Also, the petition of 15 citizens of Gentry County, Missouri, of similar import, to the same committee.

Also, the petition of 18 citizens of Vermillion County, Illinois, of similar import, to the same committee.

Also, the petition of 17 citizens of McLeod County, Minnesota, of similar import, to the same committee.

Also, the petition of 22 citizens of Parke County, Indiana, of similar import, to the same committee.

Also, the petition of 57 citizens of Copiah County, Mississippi, of similar import, to the same committee.

Also, the petition of 18 citizens of Henry County, Missouri, of similar import, to the same committee.

Also, the petition of 18 citizens of Wells County, Indiana, of similar import, to the same committee.

Also, the petition of 17 citizens of Brown County, Indiana, of similar import, to the same committee.

Also, the petition of 22 citizens of Clark County, Illinois, of similar import, to the same committee.

Also, the petition of 20 citizens of Madison County, Tennessee, of similar import, to the same committee.

Also, the petition of 27 citizens of Iroquois County, Illinois, of similar import, to the same committee.

Also, the petition of 28 citizens of Van Buren County, Michigan, of similar import, to the same committee.

Also, the petition of 14 citizens of Collin County, Texas, of similar import, to the same committee.

Also, the petition of 17 citizens of Perry County, Ohio, of similar import, to the same committee.

Also, the petition of 25 citizens of Oakland County, Michigan, of similar import, to the same committee.

Also, the petition of 21 citizens of Waupaca County, Wisconsin, of similar import, to the same committee.

Also, the petition of 14 citizens of Owen County, Indiana, of similar import, to the same committee.

Also, the petition of 21 citizens of Morgan County, Missouri, of similar import, to the same committee.

Also, the petition of 18 citizens of Saint Clair County, Missouri, of similar import, to the same committee.

By Mr. WILLIAMS, of Michigan: The petition of J. W. McCrath to be reimbursed for loss of a horse while employed in Government service, to the Committee on Claims.

By Mr. WOODFORD: The petition of William M. Baldwin and 124 others, for the passage of the bill (H. R. No. 1179) granting increased pensions to disabled soldiers, to the Committee on Invalid Pensions.

By Mr. ——: The petition of William West, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

WEDNESDAY, *April* 22, 1874.

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

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

CIVIL SERVICE.

The PRESIDENT *pro tempore* laid before the Senate a message of the President of the United States; which was read as follows:

To the Senate and House of Representatives:

Herewith I transmit the report of the civil service commission authorized by the act of Congress of March 3, 1871, and invite your special attention thereto.

If sustained by Congress, I have no doubt the rules can, after the experience gained, be so improved and enforced as to still more materially benefit the public service and relieve the Executive, members of Congress, and the heads of Departments from influences prejudicial to good administration.

The rules, as they have heretofore been enforced, have resulted beneficially, as is shown by the opinions of the members of the Cabinet and their subordinates in the Departments, and in that opinion I concur; but rules applicable to officers who are to be appointed by and with the advice and consent of the Senate are in great measure impracticable, except in so far as they may be sustained by the action of that body. This must necessarily remain so unless the direct sanction of the Senate is given to the rules.

I advise for the present only such appropriation as may be adequate to continue the work in its present form, and would leave to the future to determine whether the direct sanction of Congress should be given to rules that may perhaps be devised for regulating the method of selection of appointees, or a portion of them, who need to be confirmed by the Senate.

The same amount appropriated last year would be adequate for the coming year, but I think the public interest would be promoted by authority in the Executive for allowing a small compensation for special service performed beyond usual office hours under the act of 1871, to persons already in the service of the Government.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, April 18, 1874.

The message was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. DENNIS presented a petition of a large number of merchants and ship-owners of Baltimore, Maryland, praying the passage of an act to prevent compulsory pilotage; which was referred to the Committee on Commerce.

Mr. SCOTT presented the memorial of the Philadelphia Board of Trade, asking the repeal of the statutes relative to moieties and the employment of spies and informers in the customs department of the Government; which was referred to the Committee on Finance.

Mr. OGLESBY presented the petition of Mary P. Jarvis, of Geneva, Illinois, widow of the late Commodore Joseph R. Jarvis, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. HAMLIN presented the petition of A. A. Bradley, praying compensation for two horses lost and for services rendered by him as temporary inspector of the port of Savannah, Georgia, from April 9, 1872, to December, 1872; which was referred to the Committee on Claims.

Mr. THURMAN presented additional testimony in the case of Benjamin D. Lakin, of Hillsborough, Ohio, praying to be reimbursed for money paid for a substitute furnished to the Army in the late war; which was referred to the Committee on Claims.

Mr. STOCKTON presented a joint resolution of the Legislature of New Jersey, recommending an appropriation for the improvement of Barnegat Bay and its tributaries; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. LEWIS presented the petition of Abraham Miller and others, of Virginia, praying the establishment of an Army and Navy hospital at Taylor's or Massanetta Springs in Rockingham County, Virginia; which was referred to the Committee on Naval Affairs.

Mr. BOUTWELL presented the petition of John J. Giles and others, merchants of Boston, asking the passage of a law abolishing the system of compulsory pilotage; which was referred to the Committee on Commerce.

Mr. WEST presented the petition of Turner Merritt, praying compensation for one hundred and thirteen bales of cotton taken by order of General Banks for the use of the United States Army for the construction of fortifications at Port Hudson, Mississippi; which was referred to the Committee on Claims.

Mr. HAMLIN presented a petition of citizens of the District of Columbia, praying that such provisions as will insure the safety of travelers on the Fourteenth street road be inserted in the charter to be granted the Piney Branch and Rock Creek Railroad; which was referred to the Committee on the District of Columbia.

Mr. LOGAN presented a petition of officers of the university of Chicago, praying compensation for the use and destruction of their property by United States troops during the late war; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. PRATT, from the Committee on Claims, to whom was referred the petition of Casper Gimber, asking payment for property destroyed by military order, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Benjamin Fish, praying compensation for horses captured by the enemy while in the service of Major J. W. Smith, paymaster United States Army, in 1863, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. DAVIS, from the Committee on Claims, to whom was referred the bill (H. R. No. 2100) for the relief of Martin Hoff, Casper Doerr, and George Gebhart, citizens of Saint Louis, Missouri, reported it without amendment.

He also, from the same committee, to whom was referred the petition of Louisa Fitch, widow of Captain E. P. Fitch, praying compensation for two horses appropriated to the use of the United States during the late rebellion, on the death of Captain Fitch, which occurred while on duty in the field as captain and quartermaster in the United States Army, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the petition of E. A. Coleman, praying compensation for services rendered by his son, Charles J. Coleman, as first lieutenant Company H, First Kansas Colored Volunteers, from August, 1862, to May, 1863, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 699) to regulate bids for goods, supplies, and transportation on account of the Indian service, reported it without amendment.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (S. No. 271) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson, deceased, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. STOCKTON, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 2330) to extend the provisions of section 21 of chapter 200 of the acts passed at the second session of the Thirty-seventh Congress giving to unnaturalized persons enlisting in the naval service or Marine Corps of the United States the same rights as are now given by law to such persons enlisted in the Army of the United States, reported it without amendment.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 706) to amend an act approved July 17, 1862, entitled "An act for the better government of the Navy of the United States," reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 716) for the better government of the Navy of the United States, reported it with an amendment.

Mr. SCOTT. I am directed by the Committee on Claims, to whom was referred the bill (H. R. No. 2332) for the relief of S. D. Hicks, administrator of R. M. Harvey, to report it back with a written report and with the recommendation that it do not pass. The Senator from Virginia [Mr. JOHNSTON] not now in his seat desires that the bill may go on the Calendar.

The report was ordered to be printed.

Mr. SCOTT, from the same committee, to whom was referred the petition of R. M. Harvey, praying the refunding of certain moneys, the proceeds of a sale of tobacco under decree of a court at Richmond, Virginia, erroneously covered into the Treasury, asked to be discharged from its further consideration; which was agreed to.

AGREEMENT WITH UTES OF COLORADO.

Mr. BUCKINGHAM. I am instructed by the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 2193) to ratify an agreement with certain Ute Indians in Colorado, and to make an appropriation for carrying out the same, to report it back and recommend its passage; and inasmuch as it is a House bill, I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It ratifies and confirms an agreement or convention made and entered into at the Los Piños agency for the Ute Indians, on the 13th day of September, 1873, by and between Felix R. Brunot, commissioner in behalf of the United States, and the chiefs, head-men, and men of the Tabequache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Ute Indians, which is quoted at length in the bill; and directs the Secretary of the Treasury to issue, set apart, and hold, as a perpetual fund, in trust for the Ute Indians, a sufficient amount of 5 per cent. bonds of the United States, the interest on which shall be $25,000 per annum; which interest shall be paid annually, as the President of the United States may direct, for the benefit of those Indians; and also directs the Secretary of the Treasury to cause to be paid to Ouray $1,000, as the first installment due him annually, so long as he shall be chief of the Utes.

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

BILLS INTRODUCED.

Mr. HAMILTON, of Maryland, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 727) for the relief of Mrs. S. V. L. Findlay; which was read twice by its title, and referred to the Committee on Claims.

Mr. FERRY, of Michigan, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 728) to define a gross of matches, to provide for uniform packages, and for other purposes; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 729) to enable Indians to become citizens of the United States; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HAMILTON, of Texas, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 730) to provide for ascertaining the amount of damage sustained by citizens of Texas from marauding bands of Indians and Mexicans upon the frontiers of Texas; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

MENNONITE SETTLERS ON THE PUBLIC LANDS.

Mr. WINDOM. I move to proceed to the consideration of the bill (S. No. 655) to enable the Mennonites from Russia to effect permanent settlement on the public lands of the United States, which has been once or twice under consideration.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the amendment of Mr. STEWART to the amendment reported by the Committee on Public Lands.

Mr. WINDOM. If it is in order I should like to perfect the text before the amendment of the Senator from Nevada is voted on.

The PRESIDENT *pro tempore*. That is in order.

Mr. WINDOM. In section 8 I am instructed by the Committee on Public Lands to move to strike out the words "five hundred" and insert "three hundred;" so that it will read:

That the aggregate of lands held under declaratory statements as aforesaid shall not at any one time exceed three hundred thousand acres.

The amendment to the amendment was agreed to.

Mr. WINDOM. On the fourth line of the same section I move to strike out the words "one hundred" and insert "fifty;" so as to read:

Nor shall any one filing embrace more than fifty thousand acres.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Nevada [Mr. STEWART] as a substitute for the amendment reported by the Committe on Public Lands.

The amendment of Mr. STEWART was read, as follows:

Whenever a body of such persons, being heads of families or single persons over twenty-one years of age, shall, through a duly constituted and accredited agent, file with the Secretary of the Interior an application for permission to locate a portion of the public lands of the United States, accompanying such application with a list of the persons composing such body, and the quantity desired by each, the Secretary may authorize such location to be made in any land district of the United States, by giving such agent the proper certificate in writing, under seal of his office, stating that such application has been filed, and reciting the number of persons so applying and the number of acres which they may include in their claim.

SEC. 2. That any person named in the application and petition on file with the Secretary of the Interior shall have the exclusive right of entry for the period of two years from the date of filing as aforesaid upon complying with the laws of the United States existing at the date of entry.

