDS. No, but he is to perform a particular duty under the command of the President, just as in the case of the Commissioner of Public Buildings and Grounds.

Mr. BUTLER. May I ask my friend in charge of the bill one question, whether for any dereliction of duty this officer would be tried under the rules and regulations for the government of the Army, or would he be liable to impeachment?

Mr. INGALLS. He would be liable to punishment under the rules and articles of war. I will say to the Senator from Maine that according to my understanding as the bill now stands the President could detail an officer of the Engineer Corps every day in the year, a separate one if there were that many, as the bill now stands, without the words proposed by the Senator from Vermont. I think they remain entirely under the control of the Commander-in-Chief.

Mr. BLAINE. If any bill provided that the President should de-

tail an engineer officer for three years, would the construction of the bill be, in the judgment of the Senator from Vermont, that an incoming President for two years after he came in would not have the ordering of that engineer officer whenever he wanted?

Mr. INGALLS. The bill does not detail the engineer officer for three years.

Mr. EDMUNDS. And I am trying to make it more clear on that point; that is all.

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

The amendment was agreed to.

Mr. HOAR. I move to reconsider the amendment adopted just now, reducing the length of residence required of the two commissioners appointed from civil life, for the purpose of making a suggestion which I think may very likely meet the favor of both sides—the Senate was very evenly divided on this matter—and that is for the purpose of moving that one of the two persons appointed from civil life shall, as the bill now provides, have resided here three years, and limiting the provision as to residence to one of the two commissioners.

This bill recognizes two conflicting theories of the proper government of the District of Columbia; one that Washington and Georgetown are ordinary cities to be governed as ordinary cities are in relation to their municipal affairs, by their own people; the other recognizes the fact that this is a Federal city. The framers of the Constitution did not contemplate probably the assembling of any considerable number of persons here, except persons who came here to discharge public functions. It was expected that it would be in the main a city of citizens from all parts of the United States, and that the legislative duty reserved to Congress over it, the exclusive legislation, would be like that reserved in the same clause for forts and arsenals, in the main—a provision for the Government and ordering of public property alone; and that is still by far the largest part of the administrative function in this District.

Now there is one consideration which, it seems, to me, is specially important, and that is that the police administration of this District should always be in the hands of the Government of the United States, that Congress never should sit here in times of political excitement such as may exist in the future, subject to any danger from mobs, the means of protection against which and prevention of which are not entirely within the control of the National Government.

Mr. EDMUNDS. And exerted under its authority.

Mr. HOAR. And exerted under its authority. I do not myself see the force of those arguments in dealing with the proper form of government for the people of the District of Columbia, which are based on the principle spoken of by the chairman of the committee as local self-government. The Constitution intended and required that the whole legislative authority over this District, all the making of its laws, should be exercised by the nation at large; and it is a solecism in government to separate from the power which makes the laws the power that administers them. I do not speak of course of the distribution between two branches of government, but the power which makes should and must always administer laws, because the power to which the administration of laws is left can unmake the law which it has the discretion or the obligation to administer.

It seems to me that if the interest of the District of Columbia is considered, of the old residents, their wish, so far as to require that one of the two commissioners appointed from civil life shall be an old resident here of at least three years, the President of the United States ought to be permitted to select for this important official function any citizen from the entire country of whose special fitness for the duty he may be satisfied. The exercise of the duties of these commissioners of course is very important to the large public property here. It is very important to the interests of the people. Perhaps a majority of the persons in Washington at any one time come here for purposes so temporary in their character that they do not acquire a residence here, but are still permanent. Take the matter of the schools. It is quite possible that the permanent residents of the District of Columbia may have very different views—they have certainly in the recent past had very different views—in regard to the necessity for the full and generous education of children than those who have come here from other parts of the country for purposes more temporary.

I think that the most reasonable disposition of this question would be to leave the President of the United States at liberty to select the most efficient and competent man he can find from anywhere within the limits of the United States for one of these two civil commissioners, and leave the bill as the Senate committee reported it as to the other; and if this vote shall be reconsidered I will make that motion.

Mr. INGALLS. If the object of the Senator from Massachusetts is what he has disclosed—and of course that I have no doubt—I should hope that the motion to reconsider would not prevail. I am very clear that if conditions of citizenship are to be imposed they should bear upon these officers equally. It appears to me it would be very difficult and perhaps very invidious to attempt to discriminate in regard to length of residence between the two civil commissioners who are to be appointed by the President. I can see nothing to be gained by it; and while I should have preferred to have had the period of three years retained, yet, the Senate having determined otherwise, I am content with the period of one year. I am very posi-

tive in my convictions that a different period should not be prescribed for these two officers.

Mr. HOAR. Instead of making the motion to reconsider at present and insisting upon that and then having the other motion afterward, I will make the motion to amend as I have indicated when the bill comes into the Senate.

The PRESIDING OFFICER. The motion to reconsider is withdrawn. The question is on the section.

Mr. HOWE. I wish to ask the Senator from Kansas if there is any objection to making these first appointments for two and three years instead of the times named.

Mr. INGALLS. That arrangement is made in a subsequent portion of the bill. The period of their first official term is prescribed so that they will go out of office at different times hereafter, which I suppose is what the Senator desires to accomplish.

Mr. HOWE. No. I see that it is the purpose of the bill to have them leave office at different times; but this section, if I recollect aright, provides that the first appointees shall hold for one and two years instead of two and three, which it seems to me they might just as well.

Mr. INGALLS. Does the Senator submit any motion on the subject?

Mr. HOWE. No, I was simply calling the attention of the Senator to it.

Mr. INGALLS. I think practically it might be as well to leave the bill as it is, from the fact that it will require some little period of time to secure an absolutely satisfactory adjustment of these governmental relations; and, inasmuch as the period of three years will occur at different intervals after the first commissioners' terms have expired, I think there will be no difficulty in the way suggested by the Senator from Wisconsin.

Mr. BAYARD. Is there any amendment pending before the Senate?

The PRESIDING OFFICER. There is none pending. The question is on the second section as amended.

Mr. BAYARD. Then I offer the following amendment:

In line 28, after the words "per annum," insert the words "and shall, before entering upon the duties of the office, each give bond in the sum of \$50,000, with surety as required by existing law."

The amendment explains itself. Under existing law, as I believe, each commissioner gives a bond in the sum of \$50,000. This confines the bond to the two commissioners from civil life and does not extend it to the officer of the Army.

I believe that the duties and responsibilities of the commissioners under the present bill are about the same in substance as they are under the law as it now stands. If there was reason for requiring surety before, it continues to exist.

Mr. DORSEY. I suggest to the Senator from Delaware that he change the amendment from line 28 to after the word "years" at the end of line 33, where it once was, and my recollection is that the omission of that proposition of the Senator from Delaware is a clerical mistake. I think it was the intention of the committee to report that with the bill, and I hope now it will be adopted.

Mr. BAYARD. I would suggest to the Senator from Arkansas that placing this amendment at the end of line 33 would cause the officer of engineers to give bond as well as the other two. That was not my intention. The officer of engineers is appointed I may say *ex officio* as a member of a branch of the public service giving him a special qualification for a portion of the duties of this office. He is also subject to the articles of war which the other two are not; and I do not know that any officers in the Army, except those who are made paymasters and the like, are called upon to give bonds of this character for the execution of the duties of a civil office. If it be considered proper to embrace the officer of the Army in this requisition for a bond by the committee, I have no objection; but it was my impression that the two civilians were the only commissioners who should be required to give bond.

Mr. INGALLS. Mr. President, it is evident that the commissioner selected from the Army ought not to be required to give a bond, and the committee decided that it was not necessary for either of the commissioners appointed from civil life to enter into such an obligation or undertaking. They are not the custodians of any of the funds of the District. This bill provides that all moneys collected by taxation and all appropriated by Congress shall be placed in the Treasury of the United States. It can only be drawn from the Treasury by warrants approved by an officer of the United States Government; and inasmuch as there is no possible chance of any defalcation or corrupt use of the public funds the committee thought it was an unnecessary obligation to impose upon these commissioners. I would also suggest to the Senator from Delaware that his amendment is very indefinite in its terms, inasmuch as it does not prescribe the conditions upon which the bond is to be given and for what purposes it is to be filed.

Mr. BAYARD. It refers to "existing law" as prescribing the conditions. They shall each give bond with sureties as required by existing law. "Existing law" creates this office of commissioner and prescribes a bond to be given with sureties to be approved in a certain amount.

Mr. INGALLS. The Senator then alludes to laws now in force.

Mr. BAYARD. Yes sir.

Mr. INGALLS. Inasmuch as the duties of these commissioners

are defined by this bill and all parts of laws inconsistent with it are repealed, it is evidently incongruous. If the Senator can describe what obligations these commissioners are under in connection with this bill making it necessary for them to enter into that obligation, I should be glad to have him do so.

Mr. BAYARD. May I ask the Senator a question by way of answer, as is allowed in some parts of the country?

Mr. INGALLS. Certainly.

Mr. BAYARD. Are not the duties of commissioners under this proposed law the same substantially as they are under the laws now in force?

Mr. INGALLS. Substantially of course they are, because the objects to be attained in both are the same.

Mr. BAYARD. Would not a bond conditioned for the faithful discharge of his duty under the present bill apply with equal force under the present bill as under the law now in force?

Mr. INGALLS. It would if there were any pecuniary obligations that these commissioners were to enter into that would render it desirable for any person to have a remedy against them for such an undertaking.

Mr. BUTLER. Allow me to suggest is not money to be drawn out on the warrants of these commissioners or a majority of them?

Mr. INGALLS. But before it is drawn out on their warrant it must be audited by an officer of the United States Treasury, so that they are completely hedged about and restricted in every particular.

Mr. HAMLIN. Mr. President, there is some executive business which ought to be transacted, and I therefore move that the Senate proceed to the consideration of executive business.

Mr. INGALLS. I wish the Senator from Maine would allow us to go on with this bill until five o'clock. Important financial measures are pending, and will be urged on the attention of the Senate. We shall be obliged to have a conference with the House on this bill, and we might finish it this afternoon.

Mr. EDMUNDS. You cannot do it.

Mr. INGALLS. We might try.

Mr. HAMLIN. I submit the motion.

The PRESIDING OFFICER. The Senator from Maine moves that the Senate proceed to the consideration of executive business.

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

HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 22, 1878.

The House met at eleven o'clock a. m. Prayer by Rev. S. DOMER, D. D., St. Paul's English Lutheran church, Washington, District of Columbia.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate requested the return by the House of the bill (H. R. No. 4245) authorizing the President of the United States to appoint James Shields, of Missouri, a brigadier-general in the United States Army, on the retired list.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair has the names of a number of gentlemen who desire to be recognized for the purpose of presenting matters for consideration by the House. Unless the regular order is demanded, the Chair will recognize those gentlemen in the order in which they have made their requests.

Mr. WADDELL. I demand the regular order, and give notice that I will do so every morning until we have a morning hour.

The SPEAKER *pro tempore*. This will not interfere with the morning hour.

UNITED STATES COURTS AT QUINCY, ILLINOIS.

Mr. HARRIS, of Virginia. I am instructed by the Committee on the Judiciary to report the bill which I send to the Clerk's desk, and to ask for its immediate consideration. It is a bill providing for holding terms of the United States court for the southern district of Illinois at the city of Quincy, the largest city in the State except Chicago. The people of Quincy and the neighborhood have now to go from one hundred and eighty to two hundred miles for the purposes of attending court. The Committee on the Judiciary are unanimously in favor of the bill.

Mr. BREWER. Does the bill provide for any additional expenditures?

Mr. HARRIS, of Virginia. It does not.

There being no objection, the bill (H. R. No. 4947) being a substitute for House bill No. 3781, providing for the holding of additional terms of the district and circuit courts of the United States for the southern district of Illinois, and for other purposes, was received and read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The first section of the bill provides that in addition to the terms of the district and circuit courts of the United States for the southern district of Illinois now required by law, terms of said courts shall hereafter be held at the city of Quincy, in said district, commencing on the first Mondays of April and November of each year.

The second section provides that the clerks of said district and circuit courts of the United States (by and with the approval of their respective courts) and the marshal thereof shall be required to appoint such deputies as may be necessary for the efficient performance of their duties at the city of Quincy.

Mr. HARRIS, of Virginia. I call the previous question.

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

Mr. HARRIS, of Virginia, 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.

PARDONS BY THE PRESIDENT.

Mr. BEEBE. I ask unanimous consent to submit for the consideration of the House at this time the resolution which I send to the Clerk's desk.

The Clerk read the resolution, as follows:

Resolved, That the Attorney-General be, and he is hereby, respectfully requested to communicate the names of all persons pardoned for crime and released from imprisonment or from the payment of fines or from other penalties by direction of the President of the United States, from the 4th day of March, 1877, to the 20th day of May, 1878; the offenses for which each person receiving said pardon or remission of fine or other penalty was indicted, sentenced, or held liable; the term of imprisonment; the amount of fine or other penalty for which each of said persons was sentenced or held liable; the portion of such term of imprisonment, amount of fine, or other penalty actually served, paid, or suffered by each of said persons, together with copies of all papers relating to the granting of such pardon and remission of fines or other penalties.

The SPEAKER *pro tempore*. Is there objection to the consideration of this resolution at this time?

Mr. BUTLER. I would suggest that the words "respectfully requested" be stricken out and the word "directed" inserted in lieu thereof. The House "directs" the subordinate officers of the Government and "requests" the President.

Mr. BEEBE. I have no objection, and will modify the resolution as suggested.

Mr. BAKER, of Indiana. If this resolution is to be considered at this time it should be couched in the usual form; that is, "if not incompatible with the public interest."

Mr. BEEBE. I will modify the resolution as suggested.

The resolution, as modified, was then adopted.

Mr. BEEBE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUPREME COURT OF THE DISTRICT OF COLUMBIA.

Mr. BUTLER, by unanimous consent, introduced a bill (H. R. No. 4948) providing for two additional justices of the supreme court of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

LOCATION OF LAND WITH MILITARY WARRANTS.

Mr. SAPP. I ask unanimous consent to report back, with an amendment, from the Committee on Public Lands, the bill (H. R. No. 4239) to authorize the Secretary of the Interior to ascertain the amount of land located with military warrants in the States described therein, and for other purposes, and that it be referred to the Committee of the Whole on the state of the Union.

There being no objection, the bill was received and referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

REPRINT OF A BILL.

Mr. BUCKNER. I ask unanimous consent that House bill No. 4247, to retire the circulating notes of the national banks, and for other purposes, be reprinted for the use of the House, the first print having been exhausted.

There being no objection, it was so ordered.

PACIFIC RAILROAD COMMISSION.

Mr. CHALMERS. I ask unanimous consent to offer for adoption the following resolution:

Resolved, That House bill No. 4399 entitled "A bill to establish a Pacific Railroad commission" be made the special order for Tuesday, May 23, and from day to day thereafter until disposed of.

Mr. BURCHARD and others objected.

SOLDIERS OF THE WAR OF 1812.

Mr. BLACKBURN. I introduced on last Monday a bill (H. R. No. 4909) extending the provisions of the act of March 9, 1878, to certain soldiers of the war of 1812; which was referred to the Committee on Invalid Pensions. I ask that the reference may be changed and the

bill referred to the Committee on Revolutionary Pensions and War of 1812.

There being no objection, it was ordered accordingly.

CAROLINE M. BARNARD.

Mr. HUNTON, by unanimous consent, introduced a bill (H. R. No. 4949) for the relief of Caroline M. Barnard, legal heir of Colonel A. C. W. Fanning, deceased, United States Army; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

REAL ESTATE TITLES IN DISTRICT OF COLUMBIA.

Mr. HUNTON also, by unanimous consent, introduced a bill (H. R. No. 4950) to quiet title to real estate in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

SETTLERS ON THE PUBLIC LANDS.

Mr. PATTERSON, of Colorado. A bill relating to grasshopper sufferers has been passed by the Senate and is now upon the Speaker's table. Unless it be passed by this House immediately it will do no good, as the spring is now far advanced. It contains but one section; and I ask unanimous consent that the bill may be taken from the Speaker's table and put upon its passage.

The bill (S. No. 1021) for the relief of certain settlers on the public lands was read. It provides that it shall be lawful for homestead settlers on the public lands whose crops were destroyed or seriously injured by grasshoppers in the year 1876, who left their land in that year, if no other settlement shall have been made thereon by, or right or interest therein accrued to, any other person, to return to the land at any time within three months from and after the passage of this act; and upon the return of such settlers to such land, such absence therefrom shall in no wise affect the original settlements or homestead rights, but such settlers shall be allowed to resume and perfect their settlement as if no such absence had occurred. But proof of such destruction or injury of crops, absence and return of such settlers, is to be made in such manner as the Commissioner of the General Land Office may prescribe.

There being no objection, the bill was taken from the Speaker's table, read twice, ordered to a third reading, read the third time, and passed.

Mr. PATTERSON, of Colorado, 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.

BEACON-LIGHT IN CHINCOTEAGUE BAY, VIRGINIA.

Mr. KENNA. A memorial of citizens of Virginia asking for the establishment of a light in Chincoteague Bay, Virginia, was referred to the Committee on Commerce. That committee have agreed on a bill for the establishment of a beacon in lieu of a light. I ask unanimous consent to report this bill from the Committee on Commerce, with the accompanying papers, for reference to the Committee on Appropriations.

Mr. ATKINS. There is no law authorizing the establishment of a beacon, is there?

Mr. KENNA. There is not; but it has been the universal practice, I believe, to refer cases of this sort to the Committee on Appropriations.

Mr. ATKINS. The appropriation will be liable to a point of order if reported to the House.

Mr. EDEN. I suppose the reference of the bill is not to be considered as an instruction to the Committee on Appropriations?

Mr. KENNA. I hope there will be no objection, for the reason that this has been the universal practice.

The SPEAKER *pro tempore*. The title of the bill will be read, after which there will be opportunity for objection.

The Clerk read the title of the bill, as follows:

A bill to establish a day-beacon on Killick Shoals, in Chincoteague Bay, Virginia.

There being no objection, the bill (H. R. No. 4952) was reported, read a first and second time, referred, with accompanying papers, to the Committee on Appropriations, and ordered to be printed.

EDWARD BROWN BOUTWELL.

Mr. SHELLEY, by unanimous consent, introduced a bill (H. R. No. 4951) for the relief of Edward Brown Boutwell, late commander in the United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

He also, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of the Navy be directed to transmit to the House of Representatives the papers on file in his office touching the resignation and application for restoration to office of Edward Brown Boutwell, late commander in the Navy, including the letter of President Lincoln to the Secretary of the Navy requesting the latter to place said Boutwell on duty, the several letters of said Boutwell to the Secretary of the Navy requesting that he be placed on duty, and the Secretary's letter declining the services of said Boutwell.

Mr. SHELLEY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRAUDS UPON POSTAL REVENUE.

Mr. HARTRIDGE. By request, I ask consent to offer the following resolution for reference to the Committee on the Post-Office and Post-Roads:

Resolved, That the Committee on the Post-Office and Post-Roads is hereby instructed to investigate the practicability of preventing frauds upon the postal-revenue by the use of the national chemical stamp and to report thereon to this House at the earliest practicable moment by bill or otherwise.

Mr. CANNON, of Illinois. I object.

CARLOS BUTTERFIELD.

Mr. BRIDGES. I ask unanimous consent to report back from the Committee on Foreign Affairs, with amendments, the joint resolution (H. R. No. 168) requiring the Secretary of State to furnish information to this House in reference to the claim of Carlos Butterfield against the Government of Denmark.

The joint resolution was read.

The SPEAKER *pro tempore*. The amendment will now be read.

The Clerk read as follows:

Strike out the word "Congress" and in lieu thereof insert the words "this House."

Mr. BAKER, of Indiana. Does that come from the Committee on Foreign Affairs.

Mr. BRIDGES. Yes, sir; it is from the Committee on Foreign Affairs. It is merely a resolution calling for papers.

The SPEAKER *pro tempore*. Is there objection to its consideration?

Mr. BRIDGES. We propose to make it a simple House resolution instead of a joint resolution. The committee did not deem it necessary to adopt a joint resolution.

The SPEAKER *pro tempore*. It is not in order to proceed in this form. The word "joint" is not stricken from the title, and the enacting clause of the joint resolution still remains. It is not in the power of a committee to report back a simple resolution as a substitute for a joint resolution. If the gentleman will modify it so as to make it a simple resolution the Chair will recognize the gentleman.

Mr. BRIDGES. I withdraw the report for the present.

PRESIDENTIAL TITLE.

Mr. HARRISON. I rise to a question of privilege, and offer the resolution which I send to the Clerk's table.

The Clerk read as follows:

Whereas a select committee of this House has been appointed to inquire into certain frauds alleged to have been committed in Florida and Louisiana in November, 1876, in connection with returns of votes for electors for President and Vice-President; and

Whereas it is charged that frauds of a like character were committed at the same time in the States of Oregon and South Carolina—

Mr. PAGE. That is not a question of privilege, and the Chair has been imposed upon.

Mr. FRANKLIN. Let the resolution be read. It cannot be decided whether it is a question of privilege or not until it has been read.

The SPEAKER *pro tempore*. The Clerk will proceed with the reading of the resolution.

The Clerk proceeded with the reading, as follows:

Therefore,

Be it resolved, That said committee be, and hereby is, empowered to inquire into the same, if in its opinion testimony thereon of a substantial character shall be presented to the committee; and

Be it further resolved, That, the Senate and House of Representatives of the Forty-fourth Congress having counted the electoral votes for President and Vice-President, and it having been thereupon declared that Rutherford B. Hayes had received the highest number of said votes for President of the United States and William A. Wheeler had received the highest number of said votes for Vice-President of the United States, it is not now in the power of Congress, nor is it the purpose of this House through said investigation, to annul or to attempt to annul the action of the Forty-fourth Congress in the premises.

The SPEAKER *pro tempore*. The Chair will state in regard to the question of privilege that, when the resolutions originally authorizing this investigation were brought before the House and decided by the Speaker to be a question of privilege, an appeal was taken from that decision by the gentleman from Michigan, [Mr. CONGER,] and on a vote by yeas and nays the House sustained the decision of the Chair. This resolution appertains to the same subject, and the Chair is constrained to regard it as a question of privilege, at least to the extent of submitting it to the House.

Mr. GARFIELD. We did not hear the resolution; let it be again read.

The SPEAKER *pro tempore*. The Chair will submit the question to the House whether it is a question of privilege or not.

Mr. CRITTENDEN. I move to lay it on the table.

Mr. HARRISON. Let me say, Mr. Speaker—

The SPEAKER *pro tempore*. The Chair will not recognize any gentleman until order is restored in the Hall.

Mr. ATKINS. Debate is not in order.

Mr. FINLEY. I call for a division of the question on the resolution.

The SPEAKER *pro tempore*. The Chair cannot recognize any gentleman until order is restored. The Chair will submit the question to the House whether the resolution involves a question of privilege.

Mr. BANNING. Let it be again read.

The SPEAKER *pro tempore*. In regard to the question of privilege the Chair will direct the Clerk to read an extract from the Manual.

The Clerk read as follows:

Whenever the Speaker is of the opinion a question of privilege is involved in a proposition he must entertain it in preference to any other business; and when a proposition is submitted which relates to the privileges of the House it is his duty to entertain it at least to the extent of submitting the question to the House as to whether or not it presents a question of privilege.

The SPEAKER *pro tempore*. This question is properly submitted to the House without debate.

Mr. COX, of New York. Is it in order to move to refer it to the special committee?

The SPEAKER *pro tempore*. The motion to refer or to lie upon the table would properly come in after the House decided whether the resolution is before the committee or not.

Mr. COX, of New York. I propose to make that motion at the proper time.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman immediately after the question has been decided by the House.

Mr. HARRISON. I demand a division.

The House divided; and there were—yeas 30, noes 29.

Mr. HARRISON. I demand the yeas and nays.

Mr. PATTERSON, of Colorado. Is the resolution divisible?

The SPEAKER *pro tempore*. That will be determined when the resolution is before the House.

Mr. HARRISON. I withdraw the demand for the yeas and nays, and call for tellers.

The SPEAKER *pro tempore*. The Chair will order tellers.

Mr. HARRISON. I renew my call for the yeas and nays.

Mr. FORT. I desire to have the ruling of Speaker RANDALL upon the question of privilege read.

The SPEAKER *pro tempore*. This is a question of order of business, and must be determined without debate; otherwise there would be no end to it, and the House would never be able to establish an order of business. The gentleman from Illinois [Mr. HARRISON] renews his demand for the yeas and nays.

The question being taken on ordering the yeas and nays, there were yeas 42; a sufficient number.

So the yeas and nays were ordered.

Mr. FINLEY. I desire to make a parliamentary inquiry. I ask the Chair, is not this question divisible? [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The Chair will not undertake to decide whether the question is divisible or not until it comes before the House.

The question was taken; and there were—yeas 71, nays 50, not voting 170; as follows:

YEAS—71.

| | | | |
|-----------------|------------------|------------------|-------------------|
| Atkins, | Cutler, | Henkle, | Stenger, |
| Banning, | Davis, Joseph J. | Henry, | Swann, |
| Bell, | Durham, | Hunton, | Throckmorton, |
| Bland, | Eden, | Kelley, | Townshend, R. W. |
| Bliss, | Elam, | Lynde, | Turney, |
| Boone, | Felton, | McMahon, | Vance, |
| Bouck, | Finley, | Mitchell, | Waddell, |
| Brentano, | Fort, | Morrison, | Walsh, |
| Cabell, | Franklin, | Patterson, G. W. | White, Michael D. |
| Caldwell, W. P. | Garth, | Patterson, T. M. | Whitthorne, |
| Cannon, | Giddings, | Potter, | Wigginton, |
| Chalmers, | Glover, | Pound, | Williams, A. S. |
| Clark, Alvah A. | Goode, | Rea, | Willis, Benj. A. |
| Clark, Rush | Hardenbergh, | Reilly, | Wilson, |
| Cobb, | Harris, John T. | Riddle, | Wood, |
| Cox, Jacob D. | Harrison, | Robbins, | Wright, |
| Cox, Samuel S. | Hartzell, | Scales, | Yeates. |
| Culberson, | Hatcher, | Steele, | |

NAYS—50.

| | | | |
|-------------------|------------------|-----------------|-------------------|
| Bicknell, | Crittenden, | Hewitt, G. W. | Phelps, |
| Blackburn, | Davidson, | Jones, James T. | Pridemore, |
| Blount, | Dibrell, | Kenna, | Reagan, |
| Bragg, | Dickey, | Killinger, | Robertson, |
| Bridges, | Evins, John H. | Knapp, | Shelley, |
| Bright, | Forney, | Knott, | Singleton, |
| Buckner, | Fuller, | Ligon, | Smith, William E. |
| Caldwell, John W. | Gause, | Manning, | Southard, |
| Candler, | Gunter, | Mayham, | Turner, |
| Carlisle, | Hamilton, | McKenzie, | White, Harry |
| Clymer, | Harris, Henry R. | Mills, | Williams, Jere N. |
| Cook, | Hartridge, | Muldrow, | |
| Cravens, | Herbert, | Oliver, | |

NOT VOTING—170.

| | | | |
|-------------------|---------------------|------------------|------------------|
| Acklen, | Burdick, | Demison, | Harris, Benj. W. |
| Aiken, | Butler, | Douglas, | Hart, |
| Aldrich, | Cain, | Dunnell, | Haskell, |
| Bacon, | Calkins, | Dwight, | Hayes, |
| Bagley, | Camp, | Eames, | Hazelton, |
| Baker, John H. | Campbell, | Eickhoff, | Hendee, |
| Baker, William H. | Caswell, | Ellis, | Henderson, |
| Ballou, | Chittenden, | Ellsworth, | Hewitt, Abram S. |
| Banks, | Clafin, | Errett, | Hiscock, |
| Bayne, | Clark of Missouri, | Evans, I. Newton | Hooker, |
| Beebe, | Clarke of Kentucky, | Evans, James L. | House, |
| Benedict, | Cole, | Ewing, | Hubbell, |
| Bisbee, | Collins, | Foster, | Humphrey, |
| Blair, | Conger, | Freeman, | Hungerford, |
| Boyd, | Covert, | Frye, | Hunter, |
| Brewer, | Crapo, | Gardner, | Ittner, |
| Briggs, | Cummings, | Garfield, | James, |
| Brogden, | Danford, | Gibson, | Jones, Frank |
| Browne, | Davis, Horace | Hale, | Jones, John S. |
| Bundy, | Dean, | Hanna, | Jorgensen, |
| Burchard, | Deering, | Harmer, | Joyce, |

Keifer, Morse, Ross, Tipton,
Keightley, Muller, Ryan, Townsend, Amos
Ketcham, Neal, Sampson, Townsend, M. I.
Kimmel, Norcross, Sapp, Tucker,
Landers, O'Neill, Saylor, Van Vorhes,
Lapham, Overton, Schleicher, Veeder,
Lathrop, Page, Sexton, Wait,
Lindsey, Peddie, Shallenberger, Walker,
Lockwood, Phillips, Sinnickson, Ward,
Loring, Pollard, Slemons, Warner,
Luttrell, Powers, Smalls, Watson,
Mackey, Price, Smith, A. Herr, Welch,
Maish, Pugh, Sparks, Williams, Andrew
Marsh, Quinn, Springer, Williams, C. G.
Martin, Rainey, Starin, Williams, James
McCook, Randolph, Stephens, Williams, Richard
McGowan, Reed, Stewart, Willis, Albert S.
McKinley, Rice, Americus Y. Stone, John W. Willis,
Metcalf, Rice, William W. Stone, Joseph C. Wren,
Money, Roberts, Strait, Young,
Monroe, Robinson, G. D. Thompson,
Morgan, Robinson, M. S. Thornburgh,

During the roll-call the following announcements were made:
Mr. WIGGINTON. My colleague from California, Mr. LUTTRELL, is confined to his room by sickness.

Mr. KNOTT. I am paired with the gentleman from Maine, Mr. FRYE; but as it is the opinion of his referee and colleague, Mr. HALE, that my voting on this question would not be a violation of the pair, I vote "no."

Mr. CRAVENS. My colleague from Arkansas, Mr. SLEMONS, is paired with Mr. FREEMAN, of Pennsylvania.

Mr. BEEBE. I am paired with my colleague from New York, Mr. BUNDY. If he were present, I would vote against the resolution being entertained as a matter of privilege, because it makes no charge against any officer of the United States.

Mr. KENNA. My colleague from West Virginia, Mr. MARTIN, is paired with Mr. PUGH, of New Jersey.

Mr. HENRY. My colleague from Maryland, Mr. ROBERTS, is absent on account of sickness.

Mr. O'NEILL. My colleague from Pennsylvania, Mr. SMITH, is paired with Mr. RICE, of Ohio, on this question.

Mr. EVINS, of South Carolina. My colleague, Mr. AIKEN, is paired with Mr. WARD, of Pennsylvania.

Mr. LANDERS. I am paired with Mr. ROBINSON, of Massachusetts. If I had been at liberty to vote, I would have voted "ay." I do not know how Mr. ROBINSON would have voted.

Mr. EVANS, of Pennsylvania. I am paired with my colleague, Mr. MACKEY.

Mr. CALKINS. I am paired with the gentleman from Louisiana, [Mr. ACKLEN.] If he were present, I do not know how he would vote.

Mr. CLYMER. How would you vote if you were here? [Laughter.]

Mr. OVERTON. On all political questions I am paired with my colleague from Pennsylvania, Mr. COLLINS.

Mr. SAMPSON. I am paired with Mr. WILLIS, of Kentucky.

Mr. RICE, of Massachusetts. I am paired with Mr. HOUSE, of Tennessee, on all questions to-day.

Mr. HAYES. On all political questions I am paired with Mr. DEAN, of Massachusetts.

Mr. WATSON. I am paired with Mr. CLARKE, of Kentucky.

Mr. HARRIS, of Virginia. As the original proposition to investigate was held a privileged question, I vote "ay."

Mr. HARRIS, of Georgia. My colleague, Mr. STEPHENS, is paired with Mr. DWIGHT, of New York.

Mr. MORGAN. I desire to announce that I am paired with my colleague from Missouri, Mr. METCALFE.

The SPEAKER *pro tempore*. On the question whether the House will entertain the resolution of the gentleman from Illinois [Mr. HARRISON] as a question of privilege, the yeas are 71 and the nays are 50.

Mr. CRITTENDEN. No quorum has voted.
Mr. HARRISON. Not being disposed to obstruct the business of the House and a quorum not having voted, I withdraw the resolution.

ORDER OF BUSINESS.

Mr. WADDELL. I demand the regular order.
Mr. ATKINS. I move that the House resolve itself into Committee of the Whole on the state of the Union to proceed with the consideration of the Army appropriation bill.

Mr. WILSON. I rise to a question of privilege.
Mr. ROBERTSON. I rise to a question of personal privilege.

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from West Virginia, [Mr. WILSON,] who stated that he rises to a question of privilege.

ALLEGED FRAUDS IN PRESIDENTIAL ELECTION.

Mr. WILSON. I desire to offer the resolution which I send to the desk.

The Clerk read as follows:
Whereas a select committee of this House has heretofore been appointed to investigate alleged frauds in connection with the electoral vote of the States of Louisiana and Florida; Now, therefore,
Be it resolved, That such committee be, and they are hereby, authorized to inves-

tigate frauds touching the election aforesaid in any other State, provided they have probable cause to believe that such frauds existed.