SEC. 3. That at the expiration of the period of two years as aforesaid, all lands not entered by the parties entitled under the foregoing provisions shall be subject to the entry of any other person under the laws applicable to the same as other public lands of the United States.

SEC. 4. That no one filing shall embrace more than one township of thirty-six sections, nor shall a new filing be made until the lands of the former filing shall be exhausted.

SEC. 5. That the Commissioner of the General Land Office shall have power to make all needful rules and regulations to carry into effect the provisions of this act.

Mr. SARGENT. The Senator from Nevada is engaged on a committee of investigation. I have sent for him and suppose he will be here in a moment. I think he would like to be heard on this amendment.

Mr. RAMSEY. Then I propose to make an amendment to the text of the bill. I propose in the fifth and sixth lines of the second section to strike out the words "held at the minimum price," and again in the fifth section to strike out the same words in the tenth line.

Almost all the public lands, with scarcely an exception, are held either at the minimum or double minimum; but there is a tract of land in Minnesota known as the Sioux reservation up the Minnesota River for which many of these Mennonites have expressed a very great desire. It is very desirable land. They wish to go there. These lands are held as public lands, but held in trust for Indians subject to appraisement. They have been appraised at prices very little above the minimum, $1.30, and $1.40, and $1.50 an acre. There can be no objection to allowing these people to take those lands at the appraised value; but they will be excluded from doing so unless the amendment I suggest is made. There can be no objection to it, I am sure.

Mr. WINDOM. I see no objection unless some other member of the Committee on Public Lands objects.

Mr. RAMSEY. The Senator having the bill in charge assents to this amendment, and I presume no one else will object.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Minnesota [Mr. RAMSEY] to the amendment reported from the Committee on Public Lands.

Mr. MORRILL, of Vermont. I call the attention of the Senator from Minnesota to the fact that his amendment leaves the lands that are held at less than the double-minimum price without any price fixed; and therefore his amendment, to the purpose of which I have no objection, ought to be in a separate clause; not to amend this clause but to insert words accomplishing what he desires.

Mr. RAMSEY. As to price there are but two classes of lands as a general thing in the United States, those at the minimum price, of which they may take one hundred and sixty acres, or at the double minimum, of which they may take eighty acres. This is the only exception; I know of no other in the United States. The difficulty the Senator from Vermont apprehends cannot arise in this case.

Mr. MORRILL, of Vermont. But the Senator will see that he strikes out the word "minimum." He wants to include those lands that are sold at the minimum price and those also that are held in trust for the Indians. Why not express it in so many words? Then there can be no chance whatever for any dispute or controversy hereafter.

Mr. RAMSEY. I do not see it as the Senator does, but I will try to get up an amendment to suit him.

Mr. MORRILL, of Vermont. Very well.

Mr. RAMSEY. Inasmuch as the Senator from Vermont thinks my amendment will not answer the purpose, I will withdraw it and offer another.

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

Mr. RAMSEY. Probably he will have no objection to letting us prefect the bill before we vote on his amendment.

Mr. STEWART. I have no objection to that.

Mr. RAMSEY. Then I propose to amend by inserting after the word "price," in the sixth line of the second section, where it first occurs, the words "or one hundred and sixty acres of any lands held in trust by the Government at their appraised value;" and the same amendment should be repeated in the tenth line of the fifth section.

The PRESIDENT *pro tempore*. The question is on the amendment now proposed by the Senator from Minnesota [Mr. RAMSEY] to the amendment of the Committee on Public Lands.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amend ment proposed by the Senator from Nevada to the amendment of the Committee on Public Lands.

Mr. STEWART. I should like to modify my amendment.

Mr. WINDOM. While the Senator from Nevada is modifying his

amendment, I wish to say that since his amendment was submitted to the Senate the Committee on Public Lands have considered the subject, and unanimously, I believe, with the exception of the Senator from Nevada, decided that the bill as it stands will better accomplish the object, and is less objectionable than the amendment of the Senator from Nevada. I especially requested the Senator from Nevada to be present at that meeting of the committee, but as he was not present, he did not agree to the action of the committee. If he had been, I think the action would have been unanimous.

Mr. STEWART. I will call attention to my objection to this bill. My objection is that it does more than is necessary to accomplish the purpose. I regret that I could not be present at the meeting of the committee of which the Senator speaks.

The first section of the bill provides for any person who is an agent of the Mennonites applying to the Secretary of the Interior, with a list of the names of persons who desire to immigrate to this country and locate on public lands; and then the Secretary of the Interior gives him a certificate reciting that he may make a location for these persons. Then—

Upon presentation of the certificate aforesaid to the register of any land district, such agent, as aforesaid, shall be permitted to locate in a compact body any tract of unappropriated public land not mineral and not exceeding the amount of one hundred and sixty acres held at the minimum price, or eighty acres held at the double minimum price, for each person composing such body of individuals named in the said petition and application: *Provided*, That no prior right of any person under existing laws shall be prejudiced by this act.

Then, instead of having the Secretary of the Interior simply divide a township of land for the purpose of giving these people an opportunity to come here, this agent enters each specific tract, which in the first place is considerably complicated, in the next place expensive, and in the next place it ties the land up in case the parties never come. The land is entered by an agent, which our land system has never favored. We have struggled in behalf of the soldiers to have large bodies of land entered by an agent; but it was resisted here and discussed for many days, and disagreed to in both Houses of Congress, because it involved the principle of entries of land by an agent; and that is unnecessary for the purposes of this bill. Then—

Such location shall be made by filing with the register a declaratory statement, describing the lands by sectional subdivision, township, and range, and the payment to the receiver of fees at the rate of one dollar, each, to the register and receiver for each one hundred and sixty acres embraced in the application, to be accounted for as other fees and allowances, and subject to the restrictions under existing laws as to maximum compensation of those officers.

It allows the land to be entered, even if the parties do not come to this country at all. This is an entire violation of our whole system of laws and is unnecessary for the purpose. If the lands were withdrawn and these persons allowed to have an opportunity to enter them in a body, that would do all they desire to accomplish.

And upon receipt of such fees, the receiver shall issue his receipt therefor, setting forth the fact of such declaratory statement having been filed—

A declaratory statement for the whole community filed by one man—

giving the number of the same, and the description of the land, and acknowledging the said payment of the fees as aforesaid; which receipt shall be delivered to such agent, and shall be his voucher for the filing of the declaratory statement and payment of the fees as aforesaid.

Mr. WINDOM. I beg the Senator's pardon, but I do not understand from what clause of this bill he says it permits them to enter these lands before they come to this country.

Mr. STEWART. By an agent. It permits them to enter the land before they come to this country by an agent.

Mr. WINDOM. Will the Senator point out the language of the bill which authorizes the entry?

Mr. STEWART. It is as follows:

That upon presentation of the certificate aforesaid to the register of any land district, such agent as aforesaid shall be permitted to locate in a compact body any tract of unappropriated public land not mineral, and not exceeding the amount of one hundred and sixty acres held at the minimum price, or eighty acres held at the double-minimum price, for each person composing such body of individuals named in the said petition and application.

Mr. WINDOM. But that word "locate" is certainly construed by the subsequent provisions of the bill not to mean to enter, because the lands are simply withdrawn for two years. If they do not come and take possession of them and comply with existing laws by the end of two years they fall back into the body of public lands under existing laws.

Mr. STEWART. There will be great difficulty about the lands falling back after having been once entered. I object to the entry; I do not object to withdrawing the lands. This is intended to be an entry, because the register, as a portion of his monthly returns, is to make return to the Land Office.

That the register shall forward to the General Land Office, as a portion of his monthly returns, a duly certified abstract of the declaratory statement, in the same manner as similar returns are rendered in pre-emption cases, to be entered upon the books of the General Land Office.

It goes on to say in the fifth section:

That any person named in the application and petition on file with the Secretary of the Interior, or, if he be dead, his legal representatives, shall have the exclusive right of entry for the period of two years from the date of filing as aforesaid, under the laws of the United States existing at the date of entry, of a tract of land embraced in said declaratory statement, not exceeding the quantity named in the original application and petition as the amount desired by such person, and in no case exceeding one hundred and sixty acres of minimum or eighty acres of double-minimum lands.

In the first place, the very act that constitutes entry is done by the agent, and fees are paid for it the same as for other entries. It will cost to enter a township and subdivide it and put down each man's name for his tract six or eight thousand dollars. Then it goes on to provide that they shall have the right of entry after they come here. Will they pay these fees over again? What is meant by the subsequent right of entry to the individual after the land has been entered and it has been credited to him on the books?

Mr. WINDOM. What is meant by the subsequent right of entry is to construe the first word "location," which does not mean "entry" at all, but simply that he makes his selection or location and for two years he has the right of entry if he pays for it. There is no provision, as I read this bill, authorizing any entry until the man settles upon it and enters it under existing laws.

Section 7 provides:

That at the expiration of the period of two years, as aforesaid, all lands not entered by the parties entitled under the foregoing provisions shall be subject to the entry of any other person under the laws applicable to the same as other public lands of the United States.

Showing clearly that the word "location," as first used, does not mean "entry," but means the simple selection of the land, and that the right of entry exists for two years after that location or selection; and if the right of entry is not perfected within two years, anybody else may enter.

Mr. STEWART. Then calling this act of filing a declaratory statement, and having it entered in the land office and sent up here, a "location" in one place is supposed to make it different from an ordinary entry; but these are the same acts that constitute entry in other cases. It is this that I complain of. What does the pre-emption settler or the homestead settler do in locating land? He selects the land, files in the local land office a declaratory statement, then has the land returned as selected or entered by him. That is all. The same acts are required to be done here by an agent. Then it is idle to say that the party shall have the exclusive right of entry if the land has been entered and all acts necessary to constitute an entry have been done. If it is not meant that he shall enter, what is the use of all this expense for making selections to simply have a body of land set aside? If it is not intended to be an entry, it is superfluous and complicated, and it is attended by consequences that may be very inconvenient. It is provided that an individual shall get such a right as shall descend to his heirs; an individual that never comes to the country gets a right through the act of an agent that shall descend to his heirs. The fifth section says:

That any person named in the application and petition on file with the Secretary of the Interior, or, if he be dead, his legal representatives, shall have the exclusive right of entry for the period of two years from the date of filing as aforesaid, under the laws of the United States existing at the date of entry, of a tract of land embraced in said declaratory statement, not exceeding the quantity named in the original application and petition as the amount desired by such person, and in no case exceeding one hundred and sixty acres of minimum or eighty acres of double-minimum lands.

I submit that all that, paying that fee, having it certified to, having it subdivided, is unnecessary for the purposes intended by this bill, and then complications may arise out of it. Again:

SEC. 7. That at the expiration of the period of two years, as aforesaid, all lands not entered by the parties entitled under the foregoing provisions shall be subject to the entry of any other person under the laws applicable to the same as other public lands of the United States.

This is requiring a double entry to be made of the same thing. I do not think it is necessary at all; and my amendment is to avoid it.

Mr. PRATT. Mr. President, limited as I am in the morning hour I will attempt to reply to some of the objections urged to this bill by the honorable Senator from Nevada. Let me say that this bill was very carefully prepared by the committee; it met I believe its unanimous approbation, with the exception of the Senator from Nevada. It has been very carefully considered by the Commissioner of the General Land Office, and meets with his approval.

This bill is to be considered in the light of its recitals; in the light of the preamble which shows the occasion for just such a measure as this, and I do not think that we can improve it possibly by the amendment which the Senator from Nevada proposes.

This, to be sure, is exceptional legislation, but the occasion for it is exceptional and the opportunity which this country has of acquiring a large and very valuable body of emigrants to this country is an exceptional opportunity, and we are very likely to lose this immigration unless we pass this measure or something similar to it. Now, sir, briefly let me refer to the recitals in the preamble of the bill, which are the key to what follows and show the necessity of this legislation:

Whereas it has been represented that a certain sect of people, numbering between forty and fifty thousand persons, known as the Mennonites, now and for several generations residing in Southern Russia, near the shores of the Black Sea and the Sea of Azof, are very anxious to emigrate to the United States of America, and occupy portions of the public lands in compact bodies; and whereas they desire to dispose of their property in Russia, and to settle in various parts of this country in compact bodies, and some modification of the laws relating to the disposition of public lands is necessary in order to enable them to send out their agents and make selections and improvements in advance of the arrival of the main body.

These recitals answer all of the objections which I have heard urged against this bill. They cannot transfer themselves in a body at once. They own large and valuable possessions in Russia, and they must sell them all out between this and the year 1881, until which period the Emperor of Russia gives them the opportunity of disposing of their property there and emigrating to another country

in order to escape the military regulations of the empire. Between this and 1881 there are only six years. They must leave in detachments, and they must necessarily send an agent to this country or to Canada, which is competing with the United States for this emigration, for the purpose of selecting lands here or there for the immigrants to occupy when they shall come.

Now what are the provisions of this bill briefly stated? I do not think the Senator from Nevada caught the full import of the bill in reading it. I have abstracted it and the substance is as follows:

The first section provides that a body of persons, defining them, namely, the heads of families or single persons over twenty-one years of age, may by an agent file an application with the Secretary of the Interior for permission to locate a portion of the lands of the United States, giving a list of the persons who desire them and the quantity desired by each; and that quantity, as we know, cannot under our land system exceed one hundred and sixty acres. The Secretary of the Interior may then authorize the location to be made in any land district of the United States. He does this by giving the agent of the Mennonites a certificate under seal which recites the number of persons included in the application and the number of acres which they may include in their claim and location. That is the first section.

The next section provides that upon the agent presenting this certificate to the register of any land district he is permitted to locate in a compact body any tract of public land, not mineral, for each person named in the application, not exceeding one hundred and sixty acres for each. This must necessarily be done by the agent, because the Mennonites themselves are not in a condition to make this application themselves; they have not arrived here; and do not propose to come here until their agent shall first have made this selection.

The third section describes how the location is to be made; that is, by filing with the register a declaratory statement for each person named in the list, describing the land located and paying to the receiver the fees which our laws require in homestead and pre-emption cases. The receiver gives a receipt for the fees to the agent, and describes therein the number of the declaratory statement and gives a description of the land, and delivers the same to the agent; and this receipt is the voucher for the declaratory statement and evidence of the payment of the fees.

The fourth section provides that the register is to forward to the General Land Office an abstract of all these declaratory statements so filed.

The fifth section is the important one to which I call the attention of the Senate. Any person named in the application has the exclusive right of entry of the lands described in the declaratory statement for the period of two years. If the entry is not made within that time the right lapses.

The next section provides that all questions of priority arising between actual settlers shall be adjusted under existing rules.

The seventh section provides that at the expiration of two years all lands not entered by the parties entitled under the provisions just stated are subject to entry by others.

The eighth section, as amended this morning, provides that no application shall include more than fifty thousand acres, and the aggregate of lands held under the declaratory statements shall not at any one time exceed three hundred thousand acres.

That is the sum and substance of this bill. The question is whether in view of the exigency Congress will grant this privilege to this religious sect. They live in compact bodies in Europe. They are naturally attached to their religion and customs and habits of life, and they want to live in compact bodies in this country. There is no worthier class of people upon the face of the globe. I hold in my hand a book which describes the articles of their faith, gives their history from the time of Menno Simon, the founder of the sect, and shows how they were persecuted in Europe because of their peculiar views, they, like the Quakers, being unwilling to bear arms; and the editor, at the close of this article giving the history of the Mennonites, says this of them:

> They are distinguished above all others for their plainness in dress, economy in domestic arrangements, being frugal, thrifty, and withal very hospitable. They take in strangers, treat them kindly without charge. They suffer none of their members to become a public charge.

Why, sir, we have had portions of this religious sect upon this continent for nearly two hundred years. They settled in Pennsylvania as early as 1683, under the invitation of William Penn. They number in the United States now probably seventy-five or one hundred thousand. There are settlements of them scattered through Pennsylvania, Virginia, Maryland, Ohio, Indiana, New York, and Canada; and everywhere wherever they are settled they are distinguished by those characteristics that were forcibly pointed out the other day by the senior Senator from Pennsylvania, [Mr. CAMERON.]

Now, Mr. President, the condition of our public domain I do not think forbids that we should make this small concession to these Mennonites. The Commissioner of the General Land Office in his last report to Congress states that the total area of the land States and Territories is 1,834,998,000 acres, and the total public domain which was surveyed up to the 30th day of June, 1873, was 616,554,000 acres, leaving yet to be surveyed 1,218,443,000 acres. During the last fiscal year the total amount of the cash sales of our public lands was 1,625,266 acres, and the number of homestead entries 3,793,612 acres, making a little less than five and a half millions of our public domain that were taken up by settlers under our pre-emption and homestead laws during the entire year. Now, supposing that there are fifty thousand Mennonites who under the invitation of this bill shall immigrate to this country, and supposing that each head of a family or each single man over twenty-one years of age shall get one hundred and sixty acres of land, the whole amount of the public domain that will be taken up under the provisions of this bill will be only one million six hundred thousand acres. That is but a small fraction of the thirty million acres which are annually surveyed. I do not know how we could more usefully dispose of this much of the public domain than by inducing this worthy people to convert these waste lands into productive farms.

Mr. President, in the few minutes that remain of the morning hour I do not care about going further into this subject. Certainly there is no more valuable class of immigrants that have come or will come to this country than these Mennonites. I think we ought to hold out this inducement to them. It is very certain that unless they are induced to come here by something like this bill they will go to Canada. The Canadian government has held out greater inducements to them to emigrate there than this bill proposes, and I do not think that the amendment of the Senator from Nevada improves it. I am informed by my friend on my right [Mr. WADLEIGH] that the Canadian government has sent over to Russia an agent for the purpose of holding out inducements to the Mennonites to emigrate to and settle in Canada.

Mr. CARPENTER, (Mr. ANTHONY in the chair.) I do not intend to take much time, but merely to state the reasons why I shall vote against this bill. I think it a very bad bill in principle; I am not speaking of its details or the amendments. It is certainly a new departure in our policy of settling this country. We have heretofore acted upon the theory that people of all nations might find their home with us, that we would furnish to all the same facilities, and that they should be distributed among and commingled with our people, and planted without discrimination all over the country. Now it is proposed to establish a foreign colony in this country. There is no objection to and there is no obstacle in the way of these men coming here and buying land, and they may buy it very nearly in a compact form now; but the design of this bill is to create a close corporation, to plant a foreign colony, and establish a compact foreign community in our body-politic.

Mr. President, such a proceeding can, it seems to me, bear no fruits but evil. It is setting a precedent which we must follow hereafter when other nationalities ask us to do the same thing. Suppose one hundred thousand Irish Catholics desire to settle in one county, upon what principle can we deny them such a law as this after we pass this one? Suppose one hundred thousand German Protestants desire to settle in the next county, upon what principle can we deny them the same privileges? Suppose twenty thousand French communists want to locate here in a compact community, would you grant them such a privilege? If we once enter upon this plan and establish this precedent where are we to stop? Upon what principle can we discriminate against any other nationality or sect?

Mr. President, in my judgment the principle of this bill would be the worst we could adopt, not only for our own interest but for the persons intended to be benefited. We do not desire to have a town or a county settled by any foreign nationality, speaking their own language, having their national amusements, and in all things separate and distinct from Americans. The idea is and should be, and it should never be departed from, that in inviting foreigners to settle in this country they should take their place with our citizens; they should come here not to be Germans or Frenchmen or Italians, but to be Americans, to become American citizens, to speak our language, to support our institutions, to be of us in all things.

Now certainly the greatest obstacle in the way of this result would be to give the different nationalities a separate and distinct location, as this bill proposes to do.

Mr. PRATT. I wish to inquire of the Senator, as he lives in the Northwest, whether it is not true already that the immigrants from the northern countries of Europe, the Swedes, for example, and the Norwegians, have in point of fact located in compact bodies in the Northwestern States, and whether any of the evil consequences which the Senator anticipates have followed from their settlement in compact bodies?

Mr. CARPENTER. Mr. President, if that be so I see no necessity for such a bill as this.

The PRESIDING OFFICER. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday.

Mr. EDMUNDS. I ask that the Senator from Wisconsin be permitted to finish his remarks.

The PRESIDING OFFICER. If there be no objection permission will be granted. The Chair hears no objection.

Mr. WINDOM. I ask that the pending order be laid aside informally to finish this bill.

Mr. EDMUNDS. We cannot finish it without taking the day.

Mr. WINDOM. I cannot help that.

The PRESIDING OFFICER. Leave is given to the Senator from Wisconsin to conclude his remarks, and at their conclusion the Senator from Minnesota can make his proposition.

Mr. CARPENTER. There is only one other point I wish to suggest for consideration. I understand this bill does not require these persons to become American citizens at any time. I understand that it authorizes them, without paying any money, to withdraw this vast body of land from public entry and hold it for two years.

Mr. PRATT. Will the Senator allow me to correct him right at that point? There is nothing in the bill of that kind. It requires them to conform to the existing laws.

Mr. CARPENTER. Does it require them to become American citizens within any given time?

Mr. PRATT. No person can enter a foot of the public land at present under either our homestead or pre-emption laws unless he be a citizen or has declared his intention to become such citizen.

Mr. CARPENTER. May he not become the owner of land by private entry without being a citizen?

Mr. PRATT. Under existing law?

Mr. CARPENTER. Yes, sir.

Mr. PRATT. I am not aware of any State in which he could hold it as a foreigner.

Mr. WINDOM. The bill does not change that. Foreigners can buy any land that is subject to private entry.

Mr. CARPENTER. An alien can do that, I suppose?

Mr. WINDOM. Certainly; if the lands are subject to private entry. But this bill does not extend that right.

Mr. CARPENTER. In most of the States foreigners are allowed to vote on merely declaring their intention to become citizens. But here is the point to which I wish to call attention and which was referred to the other day by some Senator, I think the Senator from Connecticut, [Mr. FERRY;] that is, whether we can compel military service on the part of these people if we allow them to come here and settle as this bill proposes? The Senator from New York [Mr. CONKLING] maintained that we could, and to show that he referred to our statutes which declare that we *will*. That is all very well as a question of municipal law or internal policy, but the question is really an international question. The question is whether subjects of the Russian government settling here, without renouncing their allegiance to Russia, without declaring their intention to become American citizens, simply owning land, as all foreigners may do, can they be compelled by us to go into military service in case of war? The act of Congress says they must; I admit that. But the question is an international one, one as to which we must answer on the law of nations; and in my judgment it is a very grave question whether we can do this without giving offense to foreign nations; at all events without bringing us into complications with foreign nations.