Mr. COX, of New York. I move to refer the resolution to the special committee that is charged with investigating the alleged frauds in the electoral count in the presidential election, and upon that motion I demand the previous question.

Mr. ALDRICH. I rise to a question of order. I desire to know whether this is a question of privilege?

Mr. MILLS. I make the point of order that this is not a question of privilege at all.

Mr. WILSON. I desire to give the fullest and freest chance for investigation, and I wish that the resolution be put upon its passage now.

The SPEAKER *pro tempore*. The Chair desires to understand whether the gentleman from New York [Mr. Cox] demanded the previous question upon the motion for reference?

Mr. COX, of New York. I did; the committee can report the resolution to-morrow.

Mr. MILLS. I ask if this resolution, as a question of privilege, can be introduced now?

The SPEAKER *pro tempore*. The gentleman did not make that point until after the motion to refer had been made and the previous question had been demanded.

Mr. COX, of New York. I will amend my motion so as to provide that the committee shall have leave to report back the resolution at any time, so that we may have the judgment of the committee as to the propriety of its adoption.

The SPEAKER *pro tempore*. If objection be made that cannot be done.

Mr. WHITE, of Pennsylvania. I object.
Mr. COX, of New York. Very well; I do not care about it.

The question was put upon seconding the previous question, and on a division there were—ayes 86, noes 64.

So the previous question was seconded.

The main question was then ordered, being upon the motion of Mr. COX, of New York, to refer the resolution to the select committee to investigate the alleged frauds in the presidential election.

The question was put; and upon a division there were—ayes 87, noes 82.

Mr. WILLIAMS, of Oregon. I call for the yeas and nays.
The yeas and nays were ordered.

Mr. COX, of New York. Would it be in order for me, at this moment—[Cries of "Regular order!"] Would it be in order for me to withdraw the motion to refer?

Mr. HARRIS, of Virginia. Not after the yeas and nays have been ordered.

The SPEAKER *pro tempore*. Not after the previous question has been seconded and the main question ordered.

Mr. COX, of New York. I move, then, to reconsider the vote ordering the main question.

Mr. WHITE, of Pennsylvania. I make the point of order that it is too late to make a motion to reconsider when the yeas and nays have been ordered.

The SPEAKER *pro tempore*. A motion to reconsider is a motion that may be made at any time.

Mr. COX, of New York. I will withdraw the motion to reconsider, as gentlemen on the other side will not accommodate me.

The SPEAKER *pro tempore*. The Clerk will then call the roll upon the motion to refer.

Mr. HARRIS, of Virginia. Let us vote against the reference.

The question was taken; and there were—yeas 89, nays 116; not voting 86; as follows:

YEAS—89.

| | | | |
|-------------------|------------------|------------------|-------------------|
| Atkins, | Dibrell, | Herbert, | Shelley, |
| Bell, | Dickey, | Hewitt, G. W. | Singleton, |
| Bicknell, | Durham, | Jones, Frank | Smith, William E. |
| Blackburn, | Eden, | Jones, James T. | Sparks, |
| Bliss, | Eickhoff, | Kenna, | Steele, |
| Blount, | Elam, | Kimmel, | Swann, |
| Boone, | Evins, John H. | Ligon, | Throckmorton, |
| Bouck, | Ewing, | Manning, | Townsend, R. W. |
| Bragg, | Finley, | Mayham, | Turner, |
| Bridges, | Forney, | McKenzie, | Turney, |
| Bright, | Fuller, | Morrison, | Vance, |
| Caldwell, John W. | Garth, | Muldrow, | Waddell, |
| Caldwell, W. P. | Gause, | Muller, | Warner, |
| Candler, | Gibson, | Patterson, T. M. | Whitthorne, |
| Chalmers, | Giddings, | Pelphs, | Wigginton, |
| Clymer, | Gunter, | Potter, | Williams, A. S. |
| Cook, | Hamilton, | Reagan, | Williams, Jere N. |
| Cox, Samuel S. | Hardenbergh, | Reilly, | Willis, Benj. A. |
| Cravens, | Harris, Henry R. | Riddle, | Wood, |
| Crittenden, | Harrison, | Robbins, | Yeates. |
| Culbertson, | Hartridge, | Robertson, | |
| Davidson, | Hartzell, | Scales, | |
| Davis, Joseph J. | Henry, | Schleicher, | |

NAYS—116.

| | | | |
|----------------|-----------|--------------------|---------------|
| Aldrich, | Brentano, | Camp, | Cobb, |
| Bagley, | Brewer, | Campbell, | Cole, |
| Baker, John H. | Briggs, | Cannon, | Conger, |
| Ballou, | Browne, | Carlisle, | Cox, Jacob D. |
| Banks, | Buckner, | Caswell, | Cutler, |
| Banning, | Burchard, | Clafin, | Denison, |
| Bland, | Butler, | Clark of Missouri, | Dunnell, |
| Boyd, | Cabell, | Clark, Rush | Eames, |

| | | | |
|-----------------|----------------|-------------------|-------------------|
| Ellsworth, | Hunton, | Mitchell, | Sexton, |
| Errett, | Itner, | Monroe, | Shallenberger, |
| Felton, | James, | Morse, | Sinnickson, |
| Fort, | Jones, John S. | Neal, | Small, |
| Foster, | Jorgensen, | Norcross, | Southard, |
| Franklin, | Joyce, | O'Neill, | Springer, |
| Freeman, | Keifer, | Page, | Stenger, |
| Gardner, | Keightley, | Patterson, G. W. | Stewart, |
| Garfield, | Kelley, | Phillips, | Stone, John W. |
| Glover, | Ketcham, | Pollard, | Thornburgh, |
| Goode, | Killing, | Pound, | Tipton, |
| Hale, | Knapp, | Powers, | Townsend, Amos |
| Harner, | Lapham, | Price, | Van Vorhes, |
| Harris, John T. | Lathrop, | Pridemore, | Wait, |
| Haskell, | Lindsey, | Rainey, | Walsh, |
| Hatcher, | Lynde, | Randolph, | White, Harry |
| Hendee, | Marsh, | Rea, | White, Michael D. |
| Henderson, | McCook, | Reed, | Williams, Andrew |
| Hubbell, | McKinley, | Rice, Americus V. | Williams, Richard |
| Hungerford, | McMahon, | Ryan, | Wilson, |
| Hunter, | Mills, | Sampson, | Wright. |

NOT VOTING—86.

| | | | |
|---------------------|------------------|------------------|-------------------|
| Acklen, | Davis, Horace | Lockwood, | Slemmons, |
| Aiken, | Dean, | Loring, | Smith, A. Herr |
| Bacon, | Deering, | Luttrell, | Starin, |
| Baker, William H. | Deering, | Mackey, | Stephens, |
| Bayne, | Douglas, | Maish, | Stone, Joseph C. |
| Beebe, | Dwight, | Martin, | Strait, |
| Benedict, | Ellis, | McGowan, | Thompson, |
| Bisbee, | Evans, I. Newton | Metcalfe, | Townsend, M. I. |
| Blair, | Evans, James L. | Money, | Tucker, |
| Brogden, | Frye, | Morgan, | Veeder, |
| Bundy, | Hanna, | Oliver, | Walker, |
| Burdick, | Harris, Benj. W. | Overton, | Ward, |
| Cain, | Hart, | Peddle, | Watson, |
| Calkins, | Hayes, | Pugh, | Welch, |
| Chittenden, | Hazelton, | Quinn, | Williams, C. G. |
| Clark, Alvah A. | Henkle, | Rice, William W. | Williams, James |
| Clarke of Kentucky, | Hewitt, Abram S. | Roberts, | Willis, Albert S. |
| Collins, | Hiscock, | Robinson, G. D. | Willis, |
| Covert, | Hooker, | Robinson, M. S. | Wren, |
| Crapo, | House, | Ross, | Young. |
| Cummings, | Humphrey, | Sapp, | |
| Danford, | Knott, | Saylor, | |
| | Landers, | | |

So the motion to refer the resolution was not agreed to.

During the roll-call the following announcements were made:

Mr. CLARK, of New Jersey. I am paired with Mr. STEWART, of Minnesota.

Mr. KENNA. I desire to state that my colleague, Mr. MARTIN, is paired with Mr. PUGH.

Mr. MORGAN. I am paired with my colleague, Mr. METCALFE. If he were present, I should vote "ay."

Mr. WALKER. Upon this question I am paired with Mr. SMITH, of Pennsylvania.

Mr. COVERT. I desire to state that upon all political questions of this character I am paired with my colleague, Mr. TOWNSEND. If he were present, I am instructed he would vote "no," and I should vote "ay."

Mr. EVINS, of South Carolina. My colleague, Mr. AIKEN, is paired with Mr. WARD.

Mr. LANDERS. I am paired with Mr. ROBINSON, of Massachusetts. If he were present, I should vote "ay."

Mr. O'NEILL. My colleague, Mr. SMITH, is absent by leave of the House, and is paired.

Mr. EVANS, of Pennsylvania. I am paired with my colleague, Mr. MACKEY. If he were present, I should vote "no."

Mr. OVERTON. I am paired with my colleague, Mr. COLLINS, on all political questions. If he were present, I should vote "no."

Mr. RICE, of Massachusetts. I am paired upon all questions with Mr. HOUSE, of Tennessee, for to-day.

Mr. KEIGHTLEY. My colleague, Mr. MCGOWAN, is confined to his room by sickness.

Mr. OLIVER. I am paired upon this question with Mr. WILLIS, of Kentucky.

Mr. HAYES. I am paired upon all political questions with the gentleman from Massachusetts, Mr. DEAN.

Mr. WATSON. I am paired with Mr. CLARKE, of Kentucky, on all political questions. If he were present, I should vote "no."

Mr. SHALLENBERGER. I desire to announce that Mr. DANFORD, of Ohio, is paired with Mr. BENEDICT, of New York.

Mr. CALKINS. On this vote I am paired with the gentleman from Louisiana, Mr. ACKLEN.

The result of the vote was then announced as above stated.

The SPEAKER *pro tempore*. The question recurs upon adopting the resolution submitted by the gentleman from West Virginia [Mr. WILSON] upon which the main question has been ordered.

Mr. COX, of New York. I hope the resolution will be adopted unanimously.

The question was taken and the resolution was adopted.

Mr. WILSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE OF CONFERENCE.

The SPEAKER *pro tempore* announced the appointment of Mr. HUNTON, Mr. BLACKBURN, and Mr. HENDEE as the conferees on the part of the House upon the disagreeing votes of the two Houses upon

the amendment of the Senate to the bill (H. R. No. 3969) regulating the appointment of justices of the peace and constables within and for the District of Columbia, and for other purposes.

IMPEACHMENT OF O. B. BRADFORD.

Mr. SPRINGER. I rise to a privileged question, and submit a report from the Committee on Expenditures in the State Department. The report is somewhat lengthy and I will not ask to have it read at this time, but I will ask that it be printed for the use of the House and also printed in the RECORD.

In order to show the privileged nature of the report I will state that it presents ten articles of impeachment against O. B. Bradford, late consular judge and vice-consul-general at Shanghai, China, together with a resolution recommending that he be impeached at the bar of the Senate for high crimes and misdemeanors while in office.

The report concludes with the statement that, as two members of the committee, the gentleman from Minnesota [Mr. DUNNELL] and the gentleman from New York, [Mr. BUNDY,] entertain grave doubts as to whether Mr. Bradford was such an officer as under the Constitution of the United States was liable to impeachment, therefore the committee recommend that the whole subject be referred to the Committee on the Judiciary, with instructions to report thereon without unnecessary delay.

The SPEAKER *pro tempore*. The question is upon referring the report to the Committee on the Judiciary.

Mr. HALE. Not to be brought back on a motion to reconsider.

Mr. SPRINGER. This being a privileged question the committee can report upon it at any time.

The SPEAKER *pro tempore*. That will be determined when the occasion arises. It is always understood that when a reference is made by unanimous consent the matter so referred shall not be brought back on a motion to reconsider.

The motion to refer was agreed to.

Mr. SPRINGER. I now ask that the report be printed for the use of the House, and also in the RECORD.

There being no objection, it was so ordered.

The report is as follows:

The Committee on Expenditures in the State Department would respectfully report that on the 26th day of February, 1878, they commenced the investigation of the matters referred to in the memorial of John C. Myers, consul-general at Shanghai, China, relating to the affairs of the consulate-general at Shanghai, China.

Your committee have not completed the investigation in regard to the charges preferred against Hon. George F. Seward, late consul-general at Shanghai, now minister of the United States at Peking, China. But your committee—having completed the investigation of the charges against Oliver B. Bradford, late vice-consul-general at Shanghai, China; late deputy consul-general at Shanghai, China; late consular clerk of the consular court at Shanghai, China, and now holding the office of postal agent of the United States at Shanghai, China, and also the office of consular clerk of the United States, assigned at Shanghai, China—return to the House of Representatives the testimony which they have taken in regard thereto, and recommend that the said Oliver B. Bradford be, by the House of Representatives, impeached at the bar of the Senate, of high crimes and misdemeanors while in office, upon the following articles, namely:

ARTICLE I.

That the said Oliver B. Bradford, between the 1st day of January, A. D. 1872, and the 1st day of January, A. D. 1874, then being vice-consul-general of the United States at Shanghai, China, deputy consul-general of the United States at Shanghai, China, clerk of the consular court of the United States at Shanghai, China, postal agent of the United States at Shanghai, China, and consular clerk of the United States, assigned to Shanghai, China, became interested in the construction of a certain railroad from Woosung to Shanghai, within the Empire of China, and used his official influence to promote the construction thereof, in violation of the treaties then and now existing between the United States and the Empire of China, and in violation of the acts of Congress in that behalf, and contrary to the wishes of the people of China, and regardless of the protest of the authorities of the Empire of China within the district where the said railroad was located.

ARTICLE II.

That the said Oliver B. Bradford, between the 1st day of January, A. D. 1872, and the 1st day of January, A. D. 1874, then holding the several offices mentioned in article I. did, at Shanghai, China, form a scheme for the construction of a railroad from Woosung to Shanghai, in the Empire of China, for the sake of pecuniary profit, and then and there well knowing that the authorities of the Empire of China, in the district where the said contemplated railroad was to be located, were opposed to the construction of the said road, then and there conspired with E. Iverson, J. J. Miller, A. A. Hayes, and C. P. Blethen to deceive the said authorities of the Empire of China, and fraudulently pretend to obtain license from said authorities to build said railroad, and in pursuance of said conspiracy the said Oliver B. Bradford and the said E. Iverson, J. J. Miller, A. A. Hayes, and C. P. Blethen, formed a copartnership under the name and style of the "Woosung and Shanghai Road Company," and under said name and style, then and there, obtained permission from the said authorities of the Empire of China to purchase land for the purpose of constructing a common road between said Woosung and said Shanghai; and that the said Oliver B. Bradford and the said E. Iverson, J. J. Miller, A. A. Hayes, and C. P. Blethen, having obtained such permission from said authorities of the Empire of China, did, then and there, purchase land for a pretended common roadway between said Woosung and said Shanghai; and after purchasing said land the said Oliver B. Bradford, with the said E. Iverson, J. J. Miller, A. A. Hayes, and C. P. Blethen, then and there, in fraud of the rights of the Empire of China, and against the wishes of the people of China, and against the protest of said authorities of the Empire of China, did, then and there, commence the construction and building of a railroad on the land so fraudulently obtained, against the wishes of the people of China, as the said Oliver B. Bradford then and there well knew, and against the protest of the authorities of the Empire of China in the district where the said road was located, as the said Oliver B. Bradford then and there well knew, in violation of the treaties then existing between the United States and the Empire of China, and against the acts of Congress in that behalf; and that the said Oliver B. Bradford did, then and there, use the influence of his said official position to accomplish said fraudulent scheme by imposition as aforesaid upon the said authorities of the Empire of China.

ARTICLE III.

That the said Oliver B. Bradford, between the 1st day of January, A. D. 1872, and the 1st day of October, A. D. 1877, holding all the several offices mentioned in

article 1, at Shanghai, in the Empire of China, was guilty of injustice, tyranny, and extortion in his official capacity upon citizens of the United States, in this, to wit:

First specification: That the said Oliver B. Bradford, in the month of January, A. D. 1873, holding the several offices at Shanghai, China, as stated in article 1, but not exercising any judicial function, nor acting judicially, the Hon. George F. Seward, who then and there was consul-general of the United States at Shanghai, China, being then and there at his post and on duty, the said Oliver B. Bradford was applied to by one G. W. Cantrell in regard to a matter of business at the consulate of the United States at said Shanghai, and that the said Oliver B. Bradford, then and there taking offense at something said by the said G. W. Cantrell to the said Oliver B. Bradford, did pretend to punish said G. W. Cantrell as for contempt of his, the said Oliver B. Bradford's, official dignity, and did cause the said Cantrell to be imprisoned therefor in the United States jail at Shanghai for the period of twenty-four hours; and at the end of said imprisonment the said Oliver B. Bradford ordered the said Cantrell to be brought before him, the said Oliver B. Bradford, at the consulate of the United States at said Shanghai, and the said Cantrell being then and there brought into the presence of the said Oliver B. Bradford, the said Oliver B. Bradford then and there demanded of said Cantrell to know whether he, the said Cantrell, would apologize for what had taken place the day before; and on his refusal so to do the said Oliver B. Bradford ordered the said Cantrell to be again imprisoned for the period of twenty-four hours in the United States jail at Shanghai, and he was so imprisoned, which said imprisonment was without authority of law.

Second specification: That the said Oliver B. Bradford, while holding the several offices mentioned in article 1, at Shanghai, China, while driving in a carriage, in the city of Shanghai, in China, his carriage came in collision with a carriage driven by one Passmore, a citizen of the United States, by which collision the carriage of the said Oliver B. Bradford was injured; and thereupon the said Oliver B. Bradford then and there caused the said Passmore to be arrested and brought before him, the said Oliver B. Bradford, without authority of law; and the said Oliver B. Bradford did then and there, without trial, order the said Passmore to be imprisoned until he should pay the amount of damages named by the said Bradford; and the said Passmore was thereupon imprisoned in jail for many days, until a friend of the said Passmore paid to the said Oliver B. Bradford the sum demanded by him, the said Bradford, for the alleged injury to his carriage; which imprisonment was without any authority of law.

Third specification: That the said Oliver B. Bradford, while holding the said offices mentioned in article 1, at Shanghai, China, did then and there, without legal process or lawful authority, cause one Anderson, an American citizen, to be arrested upon complaint verbally made that he owed certain sums of money, and caused him to be imprisoned in jail for many days, to compel him to pay the same, but the said Anderson, being unable to make payment, was finally liberated by order of the said Oliver B. Bradford, and by the said Oliver B. Bradford then and there banished from China.

Fourth specification: That the said Oliver B. Bradford, while holding the several offices mentioned in article 1, at said Shanghai, China, and while exercising the functions of his office of clerk of the consular court of the United States at Shanghai, China, did, under color of his office, then and there extort from divers persons, residents of Shanghai, large sums of money, to wit, \$1,000, under pretense of legal fees, but in excess of fees allowed by law, and in violation of the laws of the United States.

Fifth specification: That the said Oliver B. Bradford, while holding the several offices mentioned in article 1, at Shanghai, China, and exercising the functions of consul-general at Shanghai, China, entertaining ill-will toward one Theodore W. Eckfeldt, a citizen of the United States, and hearing a report that the said Eckfeldt had been guilty of embezzlement from a firm of merchants in whose employ he, the said Eckfeldt, had been, at Shanghai aforesaid, solicited said firm to commence criminal proceedings against said Eckfeldt, by writing said firm a letter, substantially as follows:

UNITED STATES CONSULATE-GENERAL,
Shanghai, March 11, 1876.

Messrs. RUSSELL & Co., Shanghai, China:

SIRS: It is a matter of current report that Theodore W. Eckfeldt, an American citizen, late in your employ, has so conducted himself while in your service in respect of moneys intrusted to him by you as agents or otherwise as to render him criminally liable.

It is my duty to, and I do hereby, point out to you that if upon examination you have found that he has done wrong, a prosecution should be promptly entered against him.

In the event of your not making such prosecution or giving to me information upon which such may be made, you are assuming a grave responsibility.

Asking your serious attention to this matter, I have the honor to be, gentlemen, your obedient servant,

O. B. BRADFORD,
Vice-Consul-General.

And thereupon the said firm, solicited as aforesaid, made complaint to said Oliver B. Bradford, acting as consul-general of the United States as aforesaid, and acting judicially; and thereupon the said Oliver B. Bradford, acting as consul-general, and acting judicially, ordered a warrant to be issued for the arrest of the said Eckfeldt, to be brought before the consular court of the United States at Shanghai, over which the said Oliver B. Bradford was then presiding as judge; and thereupon the said Eckfeldt was arrested and brought before said court; and thereupon the said Oliver B. Bradford, while acting judicially as aforesaid, then and there employed an attorney to prosecute the said Eckfeldt in said court, agreeing to pay the said attorney \$850 for his services in that behalf; that afterward and during the time aforesaid, the said Eckfeldt was brought to trial in said court presided over by the said Oliver B. Bradford, was found guilty, and was sentenced by the said Oliver B. Bradford to be imprisoned for the term of three years, no fine or costs being imposed; and the said Eckfeldt was thereupon imprisoned in the jail of the United States at the said Shanghai under said sentence. That the said Oliver B. Bradford was then and there also deputy postal agent of the United States at said Shanghai, and as such had exclusive charge of the United States mails, conveying letters to and from residents of Shanghai, and that while he, the said Oliver B. Bradford, was in such control of said mails, a letter was received at the United States post-office at said Shanghai, addressed to said Eckfeldt, and containing a draft for the payment of several thousand dollars, while the said Eckfeldt was in jail under said sentence, and thereupon the said Oliver B. Bradford, being postal agent as aforesaid, then and there seized the said letter and refused to deliver it to said Eckfeldt, except for the purpose of permitting said Eckfeldt to open said letter and indorse said draft, which the said Eckfeldt then and there did in the presence of said Oliver B. Bradford, and then and there the said Eckfeldt, by said Oliver B. Bradford's order, redelivered said letter and said draft to said Oliver B. Bradford, and thereupon the said Oliver B. Bradford then and there collected the amount of money for which said draft was drawn, and from said moneys paid to the said attorney, retained by said Oliver B. Bradford to prosecute said Eckfeldt, about \$850, and the said Oliver B. Bradford then and there retained from said money \$100 for his own pretended fees as clerk of said court, and \$100 for pretended fees of the marshal of the United States at said Shanghai, and thereupon then and there delivered the balance of said money to the said mercantile firm; that the sum of money which the said Eckfeldt was convicted of embezzling was about the sum of \$100, and that the balance of money which the said Oliver B. Bradford

delivered to said firm amounted to several thousand dollars; leaving the said Eckfeldt in prison and destitute, all of which proceedings in regard to said draft and the disposition of the moneys collected by the said Oliver B. Bradford thereon were without authority of law or pretense of judicial order, and were in violation of the laws of the United States.

ARTICLE IV.

That the said Oliver B. Bradford, in the year A. D. 1876, while holding the several offices named in article 1, at Shanghai, China, and exercising the functions of deputy postal agent of the United States at said Shanghai, unlawfully took from the post-office of the United States at said Shanghai and opened and secreted and embezzled a letter which had been received at the said post-office at Shanghai, postage prepaid, from one William Myers, written and mailed at San Francisco, in the State of California, and addressed to John C. Myers, Shanghai, China, with the design thereby to obstruct the correspondence and pry into the business and secrets of the said William Myers and the said John C. Myers.

ARTICLE V.

That the said Oliver B. Bradford, in the year A. D. 1877, while holding the several offices named in article 1, at Shanghai, China, and exercising the functions of deputy postal agent of the United States at said Shanghai, did then and there unlawfully take from and out of the aforesaid United States post-office at said Shanghai a letter which had been deposited in the said post-office, postage prepaid, by one D. J. McGowan, addressed to General William Myers, San Francisco, California, United States of America, and deposited in said post-office for the purpose of being conveyed by the United States mail from said Shanghai to San Francisco, California; and did then and there unlawfully open said letter with intent and design then and there to obstruct the correspondence of the aforesaid D. J. McGowan and General William Myers; and with design to pry into the business and secrets of the aforesaid McGowan and Myers.

ARTICLE VI.

That the said Oliver B. Bradford, in the year A. D. 1876, while acting as consul-general of the United States at Shanghai, China, and while holding all the offices mentioned in article 1, at Shanghai, China, and while one Phoenix was jailer of the United States at said Shanghai, and in charge of the United States jail at said Shanghai, and at a compensation agreed upon at \$80 a month, the said Oliver B. Bradford, acting as consul-general as aforesaid, paid to the said Phoenix the sum of \$60 for one month's salary of the said Phoenix as jailer aforesaid, and refused to pay him the said \$80 agreed compensation, but did then and there require the said Phoenix to execute and deliver to him, and the said Phoenix did then and there execute and deliver to him, the said Oliver B. Bradford, a false receipt and voucher for the sum of \$80 for said month's compensation, and that the said Oliver B. Bradford then and there transmitted said false voucher to the Treasury Department of the United States for allowance and payment, and the same was thereafter in the said Treasury Department allowed and paid at the false sum of \$80.

ARTICLE VII.

That the said Oliver B. Bradford, from January 1, A. D. 1876, to and including the 30th day of June, A. D. 1876, holding all the offices mentioned in article 1, and acting as consul-general of the United States at Shanghai, China, and as such being a disbursing officer of the United States, charged with the receipt and disbursement of the moneys of the United States at said Shanghai, did defraud the United States in the manner following, to wit:

That all the moneys received by said Oliver B. Bradford, at said Shanghai, as such officer, on account of the United States, were received in silver coin, commonly known as Mexican dollars; that said silver coin at said Shanghai at that time commanded a premium over American gold and over the currency of the United States; that the said Oliver B. Bradford, as such disbursing officer, uniformly paid out the same silver coins he had received, but that the said Oliver B. Bradford, then and there intending to defraud the United States, made out his quarterly statements of account of said receipts and disbursements showing that he had received the money in currency of the United States and had therewith purchased gold, and with said gold had purchased said silver coin, charging the difference upon both said premiums to the United States as disbursed by him; whereas in truth and in fact the said Oliver B. Bradford never did purchase any gold, and never did receive any currency as such officer on account of the United States.

ARTICLE VIII.

That the said Oliver B. Bradford, from April 1, A. D. 1877, to September 13, A. D. 1877, holding all the offices mentioned in article 1, and acting as consul-general of the United States at Shanghai, China, and as such being a disbursing officer of the United States charged with the receipt and disbursement of the moneys of the United States at said Shanghai, did defraud the United States in the manner following, to wit:

That all the moneys received by said Oliver B. Bradford, at said Shanghai, as such officer, on account of the United States, were received in silver coin commonly known as Mexican dollars.

That said silver coin, at said Shanghai, at that time, commanded a premium over American gold and over the currency of the United States; that the said Oliver B. Bradford, as such disbursing officer, uniformly paid out the same silver coin he had received, but that the said Oliver B. Bradford, then and there intending to defraud the United States, made out his quarterly statements of account of said receipts and disbursements showing that he had received the moneys in currency of the United States and had therewith purchased gold, and with said gold had purchased said silver coin, charging the difference upon both said premiums to the United States as disbursed by him, whereas in truth and in fact the said Oliver B. Bradford never did purchase any gold and never did receive any currency, as such officer, on account of the United States.

ARTICLE IX.

That the said Oliver B. Bradford, between the 1st day of January, A. D. 1876, and the 13th day of September, A. D. 1877, holding all the offices mentioned in article 1, and being a disbursing officer of the United States charged with the safe-keeping, transfer, and disbursements of the moneys of the United States of America, did then and there receive a large sum of money, to wit, the sum of \$2,000, the said sum of money being then and there the money and property of the United States of America aforesaid, and having then and there come to the hands of the aforesaid Oliver B. Bradford by reason and by virtue of his, the said Oliver B. Bradford's, office as aforesaid, he, the said Oliver B. Bradford, did then and there wickedly, unlawfully, and feloniously convert to his own use, and did then and there embezzle the said sum of money belonging, as aforesaid, to the said United States of America.

ARTICLE X.

That the said Oliver B. Bradford, on the 30th day of July, A. D. 1877, holding all the offices mentioned in article 1, at Shanghai, China, and by reason and virtue of the aforesaid offices being intrusted with and having in his possession \$2,561.50 belonging to the United States, being public moneys received by him by virtue of the offices held by him as aforesaid, did then and there unlawfully deposit the said sum to his own private credit in a bank at Shanghai, China, called the Comptoir d'Escompte de Paris, contrary to the laws of the United States in that behalf.

Therefore your committee recommend the adoption of the following resolution by the House of Representatives:

Resolved, That Oliver B. Bradford, now consular clerk of the United States, as-

signed to Shanghai, China, and postal agent of the United States at Shanghai, China, and late vice-consul-general of the United States at Shanghai, China, and late deputy consul-general of the United States at Shanghai, China, and late clerk of the consular court of the United States at Shanghai, China, be impeached by the House of Representatives at the bar of the Senate for high crimes and misdemeanors while in office.

While your committee are all of the opinion that the facts as set forth in the foregoing articles of impeachment are fully sustained by the evidence herewith submitted, a minority of the committee, consisting of Messrs. DUNNELL and BUNDY, entertain grave doubts as to whether Mr. Bradford is such an officer as is liable under the Constitution to impeachment; and therefore your committee respectfully recommend that the whole subject be referred to the Committee on the Judiciary, with instructions to report thereon without unreasonable delay.

ORDER OF BUSINESS.

Mr. HEWITT, of New York. I now move that the rules be suspended, and the House resolve itself into Committee of the Whole for the purpose of resuming the consideration of the Army appropriation bill.

Mr. WADDELL. I desire to raise the question of consideration between the Army appropriation bill and the morning hour.

Mr. SINGLETON. I desire to submit a privileged report.

Mr. SOUTHARD. I ask the gentleman from New York [Mr. HEWITT] to allow me to submit a report from the select committee on the election of President and Vice-President, to be printed and recommended. [Cries of "Regular order!"]

Mr. HEWITT, of New York. I am willing to yield to gentlemen to present reports, provided the House will consent.

The SPEAKER *pro tempore*. The regular order is demanded by several members. Should the motion of the gentleman from New York [Mr. HEWITT] be agreed to, it will suspend all other orders of the House. The regular order for this morning is the further consideration of the bill in charge of the gentleman from Texas, [Mr. REAGAN,] known as the interstate commerce bill, which is pending as unfinished business. The morning hour cannot be reached until those two matters have been disposed of.

The gentleman from North Carolina [Mr. WADDELL] states that he desires to raise the question of consideration between the Army appropriation bill and the morning hour. The Chair will state to the gentleman and to the House that the morning hour can be reached only by refusing to go into Committee of the Whole on the Army appropriation bill, and also by refusing to take up the unfinished business. Then the morning hour will be the regular order.

Mr. CANNON, of Illinois. I desire to have some order of the House in reference to general debate upon the Army appropriation bill.

Mr. EDEN. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. EDEN. Last night the gentleman from Pennsylvania [Mr. WHITE] entered a motion to reconsider the order by which all general debate upon the Army appropriation bill was to cease at the close of last night's session. That motion to reconsider has not yet been disposed of. I call attention to it now for the reason that I think the gentleman from Texas [Mr. SCHLEICHER] ought to have an hour before general debate is closed. If that can be agreed to by unanimous consent, then the matter can be settled in that way.

Mr. WHITE, of Pennsylvania. I was just going to call up the motion to reconsider.

The SPEAKER *pro tempore*. The motion to reconsider is one of the highest privilege, and the gentleman from Pennsylvania [Mr. WHITE] can call it up now.

Mr. WHITE, of Pennsylvania. Very well; I will call up the motion, and desire to state—

The SPEAKER *pro tempore*. The Chair will state the question before the House, which is on the motion of the gentleman from Pennsylvania [Mr. WHITE] to reconsider the vote by which the House ordered that all general debate in Committee of the Whole on the Army appropriation bill should be closed with the session of yesterday evening.

Mr. WHITE, of Pennsylvania. Is not this motion debatable? I understood it to be so.

Several MEMBERS. No! No!

Mr. WHITE, of Pennsylvania. The only purpose I had in entering this motion to reconsider was to correct a misapprehension which the discussion commenced by the gentleman from Wisconsin [Mr. BRAGG] had possibly created, and also for the purpose of giving the gentleman from Texas [Mr. SCHLEICHER] an opportunity to be heard in answer to an onslaught which was made upon his State. I think it very wise and proper for these reasons that the motion should be adopted. [Cries of "Regular order!"]

Mr. SCHLEICHER. I would like to state in a very few words the reasons why the reconsideration should be agreed to. Yesterday after the debate was limited, the few gentleman who spoke had their time extended by the courtesy of the House, which was all right and proper; but the result was that others, and I among them, were ruled out. I therefore call attention of the House to this undesigned discourtesy shown to some by an excess of courtesy to others.

Mr. ATKINS. I hope my colleague on the committee [Mr. HEWITT, of New York] will allow the gentleman from Texas to occupy an hour, and will then go on with the bill.