In every point of view in which I can regard this bill I think it unfortunate. I think it unfortunate for the settlers themselves. I think it unfortunate for us and prejudicial in its influences and its consequences to our free institutions; and therefore I shall vote against it.

Mr. CAMERON. I trust we shall complete this bill, or try to complete it, before we take up another subject, and I rise for the purpose of asking the Senate to postpone the unfinished business for that purpose.

The PRESIDING OFFICER. Is there objection to laying aside informally the special order for the purpose of continuing the consideration of the bill under discussion during the morning hour?

Mr. STOCKTON. If the proposition were a reasonable one I should not object to it, but it is manifest now that we are to have a great deal of discussion in reference to the bill which has been before the Senate this morning. The gentlemen in charge of it suggest that the Louisiana bill be laid aside until this bill be finished. If their impression is that such a bill as this is going to be finished while another bill is laid aside informally, I think they are very much mistaken. I agree in all the Senator from Wisconsin [Mr. CARPENTER] has said. I look upon this bill as a very bad one, a very dangerous one, and one without precedent; and as it must lead to considerable debate, it would not be right, I think, to ask that we lay aside the unfinished business informally, as if it were understood that the present bill would soon be finished. I think it cannot be finished to-day, nor in many days.

The PRESIDING OFFICER. Objection is made to the proposition.

Mr. STEWART. Before this passes away I should like to submit a modification of my amendment to be printed.

The PRESIDING OFFICER. The order to print will be made.

Mr. CAMERON. If the Senator from New Jersey insists upon going on with the Louisiana question, on which he has the floor, of course courtesy will compel us to give way; but I am satisfied that if this bill was understood there would be no objection to it. All the argument of the Senator from Wisconsin has no effect on the bill. He seems to be mistaken in every particular of it. I think he can be convinced very readily, if we have time to go on with the bill; but of course I shall make no opposition to the wish of the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is entitled to the floor on the Louisiana question.

Mr. WINDOM. Will the Senator from New Jersey yield to me a single moment to give a notice.

Mr. STOCKTON. I will in a moment, after I reply to the Senator from Pennsylvania. I do not wish to be put in the position in which my friend from Pennsylvania places me. I do not intend to go on this morning at all; but having the floor, I propose, with the consent of the Senate, to yield it to a gentleman who does wish to speak as soon as the Louisiana bill comes up. Therefore I did not rise from any personal consideration or to occupy the time of the Senate; but I did rise to tell gentlemen what I believe to be the simple facts. I wish to notify them that I intend to speak against this Mennonite bill myself. I know other gentlemen around me intend to do it. I wish, therefore, to suggest to them that it is not right to bring it up in the place of another bill on the supposition that it can soon be finished. If gentlemen wish to take a vote I have no objection; but I suggest that is not the proper way to act in reference to a bill which is evidently a contested bill.

THE TRANSPORTATION QUESTION.

Mr. WINDOM. I desire to give notice that on Friday next I will present the report of the Select Committee on Transportation Routes to the Sea-board, and after doing so I shall ask the indulgence of the Senate at one o'clock of that day to make some remarks explanatory of the report.

MESSAGE FROM THE HOUSE.

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

A bill (H. R. No. 3088) to extend the time for completing entries on Osage Indian lands in Kansas; and

A bill (H. R. No. 3090) to authorize the issue of duplicate agricultural land scrip where the original has been lost or destroyed.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. No. 3029) to provide for the relief of the persons suffering from the overflow of the Lower Mississippi River;

A bill (H. R. No. 2885) to remove the disabilities of David Telfair, of North Carolina, and Charles H. McBlair, of Maryland.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President of the Senate:

A bill (H. R. No. 2350) authorizing the Secretary of the Treasury to issue certificate of registry and enrollment to the schooner Almina and changing the name to Minnie Davis;

A bill (H. R. No. 2885) to remove the disabilities of Charles H. McBlair, of Maryland; and

A bill (H. R. No. 3029) to provide for the relief of persons suffering from the overflow of the Lower Mississippi River.

STATE OF LOUISIANA.

The Senate resumed the consideration of the bill (S. No. 446) to restore the rights of the State of Louisiana, the question being on the amendment offered by Mr. BAYARD.

The PRESIDING OFFICER. The Senator from New Jersey is entitled to the floor.

Mr. STOCKTON. With the permission of the Senate, I will yield the floor to the Senator from Delaware, [Mr. SAULSBURY,] who wishes to address the Senate.

Mr. SAULSBURY. Mr. President, I avail myself of the courtesy of my friend from New Jersey, [Mr. STOCKTON,] who was entitled to the floor, to submit some remarks upon the condition of affairs in the State of Louisiana. I said a few days ago, when a motion was pending to take up this measure, that in my opinion no question more important was likely to come before the Senate at the present session; and I now repeat that, in my judgment, no question more vitally affecting, not only the welfare of the people of Louisiana, but the future destinies of the people of this whole country, is likely to come before the Senate in the near future than is presented in the question now under consideration.

Sir, it involves the inquiry and forces the consideration upon us how far the Federal Government, or any Department of the Government, may go in interfering with the affairs of the States of this Union. The position of affairs in Louisiana to-day is the result, the natural, necessary, legitimate result, of improper interference on the part of the Executive of this country with affairs in that State and with the local government of that State.

The further inquiry is forced upon us how long the liberties of the people of this country, in the selection of their own agents in the management of their own local governments, can exist unless something is done by the Senate and by Congress to rebuke the unwarranted action of the Executive in interfering with the condition of affairs in the State of Louisiana.

If we remain silent, indifferent, idle spectators, and see the tyranny and usurpation which has been set up by Federal power continued over the people of Louisiana, we are inviting in other States of this Union similar action on the part of the Executive, and may reap in our own experience the consequences of such action. Therefore I said the other day, and I now repeat, that no question of greater importance is likely to come before the Senate for its consideration than that presented by the bill and the amendment now before this body; and because of its importance I propose to submit some remarks upon it, promising the Senate that I shall detain them but a very short time.

Nothing but a sense of public duty would induce me to participate at all in this discussion. The discussion has been so ample and ex-

haustive that nothing new can be added to what has been already so well said by Senators who have spoken. The report of the Committee on Privileges and Elections at the last session, and the arguments then had in this Chamber, supplemented as they have been by unanswerable arguments made at the present session by several Senators, have exposed in its true light the great wrong inflicted upon the people of Louisiana.

I do not hope to add a single word that will impress any one not already convinced of the imperative duty of Congress to interpose for the relief of the people of that State. Yet I may not be silent. We on this side of the Chamber have not the power to break the chains that fetter the liberties of the people of a sovereign State of the Union and unloose the grasp of the tyranny that oppresses them. We can, however, assure them of our sympathies and utter a protest against their wrongs. We can appeal to the majority in this Chamber, intrusted for the present at least with the destinies of the country, to interpose in their behalf and do something for their relief. We can call upon the country to bear witness that these wrongs have been perpetrated under republican auspices and by republican influences. We can record our protests and utter our determination, if restored to power in the Government, to undo the great injustice to that State, and to wipe out the reproach upon our institutions and our republican form of government, and guard against the recurrence of similar events in the future. This is our duty. This for the present is our mission. The responsibility for the continuance of the usurpation now existing in Louisiana must rest with the majority in this Chamber and in the other House of Congress.

That responsibility they cannot escape nor devolve upon others. They may fail to meet and discharge the duty imposed upon them, but cannot escape the condemnation which will be sure to follow an omission to perform it. In order that we may see how imperative the demand upon the majority on this floor to do something for the relief of the people of that State let us look at their condition to-day. A government has been foisted upon them without their consent and in opposition to their protests. Local government of their choice has been denied them, and they are compelled to submit to rulers who are eating out their substance, trampling on their liberties, destroying the value of their property, and reducing them to poverty. The condition of things now existing in Louisiana would not be tolerated in any province or appendage of any European monarchy. England or Germany or Russia would not suffer any of their subjects to be deprived of their just rights and robbed of their estates without bringing to speedy and condign punishment the perpetrators of the wrong.

We have heard of the oppression of Ireland; but her saddest tale of injustice tells not of wrongs so great as are now perpetrated in one of our sister States, wrongs which go unpunished and unredressed, and which, I am sorry to say, seem not to awaken the least sympathy in the mind of Senators who have the power and ought to apply the remedy.

In fact, Mr. President, leading Senators upon this floor, belonging to the dominant party, instead of denouncing the Kellogg usurpation and using their influence to remove it from the State, have become its defenders, and are doing all in their power to perpetuate its existence. Twelve months ago the Senator from Indiana [Mr. MORTON] stood prominently forth as the open defender of the usurpation; but now the Senator from New Jersey [Mr. FRELINGHUYSEN] becomes even more emphatic, and pronounces judgment in favor of the usurpation, not on the ground of expediency alone, not because it has been recognized by the State courts and by the President and the House of Representatives, but upon the claim which he sets up of its rightful existence.

The Senator, who is a lawyer, and a good one, saw that it would not do to rest the claim of the usurpation upon the grounds urged by the Senator from Indiana, namely, recognition by the President, by the House of Representatives, and by the State courts of Louisiana. This he saw might all be true, and Kellogg's government still be a fraud and tyranny and usurpation, and in the public mind unworthy of respect. He knew full well that before it was entitled to recognition by this body it must present some claim of having been elected by the votes actually cast at the election. The position of the Senator from Indiana might satisfy the mind of the average party politician, but the Senator from New Jersey knew it would not satisfy the honest thinking men of the country, who respect right and justice more than party, and who would look with no favor upon a usurpation with no higher claim to respect than the mere recognition of party friends. The Senator also knew full well that it would not do to attempt the justification of the Kellogg usurpation upon the allegation that but for frauds in the election Kellogg and his legislature would have been elected. Such an allegation he knew could not reconcile the common judgment of the country to a government set up and sustained alone by Federal power. He doubtless had often in his own State attributed the defeat of his party to frauds practiced by his opponents; and he perhaps believed, what almost everybody else believed, that in Philadelphia, and perhaps in other parts of Pennsylvania, there had not been a fair election for twelve or fifteen years, and that his own party had been kept in power in Philadelphia especially by the most flagrant frauds practiced upon the ballot-box—frauds so open and notorious, that it has become a common proverb that majorities in Philadelphia are manufactured by personating and counting out and counting in according to the requirements of party exigency.

The Senator is too good a lawyer to rest the justification of the usurpation on either or both these grounds. He knew it could not be sustained by public sentiment in the country unless it could present some other claim to confidence. He knew it must have some legal status arising out of the votes cast at the election, or be condemned by the judgment of all honest men as a usurpation which ought not to be tolerated by this Senate.

The Senator also knew that it would not answer to rest the legal status of the usurpation upon the return of the Lynch board of supervisors. First, because no member of that board except John Lynch had ever been legally authorized under any law to act as a member of a returning board. Secondly, he knew that the law which created the Lynch board or any other board existing prior to November 20, 1872, had on that day been repealed and superseded by the law under which the De Feriet board was created, and that no board except the De Feriet board had any legal right to count any returns. Thirdly, the Senator knew that if the Lynch board had been in existence it never had a single return before it, and could not therefore count the proper return. It would not, therefore, do to place the legal status of the usurpation upon anything done by that board which based its returns upon rumors and estimates and forged affidavits. Nothing short of evidence arising out of the votes actually cast at the election could avail to clothe the Kellogg government with the semblance of legality, or justify the action of the Senate in refusing to remove its tyranny from the people of Louisiana.

Unless such evidence could be found Kellogg and his party were usurpers, and the duty of the Senate is imperative to remove them at once and to restore to the people of the State the government of their choice, of which they are now deprived. Impressed with this necessity the Senator from New Jersey goes to work to find, if possible, the evidence that Kellogg and his legislature were elected by the votes actually cast at the election. The Senator from Indiana had not attempted to do this. He knew it could not be done. He was a member of the Committee on Privileges and Elections; had seen the returns of the election, had seen them added up, and knew from a personal examination of the election returns, as well as from testimony taken before the committee, that McEnery and the fusion legislature had a majority of about ten thousand in the vote actually cast, and he could not and would not and did not venture to assert that Kellogg was elected by a majority of the votes cast.

The Senator from New Jersey, by a process of reasoning satisfactory doubtless to himself, has discovered evidence which he brings forward to prove that Kellogg and his legislature were elected by a majority of the votes cast at the election.

Let us see what that evidence is. The Senator's first evidence is what he terms "moral evidence." I suppose by that he means the impression which certain facts created upon his mind; but I would say to the Senator from New Jersey if that is what he means by moral evidence the same state of facts might make very different impressions upon different minds. But in order that I may not do injustice to the Senator I will read his remarks and the grounds upon which he bases or from which he derives the moral evidence which he brings up to support the claims of the Kellogg usurpation. In his speech delivered in the Senate April 14, 1874, the Senator says:

> I submit that the moral evidence that McEnery had not a majority of the legal votes cast, and that consequently Kellogg had, is to my mind irresistible.

I desire to read now the grounds upon which he bases that moral evidence, or from which it is derived. He says, and I read his words:

> Warmoth had the purpose, the intent, to carry that election by fraud. This is apparent, and is conceded.

Well, Mr. President, I do not know that Warmoth has conceded that such wash is purpose, and it is a very difficult matter to determine what a man's intention may be unless it is avowed. I do not know who has constituted the Senator from New Jersey or any other Senator a discerner of the thoughts and intents of the heart, that he can come into this Senate and assert positively, unequivocally, that Warmoth even, whom I shall not attempt to defend in this discussion, had the intention to cheat and to defraud. But I suppose it is inferred from what follows:

> It is notorious that he, elected a republican, was to give the State to the democracy, and as a return was to grace the United States Senate.

That is one of the facts stated out of which this moral evidence arises.

He says further:

> His legislature, I understand, attempted to elect him, but this project was abandoned because it was thought it would interfere with the recognition of the State government by the General Government.

That also is one of the facts from which this moral evidence arises. He proceeds:

> He appointed a man named Blanchard to be register.

I do not know that that would convict Warmoth either of an intention to cheat anybody, or of a desire to go to the Senate of the United States. Again:

> That man—
>
> That is, Blanchard—
>
> has made an affidavit. If the affidavit be true his character is such that no one can approve; if it be untrue, comment is unnecessary. Blanchard appointed the

supervisors in each parish or county, and the supervisor in each parish appointed three commissioners. To these were added three freeholders, who, with the commissioners, assisted the supervisors of the parish in counting the votes of the precincts. And we see at a glance that Warmoth could cheat Kellogg, but that Kellogg could not cheat Warmoth or McEnery. One could cheat. The organization of the election throughout the whole State originated with, and was controlled by, Warmoth. It is not denied that Warmoth meant fraud, and that he had the power to effect it. There was one circumstance which afforded great facility in carrying out this fraud. Almost every republican that came to the polls to be registered had a mark on him which said "I belong to the republican party;" he was a colored man. There were exceptions. There were some white republicans, but they were not so numerous that they were not known, so that it was an easy thing to make it difficult to get registration, or to secure the requisite identification between the voter and his registration papers.

And then the Senator goes on to suggest that Warmoth ought to have called together twenty men, ten democrats and ten republicans, and placed the returns before them to be counted; and he concludes:

Now, Mr. President, when one bent on fraud has it in his power to prove to a demonstration that his candidate is elected and shirks the investigation, it is moral evidence, irresistible, that the investigation would have proven that his candidate was defeated.

These are the grounds from which the Senator from New Jersey derives the moral evidence which he brings here to uphold and support the usurpation and tyranny of Mr. Kellogg. I submit, Mr. President, that there is nothing in the facts which he has related which establishes any evidence, of any character whatever, either that McEnery was elected or that Kellogg was.

Now, Mr. President, the Senator's mode of argumentation is most difficult to comprehend; but if I understand the logic of the Senator and the facts upon which he relies as furnishing *moral evidence* that Kellogg had a majority of the votes cast, stripped of verbiage it is this: that because Warmoth had the disposition, as the Senator alleges, to cheat Kellogg, and the power to cheat Kellogg, and Kellogg had no power to cheat Warmoth, and because the latter, who had the legal custody of the election returns, did not violate law and his sworn duty and do what no one ever proposed and perhaps no one ever thought about—call together twenty unauthorized men and hand over the returns to them to count and add up, it is moral evidence irresistible that a majority of the votes cast at the election were in favor of Kellogg.

I submit to the Senator that his process of reasoning may be novel and is novel, but his logic is not very apparent, and I am sure did not have the effect upon other minds which it seems to have upon his, to prove irresistibly that Kellogg, the usurper, was elected.

But, Mr. President, the Senator from New Jersey, not willing to risk the legality of the usurpation on the moral evidence which he brings forward, goes a step further, and asserts without qualification that Kellogg had a majority of the legal votes cast. The Senator comes to this conclusion by ignoring the returns made by the election officers, and entering into calculations based principally upon the registration of colored voters in certain parishes without any proof that in those parishes any more persons voted for Kellogg than were returned. He substitutes estimates of what the republican vote ought to have been if every negro had voted that day, and voted for Kellogg, for the return of the votes actually cast, and from that process of reasoning concludes that Kellogg had a majority of the votes polled. Well, that is an easy way to carry an election, much easier than by any other process.

Many an election has been carried by calculation in advance of the day of election, but I submit it is not a very reliable mode of determining the result of elections. By this process both parties frequently carry an election in a State long before the ballots are counted—sometimes for months before the day of election—but like all other human calculations how often are they doomed to disappointment! If the Senator has not had some experience in that line he has been a very fortunate man.

This is the kind of evidence which the Senator adduces to prove his proposition that Kellogg had a majority of the votes cast.

But what say the returns, the only evidence which the law recognizes as being legal proof of the result of the election? They were before the Committee on Privileges and Elections, composed at that time exclusively of republicans. They were counted by the committee, and we will hear what they say about the result.

The majority of that committee, composed of the Senator from Wisconsin, [Mr. CARPENTER,] the Senator from Rhode Island now in the chair, [Mr. ANTHONY,] the Senator from Illinois, [Mr. LOGAN,] and the Senator from Mississippi, [Mr. ALCORN,] say:

Your committee are, therefore, led to the conclusion that, if the election held in November, 1872, be not absolutely void for frauds committed therein, McEnery and his associates in State offices, and the persons certified as members of the Legislature by the De Feriet board, ought to be recognized as the legal government of the State.

* * * * * * *

If the Senate should be inclined not to go behind the official returns of the election, then the McEnery government and legislature must be recognized as the lawful government of the State, and McMillen, if regularly elected by that legislature, should be seated in the Senate in place of Kellogg.

That is what the majority of the committee say in reference to the returns of the election. They do not give the exact majority for McEnery, but Mr. Trumbull, who made a separate report, says that the average majority for the fusion ticket, headed by McEnery, was about 10,000. Every member of the committee but the Senator from Indiana, [Mr. MORTON]—and he does not deny it—say that according to the official returns McEnery was elected.

With the returns of the De Feriet board corroborated by the statement of the committee of this body who examined and counted the returns, a committee composed of republicans whose sympathies were not with McEnery, it is too late for the Senator from New Jersey to undertake to prove by his *moral evidence*, or his calculation, that Kellogg had a majority of the votes cast at the election. Nobody will believe it except the Senator himself. No, sir; Kellogg's government is a usurpation—a vile, flagrant tyranny set up and maintained by Federal power over the people of Louisiana. I need not go into its history; it is known by every Senator on this floor, and by almost everybody in the country. It is a standing reproach to our republican system of government, a blur and stain on free institutions, and a disgrace and dishonor to the American name.

I have said it was set up and maintained by Federal power. Is that not true? Hear what the committee say on this point. I speak of the majority of the committee. On page 28 of the report they say:

But for the interference of Judge Durell in the matter of this State election, a matter wholly beyond his jurisdiction, the McEnery government would to-day have been the *de facto* government of the State. Judge Durell interposed the Army of the United States between the people of Louisiana and the only government which has the semblance of regularity, and the result of this has been to establish the Kellogg government, so far as that State now has any government.

The interference of Durell and the Army of the United States is what established the usurpation, according to the testimony of four of the leading republican Senators on this floor. They further say, on page 44:

Your committee are, therefore, led to the conclusion that, if the election held in November, 1872, be not absolutely void for frauds committed therein, McEnery and his associates in State offices, and the persons certified as members of the Legislature by the De Feriet board, ought to be recognized as the legal government of the State.

Never in the history of a free people was there a more deliberate and persistent purpose to defeat the will of the people or deprive them of their liberties; no language can adequately portray the enormity of the wrong or express the full measure of guilt that attaches to the chief plotters of the treason against Louisiana. Posterity will judge this matter aright when the partisan passions of the hour have passed away. To-day a sovereign State of this Union is ruled by a usuper who but for the protection of Federal bayonets would be hanging on a gibbet or fleeing from the wrath and indignation of an outraged people. But let us turn to the record; let us see how this has been accomplished. The chosen representatives of the people were gathering at the capital to discharge the trusts devolved upon them when Federal officials, instigated by bold, bad men, interposed to prevent their meeting. Judge Durell, on the night of December 5, issued his abominable order that will link his name forever with infamy, and, under the pretense of executing that order, a willing marshal surrounded and, assisted by Federal troops, seized the State-house and prevented the meeting of the Legislature.

I will read that order. It is as follows:

Now, therefore, in order to prevent the further obstruction of the proceedings in this cause, and further, to prevent a violation of the orders of this court, to the imminent danger of disturbing the public peace, it is hereby ordered that the marshal of the United States for the district of Louisiana shall forthwith take possession of the building known as the Mechanics' Institute, and occupied as the State-house for the assembling of the Legislature therein, in the city of New Orleans, and hold the same subject to the further order of this court, and meanwhile to prevent all unlawful assemblage therein under the guise or pretext of authority claimed by virtue of pretended canvass and returns made by said pretended returning officers in contempt and violation of said restraining order; but the marshal is directed to allow the ingress and egress to and from the public offices in said building of persons entitled to the same.

E. H. DURELL.

That order will go down to posterity and be read by men in after ages as one of the most unjustifiable interferences by a Federal official with the local affairs of a State that ever occurred, and as an order which an American President had executed. Now I will call attention to what the majority of the committee say in reference to that order:

It is impossible to conceive of a more irregular, illegal, and in every way inexcusable act on the part of a judge. Conceding the power of the court to make such an order, the judge, out of court, had no more authority to make it than had the marshal. It has not even the form of judicial process. It was not sealed, nor was it signed by the clerk, and had no more legal effect than an order issued by any private citizen.