Mr. HEWITT, of New York. I do not propose to make any opposition to this request, but it is my duty to try to get on with the public business.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Pennsylvania [Mr. WHITE] to reconsider.

Mr. WHITE, of Pennsylvania. On that motion I presume I have the floor. I do not desire to detain public business—

The SPEAKER *pro tempore*. The Chair has indulged some discussion upon this question, but it is quite out of order. He now desires to submit the question.

Mr. WHITE, of Pennsylvania. Is it not in order to state the reasons why the motion should pass?

The SPEAKER *pro tempore*. It is not in order to debate a motion to reconsider a question which was not itself debatable.

The question being taken on the motion of Mr. WHITE, of Pennsylvania, to reconsider the vote by which general debate on the Army appropriation bill had been closed, the motion was agreed to.

The question then recurred on the motion of Mr. HEWITT, of New York, that all general debate on the Army appropriation bill terminate with the session of last evening.

Mr. HEWITT, of New York. I now modify my motion so as to allow one hour more for general debate.

Mr. DUNNELL. The gentleman from New York [Mr. HEWITT] a day or two ago announced to the House that he would not make the motion to close debate so long as any gentleman desired to speak.

Mr. HEWITT, of New York. I am bound to say that I think the gentleman misunderstood the scope of my remark. I have, however, tried to give the widest possible latitude for debate. But if we are to adjourn on the 10th of June there must be an end of this general debate. I simply want to get on with the public business.

Mr. DUNNELL. The gentleman knows that we do not expect to adjourn on the 10th of June.

Mr. WHITE, of Pennsylvania. Do I understand the gentleman from New York [Mr. HEWITT] to be in favor of adjourning on the 10th of June?

Mr. HEWITT, of New York. I am.

The motion of Mr. HEWITT, of New York, that when the House again resolve itself into Committee of the Whole all general debate on the Army appropriation bill be limited to one hour, was agreed to.

Mr. HEWITT, 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.

ENROLLED BILLS SIGNED.

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

An act (H. R. No. 3546) to change the name of the steamboat D. A. McDonald to Silver Wave.

ARMY APPROPRIATION BILL.

The question recurring on the motion of Mr. HEWITT, of New York, that the House resolve itself into Committee of the Whole for the purpose of resuming the consideration of the Army appropriation bill, it was agreed to; there being—ayes 116, noes 50.

The House accordingly resolved itself into Committee of the Whole, (Mr. SPRINGER in the chair,) and resumed the consideration of the Army appropriation bill.

Mr. HEWITT, of New York, obtained the floor and yielded forty-five minutes to Mr. SCHLEICHER.

Mr. SCHLEICHER. Mr. Chairman, before entering upon the discussion of the question before the committee, I wish to return thanks for the courtesy of my friends who have given me the opportunity of saying something upon a matter which is of peculiar interest to my district. I would not obtrude myself upon the House if this were a question of general importance only; for I know that it has been considered and well considered by two committees of the House. But this is a matter that concerns my constituents and my district more than any other portion of these United States. And for the reason indicated I wish to say that in this discussion I shall confine myself strictly to that portion of the subject which does concern my district. I will not discuss the organization of the Army except so far as it may be incidental to my main subject. I will not discuss the pay of the officers. Yesterday when I interrupted the gentleman from Illinois [Mr. SPARKS] and said the committee was not very generous in its appropriations, I had no reference, as he seemed to believe from his answer, to want of generosity to officers or any one else, but merely to want of generosity toward the people upon the frontier. That was the only matter I then referred to. In respect to all these matters properly in charge of the Committee on Appropriations, I will have nothing to say. I do not pretend to advance my judgment against that of the Committee on Appropriations, or Military Affairs, or of those whose special business it has been to inform themselves better concerning the organization of the Army or its pay.

Nor, Mr. Chairman, do I wish to enter into the discussion of the necessity of using the Army to suppress riots in the States, or its use at all in the States as a police force. I will pass over all those questions which have been so ably debated, and will call attention only to that portion of this particular use of the Army in which the people whom I represent, living upon the frontier, may be very materially interested. For, sir, I am perfectly satisfied, and every gentle-

man who knows the circumstances is satisfied, that if during the next summer the same scenes should occur in the large cities and along the lines of the railroads, and the same demand should be made upon the President of the United States for the Army to aid in suppressing riots and domestic violence he will call the troops away from the frontier, where they are now a protection to the frontier settlements against the Indians and incursions from other countries. There is no doubt in my mind that he will do it and do it to any extent necessary. It is not optional with the President of the United States when called upon under proper circumstances whether to aid or to refuse to aid the authorities of a State in suppressing riots and domestic violence. The Constitution, if I am not mistaken, is mandatory and provides he shall when called upon assist the States in suppressing domestic violence. Consequently I call attention of the committee to the fact, that no matter what may be the necessity for the protection of the Indian frontier if the same scenes should be re-enacted which were witnessed last summer; if the same necessity should occur, and there is no reason why it should not, I am satisfied the frontier will be denuded of troops, now placed there for the protection of our people, in order that they may be sent to the States to suppress riots and put down domestic violence, and for this reason, among others, the reduction of the Army just now is ill-advised and dangerous for the interests of my people.

And in connection with this, Mr. Chairman, I will call the attention of the committee to another fact: that in some matters the arguments of the gentlemen who represent the Committee on Appropriations, and the provisions of the bill do not exactly accord. If I understand the statements of those gentlemen correctly, they all admit the frontier ought to be protected, and that no troops, or as few as possible, ought to remain in garrison or in the forts. If I correctly understand the provisions of the bill the only branch of the service, however, never needed upon the frontier is the only one not reduced, and that is the artillery force. The infantry and cavalry are both reduced to the extent of the proposed reduction of five thousand men. The artillery force, on the contrary, which is not used upon the frontier, but is stationed where gentlemen argue it is useless, I repeat has not been reduced.

Mr. Chairman, about six months ago, during the extra session, when this same question was presented to the House, the delegation from Texas stated its conviction that the force of twenty-five thousand men as the maximum of the Army was not sufficient—that at least it was not too much for the needs of the frontiers of our country alone.

I wish the House to understand that we make no special claims in reference to this subject. We do not claim in Texas any protection for our frontier at the expense of other portions of this immense frontier needing protection. We would neither as Representatives on this floor nor would our people at home accept any such proposition. We only ask that protection for our own frontier, as a portion of the whole, and we ask and direct it equally for the frontier settlers of our whole country, wherever they may be.

And right here I may be permitted to call the attention of members to a peculiarity in our Government which I think is often forgotten and does not receive sufficient consideration. My friends around me who represent Territories and the interests of the people living upon other frontiers than those of Texas, have no vote in this House. Those Territories like the District of Columbia, are thrown as an additional duty upon those who do have votes upon this floor and represent other congressional districts. The interests of those Territories are to be looked after and protected as far as possible whenever it comes to voting by those gentlemen upon this floor having votes who represent other districts and have no frontier requiring protection on the part of our Army. Their votes and their national spirit is all that the people of the Territories must rely on. It is very true that the Delegates representing the Territories have seats in the House, and we hear eloquent appeals from them to Congress for the defense of their people, and no one doubts that if they had votes the votes of Dakota and Montana and Idaho and every other Territory with an Indian frontier would be given against any reduction of the Army which protects them. I appeal to gentlemen, therefore, who may think that they only represent their especial districts, to remember that to them those Territories are to look for adequate protection for their frontiers. The Delegates are here to speak only in behalf of those whom they represent, and it devolves upon you to give them what they cannot secure by their own votes. Therefore it seems to me that you should not overlook it. We from Texas at least do not forget it, and make common cause with them as a matter of national duty although they cannot help us in voting for our interests.

Since the time we made these statements here that the Army with a maximum of 25,000 enlisted men was not too large, that it was inadequate really for the full protection of the entire frontier, only six or seven months have passed and the circumstances have not changed; if they have changed they have partly changed for the worse. At the time we spoke here we had partial peace in Texas. I have lived there, Mr. Chairman, now these thirty-one years, since 1847, and I can say that last year came nearer being a year of entire peace on the Texas frontier than any I have seen or heard of.

It is very well for gentlemen here to talk about these things and tell their anecdotes sneering at the demands of Texas or of those frontier people and to say that they claim protection merely to get

soldiers there and make contracts with the Government. Why, sir, on the Mexican frontier there is no one to make contracts with the Government. Our people raise sheep there. They do not raise crops to sell to the Government. It is a pastoral country now and is only used in that way and all the advantage the people there can have from the Government is the advantage of protection and no more. They do not speculate on it.

But the gentleman from New York who manages this bill has declared that there is no danger of any trouble on the frontier; that there is no danger of any trouble from the Mexican border. He says the Indians have promised, if I understood him correctly, to keep the peace.

Mr. HEWITT, of New York. The gentleman misunderstood me. I made no such statement.

Mr. SCHLEICHER. I understood the gentleman to make that statement in substance.

Mr. HEWITT, of New York. I said I thought there was but little probability of any Indian war this summer from the reports of the generals. I said nothing as to promises.

Mr. SCHLEICHER. It has been said by somebody.

Mr. HEWITT, of New York. Not by me.

Mr. SCHLEICHER. And I will tell this House that the danger is not in the promising or in the failure to promise peace; but the danger is in the presence of those people. Every one who has the slightest experience of the Indians and of our troublesome neighbors on the Rio Grande knows that their promises go for nothing. Those who live far remote from there, those who have "no friend nor brother there," can rely upon these promises and feel perfectly certain that everything is lovely. But, sir, it is different with those who know that the lives of their children, of their friends, and of their families are dependent upon the promises of an Indian or a Mexican raider.

The gentleman from New York—I refer to him frequently because he manages the bill and has made the strong argument on that side—said that the present state of the Army—I do not remember the exact words but will give the substance of them—was the one that he took for a norm; that it was sufficient, as we had universal peace; and he takes the present strength of the Army, the actual strength in the field, as he presents it, as the maximum of the Army in the future; and proposes to cut below that.

The whole argument is based on the fact that we have peace, that there is no danger threatening, and that the protection of our border is ample and complete. I now desire to lay before the House a few pictures of the peace we do have. I desire the Clerk to read the account of an occurrence in El Paso. But before the Clerk begins to read I will state something about the geography of that country. My district extends from the mouth of the Rio Grande for over one thousand miles along the Rio Grande to the border of New Mexico; and these frontier troubles are all in my district. I therefore believe I am called upon to direct the attention of the House to them. El Paso is a city on the Mexican side. The American forts on our side have been occupied for twenty years and more; there are two posts upon the American side, Fort Bliss, around which a settlement called Franklin has been built; below are the villages of Isleta and San Elizario, where the scene occurred a description of which I send to the desk. Fort Quitman is somewhat lower down.

Now, I will state a fact to gentlemen, which will show them the necessity of a permanent military force on that frontier if we are to have any lasting peace at all. More than twenty years, while we had disturbances all along the lower portion of the Rio Grande, there never was a disturbance at El Paso. All was quiet and friendly, and a lively and friendly business intercourse existed between the American settlements and the Mexican settlements. Last summer General Ord, finding his army too small to protect the river below where the constant invasions took place, removed the garrison from Fort Bliss and Fort Quitman, and left the American settlements without protection, not dreaming of any danger. No sooner was the army removed than troubles commenced between the Mexican and the American population, which ended in the scenes a description of which I desire to have read; and these troubles have since continued to such an extent that I have had several letters from friends, from reliable gentlemen, stating that just so soon as the troops who have been sent there since the troubles are removed the American settlers have to break up and leave the country; that the people would have to leave American soil, where they have lived twenty or twenty-five years.

The Clerk will please read what I have marked. It is the statement of an eye-witness, a Mexican citizen of Texas, and is from the report of the Committee on Foreign Affairs.

The Clerk read as follows:

During three days that the rangers were besieged I was surrounded by the mob. I witnessed all their acts, heard all their talk. Charles E. Ellis was the first to fall. He was a noble gentleman, a kind friend of the people, had lived with them and befriended them for many years, and had no idea they would harm him. When Howard came to town with the rangers, and the crowd began to gather at Leon Granillo's house, Mr. Ellis went there to talk and reason with them. He was saying, "What does this mean, boys, (*muchachos!*) Don't act foolishly; let me advise you for your own good," and other remarks to the same effect, when Leon Granillo cried out, "*Ahora es tiempo!*" (Now is the time.) Then Eutemio Chaves rode up on horseback and threw a lasso over Ellis and started on a run, dragging the unfortunate man. After he had dragged him some distance he then got down and cut his throat, and the body was thrown to the coyotes. It has been charged that Miguel Juarez had something to do with the killing of Ellis. This

is not true. Juarez was not in El Paso County at the time. He was in New Mexico.

After the murder of Ellis the attack on the rangers continued for three days. During this period I frequently heard the leaders of the mob discussing the situation; they told their followers that "their friends in Franklin had assured them that the United States troops would not interfere." And these same leaders, and especially Chico Barela, stated that they were simply obeying orders from their superiors at El Paso. I do not pretend at this time to give an opinion as to the truth or falsity of these statements; the matter is now being investigated, and when the truth is brought to light, the truth and the whole truth will be published to the world. As I before stated, I was with the mob. I could not escape, for I was closely watched. They called me a traitor to my race for not joining them and threatened to take my life, which was only saved by the exertions of some of my blood relations, who, to the disgrace of our name, were acting with the mob, and who have by their lawless acts stained the name of an honorable family with infamy. I heard their consultations and know all about the trap they set to catch Howard, Atkinson, and McBride. They sent in a flag of truce; the besieged men were guaranteed safety and kind treatment if they surrendered. Mr. Atkinson gave up to the leaders of the mob \$11,000 in specie, currency, and drafts, on the condition that they would permit him, Howard, McBride, and all the rangers to depart without molestation.

Chico Barela swore by the holy cross that he would faithfully keep his part of the agreement. Mr. Atkinson believed him, and said, "Well, you have received a better price for us than we would bring if sold at public auction." It is said by some of the mob that Chico Barela intended to keep his word, and that he sent a messenger across the river to the Cura Borajo, informing him of what had been done, and received this answer: "Shoot all the Gringos and I will absolve you."

Howard was first taken out. The entire mob was formed in a regiment, about six hundred strong, and marched with Howard at the head to the place of execution. He walked erectly, with his hands behind him. When he reached the place of execution the command was given, "Halt!" Howard instantly stopped, and turning, faced the mob; they were drawn out in a line. All was silent as death. Desiderio Apodaca, with a firing party of eight men, came up and took positions about ten feet from the doomed man, who stood quietly watching the proceedings. When all was ready Howard spoke. He could not speak Spanish very fluently, but enough to make himself understood. He said: "You are now about to execute three men; then, baring his breast, he gave the word, 'Fire!' Then the firing party fired, and Howard fell and kicked and squirmed on the ground; then Jesus Telles ran up to the body, and raising a machete (large knife) in both hands, struck at the body; the blow fell, but Howard turned and the machete fell on Telles's feet, cutting off two of his toes. The body was then hacked and mutilated, after which it was dragged to an old well and thrown in.

Then Atkinson and McBride were brought out and stood on the spot where Howard had fallen. McBride said nothing, but appeared to be very melancholy, (*triste*). Atkinson spoke in excellent Spanish. After stating the pledges they had made to release the party and the oath they had taken to perform their promises, he asked them if they still intended to violate their solemn pledges. The crowd shouted "¡Cabemos!" (Finish them). "Then," said Atkinson, "there is no remedy!" "No! no!" shouted the crowd. "Then let me die with honor," he said; "I will give the word." He then took off his coat and vest, opened his shirt so as to uncover his breast, looked at the party of eight men who stood with their guns ready to fire, and said in a cool manner, "When I give the word, fire at my heart. Fire!" As he gave the word five bullets struck him in the belly; he staggered, but recovered himself and shouted, "¡Mas arriba, cabrones!" (Higher up, you —). Two shots were then fired and he fell, but still was not dead. He motioned toward his head, and Desiderio Apodaca, the commander of the firing party, put a pistol to his head and finished him. McBride was instantly killed. The bodies were then dragged off.

I witnessed the above scene, I heard the remarks I have given, and hold myself responsible for the truth of this account. When this occurred there stood in the line of insurgents over three hundred men from the opposite side of the river, and I can furnish the names of most of them if required.

Mr. SCHLEICHER. This occurred on the 10th of December last, when this House was in session.

Mr. Chairman, four men, four Americans, were murdered as here described on American soil by a Mexican mob, three hundred of whom, as he says, came from the other side, and the others from this side. These four Americans murdered on American soil were my constituents; they were my friends. I have received their votes to come here, and I believe I have a right, as their fate is ignored, to at least bring it somewhat to the attention of the country. There has been a time when the murder of four American citizens, murdered as these men were murdered, marched to their graves and shot, would not have been ignored by the American people.

Mr. BRAGG. I desire to ask the gentleman whether the origin of the difficulty in Presidio did not grow out of a quarrel as to the use of waters from a salt spring, and if Howard did not in that difficulty kill Candez? Was it not a family feud?

Mr. SCHLEICHER. I do not care how it commenced, three men besides Howard were murdered. But I say again that the murder of four Americans, four heroes, two of whom had been brave Union soldiers and two of whom had been brave confederate soldiers, by five hundred men marching before them and executing them upon American soil, is a thing that perhaps deserves a little notice, even in these times; and, even if the difficulty did originate as the gentleman says, I will say that all these troubles originate about something; sometimes it is salt springs, sometimes it is stealing of cattle, sometimes it is stealing of horses, and sometimes it is personal quarrels; but the result is the same. I have mentioned this to show that immediately after the troops were removed this horrible event occurred, and it has gone to such length, as I have before stated, that I have letters from friends and constituents telling me that every American has to leave that country when the military force is removed. So much about the peace prevailing at El Paso.

From El Paso down to San Antonio there is a waste country, and the gentleman from Wisconsin [Mr. BRAGG] referred to the fact that reports had come up that about half a dozen mail-riders had been killed; that it had just come in time to be used on this appropriation bill. Sir, the facts are as reported. They have been killed there. It may be a matter to sneer at; I do not know, but the fact remains, and it is a fact stated in the papers and confirmed by every private letter I have received, and by letters received from friends who are as

credible and as much entitled to credit and belief as the gentleman from Wisconsin himself. I have received letters from officers and others. I will read a few dispatches from San Antonio:

SAN ANTONIO, TEXAS, April 26, 1878.

A dispatch received to-day at headquarters from Fort Stockton at 10 a. m. says: "Twelve Indians were reported to have been seen near Lower Escondido, twenty miles from here, at dark yesterday. At the suggestion of the guide I shall not send him out until evening."

"VAN VALSEAH,
"Commanding."

Another Indian raid is reported on the northwest frontier. Raiders were seen to-day near Escondido, between Forts Concho and Stockton, where the mail-rider was killed last week. These Indians are from the Fort Stanton reservation.

SAN ANTONIO, April 29, 1878.

The following dispatch has been received in this city from Fort Stockton: "Walker's train has just arrived from Fort Davis. He reports being attacked by Indians near Barilla Springs yesterday, the 28th. He says the mountains, all the way from Fort Davis to the mouth of Dog Cañon, are full of Indians. They followed his train all last night."

"The mail-rider from Fort Davis failed to arrive last night, and a party having been sent out this morning to search for him found his body, riddled by bullets, only a few miles out. This makes the sixth person killed by Indians between Barilla Springs and Fort Davis within the last ten days."

A man from Del Norte says the Indians in the Limpia Mountains are from Mexico, and are Mescalero Apaches. There have been more Indian depredations in this section of late than has been known for ten years before.

There was no danger there, the Indians are all getting civilized at the reservations. The gentleman from Illinois [Mr. SPARKS] assures us that they are all peaceable, and have laid down their arms and live on their reservations. But occasionally they go down from their reservations and make a little trip into Texas and murder and rob our people, and that is the peace that the gentleman from Illinois represents to us so pleasantly.

I read now another dispatch, dated April 23, 1878, from Tilden, and this is near the lower Rio Grande:

TILDEN, TEXAS, April 23, 1878.

Yesterday the news reached here that on last Thursday a band of about twenty-seven Indians, supposed to be partly composed of Mexicans, raided through the southern portion of La Salle County, entering that county a few miles to the south of Fort Ewell, in the neighborhood of which place they killed several persons, pursued their course down the south side of the Nueces to the ranch of Mr. W. H. Steele, a sheep-man who lives in the southeast corner of La Salle County.

Mr. Steele was at the time away from home. Two of his little boys who were assisting in herding sheep were killed, one of the shepherds was wounded, and a couple of others reported killed. A brother of Mr. Steele, seeing a squad of horsemen and thinking them cow-boys, rode toward them. He discovered his mistake too late to save himself.

From here they directed their course through the northwestern portion of Duval County to Brown's ranch, meeting on their route two young men named Moore, one of whom they killed, the other escaping wounded.

At Brown's ranch they killed some shepherds, making in all about ten or twelve persons killed on their trail from near Fort Ewell to this ranch.

The raiders probably turned from here toward the Rio Grande, having in their possession about one hundred horses. This raid will be a serious drawback to the settling up of that unsurpassed grazing region, but it is the legitimate fruit of the weak and pusillanimous spirit that of late years has seized hold of our Government, exposing her citizens abroad to insult and disgrace; at home, on her border, to robbery and loss of life.

FORT EWELL, April 23, 1878.

The raiders after leaving the Chavez ranch went to L. M. T. Pope's, and made away with all of his saddle-horses. The Pope ranch is twelve miles below Fort Ewell.

From Pope's the marauders went to Steele's and killed his brother, a young man about twenty-three years of age, wounded one of his shepherds, and either killed or carried off two little white boys by the name of Taylor, aged ten and twelve years. The boys were employed by Steele.

From Steele's the raiders went to Jellet's and killed his boss man. A gentleman living in Laredo writes the following letter in reference to his experience in the late raids to a San Antonio friend:

"I had also a very narrow escape in coming from the ranch. A party of Indians crossed on this side and were but a short distance in my rear, tracking the buggy-wheels, but they happened to meet two men in the road and killed them. This gave me time to escape, although at the same time I was ignorant of their being on my track. I had just arrived at the ranch when they reached there only a few yards behind me, when they met and killed another man."

KILLING AND STEALING.

"They are still killing and stealing on this side of the river. They were reported to be about forty in number, well armed and mounted on good horses. They were eight days in the country and no troops nor any person would follow them, all being afraid and not certain of the number of Indians, who were divided into several parties."

I may fitly conclude these extracts with the following telegram:

SAN ANTONIO, TEXAS, April 26, 1878.

The Indians who captured horses and murdered fifteen persons last week near Laredo have made good their escape.

What we may look for in the future is truly expressed in the following extract:

SAN ANTONIO, TEXAS, April 30, 1878.

The Express of this city contains the following from Fort Ewell: "This raid has been a great injury to this county, as we all know enough of these raiders to know that they will come again next full moon, and will keep coming as long as they can make it pay."

But the gentleman from New York says that it is peace, and it is upon the fact that this is peace that the proposed reduction of the Army is based.

Mr. HEWITT, of New York. Will the gentleman allow me to say a word there?

Mr. SCHLEICHER. The gentleman from New York has limited my time. When the House was willing to give me an hour he cut

me down to forty-five minutes, and I will not allow him to interrupt me.

Mr. HEWITT, of New York. I am sorry you take so narrow a view of it.

Mr. SCHLEICHER. You took the narrow view first and I only follow.

The moon has only changed once since that occurred and the gentleman from Wisconsin, [Mr. BRAGG,] who has been the chairman of an investigating committee charged with the investigation of this very matter, only last night informed the House that for eighteen months there had been entire peace on the lower Rio Grande, and this was on the lower Rio Grande. He was not aware of these facts; they escaped his notice. I know that if all these gentlemen knew the state of things there it would not last. But the worst part of the fate of our people is that they are murdered, robbed, and impoverished, and that they are ignored, and not even the poor boon of pity is granted to them by the gentlemen, their countrymen, here who make laws for them and whose duty it is to protect them. Here let me read a letter from Mr. Steele, whose ranch was attacked and whose brother was murdered. He wrote to General Ord the letter which I now read:

FIFTEEN MILES BELOW FORT EWELL,
Palo Alto, Nueces River, April 17, 1878.

DEAR SIR: Pardon me for addressing you, but my urgent case forces me to you direct.

The Indians from Mexico have visited here to-day, and killed my brother and all my pastors, (shepherds;) and two boys, one twelve, the other seven years of age, have been carried off into captivity; good, gentle, white boys, and the poor mother is distracted. Will you, kind sir, use your great influence to notify all Mexican officials about these poor children; their description is as follows: The eldest boy, about twelve years of age, has dark brown hair, and blue eyes, tall and slim, and is called George Taylor; the younger one is about seven years old, is stout and fair-haired, with hazel eyes, and is named Dick Taylor, wore black jean pants, and white duck jacket.

I wish to offer a reward of \$500 for the recovery of the children. I have written to J. A. Maurice and implored his good offices with you to aid me in this request, but dreading he is out of town, I take the liberty of writing you direct. Please, for the sake of a poor, broken-hearted woman, and in the interest of our common humanity, to do what you can with those Mexican officials so that the children may be restored to their mother.

Yours, very humbly,

W. H. STEELE.

General ORD, San Antonio.

From the following it appears, however, that the raiders did not long encumber themselves with the children, and that the unfortunate mother succeeded in saving her other children only by her own courage:

About one mile from the ranch, two boys—sons of Mrs. Taylor, aged respectively seven and eleven years—had also been killed and mutilated. Mrs. Taylor saw the Indians kill Steele, and placing three of her little children on a plank she waded the Nueces, pushing them before her, and escaped.

Gentlemen of this committee, these people have a claim upon you; they are Americans; they are of your own flesh and blood. It may be that they have kinsmen here upon this floor. George Taylor and Dick Taylor, the two little boys, were found murdered. The dark brown hair of George Taylor and the fair hair of little Dick Taylor was torn from their bloody skulls and carried away to decorate the belts of the "peaceful Indians" which the gentleman from Illinois [Mr. SPARKS] spoke about yesterday. The stark and pale little bodies of both were mutilated; the blue eyes of the one and the hazel eyes of the other were closed in death. Their mother, in her frantic despair, and, striving to save the other little ones, took the three small children and placing them on a plank pushed them across the river at the risk of her life, and succeeded in saving them and herself.

This is a picture of the "piping times of peace" which the gentleman from New York [Mr. HEWITT] holds up for your admiration. This is the full protection which he says is afforded by your Army, which is larger than is necessary, and which he proposes to reduce by five thousand men.

Mr. Chairman, I have been accused sometimes of being a filibuster, of wanting to take Mexico or a part of it. Sir, I hesitate to say it, but I must say it: God forbid that this country should ever become any larger; it is far too large now for the minds and hearts of its legislators. [Great applause.]

Mr. BRIDGES. Will the gentleman allow me to ask him a question?

Mr. SCHLEICHER. Certainly.

Mr. BRIDGES. I desire to ask my friend from Texas [Mr. SCHLEICHER] how many troops would be sufficient to successfully protect the frontier of Texas.

Mr. SCHLEICHER. I do not know; I will come to that presently. It certainly is not in the direction of affording protection to cut down the Army five thousand men below its present standard, and that is the proposition now before this committee.

Mr. SPARKS. You mean forty-five hundred.

Mr. SCHLEICHER. Well, forty-five hundred, if you please, or even ten. Sir, I would consider it a sin if I were to vote for the reduction of one man in the effective strength of the Army under any compromise whatever.

Now in regard to the great motive which influences members in this proposition to leave these people unprotected. What is the great motive for cutting down the infantry and cavalry of the Army? Not the artillery, for that is left in the towns and not reduced in this bill. What is the motive for cutting down the infantry and the cavalry of

the Army? The great motive urged here is economy. Mr. Chairman, I believe that the American people are hardly ready to economize in that direction. And allow me to say that that economy is not very fairly represented to the House. It is said that we can save by this reduction \$4,000,000. The gentleman from Illinois, [Mr. SPARKS,] when speaking yesterday, stated to the House that each enlisted man cost the Government \$156.

Mr. FOSTER. I think it is \$350.

Mr. SCHLEICHER. One hundred and fifty-six dollars, the gentleman said. Therefore the saving on five thousand enlisted men would amount to \$780,000. The remaining \$3,220,000 must be saved somewhere else, not in the reduction of the number of fighting men.

Mr. SPARKS. The gentleman will pardon me; I made no allusion whatever to that subject.

Mr. SCHLEICHER. I made a note of it at the time.

Mr. SPARKS. It must have been some other gentleman; I made no reference to that subject.

Mr. SCHLEICHER. Very well, is it so or not? Does an enlisted man cost the Government \$156?

Mr. SPARKS. It was the gentleman from Ohio [Mr. BANNING] who referred to that matter.

Mr. SCHLEICHER. Then I pass the compliment over to the gentleman from Ohio.

Mr. HEWITT, of New York. They cost \$1,000 each.

Mr. BANNING. Will the gentleman from Texas [Mr. SCHLEICHER] allow me—

Mr. SCHLEICHER. If time is allowed me I will yield to everybody; I cannot yield when I am limited.

Mr. SPARKS. When the gentleman from Texas [Mr. SCHLEICHER] through mistake referred to me as making a remark which I never made, I thought it due to the gentleman himself that I should correct him.

Mr. SCHLEICHER. My apology is due to the gentleman, and I make it very cheerfully.

Now I would like to notice some of the logic in, and also the sort of connection there is between, the speeches of gentlemen and the act to be performed by the bill now before the House. In the first place the gentleman from New York [Mr. HEWITT]—I hope I am not mistaken this time—the gentleman from New York stated that our Army was a skeleton army, and that the system of a skeleton army was altogether faulty. He cited very high authority on his side; he said that the Army was, in a word, "top-heavy;" that there were too many officers and too few men. Am I correct in that statement?

Mr. HEWITT, of New York. Will the gentleman from Texas allow me to answer him at such length as I wish.

Mr. SCHLEICHER. Not now.

Mr. HEWITT, of New York. If the gentleman asks a question, then I am to understand that I am to sit here and listen to a great many misrepresentations and not have an opportunity to correct them. If the gentleman wishes to question me, let him say if I am to answer him or not.

Mr. SCHLEICHER. Not in my time; I cannot speak and be replied to at the same time.

Mr. HEWITT, of New York. Then do not ask me any questions which I am not permitted to answer.

Mr. SCHLEICHER. I will ask no questions, but I will make the statement directly to the committee, [laughter,] that the gentleman from New York [Mr. HEWITT] did use the argument that our Army was a skeleton army; that the experiment of such an army had been condemned by high authority, and that the Army should not be allowed to remain a skeleton army, but it should rather be made a compact army fully ready for service. He said that there were too many officers and too few men. I took down his words when he uttered them.

And what does he propose? Does he propose to strike down the officers? No; he is exceedingly lenient and generous with them. One would suppose from his argument that his proposition would be to strike down the officers and increase the number of enlisted men, or at least not to interfere with the latter. But where does he cut down? He cuts down in the first section of the bill, fixing the maximum number of enlisted men, the men who are too few according to his argument; he proposes to cut down these to the extent of five thousand. Now, my mind is not equal to the task of reconciling these two things.

The gentleman from Illinois [Mr. SPARKS] said something in reply to my remark that I thought the committee had not dealt generously with this question. I explained this morning that I meant they had not been as generous as they should be toward our people. That gentleman said repeatedly that this bill did not propose to interfere with the officers—did not turn out any officer. Consequently his argument comes to the same result: that ours is a skeleton Army with too many officers and too few men; yet the remedy proposed is to leave the officers and make the number of men still fewer.

I have, in my time, been considerably engaged in the study of mathematics, and I always thought that I had some talent in that direction; that I could understand mathematical problems. But the gentleman from New York has given me one puzzle which I have been thinking over without being able to arrive at any conclusion. He said he could prove that with an Army of twenty thousand men we would have more muskets in the field than with an Army of

twenty-five thousand. [Laughter.] If the gentleman should command our forces I have no doubt he could improve the organization and get more active force than anybody else has ever done; but he does not propose any change in the present management. Those now in command are expected to remain and do the same thing they have been doing. Now, the puzzle to me is this: here are the same corps of officers, the same staff, and everything else the same; yet I am expected to believe that under precisely the same management there will be more active service, more men in the field, with an Army of twenty thousand than with an Army of twenty-five thousand! I give it up. [Laughter.]

The gentleman from Wisconsin [Mr. BRAGG] stated last evening quite correctly that the troops on the Rio Grande had not been stationed where they ought to be; that the main force of raiders infested the Lower Rio Grande, while the troops were collected at Fort Clark, some hundreds of miles away. Some time ago I went to General Sherman and made this same representation to him, and he said to me in something of the same hopeful mood as the gentleman from New York [Mr. HEWITT] that there was peace, that everything was right at present, and it was a good idea to leave well enough alone. [Here the hammer fell.]

Mr. FOSTER. I hope the gentleman's time will be extended.

The CHAIRMAN, (Mr. MILLS in the chair.) The House has limited general debate in Committee of the Whole on this bill to one hour, of which the gentleman from New York [Mr. HEWITT] is entitled to fifteen minutes.

Mr. ITTNER. There is universal consent, I think, that the gentleman proceed.

Mr. THORNBURGH. I ask that the gentleman's time be extended.