That is what the committee say in reference to that order. And I call attention to their comments, because the enforcement of that illegal order is made the excuse for the interposition of the military power of the Government whereby Kellogg and his associates in crime have been placed in power over the people of Louisiana. Possessing power by such means, how unreasonable the objection now interposed, that because of their being in power and having exercised power for twelve months, it would be wrong on the part of this Senate and of this Congress to interfere to dispossess them! I want to call attention emphatically to what the Senator from Indiana says in reference to that order, the results of which he is now defending and trying to uphold:

The conduct of Judge Durell—

Says the Senator from Indiana—

The conduct of Judge Durell, sitting in the circuit court of the United States, cannot be justified or defended. He grossly exceeded his jurisdiction, and assumed the exercise of powers to which he could lay no claim. The only authority he had in the matter grew out of the act of Congress of 1870 to enforce the fifteenth amend-

ment, and the act amendatory of that, passed in 1871, which gave to the courts of the United States jurisdiction in all cases in law and equity arising under the former act.

That is what the Senator from Indiana says about this order, which was enforced by Federal power, that it could not be justified or defended. That, sir, is exactly what I now say, not only with reference to the order but with reference to every result of that order, everything that has grown out of it. There is not a single thing connected with that order that can be defended; neither the interference of the President of the United States by Federal power to enforce it, nor the Kellogg government which by aid of the Federal power has been set up to trample upon the liberties of the people of Louisiana. Neither can be justified nor defended, any more than the issuance of the order so strongly condemned by the Senator from Indiana.

Now, sir, after that order was issued, the United States marshal having been instructed on the 3d of December by a telegram from the Attorney-General to enforce the mandates of the district court and protected by Federal soldiery, the marshal took possession of the State-house, excluded McEnery and the members of the fusion legislature, and gave access to Kellogg and his men. These men, as well as Kellogg, repudiated by the people, assembled in the building used as the State-house, and declared themselves the legal Legislature of Louisiana. To secure themselves in the places they had thus usurped Kellogg and his minions sent telegrams to President Grant for military support, imploring him by considerations which should have had no weight with the Executive to support and recognize the usurpation.

The considerations that were presented to the President for his action were appeals to party interests. The telegrams that were sent by Kellogg, by Casey, by Packard, addressed to the President or to the Attorney-General, all of them, appealed to party feelings. What, sir, would the earlier Presidents of this Republic have thought of such appeals to them? What would General Jackson have thought of such appeals? He would have spurned with contempt the men who would have dared approach him with appeals, in a grave matter of that kind, addressed to party interest and party feeling. I am not sure that, with a full knowledge of the condition of affairs in the State of Louisiana, had he been President, he would not have hung Kellogg and his co-conspirators as high as Haman; and if he had, I think he would have served them right. Surrounded as the President was at the time by evil-minded counselors, unfortunately for his own fame as well as for the people of Louisiana he yielded to the partisan appeals that were made to him for interference and recognition of this usurpation, and directed the following dispatch to be sent to Pinchback, who was one of the conspirators in this business. I will read that dispatch to Pinchback:

DEPARTMENT OF JUSTICE, *December* 12, 1872.

Acting Governor PINCHBACK, *New Orleans, Louisiana:*

Let it be understood that you are recognized by the President as the lawful executive of Louisiana, and that the body assembled at Mechanics' Institute is the lawful Legislature of the State; and it is suggested that you make proclamation to that effect, and also that all necessary assistance will be given to you and the Legislature herein recognized to protect the State from disorder and violence.

GEO. H. WILLIAMS,
Attorney-General.

There was the recognition which had been coveted; which had been sought by Pinchback, Kellogg, Casey, and the marshal. The President directs him to make proclamation, "let it be understood," that he is recognized as the lawful executive, and the Kellogg legislature as the lawful Legislature of the State. Thus was the usurpation set up over the people of Louisiana.

The issuance of the Durell order and the military support afforded by the President have fastened the usurpation upon the State to the present day. But for the recognition of the Pinchback-Kellogg usurpation by the President and the aid afforded it by Federal troops, it would have disappeared in less than ten days. That is the testimony of the majority of the committee in their report, to which I have referred heretofore.

These are some of the means used to inaugurate and perpetuate the great wrong. I regret the participation of the President in the matter, both on his own account and on account of the high office he fills. While I have never been an admirer of President Grant, I have respected him as the Chief Magistrate of this great country, and would have been glad to have seen him retire from the office he fills with civic honors even more enduring than those he won upon the field.

The President was unfortunate in his counselors. They cared apparently less for his fame than for the accomplishment of their own party schemes; and bitterly, no doubt, has the President regretted the great blunder he made in this matter. But a false step once taken is hard to retrace.

Let us turn now for a few moments to the results of this usurpation upon the State, and the prosperity and happiness of her people.

Naturally rich in all the elements of material wealth, Louisiana was rapidly recuperating from the ravages and wastings of civil war, and despite the bad government forced upon her under the reconstruction acts of Congress, and notwithstanding the disorganized condition of her labor system, the State had already assumed an appearance of prosperity that foreshadowed the future and increasing wealth of her people. With a soil unsurpassed in fertility, and adapted to the growth of the most profitable products of the earth, nothing was wanting but honest government and an improved system of labor to make her prosperity assured. The location of her principal city pointed it out as one of the future chief commercial marts of this whole continent. The Mississippi with its tributaries poured their rich tribute at her feet, while domestic and foreign commerce was destined to bear the rich harvests gathered into her stores to other parts of our own country, or to less favored lands abroad.

But what is the condition of Louisiana to-day? What boots her natural advantages while the liberties of her people are trodden under foot? Robbed and despoiled of their substance by the cormorants that prey upon the State, their estates are literally confiscated by the onerous taxes that oppress them and the consequent depreciation of their lands, which are rendered unsalable and valueless. I was told by a gentleman reputed to be the largest agriculturist in the State, if not in the country, living below New Orleans on the Mississippi River, that his plantation, which had cost him over $700,000 and was equal in fertility to any in the world, had been rendered comparatively worthless by the condition of things in the State. Adapted to the growth of rice, cotton, and the sugar-cane, as well as tropical fruits, with a sugar refinery upon it that cost him $100,000 and one hundred acres in bearing orange trees, he expressed great doubt whether he could sell his plantation for what it cost him to erect his refinery, and stated that he realized from it, though living upon it and giving his personal attention to its cultivation, a bare subsistence for his family after paying the taxes to which he was subject.

Such is the condition of the agriculturist throughout the State, while trade and business have in a great measure been driven from the streets and wharves of New Orleans. The spirit and enterprise of her denizens have been broken, and capital refuses to be employed where it is liable to practical confiscation. Notwithstanding the natural advantages of Louisiana in all the elements of wealth, her people are becoming poor and discouraged; and her young men and others who can do so are leaving the State, which will ultimately become another San Domingo or Jamaica unless something is done to restore to the people wholesome and legitimate government. I clip from a recent paper the following statement of the condition of things in Louisiana:

The once rich and prosperous State of Louisiana has been so plundered by the thieves into whose hands she has fallen that she is fairly reduced to beggary and destitution, and the formerly wealthy and gay city of New Orleans is mourning in dust and ashes. A letter from a merchant of that city to his correspondent in Boston, speaking entirely of business prospects, and having no reference whatever to political matters, with which the writer does not meddle, states that there are now more than six thousand houses and stores to let in the old Crescent City which can be hired for the taxes which are levied upon them, but the tax is a very heavy one; and the terrible financial robberies which have been perpetrated upon the city's means, and the unprecedented taxes have been so severe and disheartening, that the population of New Orleans has decreased thirty thousand the last two years. It was the misfortune of Louisiana that she had two sets of carpet-bagging vampires to feed upon her life-blood, neither of which exceeded the other in rapacity of plunder, and neither would have been exceeded in this by the whole horde of pirates which at one time swept the Gulf and the waters of the adjacent islands, with the black flag at their mast-heads, seizing upon every vessel that came within sight of them.

With this condition of affairs existing in Louisiana, the rights of the people denied them, local government destroyed, and a tyranny and despotism enthroned by Federal power, and the throne of the tyrant surrounded and propped by Federal bayonets, will this Senate remain silent, or will it interpose and strike off the fetters that bind the people of that State, and once more secure them the privileges of freemen?

Mr. President, the condition of this State appeals to-day to the Senate, and demands of us some action that shall remove from her people the oppression which is now upon them and once more restore them to the rights and privileges to which they are entitled under their constitution and under the Constitution of the United States. But how is this appeal met? Those who can control the legislation of this body seem apparently indifferent to this condition of affairs in Louisiana; and some of them, I am sorry to say, interpose objections to every measure that can be brought forward for the relief of the people of Louisiana. As soon as we begin to talk of interfering for the purpose of removing this usurpation from the State, we are at once met by various objections. One of them is a want of constitutional power, and the apprehension that any interference on the part of Congress would be productive of very sad and grave consequences to other States in this Union. I am not in favor of the exercise of any power that is not clearly and distinctly warranted by the Constitution of the United States. I believe it is the highest duty of American statesmen to guard implicitly and strictly that charter of our liberties; and I am sure that the voice of the party to which I belong has been for years loud in its protests against every violation of the Constitution, while I am equally aware that there has not been that respect paid to that instrument by those who of late years have controlled the destinies of the country that ought to have been paid to it.

I am not in favor of the exercise of any power in behalf of Louisiana which does not spring clearly out of the Constitution. We should guard that instrument vigilantly, because it is from it and from the rights which it guarantees to us as American citizens and to the States of this Union that we must look for protection in the future. I would not invade that instrument even for the purpose of relieving the distressed people of Louisiana whose condition appeals so strongly to the sympathies of every humane heart. But, sir, there was power to set up the tyranny. There was power found some-

where to do that; I do not say it was found in the Constitution; but I think there can be power found, without violating the Constitution, to dethrone the tyrant. Suppose a horde of men should have come over from Mexico into Texas, or even to New Orleans, and seized upon the government of that State and that one should proclaim himself the head of the executive department of the State, and that a band of robbers should claim to be the legislators of the State, is there no power under the Constitution to remove them? Most clearly there is. I do not say that you can set up a State government in Louisiana, but I do say that you can tear down the throne of a tyrant wherever it is erected. You need not exercise any power that is denied by the Constitution. All that is necessary is to enact into law the amendment offered by my colleague upon this floor, directing the President to withdraw the force of the United States from New Orleans. If we should direct him to withdraw the aid which he is now giving to Kellogg and his usurpation, there would be an end of the difficulty. The people of Louisiana, unless they have lost the instincts of manhood, would assert their rights, and before the indignation of that outraged people Kellogg would fly from the country or take refuge under the shadow of the White House or of this capital. He would not stay long in Louisiana, notwithstanding he is now, as I am informed, trying to protect and guard himself by State militia trained under Longstreet, into whose hands he has placed arms for the purpose of maintaining him in power, provided the Congress of the United States should direct the President to withdraw the Federal troops which are now his body-guard. That is all the power that is required for the relief of Louisiana. Pass the amendment to this bill and then, sir, we shall see whether the people of Louisiana will not settle their own domestic concerns in their own way.