The CHAIRMAN. The order limiting debate cannot be rescinded or modified in committee.

Mr. HOOKER. It has often been done.

The CHAIRMAN. Not when the House had ordered that all general debate should close in one hour.

Mr. HEWITT, of New York. The remainder of this hour belongs under the assignment to me; but the gentleman from Texas has been so very courteous in referring to what I have done that I now yield to him all the time I can possibly control.

Mr. SCHLEICHER. I am very much obliged to the gentleman. I have been under the necessity of referring to him in the course of my remarks, because he stands foremost as the champion of this bill.

Mr. HEWITT, of New York. I hope the gentleman from Texas will not attribute his want of comprehension of my mathematics to my fault.

Mr. SCHLEICHER. No, sir; to my own weakness. There are some things which I never could learn, among them, for instance, the game of thimble-rig or anything of that kind. [Laughter.]

Mr. HEWITT, of New York. Will the gentleman allow me just a moment. I hold in my hand a statement which has just been received from the Paymaster-General, showing that the actual reduction in the number of officers by this bill is four hundred and eighty-four. This answers that point. Then as to the difference between twenty-five thousand and twenty thousand men, I will say that during the last year the actual number of our Army did not exceed twenty-two thousand men; and the figuring of the Adjutant-General's Office as to the actual number of muskets with a force of twenty-two thousand men agrees exactly with the figuring of the same office as to the number of muskets with a force of twenty thousand.

Mr. SCHLEICHER. But the figuring does not protect our people. [Laughter.]

Mr. HEWITT, of New York. It does not protect my people either.

Mr. SCHLEICHER. The gentleman from Illinois [Mr. SPARKS] referred to the fact that the number of men in actual service has not exceeded twenty-two thousand men; and he used this as an argument to show that it is unnecessary to authorize a force of twenty-five thousand men. But I have ascertained that under our system of recruiting the maximum number authorized by law can never be reached. I will read a statement of the reason:

The reason that the regular Army has lately been reported less in strength than the 25,000 allowed by law, is that Congress authorized 2,500 in addition to the 25,000 allowed before to be added to seven of the regiments of cavalry for the late Sioux war, with the proviso that after that war 2,500 men should be discharged from the infantry and artillery (not cavalry) to bring it down to 25,000 again. This forced an immediate discharge of that number. There was then a period of about five months for which there was no appropriation to support the Army. Recruiting was consequently stopped during that time, and the Army became considerably reduced by casualties which were unusually large during that period. Recruiting was resumed as soon as possible, and the latest returns received show about 23,400 enlisted men.

Scattered as the Army is over such a very large extent of country, recruiting has to be conducted with great caution so as not to exceed the legal number. Hence, should the returns show a near approximation to that number, recruiting must be checked until a safe reduction is exhibited, and, meanwhile, before such returns are received and recruiting can be recommenced, a considerable number of casualties may occur. This is a condition of things which cannot be avoided while legislation leaves so little discretion to the Department in the management of military affairs.

All there is essential in this is that in practice it is impossible to keep an army up to its maximum, that you must make the allowance of a certain percentage, and in this case it seems to be two thousand. Perhaps it is too large, but whether 10 per cent. or 5 per cent., for practical reasons the Army in the field remains below the legal maximum. That will apply, then, quite as well after the Army has been

reduced to twenty thousand men as to the Army at twenty-five thousand men. Consequently, by the rule of three, (and that is a part of mathematics I do understand,) just as twenty-five thousand maximum is to the actual number in the field so will twenty thousand after reduction be to the then actual number in the field, the "unknown quantity," as the gentleman from Wisconsin has said.

Now, Mr. Chairman, let me come to the point as to the number of men in Texas, that is, the number of men out of the given number of soldiers ready for active service, and who can be used and counted on for defense. These two statements are combined in what I will read from the official statement made last month.

Last month the total force in the Department of Texas was 3,749 men, of which number only 1,964 were available for duty. The balance are enumerated as follows: Escorts and men employed repairing forts, telegraph lines, and roads; sick, wounded, and missing; clerks, mechanics, cooks, bakers, hospital stewards, and nurses; prisoners under sentence; teamsters.

If the members of the Committee on Appropriations having charge also of all the other appropriation bills can point to any one of them which has come before the House, or which they propose hereafter to bring before the House, that does away with the necessity of using regularly enlisted men for the purposes specified in the extract which I have just read and provides for the employment of civilians to discharge those duties, then I should have nothing to say, except that it would not be economy. But it is not shown, and it cannot be shown, that the same necessity will not exist hereafter as it has done heretofore, and that men will not be detailed from the Army, never mind to what figure it has been reduced, for the purpose of discharging the same duties. After the reduction of the Army from 25,000 to 20,000, the reduction between the Army on paper and the Army in the field will, for the very same reason, be in the same proportion.

How small, then, Mr. Chairman, is a force of that kind for the protection of one line alone, the line of the Rio Grande, which is upward of one thousand miles long. The gentleman from Wisconsin referred in this connection to the fact that only small parties come over and it was not necessary to have five thousand or four thousand men to meet forty-five or forty raiders. He said the highest number of Indians was thirty-five.

Remember, Mr. Chairman, there is no active warfare there and that they cannot be concentrated, the enemy on one side and our troops on the other; but that, on the contrary, our troops have to scatter to the extent of the one thousand miles. No matter, then, what may be the disparity in the number of raiders, say only thirty-five Indians managed to steal through the long line of one thousand miles, guarded only by nineteen hundred men, you must remember that when they get in the settlements, although their number may seem trifling compared with the number of troops, their number ceases to be trifling when they fall upon a family of five or six, under the circumstances which I have related. Where, then, is the magnanimity in such cases to "a weak power," when forty or fifty raiders pass our frontier and suddenly come down upon a family of six or eight defenseless people who are given over to their merciless cruelties?

Yet many gentlemen here say we ought to have patience with "a weak power like Mexico." Let me ask you to remember how that patience and that magnanimity operate in practice. Put yourselves in the position of these defenseless people. I have read to you scenes which now occur under an Army with a maximum of twenty-five thousand men. Imagine what the result will be when the kindness of our friends has reduced it to twenty thousand and we shall get in Texas our proportionate share. The pictures then to come will be much worse than those I have given. To prevent the recurrence of any such scenes is what I now plead for. I implore this House to leave the Army as it is. I plead in behalf of those who send up their petition to me asking for protection. If the Army is reduced the outrages which come now singly will then come by the dozen, and you will be forced to attend to the protection of our people at last when many more victims to your economy have fallen. I plead not for those who have been murdered, for they are gone, but in behalf of those who are there who are distressed and in great fear. Their petitions come here asking me to make known the dangers of their situation to the House. What shall be the answer to their prayer? What cheer will their party friends send them; that party to which they have given their unwavering allegiance for so long a time; what return shall they have for their fidelity and steady adherence? I ask my fellow-democrats shall it be only the heartless sneers of the gentleman from Wisconsin [Mr. BRAGG] and the fratricidal economy of the gentleman from New York, [Mr. HEWITT.] I hope not, but I leave the issue to the House.

I thank gentlemen for their kind attention.

Mr. HEWITT, of New York. I yield the three remaining minutes to the gentleman from Ohio, [Mr. BANNING.]

Mr. BANNING. I would like to call the attention of the gentleman from Texas, [Mr. SCHLEICHER,] who says this bill decreases the infantry and the cavalry, to the sixth section, which provides that each company of infantry must have at least seventy-three men in it. And then I would tell him and this House there is not in all our two hundred and fifty companies of infantry a single company that musters fifty men. And I would like the gentleman to explain to the House how it is, in the face of this fact, that he states this bill reduces the cavalry and the infantry. It increases those arms in sabers and bayonets and lets the artillery alone. And when this bill

has passed we will have more muskets and more sabers upon the frontier of Texas and upon the western frontier than we have now, and with fourteen expensive regimental organizations less and about one-half as many companies as we have at present. We will then have regiments and companies available for military purposes instead of the skeleton organizations that we now have.

Why, sir, the largest regiment of infantry to-day in the whole United States Army only numbers three hundred and eighty men. The smallest infantry regiment under the proposed organization cannot have less under any circumstances than five hundred and eighty-nine men.

Now, Mr. Chairman, who can doubt that this will be a better, a stronger, and a more efficient organization? The arguments we have heard here against this bill have taken a wide range. One gentleman [Mr. GARFIELD] has been alarmed, like one aroused from peaceful slumber at the dead of night by the dreaded sound of the fire-bell, by a letter written by Lord Macaulay twenty-one years ago, in which he predicted the downfall of the American Republic. He has been terribly alarmed by that letter of an English lord. Mr. Chairman, if our revolutionary fathers had taken counsel of their fears they too would have been alarmed by the letters of English lords, written a hundred years ago, as the gentleman now is by Macaulay's letter; but we never would have had our free Government. But because the downfall of our Government is thus predicted by an English lord the gentleman opposes the reform proposed in this bill. His argument seems to be that we must keep up a large army at an extravagant cost to protect ourselves against ourselves. Sir, I for one have no sympathy with such an argument. I am just as much opposed to anarchy as any gentleman on this floor; but I do not believe our escape from it depends upon maintaining a large standing army in time of peace.

Another gentleman wants the Army increased and kept strong because there has been a row in Texas about the ownership of certain salt wells or lakes. These are specimens of the arguments advanced against the bill.

Now, I hope the House will take this bill fairly into consideration, and not be governed by groundless fears nor private interests. Our present force has been ample and we have in the whole Army to-day only 21,708 men, 3,400 less than the number authorized. Why have we not the whole authorized strength? Simply because the authorities do not need them. They have no use for them; none whatever. Under the organization proposed we will have 20,000 men, with cavalry and infantry amply sufficient to protect the frontier. In fact, a stronger force, because better organized, than we have to-day.

[Here the hammer fell.]

Mr. MAGINNIS addressed the Chair.

Mr. EDEN. Mr. Chairman, has not the time for general debate expired?

Mr. MAGINNIS. I rose for the purpose of asking unanimous consent. I desire to say that nearly everybody has spoken on this bill except those who are especially interested in it with one exception, that being the gentlemen from Texas. All the Delegates from the Territories who have no right to vote on this at all and whose right to debate under our rules is little more than nominal, would like to say something on this bill. I ask unanimous consent to be permitted to submit a few remarks that have occurred to me in the course of the debate. I will endeavor to cover points that have not yet been touched.

Mr. WHITE, of Pennsylvania. As a member of the Committee on Military Affairs, I would desire also to submit some remarks on the bill.

Mr. EDEN. Unanimous consent cannot be given in Committee of the Whole.

The CHAIRMAN. Objection is made to the request of the gentleman from Montana.

Mr. MAGINNIS. Who objects?

The CHAIRMAN. The Chair understands that one gentleman who objects is the gentleman from Pennsylvania, [Mr. WHITE.]

Mr. WHITE, of Pennsylvania. I do not object. What I say is that there are others who want to be heard on this question.

The CHAIRMAN. The time allowed for general debate on this bill by order of the House has expired; and unless the committee rises and the House extends the time, no further time can be allowed for general debate.

Mr. KELLEY. I hope the time will be extended that the Delegates may be heard through at least one of their number.

Mr. EDEN. A motion was made to reconsider the order of the House limiting debate and the motion to reconsider was laid on the table.

Mr. MARSH. Cannot the time be extended by unanimous consent?

The CHAIRMAN. The House has directed that all general debate on this bill shall be closed at this time. The committee has no discretion in the matter.

Mr. ATKINS. The gentleman from Montana has made a general complaint of want of sufficient time being allowed for general debate. Has the gentleman ever applied for time to the gentleman in charge of the bill?

Mr. MAGINNIS. Yes, sir.

Mr. HEWITT, of New York. About five minutes ago.

Mr. MAGINNIS. My name is on the Speaker's list.

Mr. HEWITT, of New York. I have nothing to do with the Speaker's list.

Mr. ITTNER. Can this not be done by unanimous consent of the House?

The CHAIRMAN. It can; but we are not in the House now.

Mr. ITTNER. I move that the committee rise so that the gentleman from Montana may obtain the time he desires.

Mr. EDEN. That will not help him. The time will not be extended if the committee do rise.

The question being taken on Mr. ITTNER's motion, there were—ayes 77, noes 30.

So (further count not being called for) the motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration 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, and had come to no resolution thereon.

Mr. HEWITT, of New York. I now move that the House resolve itself into Committee of the Whole for the consideration of the Army appropriation bill under the five-minute rule.

Mr. ITTNER. Pending that, I ask unanimous consent that the gentleman from Montana be allowed fifteen minutes.

Mr. EDEN. I object.

Mr. MILLS. I move that when the House shall again resolve itself into Committee of the Whole, all general debate on the Army appropriation bill shall be closed in thirty minutes.

Mr. EDEN. All general debate has been closed.

The SPEAKER *pro tempore*. The Chair would suggest to the gentleman from Missouri [Mr. ITTNER] and the gentleman from Texas [Mr. MILLS] that the only method by which they can accomplish the end they desire is by a motion to reconsider the order of the House closing debate.

Mr. EDEN. The motion to reconsider has been made and has been laid on the table.

Mr. BANNING. I hope that the House will hear the gentleman from Montana by unanimous consent.

Mr. EDEN. But that consent will not be given.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. ITTNER] asks unanimous consent that the gentleman from Montana be allowed thirty minutes.

Mr. EDEN. I object.

Mr. ITTNER. I appeal to the gentleman from Illinois to withdraw his objection.

Mr. EDEN. But I will not do it.

Mr. HANNA. I desire to make a parliamentary inquiry, and it is this: have we such a system of rules here that when this body un-animously agrees that a given thing may be done, we cannot do it?

Mr. HEWITT, of New York. But there is not unanimous consent.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. HANNA] will observe that there is not unanimous consent.

Mr. HANNA. If we vote down the motion made by the gentleman from New York [Mr. HEWITT] is there any way under heaven in which a man may have an opportunity to represent his constituents upon this floor? [Laughter.]

The SPEAKER *pro tempore*. That is not a parliamentary inquiry for the Chair to decide.

The question was put upon the motion of Mr. HEWITT, of New York; and upon a division there were—ayes 80, noes 32; no quorum voting.

Tellers were ordered; and Mr. HEWITT, of New York, and Mr. ITTNER were appointed.

The House again divided; and the tellers reported—ayes 111, noes 33.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. SPRINGER in the chair,) and 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 CHAIRMAN. All general debate having been closed by order of the House, the Clerk will read the bill by clauses for amendment.

The Clerk proceeded to read the bill by clauses, and read as follows:

Be it enacted, &c. That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June 30, 1879, as follows:

For expenses of the commanding general's office, \$2,500.

For expenses of recruiting and transportation of recruits, \$50,000. And no money appropriated by this act shall be paid for recruiting the Army beyond the number of twenty thousand enlisted men, including Indian scouts and hospital-stewards; and thereafter there shall be no more than twenty thousand enlisted men in the Army at any one time, unless otherwise authorized by law: *Provided, however*, That not exceeding five hundred recruits in addition thereto may be kept at recruiting stations, as the necessities of the service may require. Nothing, however, in this act shall be construed to prevent enlistments for the Signal Service, which shall hereafter be maintained, as now organized and as provided by law, with a force of enlisted men not exceeding four hundred, after present terms of enlistment have expired.

Mr. THROCKMORTON. I move to amend that clause by striking out the words, "twenty thousand" and to insert in lieu thereof the words "twenty-five thousand;" so as to make the number of enlisted men in the Army limited to twenty-five thousand men.

Mr. FOSTER. I did intend, Mr. Chairman, to submit some remarks upon this question, but being absent a little for the last day or two I

find by the RECORD that my time has been used by two gentlemen who spoke one hour each. I desire only to say now that the Committee on Appropriations, in my judgment, under the rules of the House, rules which I condemn, have acted properly in this matter. It is probably well known to everybody by this time that if any reforms are to creep into the legislation of this House they must come from the Committee on Appropriations, for it is apparent that every other committee is utterly worthless in this respect.

Now, Mr. Chairman, the gentleman from New York [Mr. HEWITT] has given this subject a great deal of careful attention, and I have no doubt that he desires to do what he honestly believes ought to be done, but I am very much in the same position as the gentleman from Texas in regard to the mathematical problem that has been submitted, that with twenty thousand men you can put as many muskets in the field as with twenty-five thousand men. That is utterly incomprehensible to me. I have been poring over the gentleman's figures and I cannot possibly make it out. Now, all there is of it is this: if you consolidate the regiments you get rid of the number of officers who would be mustered out, but the privates will remain. There will be just as much shortage in an army of twenty thousand as in one of twenty-five thousand. So that it is utterly incomprehensible to me that you can get as many muskets in the field with twenty thousand as you could do with twenty-five thousand men, and therefore I favor the amendment of the gentleman from Texas, [Mr. THROCKMORTON.] I believe that an army of twenty-five thousand is not too large.

The gentleman from New York makes another proposition and it is this: that we ought to reduce the cost of the Army *per capita* to what the cost of the Army was in 1860. I do not know why he should make that proposition. I do not know why the expenses should be based upon the expenses in 1860. I do not know why he should make such a proposition as that, and then he got in a little party capital as to what this House has done in the way of reduction. I make this proposition, that it would be just as wise and just and prudent to bring the expenses of this House down to what they were in 1860 as it is to bring the expenses of the Army down to what they were *per capita* in 1860. The cost of running the House in 1860 was \$900,000 or a little over. The bill reported by the committee, of which the gentleman and I are both members, for that purpose is over \$1,800,000, and that leaves out the question of printing altogether. Why does not the gentleman from New York and my committee, who are so anxious to go back to the basis of 1860, take hold of the expenses of the House, where we have supreme control, and bring them down to the standard of 1860 *per capita*? The expenses of running the House now are more than 50 per cent. greater *per capita* than they were in 1860.

The gentleman from New York presented a table upon which he undertook to show a comparison between the cost of the maintenance of the Government in 1860 and in 1877. He placed it in 1877 at \$113,562,743. I would like to know from the gentleman from New York how he made up that table. I imagine that he deducted from the total expenses of the Government for that year the interest on the public debt and the pensions.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEWITT, of New York. I will take the floor, and if the gentleman from Ohio [Mr. FOSTER] desires me to yield to him for five minutes more I will do so with pleasure, and take my chance of getting five minutes for myself afterward.

Mr. FOSTER. I thank the gentleman from New York for his courtesy. That gentleman has omitted from the gross expenditures of the Government for the year 1877 the interest on the public debt and the cost of pensions, I believe.

Mr. HEWITT, of New York. If the gentleman will allow me, I will say that my table shows what it embraces. It embraces civil and miscellaneous expenditures, and expenditures for war, Navy, and the Indians. It enumerates those items, and only those, distinctly upon its face.

Mr. FOSTER. The gentleman then undertakes to draw a parallel between the *per capita* cost of the Government in 1860 as compared with the expenditures of the Government in 1877, to the slight advantage of the year 1860. Now, if the gentleman from New York intended to be entirely accurate he should have also deducted from his expenditures for 1877 the cost of collecting the internal revenue, which is one of the incidents of the war. But for the war we would never have had an internal-revenue establishment; it costs \$5,000,000 to conduct that establishment. It also costs at least \$5,000,000 more for the Army and the Navy now than it did then, because of the war. It costs at least \$3,000,000 or \$10,000,000 for claims, for clerical services in the Pension Office, and for the various ramifications of the civil service which grew out of the war.

In addition to that we have new services now that we did not have in 1860, which cost somewhere from \$5,000,000 to \$10,000,000. Now, if you will make a fair comparison between the two years, I have no hesitation in saying that the expenditures of the Government to-day are less *per capita* than they were in 1860.

The gentleman also made another statement in which he was undoubtedly in error. He undertook to claim for the democratic party that last year it reduced the expenditures of the Government about \$20,000,000. I have looked that matter over with some care, and I find that, speaking moderately, at least \$5,000,000 of deficiencies will have to be deducted, thus reducing the saving, even upon his own showing, to about \$14,000,000.

Then there is \$4,000,000 more for which this democratic House should receive no credit whatever; that is the reduction of the interest on the public debt and the reduction under the permanent appropriations. That will leave about \$10,000,000 as the actual result of this claim of reduction of expenditures, which last year was set at \$30,000,000.

Mr. BLOUNT. Will the gentleman allow me to interrupt him?

Mr. FOSTER. Certainly.

Mr. BLOUNT. Does not the gentleman fail to take into account the fact that the deficiency bills of this House, even as he states them, are not so large as they were for many years when the House was republican?

Mr. FOSTER. The deficiency bill passed by the last Congress was for \$2,000,000, which deficiency arose under the republican administration; and in order to make a fair comparison that should be deducted from the amount of deficiencies for this year. Therefore, I have put the amount at \$5,000,000.

The gentleman from New York [Mr. HEWITT] made the statement that the deficiencies were included in the statement of the annual expenditures of the Government. The gentleman is mistaken. The statement of the annual expenditures of the Government comprises only the money paid out for the year, and nothing more.

Now, for this year we are likely to have a reduction of about \$8,000,000, perhaps \$9,000,000. I looked the matter over carefully yesterday and my estimate is that the reductions will amount to about \$9,000,000. Of that amount \$3,000,000 will be in the reduction of the interest on the public debt and another million will be the reduction of administering the permanent appropriations since Secretary Sherman came into office. Therefore the result of last year's work by the House amounts to a reduction of expenditures of only about \$5,000,000.

The gentleman made a further statement to which I desire to refer, and that was that we ought to reduce the expenditures of the Government by about \$25,000,000. I have given some attention to this subject for four years past, and I say to the gentleman from New York that I believe it will be utterly impracticable and impossible to reduce the expenditures of the Government to that extent.

I want to say further that so far as the ordinary running expenses of the Government are concerned we have about reached our minimum. That fact has been disclosed by the action of the Committee on Appropriations this year. They have introduced a bill, which has been passed, containing \$2,000,000 more appropriations than the same bill which they introduced two years ago.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEWITT, of New York. All debate upon the pending amendment I suppose has been exhausted?

The CHAIRMAN. It has been.

Mr. HEWITT, of New York. It will be in order for me to strike out the last word?

The CHAIRMAN. It will.

Mr. HEWITT, of New York. I make that motion. There is one fact which the people of this country see and appreciate. Whereas prior to the Forty-fourth Congress they were paying taxes to the amount of \$150,000,000 annually for the support of the Government, in the year after the advent of a democratic House of Representatives the taxes which they paid were \$23,000,000 less, as measured by the expenses.

Mr. DUNNELL. Let me ask the gentleman from New York—

Mr. HEWITT, of New York. I cannot yield when I have but five minutes. The gentleman can take his own five minutes to reply.

Now, the gentleman from Ohio may revise this matter until doomsday and still the broad fact remains the same. His only answer is that there are pending deficiencies from that year which would account for a considerable proportion of this saving.

Mr. FOSTER. What sum did the gentleman name?

Mr. HEWITT, of New York. Twenty-three million dollars, as shown by the official reports of the expenditures in the Treasury Department.

Mr. FOSTER. Oh, no; the report of the Treasury Department shows only \$19,800,000.

Mr. HEWITT, of New York. The gentleman will find the exact figures in my speech. In round numbers the amount is \$23,000,000.

Mr. FOSTER. But that you got from an almanac.

Mr. HEWITT, of New York. I took it from the table of receipts and expenditures in the report of the Secretary of the Treasury, and not from an almanac.

Mr. FOSTER. Did you not state that you took it from an almanac?

Mr. HEWITT, of New York. At first I did; but then I referred to the Secretary's report and found that the almanac had copied the figures from that report.

The gentleman charges that there are deficiencies which we shall have to pay. Yes, there are deficiencies; and can the gentleman point to any year under republican administration when there have not been deficiencies which had to be made up the year afterward, and which appeared in the expenditures of that year? This was what I meant when I said that the expenditures include the deficiencies.

Now I tell the gentleman, and he knows it to be the fact, that there are to-day pending before the Committee on Appropriations applications for deficiencies going back to the year 1868, amounting to many

millions of dollars, which we are required to bring into this House and charge up to the expenditures of the present fiscal year. There are many pages of these estimates submitted to the House; they can be found in the Book of Estimates. But the gentleman charges that these deficiencies are only to be carried to the democratic account, and are not to be charged up to the republican account.

Mr. FOSTER. I do not think the gentleman ought to say that there are "many millions" of such applications for deficiencies.

Mr. HEWITT, of New York. I will prove what I say; I will give an exact statement of the matter before this debate closes. There are \$3,000,000 of these deficiencies in the Navy alone.

Now, the gentleman's arithmetic seems to be very accommodating, but the people understand arithmetic; they have learned it in the common schools, and when they find that \$3,800,000 more than are necessary are taken out of their pockets in one year they will make the figuring for the gentleman.

I will now explain further the remark I have already made, that with a force of twenty thousand five hundred we shall have as many muskets in the field as we now have with an Army of twenty-two thousand men. The saving is made by making a reduction of four hundred and eighty-four in the number of officers, and with this reduction cutting off that great paraphernalia which waits upon officers—what might be called the trimming of the Army; and the difference is about fifteen hundred men. I repeat that our saving is effected by the better organization of the troops. If gentlemen will turn to the RECORD they will find in my speech, on page 3543, the exact figures, which I have not time now to give. By figures made up in the Paymaster's Department and furnished to the gentleman from Ohio and myself officially, the demonstration is there made that the difference under the two systems will not be two hundred muskets.

[Here the hammer fell.]

Mr. EDEN obtained the floor and said: I yield my time to the gentleman from New York, [Mr. HEWITT.]

Mr. MILLS. I make the point of order that this cannot be done. The gentleman from Illinois [Mr. EDEN] once made that point on me, and I now make it on him.

Mr. EDEN. I renew the amendment, and yield my time to the gentleman from New York.

The CHAIRMAN. The gentleman from New York withdraws his *pro forma* amendment, which the gentleman from Illinois renews.

Mr. MILLS. The rule forbids any gentleman speaking ten minutes on the same side of any question. I ask that the rule be enforced.

The CHAIRMAN. The gentleman from New York proposes now to speak on the amendment of the gentleman from Illinois.

Mr. MILLS. Then the rule means nothing.

The CHAIRMAN. The Chair will endeavor to enforce the rule as he understands it.

Mr. DUNNELL. Is there any limit to this interesting little game? Can I be recognized and yield my five minutes?

The CHAIRMAN. The Chair will recognize the gentleman when he addresses the Chair at the proper time.

Mr. HEWITT, of New York. I will make the limit myself. I have taken up enough time of the House. All I want is that the House shall understand this one fact: that the effective force of the Army may be used up in a useless manner.

It is used up in a useless manner under the present organization, and when my friend from Texas offers an amendment to put five thousand men in the Army my answer is that if those five thousand are necessary then the bill which is now pending before the House will give the same number of effective muskets by adding three thousand men, but his proposition will put two thousand more men in the Army than is now or would be in the Army if up to the number of twenty-five thousand men. In other words, twenty-three thousand men under the new system will give as many muskets as twenty-five thousand men under the old system. Therefore I ask my friend from Texas and every man here who wants more muskets to vote for muskets if they will, but to vote for this new organization, which will give them the requisite number of muskets at a saving of \$3,000,000. That is what we are after, and that is a saving which no Representative of the people can refuse to make unless he thinks the new organization is less perfect and less effective than the one now in existence.

Mr. THROCKMORTON. Mr. Chairman, in opposing this amendment I have no disposition to war on the general features of this measure. My object is to secure enough of enlisted men to defend the country.

I wish to call the attention of my friend to this proposition. He says if the army is reduced to 20,000 men, as proposed by this bill, we will have more muskets in the field than with 25,000.

Mr. HEWITT, of New York. No, sir. I say with 20,000 men we will have as many muskets in the field as we have now with the Army at 22,000, and if you add 3,000 to it we will have then on 23,000 as many muskets in the field as you would have with an army of 25,000 if it were full. That is my statement.

Mr. THROCKMORTON. Here is a statement from the Adjutant-General's Office, which shows there is in the Engineer Department 198 men, and in the Ordnance Department 364 men, and on various detached services, which I will not take time to enumerate, in all amounting to 3,000 men. I ask the gentleman in all candor whether, if the Army were reduced to 20,000 enlisted men, you would not have

the same detachments, and whether the only saving in the bill as proposed by the committee would not be the few men to be taken from the different regimental headquarters. That is the only saving I can see proposed under the arrangement of this bill. If you have 20,000 men you will still have 3,000 on detached service. Hence I say the proposition cannot be proved that you would have the same number of muskets in the field.

Mr. Chairman, one thing else. There was no appropriation for the Army at the last session of Congress and the recruiting service had to cease. So, then, complaint that the Army was not kept up to the standard cannot be made against the Army officers as it was not their fault but the fault of Congress itself in not making appropriation. Therefore they should not be charged with being derelict in that regard.

[Here the hammer fell.]

Mr. BRIDGES rose.

Mr. EDEN. I withdraw the formal amendment.

Mr. BRIDGES. I move to insert "fifteen thousand" instead of "twenty-five thousand."

Mr. Chairman, it has appeared in the discussion of this bill that there is diversity of sentiment in relation to what the strength of the Army of the United States should be. Some would be satisfied with twenty thousand men, some with twenty-two thousand, and others with twenty-five thousand. But, sir, one point has been omitted, and I think an important point, and that is the failure to tell us where these troops are needed. There was but one exception, the gentleman from Texas. Did it appear in the discussion that a certain number of troops was necessary for a certain point and another number for another point? No, sir.

With regard to our Texan frontier, I say if we increase the Army for the purpose of protecting the rights of the Texan people we are too generous, for we are not called upon by any principle whatever to do it; and I will tell you, Mr. Chairman and the House, why. The Mexican Government ought to be held responsible for every injury its citizens do to us, and our Government ought to give the Mexican government notice it will be held responsible for every trespass committed upon our people. If we would do that it would not be necessary to have five, six, eight, or ten thousand troops on the Texan frontier for its defense. And Mexico is bound to protect her own people and prevent them from trespassing upon our American citizens.

Again, it is said we want troops upon our Indian frontier. Why, sir, if we would treat the Indian as we ought to treat him there would be no occasion for troops there. It is because the Indian is abused, cheated, and defrauded that he is impelled to seek vengeance upon the American people for injuries done him. And let me say that an Indian never forgets a favor and never forgives an injury. Treat them kindly and kind treatment will be returned. Treat them badly and bad treatment will be returned.

Another important point has been overlooked in my opinion in the discussion of this question. That is this: why should an appeal be made to the American Congress to furnish a standing army for the protection of the American people when it is the duty of every State in the Union to maintain its own militia, a militia sufficient to repel invasion if possible and to put down insurrection? And it is not the privilege of any State to call upon the Executive for aid until the executive of the State in which an insurrection occurs or violence is used can say that the troops within its borders have been unable to put down the insurrection or the violence, and it is then only the duty of the Executive of the United States to order troops to be sent to the assistance of any State that may be under such circumstances.

Now, sir, I say it is our first duty to look to our own States and to see that we have a military system there such as we ought to have before we allow applications to be made to the American Congress for money to support a standing army. We have an Army of 25,000 men. Where are those men to be distributed? If you take the thirty-eight States of the Union there will be but between six and seven hundred for each State irrespective of the Territories. Would that be sufficient, sir, to quell insurrection or repel invasion? Certainly not. Suppose, sir, that the troops are concentrated upon a certain point in Virginia and an invasion takes place in the State of Maine, how long will it take that Army to proceed to the State of Maine to repel the invasion or put down violence there?

[Here the hammer fell.]

Mr. DUNNELL. It is unfortunate I think that we cannot pass an appropriation bill for a Department of this Government without placing it upon the theory of a certain fixed determined reduction. In my judgment we ought to appropriate money according to the real wants of the Department for which we propose to appropriate. The Committee on Appropriations of this Congress has taken up the theory of the committee of the last Congress and determined if possible to make a reduction, not one based upon the merits of the different objects for which they appropriate but a reduction determined upon for the sake of making a record of economy.

Mr. ATKINS. Where did the gentleman get that information?

Mr. DUNNELL. I will not waste any of my time in answering questions.

Mr. ATKINS. I would like the gentleman to state where he got that information.

Mr. DUNNELL. Mr. Chairman, there has not been an appropriation bill introduced into this House during this Congress without the

gentleman who has had it in charge announcing to the House that it makes a reduction so much lower than the appropriation of last year. That has been the great argument: we have appropriated so many millions less than we did last year. And then the gentleman from Georgia [Mr. BLOUNT] is always bound to tell us that in the last Congress we appropriated so much less than was appropriated by the Forty-third Congress.

Now, Mr. Chairman, I protest against this style of legislation. I think we ought to appropriate for every Department of the Government precisely what that Department requires. We are not called upon to appropriate \$3,000,000 less for the Army than we appropriated last year unless we can make this reduction in the interests both of the Army and the people of the country.

No officer of the Army has admitted in the remotest degree that we ought to bring about a reduction of the Army. Every officer in the Army insists it should be 25,000 men. I have not heard the admirable speech of the gentleman from New York, [Mr. MCCOOK,] a member of the Committee on Military Affairs, answered. No one has undertaken to answer that speech. No one has undertaken to say we can get along with a less number of men than are provided for in this bill.

The gentleman from Pennsylvania [Mr. BRIDGES] who has just taken his seat does not by any means realize the magnitude of the frontier of this country. It is impossible for him to do it. And here are the Delegates from the Territory asking merely to be heard here, and they are not allowed a place in the debate on this floor, although the gentleman from New York [Mr. HEWITT] promised there should be the largest opportunity for debate. But the gentleman from Montana, who can talk on this question as well as any man on this floor, has not been allowed to tell this House why we cannot endure a reduction of the Army.

One word more, Mr. Chairman. We hear a great deal on the other side of the House about the pockets of the people. They talk a great deal about the pockets of the people and the reduction of taxation. Does not every member of the House on the other side know that there has not been one mill of reduction of taxation since they came into power? Not a mill of reduction has there been of taxation. We are paying just as much taxation now as in the worst days of republicanism—if you please to put it in that language—precisely the same amount of taxation; and the people are told that they are paying less than they paid last year and than they paid the year before, because they have got a democratic House of Representatives. They have got nothing yet. We have paid a little more of the national debt, perhaps, and nothing more, as the result of the economy by which every department of this Government has been crippled.

[Here the hammer fell.]

Mr. BRIDGES. I withdraw the amendment.

Mr. MILLS. I move to strike out the last word. I regret very much, Mr. Chairman, that it seems utterly impossible for this House to discuss the real question that is before it, and it has always been so especially on this Army question. The moment the question of the Army comes into this House the ring is cleared for a political encounter, a partisan encounter. The Army is to be fought by our side of the House because political capital is to be made and somebody's district is to be won by it, and the Army is to be increased on the other side of the House or used by them whenever necessary to further their ends. The legitimate purpose of the Army is left entirely unnoticed by American Representatives. The object of the creation of the Army was "to suppress insurrection and repel invasion," in the language of the Constitution. It was not to carry elections; it was not to be used for political purposes. I have no idea that such an object ever occurred to the framers of this Government as that the Army or the Navy either should enter as factors into the control of elections. What is the condition of our country? This ought to be the question which we should ask when we propose to cut down the Army. Is it unnecessary? Is it too large? What are the objects which we use an Army for? What do we need it for? Its use now is to guard our Mexican and Indian frontier. That is the whole legitimate use we have for it.

Now, we have been talking about cutting down the Army ever since I have been in Congress, for five years, and during all that time there has not been peace, solid durable peace, upon the frontier for one twenty-four hours. And the answer to the appeals made by our people who are being robbed and murdered and carried into captivity, the answer of the statesmen of this House has been, "Cut down the Army."

Mr. SOUTHARD. I would like to ask the gentleman what force has been employed upon the Texas frontier?

Mr. MILLS. Ask that question of the President of the United States, who is Commander-in-Chief of the Army, and not of me. I am here to represent my constituents and to present their appeal that you will stay the hand of violence and give them some security for the protection of life and property and person against those from Mexico who trespass within our borders, spit upon our flag, and defy our authority. We want an army to protect the people of the United States.

The gentleman from Pennsylvania [Mr. BRIDGES] well said that your Army might be decreased if you would hold Mexico responsible and compel her to regard the boundary which divides her territory from ours. If you would do that, I would say that you might cut the Army down to fifteen thousand men, because then Mexico would

cross our border at her own peril; but now she despises your pretended authority. She knows you do not mean to encounter her, not because you have not the necessary military force, but because of the money power which rules this country, that will not let you endanger the peace of the country by compelling Mexico to keep within her own territory.

[Here the hammer fell.]

Mr. MILLS. I withdraw my amendment.

Mr. DURHAM. I renew the amendment.

Mr. Chairman, I am one of the very few members of the House who indorse every word that the gentleman from Pennsylvania [Mr. BRIDGES] has said on this subject; I am one of those who, at the extra session of this Congress and in the last Congress, expressed publicly upon this floor the belief that a standing Army of fifteen thousand men was all that we required. I believe so to-day, and I believe that if we had fifteen thousand guns and the officers necessary and proper for the management of fifteen thousand guns, it would be a sufficient force to protect amply the Mexican frontier and all the Indian frontier; and I believe, as I stand here, although I intend to vote for this bill as it is, because I suppose it is about the best thing that perhaps can be accomplished during this Congress, I desire still to put upon record this idea, that I believe that a force of fifteen thousand men is all that is necessary for the ample protection of the lives, liberties, and property of the people of this country.

I do not hold to that idea that some gentlemen hold to, that you must have a large standing Army here to keep down bread riots and labor riots and all that kind of thing. I believe that it is the bounden duty of the States to suppress all internal disturbance within their limits and that no governor of an enlightened State or Territory, and they are all such, discharges the duty which he owes to his immediate people and to the people of the country, until in conjunction with the Legislature of his State or Territory he has established a well-organized militia. Nor do I believe it is right to rely on the regular Army in case even of grave and serious invasions and insurrections such as we have passed through. This small nucleus is all that is necessary and I would limit that nucleus to fifteen thousand men.

Gentlemen have talked of the fact that West Virginia, Pennsylvania, and Maryland, three great States, called on the Federal authorities for the purpose of suppressing the riots that occurred last year. I do not say it because I stand here as a Kentuckian, proud of the magnificence of my own State, but I state as a matter of history, and the newspapers will show it, that the most violent outrage that occurred anywhere in the United States last summer occurred in the city of Louisville, the principal city of my State, and in less than twenty-four hours the citizens of Louisville by their own strong right arms put down that insurrection and quelled it. And so it can be everywhere. In an emergency of that sort you cannot depend and you ought not to depend upon the Federal Government to suppress such insurrection. We are told that we need the Army to put down labor riots, bread riots, such as occurred last year. But mark you, Mr. Chairman, I am one of those who do not charge those riots to the laboring classes at all; they were brought about by the communists in this country, not by the bone and sinew of the country. And if in the city of Pittsburgh and in some other places they had done as they did in the city of Louisville with that commune and had not been so sparing of powder and ball, those insurrections would have been quelled without any necessity for calling upon the General Government for aid.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. DURHAM] has expired.

Mr. DURHAM. I withdraw my *pro forma* amendment.

Mr. SOUTHARD. Mr. Chairman, I renew the *pro forma* amendment. Within the last few years there have been found new uses for the Army. The Army in 1860, and prior thereto, was employed for very different purposes from those which have obtained recently.

During the last ten years not one-half of our Army has been employed for legitimate purposes. Its use has consisted mainly of running elections and keeping the dominant party in power. I hold in my hand the official documents to prove this fact. Immediately after the adjournment of Congress in 1876 the then Secretary of War and the General of the Army issued their orders for the concentration of troops in the Southern States for the purpose of carrying the Presidential election. On the same day of the adjournment the Secretary issued this order, which was promulgated two days afterward by the General of the Army:

[General Orders No. 85.]

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, August 17, 1876.

The following communication, received from the War Department, is published for the information of all concerned:

WAR DEPARTMENT,
Washington City, August 15, 1876.

General W. T. SHERMAN,
Commanding United States Army:

SIR: The House of Representatives of the United States, on the 10th instant, passed the following preamble and resolution, namely:

"Whereas the right of suffrage prescribed by the constitutions of the several States is subject to the fifteenth amendment of the Constitution of the United States, which is as follows:

"ARTICLE XV.

"SECTION 1. The right of citizens of the United States to vote shall not be de-

nied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

"Sec. 2. The Congress shall have power to enforce this article by appropriate legislation."

"And whereas the exercise of the right of suffrage so prescribed and regulated should be faithfully maintained and observed by the United States and the several States and the citizens thereof; and whereas it is asserted that the exercise of the right of suffrage in some of the States, notwithstanding the efforts of all good citizens to the contrary, resisted and controlled by fraud, intimidation, and violence, so that in such cases the object of the amendment is defeated; and whereas all citizens, without distinction of race, or class, or color, are entitled to the protection conferred by such article: Therefore,

"Be it resolved by the House of Representatives, That all attempts by force, fraud, terror, intimidation, or otherwise, to prevent the free exercise of the right of suffrage in any State should meet with certain, condign, and effectual punishment, and that in any case that has heretofore occurred or that may hereafter occur in which violence or murder has been or shall be committed by one race or class upon the other, the prompt prosecution and punishment of the criminal or criminals in any court having jurisdiction is imperatively demanded, whether the crime be one punishable by fine or imprisonment or one demanding the penalty of death."

The President directs that, in accordance with the spirit of the above, you are to hold all the available force under your command (not now engaged in subduing the savages of the western frontier) in readiness to be used, upon the call or requisition of the proper legal authorities, for protecting all citizens, without distinction of race, color, or political opinion, in the exercise of the right to vote as guaranteed by the fifteenth amendment; and to assist in the enforcement of "certain, condign, and effectual punishment" upon all persons who shall "attempt by force, fraud, terror, intimidation, or otherwise, to prevent the free exercise of the right of suffrage," as provided by the laws of the United States, and have such force distributed and stationed as to be able to render prompt assistance in the enforcement of the law.

Such additional orders as may be necessary to carry out the purpose of these instructions will be given to you from time to time, after consultation with the law-officers of the Government.

Very respectfully, your obedient servant,

J. D. CAMERON,
Secretary of War.

By command of General Sherman:

E. D. TOWNSEND,
Adjutant-General.

"The President directs," says the Secretary, "that, in accordance with the spirit of the above, you are to hold all available force under your command in readiness." This deduction is as insincere as it is illogical. The resolution of the House invoked the courts, not the military power, to enforce the laws; but the concentration of troops began at once and was kept up until complete military occupation was had of several States.

On the 14th of October, 1876, this telegram was sent by General Sherman to General Ruger, who had previously been transferred to Columbia, South Carolina:

HEADQUARTERS OF THE ARMY,
Washington, October 14, 1876.

To General RUGER,
Columbia, S. C.:

We are all back from California. If you want anything, say so. I want all measures to originate with you. Get along with the minimum force necessary, but you shall have all we can give if you need them.

W. T. SHERMAN, General.

On the 16th of October General Ruger answered that telegram, as follows:

COLUMBIA, S. C., October 16, 1876.
(Received Washington, D. C., 11.7 a. m.)

To General W. T. SHERMAN,
Washington, D. C.:

Think I have troops sufficient unless circumstances change. Have nineteen companies in State now in stations of from one to four companies. Have some companies still in reserve. No special disorder has occurred since Ellenton riot last month. If I need more troops will ask for them. I shall be here to-day.

RUGER.

Notwithstanding that telegram from General Ruger, in which he said that all was peaceful and quiet there, and that if he needed more troops he would call for them, and without further information, the very next morning a proclamation was issued by President Grant, from Washington City, declaring South Carolina in insurrection, and there followed numerous telegrams from the General of the Army, ordering all the troops from the Atlantic coast, from the extreme North to as far south as Fortress Monroe, into the State of South Carolina. Here is a specimen of the telegrams sent:

HEADQUARTERS OF THE ARMY,
Washington, October 17, 1876.

To General W. S. HANCOCK,
Commanding Military Division Atlantic, New York City:

It will be necessary to reinforce General Ruger to the maximum possible, and we may have to order every available man from the North Atlantic posts. Acknowledge receipt.

W. T. SHERMAN, General.

In obedience to these orders from Washington, all available forces were sent into South Carolina and other Southern States under pretense of preserving order, but with the purpose and effect of carrying the election. Actual military possession was taken of those States and the elections were controlled in violation of the Constitution of your country, in violation of law, and in violation of every principle of justice and right.

Not only that; it did not stop there; military possession of those States was continued until long after the election. The Legislature of South Carolina was organized, not by the members who were elected to it, but by the Administration here in Washington through the use of Federal troops. I hold here in my hands the official telegrams relating to that organization. There was a dispute about certain members from Edgefield and Laurens who held the certificate of the

supreme court; they were to be ejected. Governor Chamberlain sent this telegram to Washington City:

COLUMBIA, S. C., December 1, 1876. (Received 5.40.)

Hon. J. D. CAMERON,
Secretary of War, Washington:

Cannot Edgefield and Laurens men be removed? They are now acting as members, and have no credentials. If they are removed, the house can act and order be restored. Cannot we be protected against unlawful intrusion, when we have no power to enforce the exclusion?

D. H. CHAMBERLAIN,
Governor.

Then followed a telegram from the Attorney-General to Governor Chamberlain, and also one to General Ruger from the Secretary of War. Here they are:

WASHINGTON, December 2, 1876.

Gov. D. H. CHAMBERLAIN,
Columbia, S. C.:

The President thinks that you should exercise your own resources as governor in behalf of the Legislature which you have recognized, by assisting it to purge itself of unauthorized persons.

If you are resisted in this, General Ruger has been instructed to enforce your authority.

ALPHONSO TAFT,
Attorney-General.

WAR DEPARTMENT,
Washington, D. C., December 2, 1876.

To General T. H. RUGER,
Columbia, S. C.:

The governor of the State of South Carolina should exercise his own resources to purge the Legislature which he has recognized of unauthorized persons. If he is resisted in this, it will become your duty to enforce his authority.

J. D. CAMERON,
Secretary of War.

Subsequently the following telegrams were sent in relation to the same subject:

EXECUTIVE MANSION,
Washington City, December 3, 1876.

General T. H. RUGER,
Columbia, S. C.:

Fearing your instructions may be conflicting and leave you in doubt as to your duties in the present unhappy condition of affairs in South Carolina, I wish to say this: Governor Chamberlain is the legal constituted governor of the State, and remains so until the Legislature canvasses the vote and installs his successor; and he is entitled as such to your support and protection. It is a civil duty to organize the Legislature devolving on State authorities. All you can do is to prevent unauthorized persons from forcibly interfering with the governor and other authorized officers in the performance of their duties. To be plain, I want to avoid anything like an unlawful use of the military, but it will be entirely right to sustain the governor, or any of his agents or officers, in the performance of any duty in connection with the Legislature if interfered with by outsiders while in the performance of that duty.

U. S. GRANT.

COLUMBIA, S. C., December 5, 1876.
(Received at 1.45 p. m.)

To Hon. J. D. CAMERON,
Secretary of War, Washington, D. C.:

General Ruger announces this morning that he will no longer guard doors of State-house. The city is filled with armed and violent men. There is greater need than ever before of protection of State-house. Specific orders must be sent respecting this matter at once, in order to avert riot and bloodshed. Vacillation here now is most unfortunate.

Please answer. All I ask is that State-house be protected against violence.

D. H. CHAMBERLAIN,
Governor of South Carolina.

WAR DEPARTMENT,
Washington City, December 5, 1876—3.20 p. m.

To Governor D. H. CHAMBERLAIN,
Columbia, S. C.:

General Ruger's instructions are to protect the Legislature from all outside interference, and those instructions will be repeated.

J. D. CAMERON,
Secretary of War.

The CHAIRMAN. The time of the gentleman has expired.
Mr. KENNA. I take the floor and yield my time to the gentleman from Ohio, [Mr. SOUTHARD.]

Mr. SOUTHARD. I thank the gentleman for his courtesy.

I hold in my hand the official testimony taken in relation to use of troops at the presidential election before a special committee of the last Congress of which the honorable gentleman from New York [Mr. WOOD] was chairman and I was a member. The publication of this testimony could not be obtained at the time, but I have it as it was written. In it I find the testimony of General Ruger in plain and unmistakable terms that he construed these telegrams to him to mean that the Laurens and Edgefield members and the other conservative members of the South Carolina Legislature were the "unauthorized persons." And he interpreted these telegrams aright, for they could have no other significance; and accordingly he took steps to enforce these orders. The telegrams and the testimony of General Ruger I will insert in my remarks.

General Ruger sent word by his orderly to the Legislature of South Carolina, after the two bodies convened in the hall of the State-house, telling the conservative members that they must not be there at twelve o'clock on the next day. In obedience to that order they withdrew, and having withdrawn, a committee waited upon General Ruger and asked him if these members would be permitted to return the next day, and he told them that they must not go back. Here is the testimony of General Ruger:

Question. Did you give Governor Chamberlain any assurance that you would aid

his force in excluding anybody at that time from the hall of the house? I mean while the two houses were in session together.

Answer. I had some orders in reference to that subject, but I gave Governor Chamberlain no such assurance, prior to receipt of such orders, that I would aid him in excluding any members.

Q. What orders did you have?

A. I think you have the telegrams here.

Q. At a still later period than that you did make some order in reference to the exclusion of certain persons from the house?

A. A committee of the conservative legislature called upon me and submitted certain propositions in writing; I do not recollect now exactly the words, or perhaps the substance, but they asked that they should be permitted to occupy the hall as the legally constituted Legislature. I told them that if their body went to the hall for the purpose of entering there as the lower house of the Legislature they would not be permitted to enter, that is, that if they were refused admission by the civil officers or the civil guards at the door; and if the doorkeeper should call upon the military officers there to prevent their forcible entrance or assist in doing so the officers would prevent it. That was after they had gone out in the first place and when they proposed to go back, but they did not go back.

Q. What authority did you have or for what reason did you make that order?

A. My reason for it was the instructions which I had and my understanding of my duty under the circumstances. Governor Chamberlain called upon me before that for assistance in enforcing the authority of the speaker, I think. He made a verbal application and afterward made an application in writing the same day. That was, I think, on the 30th of November. I had declined and had reported the state of the case to General Sherman, and the dispatch which I received in reply to that was that he (the governor) should exercise his own resources to purge the Legislature he had recognized of unauthorized persons, and in case he was resisted that I should assist him. I think those were the words or substance.

Q. That was in reference to the members from Laurens and Edgefield Counties?

A. I presume so. I had also before that application by the committee of the conservative house received a dispatch to prevent unlawful interference with the Legislature by outsiders.

Q. You left it to him to decide which was the lawful Legislature?

A. I considered the other, that is the one called the conservative house, should be classed as outsiders. I did not assume anything as to the legal status, but I considered it within the intent of my orders that I should support the authority of the governor.

Q. I think you did not get quite through your statement as to your answer to the committee that waited upon you.

A. The substance of it was, that if they appeared there, as proposed, for the purpose of occupying the hall of the house of representatives, and if they were refused admission by the persons at the door—the State constables or persons having charge as doorkeepers—and such persons should call on the officers in command of the troops at the State-house for assistance to prevent their entrance, it would be his duty under his orders to give it. If they were granted admission, of course I should not have prevented their entry.

In response to a question whether General Ruger had not sent his orderly to exclude the conservative members when both parties were in the hall, he said:

A. I did at one time send word to Speaker Wallace by Major Maginnis that at twelve o'clock the next day the members from Laurens and Edgefield should or must not be there. My impression was that the Legislature would adjourn that evening, and that when they came back at twelve the next day these members should not come. But that had nothing to do with the application by the governor. Several gentlemen had been to see me before that, and had asked whether I should give orders to exclude the members who had certificates signed by the secretary of state or prevent their entering the hall. I said that I should not. They asked if I would say that the members who had certificates from the supreme court might go in; I said I would not consent. That would have brought up a new subject, and I did not know what it might call forth; also I did not regard it within my authority. I was told by these gentlemen that the members who had the certificate from the secretary of state would probably go to the hall, and when I heard that the conservative house had gone up and taken possession of the hall, I thought that I had not been fairly treated. I suppose that Mr. Wallace knew of this conversation.

Q. While the two bodies were in the house together and while the two speakers were on the stand, was word sent by you to Mr. Wallace, the speaker, that at twelve o'clock the next day the Laurens and Edgefield members must not be there?

A. I do not remember that I said that they must not be there; I think I said either must or should not, but which expression I used I do not remember.

Q. Do you know whether that message was repeated the second time?

A. I think not. I told Major Maginnis to say to Mr. Wallace that these members should not or must not be there at the time of meeting next day.

Q. Were they in the House at that time?

A. Yes, sir; so I understood at the time. I gave the message to Major Maginnis.

So it is, Mr. Chairman; in a free Republic, with a constitution and laws, an Administration is permitted to use the Army to overawe the people of the States, to run their elections, to organize their Legislatures, and to defeat their will at the ballot-box.

I have said this much in justification of the proposition to reduce the Army. If we cannot limit the use of the Army to its legitimate scope, if we cannot keep it within the purview of a proper military service, then it is better for the liberties of the people that there should not be a single, solitary soldier in the whole country. I however would give a sufficient force to protect the border, but I would prohibit the President and his Cabinet from the illegal use of that Army committed to its care for wise and patriotic purposes. Let the power of the law and the condemnation of an outraged people be visited upon all who would abuse this highest of trusts.

But however much we increase the Army, even if we increase it twofold, there is no assurance that the Texas or Indian border will secure an increased force. In the years since the close of the war we had an Army of twenty-five thousand, thirty thousand, and forty thousand men; yet the Texas border has not been furnished on an average two thousand men for its protection. Why, sir, the whole Indian border, out of all this Army has not had an average force of ten thousand troops. The remainder of the force has been patrolling the Southern States during the time of elections under orders from Washington, for the purpose of installing into power in the Federal Government men who could not get there by the voice of the people, uninfluenced and unawed.

There are always rumors of alarms of Indian outbreaks and communistic troubles on the eve of the passage of the Army bill, but when the appropriations are once made the rumors cease and the unconsti-

tutional and illegal use of the Army continues. For these reasons I heartily second any effort for the purpose of reducing the Army and especially of bringing it within the true scope of its legitimate duties. [Here the hammer fell.] I withdraw the *pro forma* amendment.

Mr. WRIGHT. I renew the amendment to the amendment. Mr. Chairman, the report of the Secretary of War to the present Congress contains this language:

It must now be accepted as a fact, which experience has demonstrated, that Federal troops may be required not only for the protection of our frontiers, but also to preserve peace and order in our more populous interior.

The Army is to the United States what a well-disciplined and trained police force is to a city, and the one is quite as necessary as the other.

The great value of a strong Federal force stationed in the vicinity of our great cities would be seen in the prevention of mobs and violence, probably far more than in their suppression.

Now, I want to know whether the doctrine is to be established in this land that a State of the Union is a province to be supervised, protected, and governed by the central power of the General Government. This doctrine which is contained in the report of the Secretary of War is monstrous. The language of that officer does not contemplate merely that in the event of trouble or difficulty troops shall be brought from their several stations, but it asserts that it is right and proper they should be stationed near to our cities and populous towns. God forbid that the day should ever come in this country when it shall be necessary that a part of the regular Army be stationed near Philadelphia, near New York, near Boston, in expectation of a revolt. Its purpose would be coercing the people and holding them in terror. We want no such interference by the General Government with the sovereignty of the States. The Army was never established for any such purposes. It is in violation of the principles of the Government and opposed to the sovereign power of the States. Our Government is based upon the intelligence of our people. It is not a government founded upon military power.

Sir, this is not a military Government. John Randolph in the first speech which he made in the old Capitol after his return from England, more than a third of a century ago, used this remarkable language:

Sir, I have been to see the English government. I did not find it in crowned heads, nor lords, nor commons; but I saw forty thousand men dressed in scarlet, with their bayonets gleaming in the sunbeams; and that, sir, was the English government.

This was the language uttered by that great statesman. The English government rests upon bayonets: ours upon the common consent of a free people—the expressed judgment of the majority. We do not want armed men stationed about our great cities; we do not want them at the ballot-boxes; we do not want them at our thresholds to watch our movements. These are not the places for an army. Its place is upon the frontier. I will vote for all the men that may be necessary to protect our frontier from invasion; but I object to stationing armed men in the States, upon the pretext that they are to be regarded as provinces which the General Government is to protect. They are not provinces; they are sovereign States.

Sir, in the name of the great State that I in part represent let me assert that Pennsylvania is able to protect her own people from insurrection at all times and upon all occasions.

We do not want the Army to come there. Last year a part of the Army was sent there against our will; and it did no good. The troops sent to my district did more harm than good; in my judgment, and so thought the best men of my district, they only excited the people and added fuel to the commotion.

Mr. WILLIAMS, of Michigan. I wish to ask the gentleman whether he did not have United States troops stationed in his vicinity last year?

Mr. WRIGHT. The republican governor of the State had the United States troops brought there; but I cannot say at whose suggestion. They came, and they had generally a very good time, and then marched away. I saw no mobs to disperse; I saw no property destroyed. I have already said in the early part of this session that there was no occasion or necessity for bringing those troops there. The declared purpose of sending them was to prevent disorder, confusion, riot; but in my district there was no disorder or confusion or riot.

In the absence of these I could not see the necessity of troops. Had the thousands of dollars which it cost the State to support this Army in my district been expended for the relief of hungry men, in my judgment it would have been a wiser and more benevolent measure. This employment of troops under the pretext of preserving order does not comport with my idea of free government. It means coercion on its face. It sounds too much of privileged classes. Who is to judge of the time and occasion when the military power, which the Secretary of War recommends to be posted about our cities, should receive orders to advance? Will it be the civil authorities of the city or some beardless lieutenant in command? This is strange language to come from the head of the Department of War. It is to be hoped that it will not be again repeated. New York and Philadelphia and Boston and Baltimore to be converted into military posts! Has the necessity of such a policy arisen? It is to be hoped not.

[Here the hammer fell.]

Mr. PATTERSON, of Colorado. I renew the amendment.

Mr. Chairman, I notice that the views of most of the members on this floor are largely colored by the views of the constituencies they represent. Members from Pennsylvania vote with remarkable unanimity in favor of the existing tariff; those from the New England States support almost solidly one line of financial legislation. Is it to be wondered at, then, that those living in the West, whose interests are of greater moment, because they are interests of property and life, should be united with like unanimity when the question put to them is, shall we curtail the protection which it is the duty of the Government to give to their people?

Living in a State with three hundred miles of Indian frontier, I cannot bring myself to say that it is a wise policy to reduce the effective force of the Army. Throwing aside the political or semi-political uses to which troops have been or may hereafter be put, I am convinced, from investigation, that to-day, on account of troubles and threatened troubles in the West, there is greater necessity for an effective military force than there has been during a number of years gone by.

Sir, before the years 1850, 1853, and 1854 the western frontier was marked upon our map by almost a continuous straight line drawn from north to south. The vanguard of civilization, the hardy pioneers now demanding protection, were then hovering upon the eastern shores of the Red and Missouri Rivers, ready to cross over and penetrate into the wilderness then wholly given up to the Indians. Since that period emigration has pushed its way into the very heart of the Indian country. The frontier of civilization is no longer designated by a straight line, but is marked by the Indian reservations established under the various treaties; and if members will but turn their eyes to the maps at either corner of this Hall they will see, by the blue and red blotches scattered all over their surfaces and designating Indian reservations, of what the frontier of this country consists to-day. Two hundred and fifty thousand hostile Indians are scattered throughout these reservations and are supposed to be confined upon them, while all around them upon their borders and constantly menaced by the restless savages are the homes and families represented here by the western Members and Delegates from the Territories.

Our western frontier is now the entire region west of the one-hundredth meridian. These reservations are so many smoldering volcanoes of murder and rapine, ready to burst out without a moment's warning, to carry the horrors of Indian massacre by the glare of burning roofs and smoldering firesides in every direction from their borders.

The gentleman from New York, [Mr. HEWITT,] in alluding to the conditions which he thought should now prompt a reduction of the effective force of the Army, made the point that some fifty-seven posts were ready to be abandoned as being no longer needed by the Government for the protection of its people. Sir, that was true to a certain extent, but the gentleman from New York failed to state that as military posts in Kansas, Nebraska, Colorado, and other western localities become ready for abandonment as the country settles up, new necessities arise farther to the west, which in reality call, not for the abandonment of these posts, but for the creation of new posts and the transfer of troops to them within the same scope of country.

The CHAIRMAN. The gentleman's time has expired.

Mr. HEWITT, of New York. Will the gentleman from Colorado add that I did state new posts were to be built to the extent of ten called for by the Army, and the committee allowed for them?

Mr. WHITE, of Pennsylvania. I will take the floor, Mr. Chairman, and yield my time to the gentleman from Colorado.

Mr. PATTERSON, of Colorado. I thank the gentleman from Pennsylvania.

Now, sir, I maintain that if fifty-seven posts may be abandoned, for every one of such in either of the departments of Dakota, the Platte, Missouri, or Texas a new one must necessarily be constructed in some other locality in these departments. Why, sir, we have a strong proof of this in the necessities of the State I represent. There, as the Secretary of War says, Fort Garland may be abandoned; but the War Department has asked of Congress on three separate occasions that an appropriation be made for the purpose of erecting new posts in its stead farther to the west and in the immediate vicinity of the three thousand Indians in Colorado, who, on account of the neglect of the Government to fulfill its treaty obligations, are ready to burst out at this moment in open war and carry all its horrors to the homes of its people.

I desire to say in this connection that my opposition to the reduction of the effective force of the Army is not a captions one. While I am opposed to the proposed reduction, feeling that it is a practical question presenting itself for approval or rejection to every member upon his own knowledge of the wants of the country, whether he is conversant with the science and theory of military organization or not; I am willing to yield whatever opinion I may have as to the details of organization to the superior judgment of the Committee on Military Affairs, who have given their best thought to the subject, and shall vote for the new organization provided for; but I cannot vote to reduce its fighting force below 25,000 men.

Why, sir, if I should vote for the reduction and the threatened outbreak should occur in the State I represent, after millions of dollars of property had been destroyed and hundreds of lives lost I could not very well appease the indignation of my constituents by attempting to prove to them from the figures of the gentleman from New York

that twenty thousand men were as effective for their protection as would twenty-five thousand have been.

We have called from that State time and time again for troops to protect our people and allay their fears, and time and time again has the answer come back that the Government had not the troops at its disposal; that if troops were taken from the neighborhood of other reservations those frontiers would be exposed and like dangers would threaten them. [Here the hammer fell.] I withdraw the formal amendment.

Mr. KEIFER. I renew it.

Mr. Chairman, I do not defend the Army of the United States and here speak for its preservation because I come from a region of country or State which hitherto has had to appeal to that Army to preserve the peace and good order of the community. We were fortunate enough in Ohio, within the last year, to have a Governor (Hon. Thomas L. Young) patriotic enough, strong enough, brave enough, and with moral courage enough, to declare, when there was danger in our State, (to use his own words,) "I will not call on the United States for troops until every able-bodied man in the State of Ohio has been whipped." And he went through on that declaration. But we saw in the East, in Maryland and West Virginia, democratic governors appealing to the President of the United States for troops to preserve peace and order and property in their respective States.

In the West we witnessed the same thing, a democratic governor of Indiana appealing to the President of the United States for troops for the same purpose. In all, ten governors in the last year have made requisition upon the President of the United States for troops to quell disorders. The State of Ohio took care of its own troubles when danger threatened.

But it is not my purpose to pursue this line of argument. It is my duty, as I deem it, as a member of this House to look to the interests of the whole country, and not confine myself to merely local considerations.

The Committee on Appropriations have assumed to report a bill to this House for the reorganization and future government of the Army. The chairman of the Military Committee [Mr. BANNING] said in his speech on yesterday that it became the duty of Congress each year to provide an Army. This is as I understood him. His speech is not in the RECORD this morning. Is it possible that the Army and Navy of the United States have annually to depend for existence on the action of Congress or a single branch of the National Legislature?

The gentleman from New York [Mr. HEWITT] who has charge of this bill indicates that he borrowed his work from the chairman of the Committee on Military Affairs.

This is a warning to the country of what is to be the future policy of the dominant party in this House. Our Army is to be dependent from year to year on the will or political whim of Congress. It may be valuable to examine the history of the proposed legislation in this Congress. It must not be forgotten that the policy of the last House at its last session was to have an army without pay. Upon failure of appropriation again, the Army is to be disbanded. But let us look to the proposed legislation of this House in chronological order.

The chairman of the Military Committee, [Mr. BANNING,] on October 29, 1877, (see RECORD, volume 26, page 179,) introduced a bill (H. R. No. 293) to repeal section 1218 of Revised Statutes, prohibiting the appointment of persons who have served in the civil, military, or naval service of the so-called Confederate States. I give the section proposed to be repealed hereafter.

The repeal of this section indicated to the unsophisticated an ardent desire to open the doors to an enlargement of the Army. Such persons could only see in this that the honorable chairman had concluded that it was impracticable to get good officers from graduates of West Point and from late officers of the Union Army (or from civil life) without selecting from those who have served in some capacity in the confederate military, naval, or civil service.

On January 28, 1878, the member from Ohio, [Mr. BANNING,] in his capacity of chairman of the Military Committee, introduced a bill to reorganize and reduce the Army. It had many remarkable provisions. Section 42 of that bill provided for the repeal of section 1104, which authorizes the enlistment of two cavalry regiments of colored men; of section 1108, which authorizes the enlistment of two infantry regiments of colored men; of section 1218, already referred to; of section 1258, which limited the number of officers on the retired list to three hundred; and of section 1316, which excluded from appointment as cadets at the Military and Naval Academies persons who had been in the confederate service. I will give these sections here:

SEC. 1104. The enlisted men of two regiments of cavalry shall be colored men.

SEC. 1108. The enlisted men of two regiments of infantry shall be colored men.

SEC. 1218. No person who has served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed to any position in the Army of the United States.

SEC. 1258. The whole number of officers of the Army on the retired list shall not at any time exceed three hundred, and any less number to be allowed thereon may be fixed by the President in his discretion.

SEC. 1316. No person who has served in any capacity in the military or naval service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed a cadet.

Here is the section of the bill of the chairman of the Military Committee proposing the repeal of the foregoing sections:

SEC. 42. That sections 1104, 1108, 1218, 1258, and 1316 of the Revised Statutes, and

all other acts and parts of acts inconsistent with the provisions of this act, be, and they are hereby, repealed.