But, Mr. President, another objection which has been raised to any interference with the condition of affairs in Louisiana is that it would be giving countenance to fraud. That was the burden of the speech of the Senator from Indiana the other day, after the amendment to this bill was offered and an able speech made in support of the measure. The Senator from Indiana could not suffer that amendment and that speech to go out without again raising his voice against the McEnery government. He seemed to think that the adoption of that measure would be to set up a fraud, and he was loud and eloquent in his declamations against the frauds, as he calls them, that had been practiced by Warmoth, and McEnery, and others. In order to prove that frauds existed he quoted from the report of the committee, which declares that McEnery was elected, that in the opinion of the members of the committee there had been fraud. There is no proof in that report establishing the fact that there had been fraud; but the Senator finds the opinion of four gentlemen of this Senate, his own party friends, who while they proclaim that McEnery was elected, also express the opinion that if it had not been for frauds Kellogg would have been elected; and upon that he bases his eloquent remarks in opposition to fraud. Sir, I am not in favor of fraud anywhere. It ought not to exist in elections in Louisiana or in Indiana. It ought not to exist in elections or in the affairs of political or private life. It ought to be condemned, and must be condemned, everywhere. But have there been no frauds committed by Kellogg, who is defended by the Senator from Indiana? Is not his government a fraud as well as a usurpation? And now when it is proposed to remove that fraud and that usurpation we are met with the cry of fraud by Senators who are in favor of continuing the greatest fraud known to American history.

Suppose there had been frauds, does that justify the continuance of the Kellogg government which was conceived in fraud and which was born in iniquity? Suppose that Warmoth had committed fraud, or had intended to commit fraud, does that justify the Senate in upholding what is an acknowledged gross usurpation and a gross fraud upon the rights and liberties of the people of Louisiana? Certainly not. But if there had been frauds, provided Mr. McEnery and the fusion legislature were elected by the votes cast in conformity with the laws and constitution of the State, I ask the Senator from Indiana where is the power of the Senate to go behind the fact of their election in conformity with the requirements of the constitution and laws of Louisiana? That is a claim set up by the Senator, at least by implication, which I think has not heretofore found countenance in the Senate. Suppose there was an election carried in Indiana and an allegation made that it was carried by fraud, would the Senator from Indiana suppose that by reason of that allegation, even if it was clear to the minds of everybody that there had been frauds practiced, would that fact justify the Senate of the United States in interfering with the affairs of the State of Indiana and displacing or keeping out of power the man who according to the constitution and laws of the State had been elected, or who according to all legal and constitutional requirements appeared to have been elected? Would that justify the Federal Government, or the Congress of the United States, to interfere and displace that legally constituted government and to set up a government acknowledged to have been defeated? Why, sir, the democratic party never carries an election but what allegations of fraud are made; and perhaps on our side we sometimes charge that frauds are practiced when we lose a victory in a State. It will not do to say that because McEnery may have been elected by fraud, therefore he shall not have his place; that he shall not be placed in office, or that the Legislature that was elected with him shall not be recognized as the legal Legislature.

But now in reference to the existence of this fraud. I have said that the majority of the committee, while they expressed the opinion that great fraud did exist—and I say frankly that I have no doubt there were frauds to some extent committed by both parties, not to the extent, I apprehend, which the Senators on the other side allege, but I have no doubt there were some, for I apprehend that there is scarcely an election held in any State of this Union but what there are frauds more or less practiced—but was there such apparent fraud, such enormous fraud, practiced in Louisiana as is alleged to have existed by the Senator from Indiana? Now it so happens that Judge Trumbull was a member of the Committee on Privileges and Elections, and that he made a separate report; and while the majority of the committee did not give the details and did not give the evidence upon which they rested the opinion that there had been fraud, yet Judge Trumbull in his report refers to the evidence by which the allegation of fraud was attempted to be supported; and I will read what he says on that subject:

If it were admitted—

Says Mr. Trumbull—

If it were admitted, as it is not, that Congress has authority to inquire into the fairness and regularity of a State election, it is denied that there was any such fraud in the late Louisiana election as would justify setting it aside. It was confessedly one of the most quiet and peaceful elections ever held in the State, and the evidence shows that it was substantially free and fair.

The vote polled was 20,000 larger than ever before cast in the State, and against more than two-thirds of it no complaint of unfairness is even alleged.

S. B. Packard, United States marshal for the district of Louisiana, was chairman of the republican State executive committee, and his office in the custom-house was the headquarters of the organization of which he was one, if not the leading spirit. He appointed from one to four special deputy marshals in every parish and upward of six hundred in New Orleans, who were to be at the polls. Some of them served for seventy days; and he made requisitions on the Attorney-General, previous to the election, for the money to pay the deputy marshals and United States supervisors. Under the law one of the two United States supervisors appointed by the court is selected from each party, but in appointing his special deputies United States Marshal Packard confined himself exclusively to his own party so far as the testimony shows. This United States marshal and chairman of the republican executive committee issued instructions to the republican United States supervisor in each parish in regard to the supervision of the vote for State and local officers, but gave no such instructions to the supervisor appointed on the fusion side. With all the sources of information which the hundreds of his subordinates scattered through the State and his position as United States marshal and chairman of the State republican executive committee afforded him, Packard testified before the committee that "in a majority of the parishes, in my judgment, the election was as fair as you usually have it in any State election.

"Rapides and Natchitoches, I should say, were the two worst. Then I would add Madison, Caddo, and Bossier, and East Baton Rouge; a portion of the returns for West Baton Rouge.

"A. Those parishes I have named were the worst cases.

"Q. Seven of these cases?

"A. Yes, sir. There is also the parish of Assumption, which I believe to be a republican parish, which went about 700 republican in 1870, is returned differently.

"Q. I want to know about how many there were in which there were notorious charges of fraud, such as are not usually made in elections?

"A. That is the number, or about the number."

That is what Packard, the co-conspirator of Kellogg, said. These parishes that he had named were about the number. He adds:

"It would increase the number perhaps ten or fifteen if I were to add those in which I believed the returns were not in accordance with the facts."

Taking his statement with the caution which his character and position suggest, where is the proof of enormous frauds?

That is the testimony of the marshal in reference to this question of fraud, testimony which doubtless was highly colored and exaggerated in order to justify the wrong committed. Now I wish to quote what the Senator from Indiana [Mr. MORTON] says in his report, not on the question of fraud, but to show what he considers the law in reference to the power of the Senate to go behind the returns and to inquire into frauds that existed at the election.

When the constitution of a State—

Says the Senator in his report—

When the constitution of a State provides that each house of its Legislature shall be the judge of its election and qualification of its members, full faith and credit must be given to their action; and should the Government of the United States go behind their action to inquire whether the members have been lawfully elected to the Legislature, their independence would be wholly destroyed and the validity of their action made to depend upon the will of Congress.

I think the Senator from Indiana announces the law correctly on that point; and so I say, even admitting that there were frauds, that does not justify the exclusion of Mr. McEnery from the office of governor or the members who were elected on the fusion ticket to the Legislature from acting as legislators; much less would it justify the setting up and maintaining by Federal power of any man as governor or any set of men as the Legislature who confessedly were not elected, and who it is admitted by the reports made by the Committee on Privileges and Elections were not elected, but were defeated by an average majority of about ten thousand.

Another reason assigned for not interfering for the purpose of removing this despotism from the people of Louisiana is that the people of that State are acquiescing in the Kellogg government. That has been asserted and reasserted time and again on this floor, upon what evidence I am at a loss to conceive. There was yesterday presented a statement from Kellogg that certain members elected on the fusion ticket had taken their seats in the usurping legislative body. That may be true; but even if it is true—a fact which I am neither prepared to admit nor deny, and of which I know nothing—does that establish the fact that the people of Louisiana, because certain men who

were elected on the fusion legislative ticket have gone over and taken their seats in the Kellogg legislature, are acquiescing in the Kellogg usurpation? As well might you say when two or three subordinate officers of an army desert to the enemy, that therefore the great body of the army have acquiesced in the rule of the opposing force. Such an argument is most absurd and establishes nothing.

But, Mr. President, there has been no acquiescence on the part of the people of Louisiana. There may have been and is submission to Federal power. They submit to the Federal power which is protecting Kellogg, because they know it would be useless to attempt to throw off the Kellogg usurpation with the avowed purpose of the Federal authorities to uphold and maintain it. It would bring them in conflict with the Federal Army and with the whole military and naval power of this Government; and therefore if they were disposed to resist the wrong, and however indignant they may be, and however loud they may protest against the Kellogg government, they can do nothing but submit. Sir, Poland submitted to the partition of her territory. Did the people of Poland willingly acquiesce in it? It is doing great injustice to the people of Louisiana, a people as proud and as high-minded and as noble and as brave as any people in this country, to say that they could so far forget their manhood, that they could so far do violence to the instincts of our common nature, as to submit to a usurpation set up by Federal power over them in opposition to their wish and against their protest. I hope, sir, that no day will come when there shall not be a voice in Louisiana protesting loudly and to the very last against this monstrosity, against this great wrong, which is not only doing great injustice to the people of Louisiana, but which is bringing disgrace upon the American name.

But, sir, suppose the people of Louisiana have acquiesced, and are acquiescing—a thing that I say is utterly impossible while the least degree of manhood remains in the bosoms of that people—suppose they have acquiesced and are acquiescing in the usurpation of Kellogg, is the Senate to acquiesce, is Congress to acquiesce? Suppose the people of Louisiana are acquiescing in the usurpation which is now upon them; suppose they have lost their manhood, and are bending their necks to the yoke of the tyrant that sways the scepter over their destinies and over their liberties, have we no duty to perform? Is the Senate also to acquiesce? Will we, too, sit idly by and see a government forced upon the people of any State of this Union and not take action to prevent it? Are we to remain silent and see the liberties of the people taken away from them, see their prosperity as a State going down? Not so would have thought or acted the men who sat in this Chamber in other days. In other years, if such a proposition had been made every tongue in the Senate would havebeen eloquent in denouncing such usurpation, and every hand would have been stretched forth for the relief of an oppressed people. Every man who sat then in this Senate would not only have denounced the usurpation but would have been willing to go to the very verge of constitutional power for the purpose of relieving the people of a State of the incubus upon them.

Sir, we have an important duty to perform. We shall be untrue to the traditions of the country if we fail to discharge it. Our forefathers took especial pains to guarantee personal liberty to the people of this country, and the first ten amendments to the Constitution were specially framed and designed to guard the individual rights of citizens. How much more important are the rights of a whole State, including not only the rights of the individual people of a State but the rights of the State as a component part of the Government of the United States! It is true that the idea doubtless did not enter the minds of the framers of the Constitution that the time would ever come when the people of a State would be denied local self-government, when the people would be compelled to submit to a usurpation over them; and they may not have in distinct terms made provision for such a contingency. But yet I venture to say from the history of those times and from the provisions incorporated in the Constitution to protect and guard individual rights and individual liberty, if it were possible that the idea could have been present to the minds of the framers of the Constitution that such a condition of things could exist in the country as now exists in the State of Louisiana, they would have provided most amply against it. We are here when such things have happened; and have we no duty to perform in reference to them? Is it not our duty to the people of Louisiana? Do we not owe it to ourselves and to posterity? Do we not owe it to the happiness of the people of this whole country in the future that we shall rebuke this wrong and promptly rid the people of Louisiana of the government that now oppresses them?