[Here the hammer fell.]

Mr. MCCOOK was recognized, and yielded his time to Mr. KEIFER. Mr. KEIFER. My time will not allow me to speculate on the motives for, purposes and designs in, blessings intended by, or evils which are expected to flow from the repeal of these sections now or in the future.

Section 41 of the bill of January 23, 1878, and a section found in a subsequent bill, is the most extraordinary ever proposed, so far as I can learn, in the annals of the American Congress or any other parliamentary body in the civilized world. I give the section here:

SEC. 41. That the troops herein provided for and all others authorized by existing law, including all officers of every grade and in every department of the Army, shall be retained in the service of the United States so long as Congress shall provide for their support, by specific appropriations therefor, and no longer; and if Congress shall refuse or neglect to make the necessary appropriations for that purpose at or before the expiration of the last preceding fiscal year for which such appropriations have been so made, such refusal or neglect shall be deemed equivalent to an express act for the abolition of the military establishment, and the Army shall forthwith be disbanded.

The section if enacted into a law would leave it in the power of Congress or a single branch thereof, by a failure to do its duty in making appropriations, to wipe out the entire Army of the United States. Such is the design of the section, plainly appearing by its language.

This section proposes to legislate in reference to our own violation of duty as members; to legislate in view of a violation of our oaths and the Constitution of the United States. We are required by our constitutional duty to make appropriations to carry on the military arm of the Government.

Now I have gone hastily over this legislation for the purpose of saying that it is not economy that moves some of these men to strike at the military strong arm of the Government. Nor is it the desire, as I think, to relieve the people of the country from taxes, as some of them say. It is not that, Mr. Chairman. If you look into this bill and examine it closely, you will find that it provides for something not known before, or rather it omits to provide for something. It omits to provide for the promotion of officers in their regular order to the highest rank in the Army. The thirty-fourth section of the bill reported by the gentleman from New York, [Mr. HEWITT,] the repealing clause of the bill, repeals by implication all the sections I have referred to and leaves the field open in case major-generals die or resign or vacancies happen for the appointment of others in their place without reference to whether they were in the Union Army or out of it.

[Here the hammer fell.]

Mr. CANNON, of Illinois, was recognized, and yielded two minutes to Mr. KEIFER.

Mr. KEIFER. Thanks to the member from Illinois. Under cover of a provision for promotions there is a proviso that second lieutenants shall be appointed from the graduates at the Military Academy or non-commissioned officers in the Army; but very adroitly the committee have left out of the bill any provision for promotions in the line of officers of the Army. It provides that all officers below the rank of colonel, before they shall be promoted to brigadier-general, shall first submit to an examination before a military board. There is no provision in the bill that a colonel or any other officer in the regular line shall be promoted in the order of his rank to the position of a major-general or any other higher office in the Army. We can see underlying this that which more plainly crops out in the proposed legislation of the distinguished gentleman from Ohio, the chairman of the Committee on Military Affairs.

I am very sorry I have not time allowed me to fully elaborate the vicious and dangerous legislation now proposed in this House.

Mr. CANNON, of Illinois. Mr. Chairman, I wish the millennium was inaugurated, then we would not need any Army and we could substantially dispense with any form of Government, for everybody would do right; but I fear it will not come in our time, so the people will have to maintain their Government, at the very foundation of which is the covenant that all the people will see that each citizen is protected in all his rights in the manner and form as is provided in the Constitution and laws; and when we fail to protect the people of Texas or any other State against invasion, and in a proper case against domestic violence, then we fail in one of the principal objects for which the Federal Government was formed. When we consider the extent of the country, the unprotected condition of the frontier and the Mexican border, it does appear to me that less than twenty-five thousand enlisted men is not sufficient to afford proper protection to citizens. This is not a large Army.

I have been somewhat amused at the labored efforts of the gentleman from New York [Mr. HEWITT] and the gentleman from Maryland, [Mr. KIMMEL,] as well as others, to give us the testimony of the fathers against a standing army, and the intimation that we who are not in favor of further cutting down the Army are departing from the teachings of the fathers. Now, I want to vindicate the fathers, not condemn them. What are the facts? The gentleman from Maryland [Mr. KIMMEL] informs us that in the year 1795 the Army numbered 5,793 men. At that time, as I now recollect, there were four millions of people in the country which made 1 soldier for every 690 citizens. How is it now? We have less than 25,000 soldiers in the Army and there are 45,000,000 of people in the United States, which gives 1 soldier for every 1,800 citizens. So it

appears that the fathers, in proportion to the population as well as development of the country, had three times as large a standing Army as we the alleged degenerate sons have. The gentlemen from New York and Maryland are fond of figures. I ask their attention to this example in mathematics. I trust that our children may be enabled to cut down the Army, or rather to dispense with its use, but if it is necessary to protect the border, or enforce the guarantees of the Constitution, then I trust they will provide an army sufficient for this purpose, even if it has to be increased relatively to the size it was in the days of the fathers.

Now a word, Mr. Chairman, as to the use of the Army to suppress domestic insurrection. I do not want the Army to be used to police the States, but I am tired of listening to gentlemen who have been apologizing for the use of the Army in suppressing domestic insurrection when duly called for under the Constitution. Gentlemen who live in Maryland, West Virginia, and Pennsylvania must recollect that with the close connection by railroads between the States that we of the West are almost as much interested in the peace and quiet of their States as of our own. Last year during the riots in Pennsylvania, West Virginia, and Maryland the labor of over twenty millions of people ceased, all business was stopped, the plow stood in the furrow, and the ring of the hammer was not heard in the shop. All were thankful when the arm of the Federal Government was put in motion, as the Constitution provides, and domestic violence was suppressed, and law and order again reigned.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

Here the committee informally rose; and Mr. SOUTHARD having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the bill (H. R. No. 4549) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1879, and for other purposes.

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

A bill (S. No. 1201) for the relief of Drury Bynum; and

A bill (S. No. 796) for the relief of John Henderson.

The message further announced that the Senate had passed, without amendment, a bill of the House of the following title:

The bill (H. R. No. 3373) for the relief of settlers on the public lands under the pre-emption laws.

ARMY APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. HANNA. I renew the amendment. As I understand it, the practical question before the House is simply this: whether or not the effective arm of the service shall be 25,000 or 20,000 men, as provided for in this bill.

Now, I have been a listener to this debate, and I am frank to say that I would have preferred to listen to the delegation from Texas and the Delegates from the Territories and the Representatives of the States that border upon the Territories rather than to gentlemen who live in cities like Cincinnati or in New York or at a conveniently safe distance. I have more confidence in the judgment of men like my friend SCHLEICHER from Texas, who lives upon the border, or my friend from Colorado, [Mr. PATTERSON,] or these young gentlemen from the Territories, than I have of those who are always at a safe distance and spend their time in looking over figures.

I find, on casting my eye over the House, that the opposition to the Army might be divided into three classes: first, those who have more, or less jealousy; toward the regular Army; secondly, those who have more or less feeling toward the regular Army by reason of its effective use in the past; and, thirdly, those who under the pretense of economy would cut down the Army regardless of the question of adequate protection and security to the lives and property of our citizens. Now, I take the ground that whenever this Government, able as it is to do so, will not furnish adequate protection and security to all its citizens, whether they be in Texas or in Montana, it deserves the scorn and contempt of mankind. No party can afford to take that position; and let me say to my democratic friends that if on the pretense of economy you rob the people of Texas and you rob the people of the Territories of adequate protection, the time will come when you will not only merit, but you will receive the scorn and contempt of every patriotic man in the land.

Economy! Let me submit if it would not be wise economy to furnish the men who live upon the border a force sufficiently adequate to secure protection and furnish it even in advance of incursions from Mexico. The expense of furnishing a few thousand soldiers is not great and the effect of their presence is a guarantee of security to the people of Texas. They would stand there in the face of Mexico as a bulwark and would shield the people of Texas even perhaps without the actual use of arms. And it would be economy to do it rather than to wait until after our fellow-citizens are slaughtered and then incur the expense of raising an army rapidly either by volunteering or by enlistments in the regular Army after the mischief is done.

Were I a member from Texas, as I am from Indiana, my voice

would be heard here not only by way of supplication but by way of demand that you furnish adequate protection to my people. They have a right to demand it.

[Here the hammer fell.]

Mr. PHILLIPS. I renew the amendment. I rise for the purpose of correcting an impression which the gentleman from New York [Mr. HEWITT] who has charge of this bill and the gentleman from Ohio, [Mr. BANNING,] its putative father, have persistently thrust upon this House. They say that the proper officers of the Army have not recruited the Army up to its standard of 25,000 men; that it is little over 21,000 men, and that the full amount has not been needed for the public service or it would have been had. Now, I want to tell the gentlemen and the House what the facts are. We have today, according to the reports of those having charge of the service under the Adjutant-General, in service, as borne on the latest reports, 23,417 men, and there are also 500 or 600 recruits unassigned. The Adjutant-General of the Army has been compelled to check enlistments for fear that those recruited at the enlistment stations might get above the 25,000 men allowed by law, which is all that can be paid. Gentlemen will remember that the reason why we had no enlistments last year was that, for six months, we had no Army appropriation bill. They will remember that the House, in the last Congress, caused the failure of the Army appropriation bill because the Congress would not consent to the reduction of the Army in an appropriation bill, and until Congress met in October last and was able to mature a bill which did not change the law, but was, partially at least, what an appropriation bill should be, there were no means of enlisting men for the Army. By a law of last Congress, 2,500 men were required to be mustered out arbitrarily, and all last summer, and for more than a year, the Army had suffered very heavily from casualties. Since we furnished him appropriations to recruit with at the close of last year, the Adjutant-General has recruited just as fast as he had means to do it, and he has got the Army nearly up to the standard. That is the reason why the enlistments have not been full before, and it was the majority on the other side of this Chamber that was responsible for it. Why should they refuse the funds for enlistment and accuse him for not making enlistments? The gentleman from New York [Mr. HEWITT] in his speech gave a list of the posts that he says can be abandoned, and the abandonment of which will show a decreased use for the Army, and for such reasons that the Army should be reduced. And that list includes nearly every post in my State upon the frontier.

Mr. HEWITT, of New York. That is the report made by the generals themselves; I am not responsible for it; I am only taking their statements.

Mr. PHILLIPS. I will not raise a question of veracity with the gentleman, but I doubt that very much. I find in the list of forts Fort Lyon, Fort Wallace, Fort Hays, Fort Harker, and Forts Larned and Sheridan, and these are all forts in which soldiers are now stationed. These are forts on the frontier, now occupied and urgently needed, and I do not believe any general has reported that troops are not needed there.

Mr. HEWITT, of New York. In Executive Document No. 75, just sent in by the Secretary of War, the gentleman will find all the information he seeks.

Mr. PHILLIPS. I will state as a matter within my own knowledge, that these posts are active posts to-day, defending the frontier, and the gentleman from Colorado and the gentlemen from my own State know that very well, as many other gentlemen, all gentlemen at all familiar with the matter, know. They are posts garrisoned by troops to-day. There may have been letters of some officers recommending relocation of troops for certain reasons or because there were not troops enough in that department. These posts cannot be abandoned consistent with the public safety. The gentleman from Pennsylvania [Mr. BRIDGES] moves to reduce the Army to fifteen thousand men, as an amendment to the bill which reduces it to twenty thousand men, and these propositions are the real question this bill presents to this House for its present action. On the motion to fix the number at twenty-five thousand, as now fixed by law, the whole of this bill rests. He has said that on the Texas frontier the State can repel invasion. He has said that we do not need an Army there; if Mexico permits raids upon our territory we can compel her to give us indemnity, if necessary by annexation. If we declare war against Mexico, where is he going to get his Army from? Does he propose to reduce our Army at the very moment he contemplates war? Does he design that every State adjoining the frontier of another country shall raise troops and go to war with that country? Is that the way to maintain our relations with foreign countries? Is it sufficient? Would it be safe? Is that the economy he proposes, or can States be permitted to carry on war with foreign countries?

Mr. BRIDGES. I propose to hold Mexico responsible for all the injury she does to American citizens.

Mr. PHILLIPS. How?

Mr. BRIDGES. By our Government calling upon the Mexican government to give us redress.

Mr. PHILLIPS. I understood you to say that Mexico should keep men upon her border.

Mr. BRIDGES. If she did not give us redress, then the Government should declare war against her.

Mr. PHILLIPS. Are we not as much bound to protect our frontier as Mexico?

Mr. BRIDGES. And if we follow that course we will get another slice of Mexico; and if that is not sufficient we will get another slice, and by and by we will have the whole of it.

Mr. PHILLIPS. Does the gentleman propose to get slices of Mexico by exposing our defenseless citizens on the frontier to murder?

Mr. BRIDGES. No, sir; I do not do that. I propose that our Government shall give notice to the Mexican government we will hold them responsible for all the depredations they commit upon the property of our citizens.

Mr. PHILLIPS. And, contemplating war, you propose to reduce the Army?

Mr. BRIDGES. I am very willing that a sufficient number of men should be sent there for protection. We do not know how many troops are needed there, whether two thousand, three thousand, or five thousand. If five thousand are needed there, then let them go; we do not want them anywhere else.

Mr. PHILLIPS. Does not the gentleman well know that we never had troops enough on that frontier even with an army of twenty-five thousand men to protect our frontiersmen there and their property?

Mr. BRIDGES. Where are the troops, then? Where are they stationed?

Mr. HASKELL. Nowhere.

Mr. BRIDGES. Nowhere?

Mr. PHILLIPS. I tell the gentleman they are scattered over thousands of miles of country; scattered over immense regions, over which wild nomads rove; scattered along an external frontier of twelve or fifteen thousand miles, never adequate to the tasks assigned to that Army.

Mr. HASKELL. We have no troops to station anywhere; only a corporal's guard here and there.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Kansas [Mr. PHILLIPS] has expired.

Mr. COBB. I favor the bill now pending. This Government is based upon the consent of the governed, and I insist that you cannot maintain this Government by a standing army. It may be well enough to have a standing army to protect our frontiers. The only question in my mind is whether or not the number of men provided for by this bill is sufficient for that purpose. From the best investigation I have been able to give the subject, I believe that the number provided by this bill is ample for that purpose.

The people of this country demand retrenchment and reform. It is provided for in this bill and it will meet their approbation, and anything further will meet their condemnation. I want to say this to my colleague from Indiana, [Mr. HANNA,] for whom I have great respect: he has said that any party that stands in the way of what I understand him to mean the increase of the Army will meet the condemnation of the people. Now, I say to him that I am ready to meet the condemnation of my people so far as they are disposed to put it upon me for voting for this bill.

Now, so far as police regulations are concerned, and I would not have spoken upon this bill but for that, it has been charged here that the governor of Indiana during the great strikes of last summer called upon the President of the United States for troops. I deny it; he did not do any such thing.

I will state another thing; that the mayor of Indianapolis, and I say this for the benefit of the gentleman from Minnesota, [Mr. DUNNELL,] and I make the statement in the hearing of my colleague from the Indianapolis district, [Mr. HANNA,] the mayor of Indianapolis, together with the governor of Indiana, refused to call upon the President of the United States for troops. They refused to have any military authorities take charge of the strike at Indianapolis.

I was present when the trial was going on in the district court of the United States of the charge of contempt against some of the strikers. I heard the evidence of the mayor of Indianapolis, Mr. Cavin, whom I have known for twenty years. I heard him state that he did not believe there could have been military force enough concentrated at Indianapolis to have suppressed that strike. And further, when the question was propounded to him why he did not swear in a sufficient police force to suppress the strike, he stated under oath in court that the reason why he did not do it was because he did not believe there were men enough in the city of Indianapolis to be sworn in upon the police force to suppress the strikers.

As the evidence clearly shows in that case, and the evidence is upon record, there was no necessity whatever for a military force. Mr. Cavin, the mayor of Indianapolis, together with Governor Williams, was in consultation with the leaders of the strikers every day, and they had their promise that no injury should be inflicted upon public property or upon private property. If troops had been sent there, it was the opinion of Mayor Cavin that it would have produced a collision at once and a great destruction of property.

One other thing which I know in regard to that matter: I myself live in a railroad town. There was a strike there; and over five hundred strikers were banded together. They refused to allow any trains to run except mail and passenger trains upon the various roads. I was in consultation with the leaders of those men, and they told me that if troops came there they would defend themselves; but as long as they were allowed to meet and determine what course they should pursue in reference to going to work, and were permitted to make a compromise with the managers of those roads, they would remain quiet, and they did remain quiet.

Finally, fifty troops were sent down there; but I state here upon my honor, and it will not be contradicted anywhere, that before they came I, together with the good citizens in my city, had got the "strikers" to agree to disband and go to work. I state with equal emphasis that if those troops had come there two days sooner, in my judgment, the machine shops of the Ohio and Mississippi Railroad, together with much property adjacent, would have been destroyed. I have said this much, Mr. Chairman, in answer to the charge that the governor of Indiana, being a democrat, as we know he is, called upon the President for troops. He did not; he refused it.

Mr. KEIFER. Do you say that he did not call upon the President?

Mr. COBB. I say he did not call upon the President for troops.

Mr. KEIFER. What did he call upon the President for?

Mr. COBB. He did not call on him for anything to my best recollection.

Mr. CANNON, of Illinois. Then the gentleman says there was no correspondence between the President of the United States and the governor of Indiana?

Mr. COBB. No, sir; I do not say that. He did telegraph to the President—

Mr. BAKER, of Indiana. He telegraphed to the Secretary of War for assistance. It seems that he had not the requisite legal knowledge to make a formal requisition. [Laughter.]

Mr. COBB. It may do for my colleague to make that statement; but I will say that the governor of Indiana understands how to govern that State as well as the gentleman or any of his friends; and this he has shown by his acts.

[Here the hammer fell.]

Mr. HANNA. I believe the gentleman will bear me witness that I did not say a word about the governor of Indiana or about "strikers."

Mr. COBB. No, sir; I was replying to my other colleague.

Mr. CAIN obtained the floor and yielded one minute to Mr. GARFIELD.

Mr. GARFIELD. In reply to what the gentleman from Indiana [Mr. COBB] has just said, I ask that the paper which I send to the desk, be read.

The Clerk read as follows:

[Telegram.]

INDIANAPOLIS, INDIANA, July 26, 1877.

THE PRESIDENT OF THE UNITED STATES,
Washington, D. C.:

In view of the threatened domestic violence growing out of the railroad strike, I request that authority be at once given to the commandant of the arsenal to render me all the aid possible in preserving the public peace.

JAMES D. WILLIAMS,
Governor of Indiana.

[Laughter and applause on the republican side.]

Mr. COBB. Now, Mr. Chairman, if you will allow me, that is no call. The matter is just as I stated. I admit the fact that there was some telegraphic—

Mr. CANNON, of Illinois. The governor was laying a trap for the President.

Mr. COBB. That may be; I do not pretend to speak as to that; but I state the fact—

The CHAIRMAN. The committee will come to order and gentlemen will resume their seats.

Mr. KEIFER. Then the gentleman from Indiana [Mr. COBB] withdraws his statement.

Mr. COBB. No, sir; I do not. If I may be allowed I can explain this matter in a moment.

The CHAIRMAN. The gentleman from South Carolina [Mr. CAIN] has the floor, and the Chair cannot at this time recognize any other person as entitled to speak.

Mr. CAIN. Mr. Chairman, I should not at this time obtrude any thoughts on the House but for an allusion which has been made in the course of this discussion to the employment of the Army in the State of South Carolina during our last election. I wish to say that whatever may have been the course pursued by the Administration at that time, it ought not to have any bearing upon the question now before the House involving the maintenance of the Army and the honor of our country.

The gentleman from Ohio [Mr. SOUTHARD] was pleased to read from evidence taken in the State of South Carolina, which he adduced as one of the reasons why the Army should now be reduced. In my judgment there was ample reason why the Army should have been used in South Carolina at the period referred to.

It will be borne in mind that the Constitution makes it the duty of the Legislature or the executive of a State to call on the General Government for aid in times of insurrection or rebellion. Mr. Chamberlain, then governor of South Carolina, did but perform his duty, according to his view, in calling for troops; and I think the evidence will bear me out in the statement that at no time in the history of our troubles in South Carolina have the Federal troops been sent into that State or used there except in pursuance of a call made by the executive of the State in pursuance of authority conferred by the Constitution. Sir, it is no less the duty and the privilege of the governor of South Carolina than of the executive of any other State to invoke the aid of the Federal Government when required in time of insurrection, rebellion, or domestic violence. The Constitution makes it the duty of the Federal Government to protect its citizens

in the full enjoyment of all the rights guaranteed to them by the laws and the Constitution. It is also made the duty of the State executive to call for the assistance of the Federal Government in this direction.

Sir, it is a remarkable fact which gentlemen here forget to note that while in those counties of South Carolina in regard to which complaint is made there were but one hundred and seventy-one troops, there were at the same time over seven hundred rifle clubs organized in the State. The number of troops in the whole district was only two hundred and two, scattered about in seven different departments.

Mr. JOYCE. I will take the floor and yield my time to the gentleman from South Carolina.

Mr. CAIN. It seems to me, Mr. Chairman, whatever may have been the difficulties of the past as this is the era of shaking hands over the bloody chasm, of general conciliation, the era of friendship and goodwill—it seems to me at this time this Government should give its attention to the general welfare of the whole people and for the maintenance of the Army intact that it may suppress insurrection wherever it may lift its head and the protection of our frontiers wherever threatened. The Government should secure to the citizens of this Republic the fullest protection. That is the duty which this Government owes to every citizen. For, sir, ours is a great and a growing country. It is growing in population along the lines of travel into the vast country unexplored and unsettled. Indians are rising up in different sections to retard our advancement. If the Government does not give protection there must be an end to all advancement. There must be an end to the marvelous progress heretofore witnessed. Therefore I think the reasons given by gentlemen for the reduction of the Army do not have such weight as should induce us to vote with them.

South Carolina has done her duty in every respect, and she will still continue to discharge her duties and obligations to her people and to the Union. The authority conferred upon the Government to protect its citizens is indeed one which should be continued.

If we strike down the Army we will take away the means of adequate protection on the part of the Government. This, it appears to me, is no time to retrench in that direction. Ours, I repeat, is a great and growing country. Millions are pushing forward to accomplish the purposes of civilization, and every advantage should be given them to advance their prosperity and to protect them in all their rights. The troops, so far as the States are concerned, should also be used for the protection of the people at home.

I think there is more involved in this question than is found on the surface. There is a destiny for this nation; there is a great and glowing prospect before us. We must give such strength and such power to protect the country as is necessary for its advancement. Having said thus much, I hope this question may be determined as is best conducive to the interests of the Government and the whole people.

Mr. COX, of New York. If the amendment to reduce to fifteen thousand were not pending, I would make a substantial amendment to strike out "twenty thousand" and insert "thirteen thousand."

The CHAIRMAN. The gentleman from Pennsylvania who submitted that amendment has withdrawn it.

Mr. COX, of New York. Then I renew it, to make the number fifteen thousand.

It seems to me, Mr. Chairman, the House of Representatives in discussing bills of this nature gets away from the main question, that which concerns our polity and that which concerns our civilization. I know I am surrounded here by men who are soldiers; I see men on the other side who have been soldiers; but I believe the great idea of civilization and Christianity does not consist in killing one another. I have some old-fashioned Christian ideas in connection with armies. Of course I should not expect to impress any Christian idea upon this House at this time. [Laughter.]

What is an army? An army is an organized body for war. What is a militia? It is a body enrolled for discipline to be called out on emergencies. I venture to say, Mr. Chairman, that the whole theory, genius, polity, and system of our Government consists in having a militia instead of an army especially for internal work for the preservation of peace in the States and for State and personal liberty. That was the way in the old times we regarded the Army and the militia. I might go back to Jefferson's inaugural and startle the other side of the House, if not this, by reading some plain precepts.

The support of the State governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-republican tendencies. * * * A well-disciplined militia our best reliance in peace, and for the first moments of war, till regulars may relieve them.

[Laughter on the republican side of the House.]

What is there about that that is jocular? Why do the thorns crackle under the republican pot? [Laughter.] Till regulars can in some way displace the militia! I have not seen a regular on that side of the House. [Laughter.] "Regulars" simply means what the Constitution meant. The militia were not "regulars." Anybody who has been in a muster must have seen that in the old days.

In our Constitution, when providing that Congress shall have power to do so and so, it is said they shall have power—

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

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States.

The militia were to be relied upon in any emergency, not the regulars. It seems to me the gentlemen on the other side have got scared at the idea of some ghastly communism that is coming forward. The men only scare who are bad and do not do justice to the laboring people. Had labor its full justice done to it in this country there would have been no need and no call either for regulars or for the militia.

Now we have some twenty-one thousand regulars in this country. Where are they? Why, sir, in Texas, according to the report on the Texas border troubles, page 66, there are four thousand and thirty-one on that border, enough in all conscience for all purposes of border warfare. Where are the rest? Two thousand are scattered among the several States. What for? There are some twenty-seven hundred of what is called the staff service. What does the staff service include? The men detailed at West Point, hospital stewards, ordnance sergeants, commissary sergeants, Indian scouts, available recruits at depots, men detailed for service in the War Department. And there are some ten thousand out on our borders watching the Indians.

[Here the hammer fell.]

Mr. EDEN obtained the floor and yielded his time to Mr. COX, of New York.

Mr. COX, of New York. One word more. I say, Mr. Chairman, that the great idea of this country of military force connects itself by our history, by our traditions, and by ordinary good sense with the militia system. And now I come to the point, why is it that in New York State, whose militia acted so well during the last summer, and which is kept up at a great expense of millions to our people, we are at the same time compelled to pay taxes for a regular Army besides for certain purposes which our militia will fulfill in all regards? Are we to pay taxes for the militia of West Virginia, or of Pennsylvania, or of Maryland, or of Indiana, or any other State where they fail to keep up their own militia system? New York did her duty through her governor. No one reproaches her. And what I say is that this Congress should fulfill its constitutional duty and compel the States to keep up the militia system to the end that all these domestic insurrections may be suppressed by citizen soldiery and not by an army, a standing army, however small or however great, that may at any time be used for despoiling the people of their liberties.

Mr. PHILLIPS. Will the gentleman yield to me for a question?

Mr. COX, of New York. Yes, sir.

Mr. PHILLIPS. I wish to ask the gentleman if he can tell me how much it requires to pay the expenses of guarding the harbor of New York?

Mr. COX, of New York. When I answer that question fully, as I propose to do, I will send to my friend from Kansas the statistics in detail. I will say this to him now, that New York is the *entrepôt* of the commerce of the Union. Two-thirds of all our exports and imports are there. Two-thirds of our collections are there. The post-office even of New York is the post-office of Kansas, and when New York is guarded, Kansas is guarded. We stand before bleeding Kansas and protect you in your innocence and simplicity. [Laughter.] I will send the gentleman the statistics at my leisure.

I have only this, Mr. Chairman, to say in conclusion: that I do not believe an Army of twenty thousand men is needed for any good purpose in this country. If there is any design on the part of the Administration, of which we are not advised, I want to do as the English Parliament does—I want that we shall control the use of the Army. To-day they are debating in the English Parliament the question whether the English troops shall be used, or whether the India troops coming into Europe shall be used to fight Russia. The English Parliament says to the army "Thus far thou shalt come and no farther." They impose provisos and restrictions at all times on the use of their army. And it would have been the part of wisdom if you gentlemen of the South had adopted my amendment as to Louisiana four years before you did. If we had had the power of the sword as well as of the purse, we should have compelled honest government in Louisiana, South Carolina, and Florida four years sooner by having the purse-strings and the power of the sword together.

[Here the hammer fell.]

Mr. HASKELL. I desire to correct a possible misapprehension that may have arisen from the speech of the honorable gentleman from New York, [Mr. HEWITT.] In giving a list of the Government posts which he says may be peacefully, justly, and safely abandoned, he quotes in his speech letters from the commanding generals of the various departments. In regard to my own State, he recommends that Lyon, Wallace, Hays, Harker, Craig, and McRae be abandoned, and he quotes the letter of General Pope, commanding that district. But the gentleman from New York undoubtedly misinterpreted the letter of General Pope. He uses it as an argument for keeping there a less number of troops. But General Pope does not say that. He says:

The larger the bodies of troops concentrated at any given point, the less will be the cost of supplying them. When to this fact is added the great benefit in discipline and efficiency they are certain to derive from concentration, it should seem that consolidation of posts ought to be the policy of the War Department. As before stated, the difficulty of making a concentration lies in the want of shelter at any of the points which might be chosen.

That is his argument. He says that if you abandon these posts you must concentrate the troops now scattered at the various forts all at one point right upon our borders; right where they are needed.

He does not recommend the withdrawal of a single man, and toward the conclusion of his letter he says:

With the understanding, therefore, that shelter for the troops now at the posts I shall refer to will be provided at the posts I suggest shall be maintained, I give a list of the military posts in this department which, in my opinion, can be given up.

If it be not considered well to build quarters for the troops now occupying the posts to be given up, I have to say that the only posts which can be abandoned now are Fort Harker, Kansas, and gradually Fort Craig, New Mexico.

Now, the argument of the gentleman from New York to show that in the number of posts and frontier establishments the ratio has decreased from one hundred and ten to seventy-seven is all erroneous; that is not the statement of the commanding general; he would have more troops there than he has to-day, but he simply advises the diminution of the number of posts, in order to concentrate the number of troops at a given point.

If members of the committee will examine the map they will see that my State has four hundred miles of southern boundary lying along the line of the Indian reservations. They would see that, instead of that country being a wilderness, right upon the line of that Indian Territory, for two hundred miles, there is a rural population scattered there as thickly as it is in Maryland or Virginia. All along that line upon one side you see the smiling farms of the Kansas farmers, and you can see for miles and miles the dividing line between my State and the Indian Territory, for upon the one side there are farms, churches, schools, houses, and orchards, and upon the other the wilderness, inhabited by the savages. And it is from this country and from the posts scattered all along that frontier that the gentleman would have the troops withdrawn by cutting down the force of the Army.

Now the general commanding simply says that he would diminish the number of posts in order to concentrate a larger body at one place, so as to make them more effective, and it is wrong to place any officer on the western frontier in the position of saying that he has more troops than he needs and that the Army can be reduced.

The CHAIRMAN. The hour of half past four o'clock having arrived and that being the time fixed by the House at which it would take a recess, the committee will rise without further order and the Speaker *pro tempore* will resume the chair.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration 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, and had come to no resolution thereon.

GENERAL JAMES SHIELDS.

Mr. SPRINGER. This morning the Senate sent over a resolution asking for the return of the House bill in relation to placing General Shields upon the retired list of the Army. I ask unanimous consent that that resolution shall be taken up and the request of the Senate granted.

There was no objection; and the message of the Senate was read, as follows:

IN THE SENATE OF THE UNITED STATES, May 21, 1878.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the House bill No. 4245, authorizing the President of the United States to appoint James Shields, of Missouri, a brigadier-general in the United States Army on the retired list.

There was no objection, and the request of the Senate was granted.

ENROLLED BILLS SIGNED.

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

A bill (S. No. 933) to authorize the commissioners of the District of Columbia to refund a certain tax erroneously collected; and

A bill (S. No. 1021) for the relief of certain settlers on the public lands.

ORDER OF BUSINESS.

Mr. HEWITT, of New York. I give notice that I will not move to go into the Committee of the Whole on the state of the Union on the Army appropriation bill until to-morrow morning, and then I will move to go into committee immediately after the reading of the Journal, leaving the session of to-night for general business.

The SPEAKER *pro tempore*. The Chair will state that the session to-night is for general business, and that it is necessary that a quorum should be present, because any gentleman may call up this bill or any other.

Mr. BURCHARD. I give notice that I shall insist upon the regular order.

The SPEAKER *pro tempore*. The hour of half past four o'clock having arrived, by previous order of the House the House now takes a recess until half past seven o'clock this evening.

EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock p. m.

ORDER OF BUSINESS.

Mr. BUTLER. I rise to a privileged question.

Mr. DUNNELL. I ask the gentleman to yield to me to report a bill for printing and recommitment.

Mr. BUTLER. I am willing to yield for a time to gentlemen who desire to present matters that will give rise to no debate.

NAVIGABLE WATERS OF THE UNITED STATES.

Mr. DUNNELL, by unanimous consent, from the Committee on Commerce, reported, as a substitute for House bill No. 2464, to declare and define the jurisdiction of the United States over the harbors and navigable waters of the United States, a bill (H. R. No. 4953) of the same title; which was read a first and second time, ordered to be printed, and recommitment to the Committee on Commerce.

COIN BANKING ASSOCIATIONS.

Mr. HARDENBERGH, from the Committee on Banking and Currency, reported back, with an amendment, the bill (H. R. No. 2407) to amend sections 5155 and 5186 of the Revised Statutes; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

CHANGES OF REFERENCE.

Mr. ATKINS, from the Committee on Appropriations, reported back the following bills and petitions; and the committee was discharged from their further consideration, and the same were referred to committees as indicated:

A bill (H. R. No. 4778) for the relief of Edward Kolb, of Washington, District of Columbia—to the Committee of Claims.

A bill (H. R. No. 3763) for the relief of Jonathan McNeal, of Laurel County, Kentucky—to the Committee on Military Affairs.

A letter from the Postmaster-General, recommending the appropriation of one month's pay allowed George H. Giddings, mail contractor on route 8076, between San Antonio, Texas, and San Diego, California—to the Committee of Claims.

The petition of William M. Patton, for balance of pay as messenger of \$57.95—to the Committee of Accounts.

The petition of Daniel Lewis, laborer under Doorkeeper Patterson—to the Committee of Accounts.

SOLDIERS AND SAILORS' HOMESTEADS.

Mr. STEWART, by unanimous consent, introduced a bill (H. R. No. 4954) to amend section 2304 of the Revised Statutes of the United States, relating to soldiers and sailors' homesteads; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

MISSISSIPPI LEVEES.

Mr. ROBERTSON, from the Committee on Levees and Improvement of the Mississippi River, reported back, with an amendment, the bill (H. R. No. 4318) to provide for the organization of the "Mississippi River improvement commission," and for the correction, permanent location, and deepening of the channel, and the improvement of navigation of said Mississippi River and the protection of its alluvial lands; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

METHOD OF ELECTING PRESIDENT AND VICE-PRESIDENT.

Mr. SOUTHARD. I am instructed by the select committee on the revision of the laws regulating the counting of the electoral votes for President and Vice-President, to report for printing and recommitment the joint resolution which I send to the Clerk's desk. I desire to give notice that on the 4th day of June, I will seek the floor to call up the joint resolution for consideration. I will also state that the minority of the committee have a report to be presented, which I ask may be printed with the report of the majority.

There being no objection, the joint resolution (H. R. No. 183) proposing an amendment to the Constitution in relation to the election of President and Vice-President, was received, read a first and second time, with the accompanying report and the views of the minority ordered to be printed, and recommitment to the select committee.

Mr. BURCHARD. All these references are with the understanding that the subjects referred are not to be brought back on a motion to reconsider.

The SPEAKER *pro tempore*. The Chair stated to the House to-day and also stated yesterday, that when any bill is reported and referred by unanimous consent, it is the rule of the House that it shall not be brought back upon a motion to reconsider.

Mr. BURCHARD. The Chair will pardon me for saying that that is not the rule in respect to reports from committees. When a bill is introduced by unanimous consent for reference by a member, the rule is as the Chair has stated; but a report from a committee is an exception.

Mr. SOUTHARD. The select committee has the right to report at any time.

The SPEAKER *pro tempore*. It is understood that these references are not to be reconsidered.

SOLDIERS AND SAILORS' REUNION, NEWARK, OHIO.

Mr. SOUTHARD, by unanimous consent, introduced a joint resolution (H. R. No. 184) granting the use of hospital tents at the soldiers and sailors' reunion to be held at Newark, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FIELDING HURST.

Mr. HARRIS, of Virginia, from the Committee on the Judiciary, reported back, with an amendment, the bill (H. R. No. 3347) for the relief of Fielding Hurst; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. OVERTON, from the Committee on Commerce, reported adversely upon the following; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 1268) authorizing the construction of a light-house on Half-Way Rock on the coast of Massachusetts;

A bill (H. R. No. 1458) to provide for the erection of a light-house at San Luis Obispo Harbor, in the State of California;

The joint resolution of the Legislature of the State of Michigan, asking an appropriation to construct a light-house at the mouth of Thunder Bay, in said State; and

The joint resolution of the Legislature of the State of Wisconsin, asking an appropriation for a light-house at the mouth of Menomonee Harbor, in said State.

NEWTON S. MURPHEY.

Mr. LAPHAM, by unanimous consent, reported back from the Committee on the Judiciary, with an amendment, the bill (H. R. No. 3527) for the relief of Newton S. Murphey; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

DISTRICT COURTS IN MICHIGAN.

Mr. LAPHAM. I ask unanimous consent to report back, with a favorable recommendation, from the Committee on the Judiciary, for consideration at the present time, the bill (H. R. No. 3658) to change the time of holding the regular terms of the circuit and district courts of the United States for the western district of Michigan. There was no objection whatever to this bill.

Mr. REAGAN. If this bill can be passed without discussion I do not object; but should there be debate upon it I must demand the regular order.

Mr. LAPHAM. There is no dispute about the bill whatever. Its passage is recommended by the judges and by the members of the bar.

Mr. STONE, of Michigan. The bill is very important for the convenience of our people.

The bill was read. It provides that the times of holding the regular terms of the circuit and district courts of the United States for the western district of Michigan be on the first Tuesdays of April and October of each year, instead of the third Mondays of May and October, as now provided by law; and that all recognizances, indictments, writs, processes, and other proceedings, civil and criminal, now pending in either of said courts, may be entered, heard, and tried at the times herein fixed for holding said courts.

The second section provides that this act shall take effect on the 1st day of July, 1878, and the provisions of sections 572 and 658 of the Revised Statutes of the United States inconsistent therewith are repealed.

There being no objection, the bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LAPHAM 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.

PURCHASE OF CONGRESSIONAL GLOBE.

Mr. BALLOU, by unanimous consent, introduced a bill (H. R. No. 4955) authorizing the purchase by Congress of the owners and proprietors certain property known as the Congressional Globe; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

JEAN FRANÇOIS PERRY.

Mr. TOWNSHEND, of Illinois, by unanimous consent, reported back, from the Committee on Private Land Claims, without amendment, the bill (H. R. No. 2361) for the relief of Jean Francois Perry; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS POULTNEY.

On motion of Mr. TOWNSHEND, of Illinois, by unanimous consent, the Committee on Patents was discharged from the further consideration of the bill (H. R. No. 1580) for the relief of Thomas Poultney; and the same was referred to the Committee on the Judiciary, not to be brought back on a motion to reconsider.

JOHN BORDEN.

Mr. RIDDLE, by unanimous consent, introduced a bill (H. R. No. 4956) granting a pension to John Borden, father of William Borden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. CORNELL.

Mr. CRITTENDEN, by unanimous consent, reported back adversely from the Committee on Naval Affairs the petition of William H. Cornell, late acting third assistant engineer United States steamer Wiu-

nebago, for prize money; which was laid on the table, and the accompanying report ordered to be printed.

The SPEAKER *pro tempore*. The Chair will state out of abundant caution that as to all references made to-night the motion to reconsider will be regarded as entered, and that motion laid on the table.

OFFICIAL ADVERTISER OF THE UNITED STATES.

Mr. BUTLER. I call up the motion to reconsider the recommendation of the bill (H. R. No. 3079) to provide means for giving official notice of the acts of the Government, and to provide for the advertisement required by the several Departments of the Government. This bill was reported without objection from the Judiciary Committee and ordered to be printed and recommitted. A motion to reconsider was then entered so as to entitle the matter to be called up at any time.

Mr. REAGAN. What length of time will it take to act on this bill?

Mr. BUTLER. A very short time. After I have explained the bill, I think there will be no objection to it.

Mr. REAGAN. If there is any debate, I must call for the regular order.

Mr. BUTLER. The bill has been very fully considered by the Judiciary Committee, and I think there will be no objection to it.

Mr. REAGAN. Let it be read, the right to object being reserved.

The SPEAKER *pro tempore*. The motion to reconsider is a privileged question on which the gentleman from Massachusetts is entitled to the floor, unless the question of consideration should be raised.

Mr. REAGAN. The motion to reconsider is privileged, but the consideration of it is not.

The SPEAKER *pro tempore*. Certainly it is. This bill has been reported by the Committee on the Judiciary with amendments. The bill will be read.

The Clerk read as follows:

Be it enacted, etc. That the Public Printer is authorized and directed to print and publish a weekly paper to be designated "The Official Advertiser of the United States," uniform in size and type with and upon like paper that the CONGRESSIONAL RECORD is now printed, which paper shall contain:

First. All the proclamations and executive orders of the President, and all acts and joint resolutions of Congress.

Second. All departmental orders and circulars issued by the several Departments and bureaus of the Government, such as have heretofore been officially made public by publication in newspapers, or which, in the opinion of the officer, Department, or bureau issuing the same, it is for the interest of the public service to have made public.

Third. All the matter that is required by law to be published in the Official Gazette of the Patent Office, in the same manner as the same is now published, including the decisions of the Commissioner of Patents, and such decisions of the courts upon patent cases as the Commissioner of Patents may deem it for the public service to be published.

Fourth. Such decisions upon tax cases and orders of the Bureau of Internal Revenue as the Commissioner of Internal Revenue may make, and such decisions of the courts as the Commissioner may order to be published.

Fifth. All decisions or orders of the General Land Office relating to the sale and disposition of public lands that the Commissioner of the General Land Office may order to be printed and circulated for the information of settlers upon public lands, and others interested therein.

Sixth. All general orders issued from the War Department or the commanding general of the Army, and all military orders which are required by law to be made public.

Seventh. All general orders issued by the Secretary of the Navy and all orders which are required by law to be made public.

Eighth. All orders and public circulars to the several consuls of the United States issued by the State Department or any bureau thereof which are to be made public, and such other orders as the Secretary of State may order.

Ninth. All orders issued by the Secretary of the Treasury, and all letters or circulars of instruction to the several collectors of customs, and such other orders of the Treasury which the Secretary may order to be published.

Tenth. All orders issued by the Post-Office Department that the Postmaster-General may order to be published.

Eleventh. All the orders of the Interior Department that the Secretary of the Interior may order to be published.

Twelfth. All orders of the Department of Justice that the Attorney-General may order to be published.

Thirteenth. All orders and circulars of the Smithsonian Institution which are required by law or the Board of Regents to be published.

Fourteenth. All public notices or information which the Commissioner of Agriculture may order to be published.

Fifteenth. All advertisements in every Department and bureau of the Government, by any officer of the Government, for contracts for supplies, buildings, plans, m-c-h, labor, and materials, that are now required by law to be published by any such Department, bureau, or officer.

Sec. 2. The orders and advertisements issuing from the several Departments shall be inserted in said Official Advertiser under separate heads of the Department from which, or under the authority of which, or any officer of which such orders are issued, the orders and advertisements under the head of each Department to be put together and so arranged that the orders and advertisements of each Department can be furnished separately when called for, as hereinafter provided; all of which publications shall be official, and shall be so deemed and held to be for all purposes.

Sec. 3. Any Department, bureau, or officer of the United States may order the insertion of any advertisement, order, or circular of information to be published such number of times as the law now requires publications of the same matter in any newspaper, or as the Department, bureau, or officer requiring the same may deem to be for the best interests of the public service.

Sec. 4. Any person desiring to obtain the Official Advertiser may subscribe for it, paying for the same in advance at a price equal to the cost to the United States of the printing, paper, folding, and enveloping, which shall be sent to him through the mail free of charge; or he may subscribe for any part of the Official Advertiser containing the advertisements and orders issuing from any one or more Departments, to be paid for and forwarded in like manner.

Sec. 5. Each Department or bureau of the Government may subscribe, and pay for, and have furnished to them, for public use or distribution, so many copies of the whole, or any part or parts of the same, to be delivered to them at like cost, and which may be distributed by said Department or bureau in like manner, free of cost, under the official signature of some officer designated in said Department

or bureau by the head thereof, as the head of such Department or bureau may require. And any officer who shall cause to be inserted any advertisement which he is required to make by law shall have five copies of the numbers containing such advertisement furnished to his order free of cost. And said Official Advertiser shall always contain this section of this act, showing how said Official Advertiser, and parts thereof, may be obtained, conspicuously displayed therein.

Sec. 6. There shall be distributed of such Official Advertiser, free of cost, to the Library of Congress, two copies; to each public library, not exceeding five in each congressional district, in each State and Territory of the United States, two copies, said libraries to be designated by the Member of Congress from such district, or Delegate from such Territory; two copies to the clerk of each district court in the United States; two copies to each State library in each State, and two copies to the secretary of state's office in each State; two to the office of the secretary of each Territory; and said copies shall be preserved in said library, and said official personages receiving the same, to be open to inspection at all proper and reasonable times by all persons desiring so to do.

Sec. 7. And any copy of said Official Advertiser may be read in evidence in any proceeding as *prima facie* evidence of the matter therein contained whenever the same may be material to be proven. And all advertisements now required by law to be published by the Government of the United States, or any Department or bureau or officer thereof, shall be deemed and taken to have been duly and legally complied with when the same shall be shown to have been duly published in said Official Advertiser for the times and number of insertions in which the same may be ordered to be published as aforesaid.

Sec. 8. No letter-press printing, or binding of letter-press printing, or advertising shall be done or contracted for by or under the order of any Department, bureau, or officer of the Government, or paid for upon the voucher or certificate of any officer of the Government or other person, other than what is contained in said Official Advertiser, except such printing and binding required by law to be done by the Public Printer; all which is to be done in the Government Printing Office, and not elsewhere.

Sec. 9. Every person who shall knowingly violate any of the provisions of this act by printing or binding at the cost of the Government any letter-press printing whatever, other than that printed in the Public Printing Office, shall be deemed guilty of misdemeanor, and punished, upon indictment and conviction, by a fine of not less than \$100 nor more than \$5,000, or by imprisonment not more than one year.

Sec. 10. The Public Printer is required to make a report to the House of Representatives, on or before the first Monday of December of each year, containing a just and true account of the whole number of said Official Advertisers printed and furnished by him, to whom furnished, the cost of the same, and of any money that he may have received for the same, specifying the amounts received from any Department, bureau, or officer of the Government for the fiscal year last ended; also an estimate of the cost to the Government for publishing and distributing said Official Advertiser for the next succeeding fiscal year, or part thereof.

Sec. 11. All acts or parts of acts inconsistent herewith are repealed.

The SPEAKER *pro tempore*. The question is, will the House reconsider the vote by which this bill was recommitted to the Committee on the Judiciary?

Mr. EDEN. I reserve the right to make a point of order until I can put an inquiry to the gentleman from Massachusetts. Is this bill recommended by the Judiciary Committee?

Mr. BUTLER. Yes, sir; it is reported by that committee. It has been fully considered, having been recommitted three times.

Mr. EDEN. I think it will have to be recommitted again.

Mr. BUTLER. I hope not.

The SPEAKER *pro tempore*. So far as any point of order is concerned, the Chair will state that the bill is not yet before the House and will not be, unless the motion to reconsider should prevail.

Mr. REAGAN. A bill which is the unfinished business of the House is now standing in the way of other business. We could probably consider and dispose of that bill this evening. I trust that the motion to reconsider will be voted down and that we shall proceed with the consideration of the unfinished business—the bill in regard to charges upon interstate transportation.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. BUTLER] is entitled to the floor on his motion to reconsider.

Mr. BUTLER. Mr. Speaker, I desire a little attention of the House to this which is quite an important matter. I want to assure the House in the first place there is more than a half million dollars saving in this bill.

Let me state the mischief to be remedied. There are now no other means of giving public notice by advertisement than in the newspapers. Nobody can well get them now because the Departments are informed by the newspapers of large circulation they will not print the laws at the price which the law fixes for that printing. These are some of the questions and difficulties before the various Departments on that subject.

Then we have a public printing office down here and most of the members of Congress think that all the public printing is done there and that it is the only printing office in this city in which printing for public purposes is done. I assure them there are six others I know of and I think there are more. The War Department has two, the Interior Department has one, the Treasury Department has one beside the bureau for printing bank notes, bonds, and certificates, the Navy Department has another, and the Attorney-General's office has one also, I think. Now, then, all these are for the purpose of printing circulars and orders, and you have those public documents in all sorts of shapes so you cannot preserve them, and you never know when you have them all. It is now proposed—if I can only have the attention of the three gentlemen in front of me engaged in conversation I will be very much obliged, although it is only the public business we are now considering.

The SPEAKER *pro tempore*. The gentleman from Massachusetts very properly complains of the confusion created by members standing in the aisles and engaged in conversation. Those who wish to engage in private conversation will retire to the cloak-room, so the public business may proceed in order.

Mr. BUTLER. There is now published, as you all know, the Official Gazette of the Patent Office. There is another little paper pub-

lished, called, I think, the Land-Office Record, and another little paper called the Internal-Revenue Record. This bill proposes all these shall be cut off, and this publication shall take their place. It is to be issued weekly, to contain all public advertisements of all contracts, and there is an amendment reported by the committee to the bill to have a copy of this paper not only in every public library, in every district, in every clerk's office of the United States, but two copies in every county-court office, so it shall be open to the people, and everybody will know where to go see the laws, orders, and advertisements of the Government and learn exactly what they call for. They will have them there in an official form.

Let me give you an idea, Mr. Speaker, of how tricks are played in regard to advertisements ordered by law. I was not long ago of counsel in a patent case, and it turned out that the patent had been extended. We produced the letter of the one who got the extension. He said he had gone to a newspaper in this city and paid so much money for having the official advertisement of extension here in Washington put in, and then he had three copies struck off, and then had another advertisement put in place of it and the rest of the edition struck off. He said further:

I now send you one copy, and I want you to put that in the county paper which the law requires, and then have three copies struck off one for the files of the Patent Office, one for the files of the newspaper office, and one for me, and then have another advertisement of the same size put in and have struck off the rest of the edition.

I want to meet that possibility of such frauds in the future.

In addition, it is proposed to meet a great want known to the country, and that is to get, in some reasonable time and at some reasonable price, the laws and the decisions of the Supreme Court. Therefore there is an amendment, which will be read in a moment, by which the decisions of the Supreme Court are to be published, with a brief abstract of each case, as they come out. As matters now are, the Supreme Court judges before they deliver an opinion have it printed and corrected under their own eye, and when they deliver it we propose to put it in the Official Advertiser instead of waiting the slower process of the bound volumes of the reports.

Every man will not want the whole of this Advertiser. The patent attorney and inventors will want the Patent Office portion of it; the Navy officers will want the naval orders; the military man, the Army orders; the contractor will want advertisements for contracts; the agriculturist will want the Agricultural Bureau part of it, and so on. Therefore this bill provides each Department shall have its orders and advertisements and circulars printed by themselves, so each part can be used by each Department, while the whole will go into every library. Then the bill permits anybody to subscribe for exactly such a part as he wants, or the whole. A patent man subscribes for the patent part; the Navy officer subscribes for the Navy part; the Army officer subscribes for the Army part; the man interested in public lands subscribes for the public lands part; and all this can be had for one-third, if not one-fourth, of the present cost of advertising by the Government.

Now some gentlemen will ask me in his own mind, Can you tell us what the public advertising costs? No, sir; I cannot; and I do not think it can be found out without an expenditure of many thousands of dollars. It dribbles through every office and Department. Why, sir, it is everywhere, and is not to be found; and it is an awful leak, too.

This is the way in which the money goes out. Congress appropriates money for a public work. The public work is advertised for; the iron, the stone, the glass, the paint, the various kinds of work in a dozen different advertisements, it may be; and the cost of such advertising is charged in the cost of the building or work. And so with forts; so with any other thing bought or used by the Government. Therefore to find out what the cost of public advertisements is you must overhaul the accounts of every public building and every public work and every expenditure for property or labor of the United States in the given year. So with land sales; so with a great many other things. The search for the cost of this expenditure for advertising would simply be endless.

I have had an estimate made by the Public Printer and he thinks that 5,000 copies of this may be got up weekly. For 1,000 copies the cost would be \$1,060.40 a week. The whole cost of 5,000 copies ought to be not beyond \$50,000 or \$70,000 a year; and I have no doubt the present printing costs more than half a million—I mean outside the Public Printer.

Now there is another thing in this bill. All these copies of the laws, all these copies of all these orders are made *prima facie* evidence in every court officially; and a great deal of money will be saved to the people in that way.

This bill has been before the Judiciary Committee some three times. We have carefully examined it. It has been examined by the Public Printer; and while I do not claim for it perfection, I do claim that there is a very great deal of merit in the scheme, and it will save more money than has been done in any one matter that has come under my observation.

There is another provision. Every Department of the Government now orders what printing and binding it pleases; and you find nicely bound books distributed from the Departments by their officers that Congress never appropriated for. This says you must have it done by the Public Printer and the Public Printer cannot print anything that is not authorized by law.

I have one other thing to say about this. This country is the only civilized country in the world that has not got an official gazette where everything that pertains to the operations of the Government, all the acts and orders of the Government, can be found. The Official Gazette in England is a source of revenue to the government of £15,000 a year from subscriptions. I have no doubt that in one year, or two years at most, this will become a paying concern to the United States. Everybody wants it. Every contractor will want it; every Army officer will want it; every Navy officer will want it; every office-holder will want it; every merchant will want it, because all the orders and circulars for the collection of customs revenue he will be able to find here and nowhere else, all together, unless he goes to the Treasury for information.

Mr. BREWER. I understand the bill to provide that this publication shall be furnished to subscribers at the actual cost. How can it then become a source of profit?

Mr. BUTLER. For this reason, that it will be furnished at the actual cost and 10 per cent. profit, the same as other books.

Mr. O'NEILL. I rise to ask the gentleman from Massachusetts this question: the gentleman refers to the Official Gazette of England. I would like to ask him whether the English people are as great newspaper readers as the people of this country, and whether at last the information scattered through the hundreds of thousands of newspapers of this country cannot be got at easier than in any gazette that can be published?

Mr. BUTLER. The information is not scattered now. It cannot be scattered for the reason, as everybody knows, that a newspaper of large circulation cannot afford to take Government printing at Government rates.

Mr. O'NEILL. Am I not correct in understanding that there is a proposition now somewhere between the House and the Senate to regulate that so that the newspapers can take the advertising of the Government at a fair business profit?

Mr. BUTLER. Oh, yes; that was referred to our committee, and it was in that way we got jurisdiction of the subject. That is why I am here. I am glad to explain how that is. The newspapers propose we shall pay them commercial rates for advertising; that is to say we shall pay for giving the laws to the people the same price exactly that the merchant is willing to pay to advertise his goods in order to get sale for them. Congress has found that commercial rates mean exactly what the newspapers can get; and it is to meet that that we have reported this bill.

Mr. O'NEILL. Will the gentleman permit me another word? I do not desire to interrupt the gentleman.

Mr. BUTLER. I yield to the gentleman.

Mr. O'NEILL. In our State and city governments there are certain methods of publication by posting in court-houses and court offices and so on for certain purposes. Now, in my opinion the public do not go to get their information in that way. They depend almost entirely upon the newspapers. The three or four hundred thousand newspapers that are issued every day in the city of Philadelphia and more in the larger city of New York, give the information to the people that they want easily and without trouble; and they take the newspapers and read them to get information of what is going on in public affairs. Now I do not think the gentleman's idea will reach what he wants in any convenient way for the people.

Mr. BUTLER. I am very sorry to differ with my friend from Pennsylvania. I seem to see his constituents in Philadelphia sitting down reading the advertisements in the newspapers and amusing themselves with that sort of light reading in the summer months. [Laughter.]

Mr. O'NEILL. The man in business who is seeking to find proposals for contracts for the departments of the Government is looking at the advertisements in the newspapers; and so is the man in the Army and so is the man in the Navy, they are looking at the newspapers for what concerns Army and Navy matters.

Mr. BUTLER. The answer to that is a very plain one. The man who wants to see the advertisements does not know in what newspaper to look for them, but the man who knows how to get a contract does know, and I tell you that this happened in this Government more than once: somebody sends a letter to the Department and inquires where is the advertisement for the work on such a public building, and the answer is sent back, "You had better subscribe for such a newspaper and you will find the advertisement there."

Mr. CLYMER. Will the gentleman from Massachusetts allow me to ask him a question in reference to this bill?

Mr. BUTLER. Oh, yes.

Mr. CLYMER. Is this proposed publication to contain any other matter than that provided for by the bill?

Mr. BUTLER. Nothing whatever.

Mr. CLYMER. Is there anything in the bill to prohibit its containing other matter?

Mr. BUTLER. The bill says that "it shall contain only," &c.

Mr. CLYMER. No; the word "only" is not in.

Mr. BUTLER. Then you can put the word "only" in.

Mr. CLYMER. I trust the gentleman will so amend it.

Mr. BUTLER. That is what is meant by the bill. When a public officer is ordered to do anything we do not order him to do anything else.

I have now given all the explanation possible of this bill. It has been thoroughly examined, and I trust it will receive the favorable

action of the House; but I am ready to answer any inquiries in reference to it that gentlemen desire to propound.

Mr. CLARK, of Iowa. Do I understand that the bill proposes to provide for the publication of the public laws of Congress?

Mr. BUTLER. Yes, sir; and not only the public laws of Congress, but the decisions of the Supreme Court.

Mr. CLARK, of Iowa. Do I understand that there is no law now which provides for the publication of the public laws except in the pamphlet form in which we know them?

Mr. BUTLER. This bill provides that all proclamations, executive orders from the President, and all acts and joint resolutions of Congress shall be printed in the gazette. That is the language of the bill.

Mr. CLARK, of Iowa. Allow me to ask the gentleman if there is any method now provided by law for the publication of the public laws of Congress except in the ordinary pamphlet form.

Mr. BUTLER. They may be published in the newspapers.

Mr. CLARK, of Iowa. Under what law?

Mr. BUTLER. Under an old law of many years' standing.

Mr. CLARK, of Iowa. But I understand that an appropriation for that purpose has been prohibited.

Mr. BUTLER. Very well; I hope so.

Mr. BUCKNER. Allow me to ask the gentleman one question, and it is how under the provisions of this bill does he expect any profit to the Government when the bill provides that this record shall be furnished at cost?

Mr. BUTLER. That means, under the law, at 10 per cent. more than cost; moreover it is a profit to the Government to get its work done in this way.

Mr. ATKINS. What will this work cost?

Mr. BUTLER. Between fifty and sixty thousand dollars a year.

Mr. BUCKNER. We shall save, then, the expense of publishing the laws in pamphlet form.

Mr. BUTLER. It can be done in this way.

Mr. HUMPHREY. I desire to say, in advocating the passage of this bill, that one of the great benefits that will follow from its passage will be that in each county there can be found copies of this record which will be *prima facie* evidence in any court.

Now, it may be the experience of members of Congress, and I know it is with many of them here, that we are constantly called upon to go to the Departments and get copies of orders, arbitrary rules made by the Departments, which are to be used in the various courts of justice throughout the country, in courts of original jurisdiction and sometimes in the probate courts. Now, the provisions of this bill make this proposed official gazette *prima facie* evidence. It makes it evidence as to the decisions of the Supreme Court, and they will be sufficiently certified so that they may be read in the different courts, for two copies are to be deposited in each county in each State. It so fixes it that every attorney, every counselor or solicitor, may subscribe for it so that he may have it in his office, and so that he may be provided at little expense and trouble to himself with knowledge that he has to use monthly at least in his practice in the different courts of the United States and of the States.

Mr. ELAM. Will this dispense with the publication of the statutes in the present form?

Mr. HUMPHREY. Lawyers now can get possession of all this knowledge by subscribing to certain periodicals in Saint Louis, Chicago, Albany, and other parts of the country where they get the decisions of the circuit courts of the United States and the decisions of the Supreme Court merely in syllabus form.

This will be a great saving to the whole profession, to all the people of the country, because there are commercial men and business men who get the syllabus of these cases and study them up for their own benefit and become quite adepts in their own business. I believe that this will provide the best amount of knowledge for the business men of the country, and at the same time furnish it to them at only 10 per cent. above the actual cost to the Government.

Mr. BUTLER. I now yield a few minutes to the gentleman from Minnesota, [Mr. DUNNELL.]

Mr. DUNNELL. I desire but a moment. I am unable to see why this bill is not in the interest of good legislation. In the new States there is a very great difficulty in getting at the rulings of the General Land Office in relation to the homestead and pre-emption laws. There was a volume of those rulings prepared for publication, but the Committee on Printing of this Congress reported adversely upon the proposition, unwisely as I thought at the time. If this bill will provide that from week to week all the rulings of the General Land Office (I allude only to that branch of the Government now) can be published, it seems to me it will be of very great interest to all the people in the States of the West.

I desire to confirm one thing which the gentleman from Massachusetts [Mr. BUTLER] has said in regard to publications in the newspapers. I recollect that a few years ago a large quantity of Army clothing was to be sold in the State of Minnesota. It had in some way got there and was to be sold, a very large quantity of it. On a given morning the sale was to commence. The night before, certain gentlemen from Saint Louis arrived at Saint Paul ready to bid in the clothing that was to be sold. Not a man or a woman in the State of Minnesota knew anything about the sale that was to come off. It resulted in an immense loss to the Government, simply because the

advertisement was for a week or two slipped into a Saint Louis newspaper, and the Saint Louis bidders were there while the Minnesota bidders knew nothing about that vast amount of clothing that was to be sold. That is one illustration.

Mr. DAVIS, of North Carolina. Will the gentleman from Massachusetts [Mr. BUTLER] allow me to ask him one question?

Mr. BUTLER. Certainly.

Mr. DAVIS, of North Carolina. Is it proposed that the publication of this journal shall supersede advertisements in all other papers?

Mr. BUTLER. It is.

Mr. DAVIS, of North Carolina. And there is to be no advertisement in any other paper?

Mr. BUTLER. None at all.

Mr. DAVIS, of North Carolina. That is a good thing.

Mr. BUTLER. All the people will know right where to look for information.

Mr. TOWNSHEND, of Illinois. The fourth section of this bill provides that "any person desiring to obtain the Official Advertiser may subscribe for it, paying for the same in advance at a price equal to the cost to the United States of printing, paper, folding, and enveloping, which shall be sent to him through the mail free of charge." Now, how can the Government make any profit out of that?

Mr. BUTLER. Because the general law provides that any publication by the Government may be furnished at the cost of publication and 10 per cent. added.

Mr. TOWNSHEND, of Illinois. But this is a special act.

Mr. BUTLER. I am willing to have the gentleman move to insert "10 per cent. added."

Mr. HANNA. Will the gentleman allow me to ask him a question?

Mr. BUTLER. Certainly.

Mr. HANNA. In glancing over this bill this thought has struck me, whether or not it would be practicable to publish weekly the mass of information which this bill would seem to indicate is to be published. Would it not be more than you can get into any one weekly publication?

Mr. BUTLER. We have examined that matter thoroughly, and find that it will not amount to more than one of our thickest daily RECORDS. Take a day's proceedings when we speak all day and all night and get our speeches all in—

Mr. OLIVER. And get leave to print some.

Mr. BUTLER. Yes, and get leave to print. That would make a larger publication than this will be in any week. I now call for a vote upon the motion to reconsider the vote by which this bill was recommitted to the Committee on the Judiciary.

The motion to reconsider was agreed to.

The SPEAKER *pro tempore*. The question now recurs upon the motion to recommit.

Mr. BUTLER. I withdraw the motion to recommit, and I desire—

Mr. REAGAN. I want to raise the question of consideration.

Mr. SPEAKER *pro tempore*. The motion to recommit has been withdrawn.

Mr. ATKINS. I renew the motion to recommit the bill to the Committee on the Judiciary.

Mr. BUTLER. I desire to call the attention of the gentleman from Tennessee [Mr. ATKINS] to one thing. The House must commit this bill to some other committee than the Committee on the Judiciary. We have given it the best consideration we can give it; we have examined it as carefully as we can. I have some amendments here which I propose to bring immediately before the House. This bill has now been discussed. I can assure the gentleman that it is in the interest of economy, and the House never will be any better prepared to vote upon it than it is now. The very reason why I have taken this course is that I might avoid taking one of the two hours which would be given to the Committee on the Judiciary when they come to make their reports.

Mr. ATKINS. This is a bill which the House has not considered. The House has heard the gentleman from Massachusetts, [Mr. BUTLER,] it is true; but I doubt whether there are a dozen gentlemen in this House who have considered this bill before to-night. It is a very important bill. In my judgment, if passed, it will only result in enlarging the Government printing establishment.

Mr. BUTLER. Oh, no.

Mr. ATKINS. That is the effect of it. I believe the Government Printing Office should be cut down, rather than enlarged. I believe that the printing for the Departments should be let out by private contract. I believe that such a system would effect a saving of the public money. But if we are to swell the proportions of the Government Printing Office, then we must swell our expenditures. I hope, therefore, that the bill will either be recommitted or laid aside until gentlemen have had more time to consider the proposition.

Mr. BUTLER. Is it my fault, Mr. Speaker, that gentlemen do not know what this bill is? It has been before the House on their files for three months.

Mr. ATKINS. How many bills are before the House that members have not considered at all? There are several thousand bills on our file.

Mr. BUTLER. When men will not do their duty why should they come here and ask somebody else to do it for them?

Mr. ATKINS. Has the gentleman from Massachusetts considered every bill before the House? He will not say that he has.

Mr. BUTLER. This bill was introduced, referred to the committee, and printed. It was then reported, recommitted, and reprinted. All has been done about it that can be done by anybody in the world. Now is it quite fair because gentlemen will not read it or consider it to come here and say, "We do not know anything about it?" Cannot the gentleman from Tennessee [Mr. ATKINS] follow the lead of the Committee on the Judiciary quite as well as we follow the lead of the Committee on Appropriations? [Laughter.] We do not any of us know what these appropriation bills are, and the more we read them the less we find out. [Laughter.] If you read this bill you will find out what is in it.

The question being taken on the motion of Mr. ATKINS to recommit the bill, there were—ayes 43, noes 95.

Mr. ATKINS. I raise the point that no quorum has voted.

Mr. BUTLER. Let me say that in raising this point the chairman of the Committee on Appropriations [Mr. ATKINS] is setting me and everybody else a very bad example. We may go against the appropriation bills when there is not a quorum.

Mr. ATKINS. An important bill like this should not be considered without a quorum.

No quorum having voted, tellers were ordered; and Mr. BUTLER and Mr. ATKINS were appointed.

The House divided; and the tellers reported ayes 34, noes not counted.

So the motion to recommit was not agreed to.

Mr. BUTLER. I now ask that the Clerk read the amendments reported by the Committee on the Judiciary.

The Clerk read the first amendment, as follows:

At the end of line 50 add the following:

And the reporter of the decisions of the Supreme Court shall forthwith, after any decision of that court shall have been announced and printed for the use of the court, prepare an abstract of the facts and points in the case sufficient to the understanding thereof (unless the same shall appear in the opinion of the court) together with that opinion, and give the same forthwith to the Public Printer to be published in the Official Gazette.

Mr. FOSTER. I am very much interested in the discussion of this bill, and it seems like a measure of reform, one that ought to pass. But there is rather an ominous silence on the part of the other members of the Judiciary Committee. I would like to hear from them on this subject, as I understand the bill has been examined by them three or four times.

Mr. EDEN. The gentleman from Ohio seems to be in doubt whether this is a measure of economy. It proposes to enlarge the dimensions of the Government printing establishment, which, as everybody knows, is an exceedingly cheap institution; and as a matter of course the more we enlarge it the cheaper it will be.

Mr. FOSTER. If the gentleman is a member of the Judiciary Committee, I have called on him; if he is not, I did not.

Mr. BUTLER. When an appropriation bill is under the charge of the gentleman from Ohio [Mr. FOSTER] would he think it complimentary if I should get up and say, "I would like to know whether the gentleman is speaking for the Appropriation Committee?"

Mr. FOSTER. Perhaps I would not.

Mr. BUTLER. Especially if I had not been in to hear him, but had just come from dinner. [Laughter.]

Mr. FOSTER. Oh, I have heard every word the gentleman said and have been greatly interested. The reason I want to hear from the committee is this: there is a rumor going around the Hall that they have not agreed to this proposition.

Mr. BUTLER. That rumor is unworthy of the men who originated it and unworthy to be repeated by the gentleman. I say that the committee did agree to this report. I have said so in the presence of the committee.

Mr. FOSTER. Well, members of the Judiciary Committee have intimated to him that the bill never received the sanction of the committee.

Mr. BUTLER. Let the chairman of the committee [Mr. KNOTT] speak, if it is necessary I shall call a voucher. It may be that the gentleman from Ohio will need to call a voucher before he dies.

Mr. FOSTER. I should be glad to hear from the committee, as it has gone so far.

Mr. KNOTT. Mr. Speaker, as one of the Judiciary Committee I desire to say the bill now before the House has my hearty approbation. I believe it to be an economical measure. I believe, in the first place, that the publication of the official advertisements of this Government in the manner proposed can be done much cheaper in the Public Printing Office, through the medium of a gazette such as is contemplated by this bill, than it can be done through the newspapers of the country according to their customary rates for advertising. I believe in the second place that information can be more generally diffused in the manner proposed in this bill than by the plan ordinarily proposed in public advertisements for the Government.

Gentlemen who have paid attention to the details of the bill will find that a certain number of copies of this official gazette is to be distributed through the agency of the various representatives of the people upon this floor. A copy is to be deposited in the office of the secretary of state of every State in the Union. A copy, if I am not mistaken, is to be deposited in the office of the clerk of every district court of the United States. And, more than all that, a copy is to be deposited in the office of every county clerk in every county throughout the United States.

In this manner it occurs to me information such as is sought to be

given through the instrumentality of these advertisements can be more universally disseminated and can reach more certainly those parties who are interested in these advertisements than according to the plan now pursued by publishing advertisements in the newspapers of the United States.

Mr. ATKINS. Will the gentleman from Kentucky allow me to ask him how much this will cost the government per annum—one for each county court in the United States and one for each secretary of state and other copies elsewhere?

Mr. KNOTT. I have made no estimate—

Mr. ATKINS. Has the committee made any estimate?

Mr. KNOTT. I have myself made no estimate of what it would cost, but I feel confident the cost would be less than that which is now incurred by the Government of the United States in public advertisements. The gentleman who reported the bill by the authority of the Judiciary Committee has been at the pains of ascertaining the facts in that regard, and upon the statistics he will be able to lay before the House I rely for the statement I make, that I believe it would be far more economical than the plan at present pursued by the Government.

I am asked whether this bill is reported to the House by the unanimous voice of the Committee on the Judiciary. So far as I know, sir, that is the fact. If there was, there was not more than one dissenting voice; but I do not believe there was one dissenting voice to the proposition to report the bill to the House. Gentlemen may have reserved the right to vote on the bill as they saw proper when it got to the House, but I think I am violating no confidence of the committee when I say it was by the unanimous consent of that committee the bill was reported here by the gentleman from Massachusetts. If I am wrong in that, some of my colleagues on the committee are at liberty to take the opportunity to correct me.

Mr. MORRISON. Does the gentleman say the bill was considered and approved by the committee?

Mr. KNOTT. So far as that is concerned I will only say what I have already said, that it was unanimous with perhaps one exception, and I do not know there was a solitary exception in authorizing the gentleman from Massachusetts to report the bill to the House.

Mr. KENNA. With the recommendation that it do pass?

Mr. KNOTT. I say perhaps gentlemen reserved to themselves the right to vote as they saw proper when it came before the House.

Mr. KENNA. How many members of the committee reserved the right to vote as they pleased?

Mr. KNOTT. I do not know any did. When a bill is reported to the House the presumption is it was by the authority of the committee, and I take it it would be exceedingly ungracious to catechise members of a committee as to how many were in favor of a bill and how many reserved the right to vote on it and all that sort of thing. When all consented to the proposition it should be reported.

I am speaking for myself, and not for any of my colleagues on the committee at all. Speaking for myself, I have simply to say that in my opinion the measure will be one of economy, and it will be one through which and by which a more general dissemination of information may be obtained than by the present system of the various Departments of the Government employing newspapers at their own rates to publish advertisements in public localities which perhaps are read by one out of a hundred of those who are interested in the subject-matter of the advertisements.

Mr. KENNA. As the gentleman from Kentucky has misunderstood me, I hope I will have an opportunity to set myself right. I asked the gentleman the question as to how many members of the committee reserved the right to vote on the measure in the House as they saw fit, not with a view to reflect on the gentleman or any member of the committee or to question the statement of the gentleman from Massachusetts. But from the statement of the gentleman who has just occupied the floor that gentlemen on the committee reserved the right to vote as they pleased I infer that the committee had authorized the bill to be reported without recommendation; and I put the question with the view of ascertaining that fact. I see no reason why a member cannot ask a question on this floor for information which he may very much need simply because he may belong to one or another committee of this House.

Mr. HARRIS, of Virginia. I had intended to say nothing upon this question. But the Committee on the Judiciary seem to be called to give their recollections for the information of the House, and I will say that so far as my recollection serves me the gentleman from Massachusetts [Mr. BUTLER] has pursued directly the course which he was instructed to pursue by the committee; that is, he was not instructed, but leave was given him to report the bill, to make a motion to recommit the bill to the committee, and then to enter a motion to reconsider, so as to have it under his control at all times. My recollection further is that no definite vote was taken upon the merits of the bill in committee. For myself I reserved the right to vote as I thought proper, and I shall vote in the negative.

Mr. BUTLER. I now ask that the amendments be read, and then I shall move the previous question.

Mr. McMAHON. Before the previous question is moved I desire to say a word. I want this bill to be determined, as it ought to be, upon its own merits. If the recommendation of the Judiciary Committee for or against it is worth anything, the bill has not got that recommendation for or against it, and any gentleman who states that it has I think misapprehends the situation.

The gentleman from Massachusetts reported this bill to the committee and was authorized to report it to the House for the purpose of having it printed and recommitted. When he entered the motion to reconsider, that he did it of his own motion and without any instruction from the committee. When the committee subsequently came to consider the question, the notice was first given to us that the motion to reconsider had been entered, and the gentleman from Massachusetts then stated he had the bill in such a shape—which was true—that he could bring it up at any time.

Mr. KENNA. Will the gentleman allow me to interrupt him for a moment?

Mr. McMAHON. Let me finish my statement first. Then the question came up in the Judiciary Committee, what should be done with it. The gentleman from Michigan [Mr. CONGER] was one of the most strenuous opponents of this bill, and never gave his adhesion to it under any circumstances. My recollection is, but I will not be very sure of it, that the gentleman from Maine [Mr. FRYE] opposed it. I certainly never gave my adhesion to the bill, for the simple reason that it was so complicated in some of its provisions that I could not say whether the system it would introduce would be more economical than the old system. Now, the question came up in the committee what should be done with it. The gentleman from Michigan [Mr. CONGER] raised a disturbance in the committee. [Laughter.] He claimed that the motion to reconsider had been entered without authority.

Mr. BAKER, of Indiana. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BAKER, of Indiana. It is that it is not in order for the gentleman to reveal differences and other matters that take place in the committee.

The SPEAKER *pro tempore*. The point of order is well taken. The gentleman from Ohio [Mr. McMAHON] will proceed in order.

Mr. BUTLER. If it was not that I am under trial I should say that this telling of what was done in committee is something that has never been done before and I hope will not be done again while I am here.

The SPEAKER *pro tempore*. The point of order having been made the Chair declines to hear any more of what took place in committee.

Mr. McMAHON. Is all that has been told as to what took place in committee ruled out?

The SPEAKER *pro tempore*. It ought to be.

Mr. McMAHON. Therefore the statement of the gentleman from Massachusetts that he was authorized to report the bill goes out.

Mr. BUTLER. It is proper to state what was the action of the committee, but not to state what was said by A, B, or C, members of the committee.

Mr. McMAHON. Who is the mouth-piece of the committee to state its action?

Mr. BUTLER. The mouth-piece of the committee is the member who is authorized to report the bill.

The SPEAKER *pro tempore*. The Chair insists that this discussion of what took place in committee shall not go further.

Mr. McMAHON. I have no opinion on this bill for or against it, and therefore I do not propose to vote for a new measure as against the old-established practice until I have had a chance to examine it. I do not mean to say that the bill has not been discussed somewhat in the committee, but it has never received that discussion in the committee that a bill should receive. I beg your pardon, Mr. Speaker. I did not mean to say that, but we certainly never did recommend the passage of the bill.

Mr. BUTLER. I call the previous question on the bill and the pending amendments.

Mr. KENNA. I rise to a privileged question.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. KENNA. If I am not mistaken, it is the right of a member on this floor to know when a measure comes before this House whether the recommendation of the committee reporting it is in favor of its passage or not.

The SPEAKER *pro tempore*. The Chair overrules the gentleman's privileged question. It is not a privileged question at all. The question before the House is on seconding the demand for the previous question.

Mr. CLYMER. I desire to know whether all the amendments proposed by the committee, have been read?

The SPEAKER *pro tempore*. The Chair so understands.

Mr. CLYMER. Then I ask the gentleman from Massachusetts [Mr. BUTLER] to allow me to offer this amendment, to insert after the word "contain" in line 7 of the first section, the words "the following matter and no other."

Mr. BUTLER. I have no objection to that.

Mr. PHILLIPS. I ask the gentleman from Massachusetts to allow me to offer an amendment.

Mr. BUTLER. I will allow the amendment to be read, but I cannot agree to it.

The SPEAKER *pro tempore*. The Chair desires to know whether the gentleman from Massachusetts intends to yield for the offering of further amendments, or does he insist upon the previous question?

Mr. BUTLER. I am willing to admit the amendment of the gentleman from Pennsylvania, [Mr. CLYMER.]

Mr. TOWNSHEND, of Illinois. I ask the gentleman from Massachusetts to allow me to offer an amendment.

Mr. BUTLER. I will hear it.

Mr. TOWNSHEND, of Illinois. I move to insert in line 3 of section 4, after the word "equal," the words "to 10 per cent. in addition."

Mr. BUTLER. I have no objection to that.

Mr. PHILLIPS. I appeal to the gentleman from Massachusetts to yield to me to offer my amendment.

Mr. BUTLER. I will yield to the gentleman to have his amendment read for information, but I cannot agree to his amendment.

Mr. PHILLIPS. The amendment I propose is, on page 6 of the bill, in the second line of section 8, to strike out the words, "or advertising;" so that it will read, "no letter-press printing, or binding of letter-press printing, shall be done," &c.

I desire to say one word only in regard to that amendment. It is proposed to take the whole advertising of the Government, which is now given out by the Departments throughout the country, and concentrate it in Washington City. When we advertise for any material needed in New York City we give the advertisement to the New York papers, and when we advertise for material needed in the West we put the advertisement in the Western papers. Now it is proposed to take the business away from the localities where the supplies may be needed and put it into a little paper to be published here, which is to be filed in certain places. I hope the gentleman from Massachusetts will strike out the words "or advertising."

Mr. BUTLER. I cannot yield for that amendment.

The previous question was seconded and the main question ordered; being first upon the amendments reported from the Committee on the Judiciary.

The first amendment reported by the committee was to insert after line 50, of section 1, the words:

And the reporter of decisions of the Supreme Court shall forthwith, after any decision of that court shall have been announced and printed for the use of the court, prepare an abstract of the facts and points in the case sufficient to the understanding thereof, (unless the same shall appear in the opinion of the court,) together with its opinion, and give the same forthwith to the Public Printer, to be published in the Official Gazette.

The amendment was agreed to.

The next amendment reported by the committee was to add to section 1 the following:

And it shall be the duty of each officer of the United States, having official matter hereinbefore named to be published, to cause the same forthwith to be transmitted to the Public Printer, to be published in the said Gazette.

The amendment was agreed to.

The next amendment reported by the committee was to insert in each of the lines 5 and 7 of section 2, after the word "advertisements," the words "and other matter to be published;" so that it will read:

The orders and advertisements issuing from the several Departments shall be inserted in said Official Advertiser under separate heads of the Department from which, or under the authority of which, or any officer of which such orders are issued, the orders and advertisements and other matter to be published under the head of each Department to be put together and so arranged that the orders and advertisements, and other matter to be published, of each Department can be furnished separately when called for, as hereinafter provided; all of which publications shall be official, and shall be so deemed and held to be for all purposes.

The amendment was agreed to.

The next amendment reported by the committee was to insert in line 10 of section 6, after the word "Territory," the words "two copies to the county clerk's office of each county or parish of each State and Territory, to be preserved in the records of said office."

The amendment was agreed to.

The next amendment reported by the committee was to amend section 6 by inserting in line 11, after the word "library," the words "and in said offices;" so that it will read:

And said copies shall be preserved in said library and in said offices, and said official personages receiving the same, to be open to inspection at all proper and reasonable times by all persons desiring so to do.

The amendment was agreed to.

The next amendment reported by the committee was to insert in line 8, section 10, after the word "Government," the words "or from private subscription;" so that it will read:

The Public Printer is required to make a report to the House of Representatives, on or before the first Monday of December of each year, containing a just and true account of the whole number of said Official Advertiser printed and furnished by him, to whom furnished, the cost of the same, and of any money that he may have received for the same, specifying the amounts received from any Department, bureau, or officer of the Government, or from private subscription, for the fiscal year last ended; also an estimate of the cost to the Government of publishing and distributing said Official Advertiser for the next succeeding fiscal year, or part thereof.

The amendment was agreed to.

The question recurred upon Mr. CLYMER's amendment, to insert in section 1, line 7, after the word "contain," the words "the following matter, and no other;" so that it will read:

That the Public Printer is authorized and directed to print and publish a weekly paper, to be designated The Official Advertiser of the United States, uniform in size and type with and upon the like paper that the CONGRESSIONAL RECORD is now printed, which paper shall contain the following matter, and no other.

The amendment was agreed to.

The question then recurred upon the amendment of Mr. TOWNSHEND, of Illinois, to insert in line 3 of section 4, after the word "equal," the words "to 10 per cent. in addition;" so that it will read:

Any person desiring to obtain The Official Advertiser may subscribe for it, paying for the same in advance at a price equal to 10 per cent. in addition to the cost to the United States of the printing, paper, folding, and enveloping, which shall

be sent to him through the mail free of charge, or he may subscribe for any part of The Official Advertiser containing the advertisements and orders issuing from any one or more Departments, to be paid for and forwarded in like manner.

Mr. BUTLER. That is the law now I think; at any rate it only adds 10 per cent. to the cost to the subscribers.

The amendment was agreed to; there being on a division ayes 97, noes not counted.

Mr. BUTLER. The pending amendments having all been disposed of, I ask UNANIMOUS consent to insert in the fourth line of section 6, after the words "United States" the words "and one copy to each Member and Delegate of the House of Representatives and Senator of the United States."

The SPEAKER *pro tempore*. That can only be done by unanimous consent as the bill is under the operation of the previous question.

Mr. EDEN. I object.

The question was upon ordering the bill, as amended, to be engrossed and read a third time.

Mr. WILSON. I desire to say that my vote upon this bill will be controlled by the consideration of economy. I desire to ask the gentlemen from Massachusetts—[Cries of "Regular order!"]

The SPEAKER *pro tempore*. Debate is not now in order.

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

The question was upon the passage of the bill.

Mr. EDEN, and Mr. HARRIS of Virginia, called for the yeas and nays.

The yeas and nays were ordered, there being 49 in the affirmative; more than one-fifth of the last vote.

The question was taken; and there were—yeas 109, nays 77, not voting 105; as follows:

YEAS—109.

| | | | |
|------------------|-----------------|------------------|-------------------|
| Bacon, | Dean, | Knott, | Riddle, |
| Bagley, | Deering, | Latham, | Robbins, |
| Baker, John H. | Dunnell, | Lathrop, | Sapp, |
| Ballou, | Eames, | Ligon, | Schleicher, |
| Banks, | Ellsworth, | Lynde, | Shallenberger |
| Bayne, | Evans, James L. | Layham, | Sinnickson, |
| Bell, | Forney, | McCook, | Springer, |
| Bisbee, | Foster, | McKenzie, | Starin, |
| Blair, | Gardner, | McKinley, | Steele, |
| Brentano, | Garth, | Mills, | Stenger, |
| Briggs, | Giddings, | Mitchell, | Thornburgh, |
| Browne, | Goode, | Money, | Throckmorton, |
| Buckner, | Hanna, | Morse, | Townsend, Amos |
| Burchard, | Hardenbergh, | Neal, | Turney, |
| Burdick, | Harrison, | Norcross, | Vance, |
| Butler, | Hayes, | Oliver, | Van Vorhes, |
| Caldwell, J. W. | Henderson, | Page, | Warner, |
| Candler, | Herbert, | Patterson, G. W. | White, Michael D. |
| Cannon, | Hewitt, G. W. | Patterson, T. M. | Williams, A. S. |
| Clark, Rush | Hubbell, | Peddle, | Williams, C. G. |
| Clymer, | Humphrey, | Phelps, | Williams, Jere N. |
| Cook, | Hunter, | Pollard, | Williams, Richard |
| Covert, | Itner, | Price, | Willits, |
| Cox, Jacob D. | James, | Pridemore, | Wright, |
| Crawens, | Jones, John S. | Rea, | Yeates. |
| Culberson, | Joyce, | Reed, | |
| Cutler, | Keifer, | Reilly, | |
| Davis, Joseph J. | Keightley, | Rice, William W. | |

NAYS—77.

| | | | |
|--------------------|------------------|------------------|-------------------|
| Aldrich, | Dibrell, | Hewitt, Abram S. | Sampson, |
| Atkins, | Dickey, | House, | Scales, |
| Bicknell, | Durham, | Hunton, | Shelley, |
| Blackburn, | Eden, | Jones, Frank | Singleton, |
| Boone, | Eickhoff, | Kenna, | Smith, William E. |
| Bouck, | Elam, | Lindsey, | Sparks, |
| Bragg, | Ellis, | Manning, | Stewart, |
| Brower, | Errett, | Marsh, | Stone, John W. |
| Bright, | Evans, I. Newton | McMahon, | Townshend, R. W. |
| Brogden, | Felton, | Morgan, | Tucker, |
| Cabell, | Franklin, | Morrison, | Turner, |
| Campbell, | Freeman, | Muldrov, | Wait, |
| Carlisle, | Gunter, | Muller, | Walsh, |
| Chalmers, | Hamilton, | O'Neill, | Whitthorne, |
| Clark of Missouri, | Harmer, | Phillips, | Williams, James |
| Cole, | Harris, Henry R. | Pound, | Wilson, |
| Crittenden, | Harris, John T. | Powers, | Young. |
| Cummings, | Hartzell, | Randolph, | |
| Davidson, | Hatcher, | Reagan, | |
| Denison, | Henry, | Ryan, | |

NOT VOTING—105.

| | | | |
|---------------------|------------------|-----------------|-------------------|
| Acklen, | Collins, | Haskell, | Metcalfe, |
| Aiken, | Conger, | Hazleton, | Monroe, |
| Baker, William H. | Cox, Samuel S. | Hendee, | Overton, |
| Banning, | Crapo, | Henkle, | Potter, |
| Beebe, | Danford, | Hiscock, | Pugh, |
| Benedict, | Davis, Horace | Hooker, | Quinn, |
| Bland, | Douglas, | Hungerford, | Rainey, |
| Bliss, | Dwight, | Jones, James T. | Rice, Americus V. |
| Blount, | Evins, John H. | Jorgensen, | Roberts, |
| Boyd, | Ewing, | Kelley, | Robertson, |
| Bridges, | Finley, | Ketcham, | Robinson, G. D. |
| Bundy, | Fort, | Killinger, | Robinson, M. S. |
| Cain, | Frye, | Kimmel, | Ross, |
| Caldwell, W. P. | Fuller, | Knapp, | Saylor, |
| Calkins, | Garfield, | Landers, | Sexton, |
| Camp, | Gause, | Lockwood, | Slemmons, |
| Caswell, | Gibson, | Loring, | Smalls, |
| Chittenden, | Glover, | Luttrell, | Smith, A. Herr, |
| Clafin, | Hale, | Mackey, | Southard, |
| Clark, Alvah A. | Harris, Benj. W. | Maish, | Stephens, |
| Clarke of Kentucky, | Hart, | Martin, | Stone, Joseph C. |
| Cobb, | Hartridge, | McGowan, | Strait, |

| | | | |
|-----------------|----------|-------------------|-------|
| Swann, | Waddell, | White, Harry | Wood, |
| Thompson, | Walker, | Wigginton, | Wren. |
| Tipton, | Ward, | Williams, Andrew | |
| Townsend, M. I. | Watson, | Willis, Albert S. | |
| Veeder, | Welch, | Willis, Benj. A. | |

So the bill was passed.

During the call of the roll the following announcements were made: Mr. HARRIS, of Georgia. My colleague, Mr. STEPHENS, is paired with Mr. DWIGHT, of New York.

Mr. MAYHAM. My colleagues, Mr. BENEDICT and Mr. CAMP, are paired.

Mr. KENNA. My colleague, Mr. MARTIN, is paired with Mr. PUGH, of New Jersey.

Mr. CANDLER. I desire to state that my colleague, Mr. BLOUNT, is paired with Mr. WILLIAMS, of New York.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. KNAPP, is absent on account of sickness and is paired on all political questions with my colleague, Mr. TIPTON.

Mr. COLE. I desire to state that Mr. LANDERS, of Connecticut, is detained from the House by illness, and is paired with Mr. ROBINSON, of Massachusetts.

Mr. EVANS, of Pennsylvania. My colleague, Mr. WARD, is paired with Mr. AIKEN, of South Carolina.

Mr. PAGE. I desire to state that my colleague, Mr. LUTTRELL, is detained from the House by illness.

Mr. SINICKSON. My colleague, Mr. PUGH, is detained from the House by reason of sickness in his family.

Mr. KEIGHTLEY. My colleague, Mr. MCGOWAN, is detained from the House on account of sickness.

Mr. OVERTON. On this question I am paired with my colleague, Mr. COLLINS.

Mr. TIPTON. I am paired with my colleague, Mr. KNAPP.

Mr. SHALLENBERGER. Mr. DANFORD, of Ohio, is paired with Mr. DOUGLAS, of Virginia.

Mr. CRITTENDEN. My colleague, Mr. GLOVER, is detained from the House by illness.

Mr. BRAGG. Mr. CLARK, of New Jersey, is paired with Mr. STRAIT, of Minnesota.

The result of the vote was then announced as above stated.

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

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. REAGAN. Mr. Speaker, I now desire to call up—

Mr. SPARKS. I rise to make a privileged report from a committee of conference.

The SPEAKER *pro tempore*. That report is in order at this time.

INDIAN APPROPRIATION BILL.

Mr. SPARKS 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. 4549) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various tribes, for the 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 15, 25, 30, 37, 51, and 62. That the House recede from its disagreement to the amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 24, 26, 27, 28, 29, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 44, 46, 48, 49, 50, 53, 54, 55, 56, 57, 59, 60, and agree to the same.

That the Senate recede from its amendment numbered 9, with an amendment as follows:

Substitute for the words proposed to be stricken out the following: "at the Abiquiu agency, at the rate of \$1,200, during the continuance of said agency."

And the House agree to the same.

That the House recede from its disagreement to the amendment numbered 22, and agree to the same with an amendment as follows:

Strike out "one" and insert "three."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 23, and agree to the same with an amendment as follows:

Substitute for the sum proposed by said amendment the sum of \$103,800.

And the Senate agree to the same.

That the Senate recede from its amendment numbered 31, with an amendment as follows:

Strike out the words "Commissioner of Indian Affairs," and substitute therefor "Secretary of the Interior."

And the House agree to the same.

That the Senate recede from its amendment numbered 43, with an amendment as follows:

Strike out of said amendment the word "eighty" and substitute therefor the word "ninety."

And the House agree to the same.

That the House recede from its disagreement to the amendment numbered 45, and agree to the same with an amendment as follows:

Strike out after the word "select," in line 4 of said amendment, the words "with the consent of said Indians" and insert in lieu thereof "not inconsistent with treaty stipulations with said tribes."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 47, and agree to the same with an amendment as follows:

Strike out the word "sixteen," in line 2 of said amendment, and insert in lieu thereof the word "ten."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 52, and agree to the words proposed to be stricken out, amended as follows:

After the first word insert "the sum of \$25,000 of," and strike out the word "re-appropriated," in lines 6 and 7, page 42 of the bill, and insert in lieu thereof the word "appropriated."

And the House agree to the same.
That the House recede from its disagreement to the amendment numbered 58, and agree to the same with an amendment as follows:
After the word "hundred," in the first line of said amendment, insert "and thirty."

And the Senate agree to the same.
That the Senate recede from its amendment numbered 61, and agree to the words proposed to be stricken out, with an amendment substituting for the words "Commissioner of Indian Affairs" the words "Secretary of the Interior."
And the House agree to the same.

WM. A. J. SPARKS,
JOHN H. BAKER,
O. R. SINGLETON,
Managers on the part of the House.
W. B. ALLISON,
WM. WINDOM,
WM. W. EATON,
Managers on the part of the Senate.

The report was agreed to.
Mr. SPARKS moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.

CULTIVATION OF TIMBER ON THE PUBLIC LANDS.

Mr. PATTERSON, of Colorado. I ask unanimous consent to take from the Speaker's table Senate bill No. 396, to amend section 2464 of the Revised Statutes, relating to the cultivation of timber on the public domain. The bill has been returned from the Senate with the amendment of the House disagreed to by the Senate and a request that a committee of conference be appointed upon the disagreeing votes of the two Houses. I move that the House insist upon its amendments and grant the conference asked for by the Senate.
The motion was agreed to.

The SPEAKER *pro tempore* appointed Mr. WIGGINTON, Mr. PATTERSON of Colorado, and Mr. WELSH as the conferees on the part of the House.

ORDER OF BUSINESS.

Mr. ATKINS. I move that the House do now adjourn.
Mr. REAGAN. I hope that this motion will not be agreed to.
Mr. KNOTT. I ask the gentleman from Tennessee [Mr. ATKINS] to give way a moment in order that I may ask unanimous consent to take from the Speaker's table the bill to repeal the bankrupt law, so that the House may concur in the amendments of the Senate.
Mr. KENNA. I object.
The SPEAKER *pro tempore*. The proposition of the gentleman from Kentucky [Mr. KNOTT] can only be agreed to by unanimous consent, and there is objection.
Mr. KENNA. I object, not out of discourtesy to the gentleman from Kentucky, but because I am opposed to the bill.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—
To Mr. BAKER, of New York, for one week, on account of important business;
To Mr. LUTTRELL, indefinitely, on account of sickness;
To Mr. KNAPP, indefinitely, on account of sickness;
To Mr. CAMP, indefinitely, on account of business;
To Mr. DURHAM, for two weeks, on account of important business; and
To Mr. KILLINGER, for one week, on account of a death in his family.

WITHDRAWAL OF PAPERS.

On motion of Mr. PRICE, by unanimous consent, leave was granted to withdraw from the files of the House the certificate of inspection of the steamboat D. A. McDonald, whose name a bill passed by both Houses proposes to change to Silver Wave.

The question being taken on the motion to adjourn, it was agreed to, there being—ayes 107, noes 45; and accordingly (at nine o'clock and fifty 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. BRIDGES: The petition of citizens of Emaus, Pennsylvania, that aid be granted to assist in the completion of the Texas and Pacific Railroad—to the Committee on the Pacific Railroad.

By Mr. GOODE: The petition of Mrs. Eliza Lynch, widow of the late Commodore Lynch, for a pension—to the Committee on Invalid Pensions.

By Mr. HARDENBERGH: The petition of manufacturers of tobacco of Jersey City, New Jersey, against reducing the tax on tobacco at the present session of Congress—to the Committee of Ways and Means.

Also, a paper relating to the amendment of the patent laws—to the Committee on Patents.

By Mr. HUBBELL: The petition of S. M. Stephenson and 75 other citizens of Menomonee, Michigan, against the passage of a bill providing for the appointment of a board of commissioners to protect fisheries—to the Committee on Commerce.

By Mr. LOCKWOOD: Papers relating to the Indian depredation claim of H. A. Bateman—to the Committee of Claims.

By Mr. O'NEILL: Papers relating to the bounty claim of Robert M. Barr—to the Committee on Military Affairs.

By Mr. PAGE: The petition of citizens of Los Angeles County, California, relating to the Rancho de los Nogales—to the Committee on the Judiciary.

Also, three petitions of citizens of San Francisco, California, for the passage of such laws as will enable the Southern Pacific Railroad Company to extend said road from the Colorado River, at Fort Yuma, through Arizona and New Mexico, and until a through connection is made with the Gulf of Mexico—to the Committee on the Pacific Railroad.

By Mr. RYAN: A paper relating to the claim of W. H. Morgan—to the Committee on War Claims.

By Mr. TOWNSEND, of Ohio: The petition of D. P. Eells, S. T. Everett, and 16 other bankers and bank presidents of Cleveland, Ohio, for the passage of the Reagan transportation bill now pending before Congress—to the Committee on Commerce.

Also, the petition of Russ, King & Clint, J. H. Shelden, and 25 other lumber dealers and business firms of Cleveland, Ohio, of similar import—to the same committee.

By Mr. WIGGINTON: Three petitions of citizens of Los Angeles County, California, for the enactment of such laws as will enable the Southern Pacific Railroad Company to extend their road from Fort Yuma through Arizona and New Mexico, and until through connection is made with the Gulf and Lower Mississippi—to the Committee on the Pacific Railroad.

IN SENATE.

THURSDAY, May 23, 1878.

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

HOUSE BILLS REFERRED.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. No. 2915) to perfect the title to certain real estate in the District of Columbia;

A bill (H. R. No. 3708) to regulate the practice of pharmacy in the District of Columbia;

A bill (H. R. No. 4616) to incorporate the National Fair Grounds Association;

A bill (H. R. No. 4713) supplementary to the act of March 3, 1873, entitled "An act supplemental to the act of February 9, 1821, incorporating Columbian College, District of Columbia;"

A bill (H. R. No. 4943) to authorize the commissioners of the District of Columbia to make and enforce regulations relative to the sale of coal, and also building regulations;

A bill (H. R. No. 4944) amendatory of the act to incorporate the Capitol, North O Street and South Washington Railway Company;

A bill (H. R. No. 4945) for the preservation of game and protection of birds in the District of Columbia;

A bill (H. R. No. 4946) to amend chapters 15 and 27 of the Revised Statutes of the United States relating to the District of Columbia, and to consolidate into one the offices of recorder of deeds and register of wills of said District; and

A joint resolution (H. R. No. 182) for the benefit of the penny-lunch house of the city of Washington, District of Columbia.

The bill (H. R. No. 4947) providing for the holding of additional terms of the district and circuit courts of the United States in the southern district of Illinois, and for other purposes, was read twice by its title, and referred to the Committee on the Judiciary.

DISTRICT JUSTICES AND CONSTABLES.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives upon the amendments of the Senate to the bill (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.

On motion of Mr. INGALLS, it was

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

By unanimous consent, it was

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

The PRESIDENT *pro tempore* appointed Mr. DORSEY, Mr. INGALLS, and Mr. HARRIS.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in answer to a resolution of the 29th ultimo, a statement of the appropriations and expenditures from the National Treasury for public and private purposes in the District of Columbia from July 1st, 1790, to June 30, 1876; which was referred to the Committee on the District of Columbia, and ordered to be printed.