But, sir, have the people of Louisiana acquiesced? I deny that they have acquiesced. They have remonstrated in every conceivable manner. They have petitioned for a redress of grievances. They sent two hundred of their choice citizens selected to represent them to the President; and how were they met? They were spurned from his presence and told in advance by a telegram from the Attorney-General that their visit to the President would be useless. Our tables are covered with their petitions asking to be relieved from the oppression that is now upon them. Shall we be deaf to all these appeals? They are here to-day. This bill and amendment brings them here to-day to protest against the longer continuance of the Kellogg government over them, and demands of the Senate to remove it and let the government of their choice be reinstated. And shall we be deaf to these remonstrances, to these petitions and appeals? Shall we make no effort to relieve them? Shall they be spurned from our presence as they have been spurned from the presence of the Executive?

Then, if such should be the case, when they go home brooding over their wrongs, finding that no relief can come from any quarter, when the last hope is gone, I say they will be justified in the sight of civilized humanity in becoming the avengers of their own wrongs. I hope no people will long consent to be slaves. Sooner than see the people of any State of this Union tamely submit to oppression it would be better to see them vindicate their rights by all the means which God and nature have placed within their hands. The people of Louisiana and the people of the South will not always remain the tame slaves of power. After having submitted until patience is exhausted, they will in some form or other assert their rights. It may be that in the assertion of those rights they will add another illustration to that lesson taught by history as well as poetry, that—

Who would be free, themselves must strike the blow.

Mr. MERRIMON. Mr. President, it is my desire to debate the measure pending before the Senate, but I am not prepared to speak to-day. To-morrow I presume I shall be ready to say what I desire to say.

Mr. CARPENTER. I am willing, if there can be unanimous consent to that effect, that the bill shall be laid aside to-day and be the unfinished business at the expiration of the morning hour to-morrow. I suppose that will accommodate the Senator.

Mr. ANTHONY. I think that would be a very proper arrangement, and I suggest that this bill be laid aside informally for the purpose of taking up the Calendar of unobjected cases and devoting the rest of this day to that.

Mr. CARPENTER. I hope there will be unanimous consent to that.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan.) The Chair hears no objection.

CURRENCY AND BANKING—VETO MESSAGE.

During Mr. SAULSBURY'S speech a message was received from the President of the United States, by Mr. BABCOCK, his Secretary.

Mr. CONKLING. I ask the Senator from Delaware to yield, if he will, that we may hear read the message of the President.

Mr. SAULSBURY. Certainly.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate a message from the President of the United States.

The Chief Clerk read the message, as follows:

To the Senate of the United States:

Herewith I return Senate bill No. 617, entitled "An act to fix the amount of United States notes and the circulation of national banks, and for other purposes," without my approval.

In doing so, I must express my regret at not being able to give my assent to a measure which has received the sanction of a majority of the legislators chosen by the people to make laws for their guidance, and I have studiously sought to find sufficient arguments to justify such assent, but unsuccessfully.

Practically, it is a question whether the measure under discussion would give an additional dollar to the irredeemable paper currency of the country or not, and whether by requiring three-fourths of the reserves to be retained by the banks, and prohibiting interest to be received on the balance, it might not prove a contraction. But the fact cannot be concealed that theoretically the bill increases the paper circulation $100,000,000, less only the amount of reserves restrained from circulation by the provision of the second section. The measure has been supported on the theory that it would give increased circulation. It is a fair inference, therefore, that if, in practice, the measure should fail to create the abundance of circulation expected of it, the friends of the measure, particularly those out of Congress, would clamor for such inflation as would give the expected relief.

The theory, in my belief, is a departure from the true principles of finance, national interest, national obligations to creditors, congressional promises, party pledges—on the part of both political parties—and of personal views and promises made by me in every annual message sent to Congress, and in each inaugural address.

In my annual message to Congress in December, 1869, the following passages appear:

"Among the evils growing out of the rebellion and not yet referred to, is that of an irredeemable currency. It is an evil which I hope will receive your most earnest attention. It is a duty and one of the highest duties of government to secure to the citizen a medium of exchange of fixed, unvarying value. This implies a return to a specie basis, and no substitute for it can be devised. It should be commenced now, and reached at the earliest practicable moment consistent with a fair regard to the interest of the debtor class. Immediate resumption, if practicable, would not be desirable. It would compel the debtor class to pay beyond their contracts the premium on gold at the date of their purchase, and would bring bankruptcy and ruin to thousands. Fluctuations, however, in the paper value of the measure of all values (gold) is detrimental to the interests of trade. It makes the man of business an involuntary gambler; for in all sales where future payment is to be made both parties speculate as to what will be the value of the currency to be paid and received. I earnestly recommend to you, then, such legislation as will insure a gradual return to specie payments and put an immediate stop to fluctuations in the value of currency."

I still adhere to the views then expressed.

As early as December 4, 1865, the House of Representatives passed a resolution, by a vote of 144 yeas to 6 nays, concurring "in the views of the Secretary of the Treasury in relation to the necessity of a contraction of the currency, with a view to as early a resumption of specie payments as the business interests of the country will permit," and pledging "co-operative action to this end, as speedily as possible."

The first act passed by the Forty-first Congress on the 18th day of March, 1869, was as follows:

"An act to strengthen the public credit of the United States.

"*Be it enacted, &c.*, That in order to remove any doubt as to the purpose of the Government to discharge all its obligations to the public creditors, and to settle conflicting questions and interpretations of the law, by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin, or its equivalent, of all the obligations of the United States, and of all the interest-bearing obligations, except in cases where the law authorizing the issue of any such obligations has expressly provided that the same may be paid in lawful money, or in other currency

than gold and silver, but none of the said interest-bearing obligations not already due shall be redeemed or paid before maturity, unless at such times as the United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at *par* in coin. And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin."

This act still remains as a continuing pledge of the faith of the United States "to make provision at the earliest practicable moment for the redemption of the United States notes in coin."

A declaration contained in the act of June 30, 1864, created an obligation that the total amount of United States notes issued, or to be issued, should never exceed $400,000,000. The amount in actual circulation was actually reduced to $356,000,000, at which point Congress passed the act of February 4, 1868, suspending the further reduction of the currency. The forty-four millions have ever been regarded as a reserve, to be used only in case of emergency, such as has occurred on several occasions, and must occur when, from any cause, revenues suddenly fall below expenditures; and such a reserve is necessary, because the fractional currency, amounting to fifty millions, is redeemable in legal-tenders on call.

It may be said that such a return of fractional currency for redemption is impossible. But let steps be taken for a return to a specie basis, and it will be found that silver will take the place of fractional currency as rapidly as it can be supplied, when the premium on gold reaches a sufficiently low point. With the amount of United States notes to be issued permanently fixed within proper limits, and the Treasury so strengthened as to be able to redeem them in coin on demand, it will then be safe to inaugurate a system of free banking with such provisions as to make compulsory redemption of the circulating notes of the banks in coin, or in United States notes, themselves redeemable and made equivalent to coin.

As a measure preparatory to free banking, or for placing the Government in a condition to redeem its notes in coin "at the earliest practicable moment," the revenues of the country should be increased so as to pay current expenses, provide for the sinking fund required by law, and also a surplus to be retained in the Treasury in gold.

I am not a believer in any artificial method of making paper money equal to coin when the coin is not owned or held ready to redeem the promises to pay; for paper money is nothing more than promises to pay, and is valuable exactly in proportion to the amount of coin that it can be converted into. While coin is not used as a circulating medium, or the currency of the country is not convertible into it at par, it becomes an article of commerce as much as any other product. The surplus will seek a foreign market as will any other surplus. The balance of trade has nothing to do with the question. Duties on imports being required in coin creates a limited demand for gold. About enough to satisfy that demand remains in the country. To increase this supply I see no way open but by the Government hoarding through the means above given, and possibly by requiring the national banks to aid.

It is claimed by the advocates of the measure herewith returned that there is an unequal distribution of the banking capital of the country. I was disposed to give great weight to this view of the question at first; but, on reflection, it will be remembered that there still remains $4,000,000 of authorized bank-note circulation assigned to States having less than their quota not yet taken. In addition to this, the States having less than their quota of bank circulation have the option of twenty-five millions more to be taken from those States having more than their proportion. When this is all taken up, or when specie payments are fully restored, or are in rapid process of restoration, will be the time to consider the question of "more currency."

U. S. GRANT.

EXECUTIVE MANSION,
Washington, April 22, 1874.

The PRESIDENT *pro tempore*. The bill is now before the Senate; and the question is, Shall the bill pass notwithstanding the objections of the President of the United States?

Mr. CONKLING. Mr. President, the Constitution and the usages of the Senate together point out the appropriate proceeding to be taken now. The Constitution provides that "If he"—the President—"approve he shall sign it"—the bill—"but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it."

It might be supposed that the language of the Constitution contemplated necessarily an immediate reconsideration. The usages of the Senate establish the contrary. We have now before us a bill likely to consume some further time, which I think it would be convenient to dispose of. The message, of course, we want to see in print and have an opportunity to examine; and unless we sit on Saturday we shall not be likely to make much progress this week. Monday, as we already know, is to be devoted to observances on which we cannot well encroach. I take it, therefore, that it will be the pleasure of the Senate to take up the bill and reconsider it, doubtless at an early day next week. In that view, I move that the message be printed and lie on the table, with the bill.

The PRESIDENT *pro tempore*. The Senator from New York moves that the message be printed, and, with the bill, lie on the table for the present.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1706) to authorize the opening of Wight street through the grounds of the United States marine hospital at Detroit, Michigan, in which it requested the concurrence of the Senate.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3090) to authorize the issue of duplicate agricultural land scrip where the original has been lost or destroyed was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. No. 3088) to extend the time for completing entries on Osage Indian lands in Kansas was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. No. 1706) to authorize the opening of Wight street through the grounds of the United States marine hospital at Detroit, Michigan, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

THE NAVIGATOR'S ISLANDS.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, transmitting a communication from the Secretary of State and the report by which it is accompanied, upon Samoa or the Navigator's Islands; which was referred to the Committee on Foreign Relations, and ordered to be printed.

ORDER OF BUSINESS.

Mr. MERRIMON. I ask consent of the Senate to call up the bill (S. No. 669) referring the petitions and papers in the case of Robert M. and Stephen A. Douglas, in so far as the same relates to cotton seized, to the Court of Claims.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from North Carolina.

Mr. ANTHONY. I do not know what the bill is that the Senator moves to take up; but I hope the motion will not be agreed to. We have unanimously agreed to take up the Calendar of unobjected cases to accommodate my friend from North Carolina, and now I think he ought not to ask a second favor.

Mr. MERRIMON. I was not aware of that, and I will not press the motion.

Mr. ANTHONY. There is no case on the Calendar that I have any interest in whatever; but I think that we cannot devote the day so profitably to any business as to take up the unobjected cases on the Calendar.

Mr. MERRIMON. I withdraw my motion.

ARMS TO NEBRASKA.

The PRESIDENT *pro tempore*. The first bill on the Calendar is the bill (S. No. 499) to authorize the issue of a supply of arms to the authorities of the State of Nebraska.

Mr. WEST. That is objected to.

Mr. INGALLS. That is under debate.

The PRESIDENT *pro tempore*. The bill will be laid aside.

JOHN B. WEBER.

The next bill on the Calendar was the bill (H. R. No. 1039) for the relief of John B. Weber, late colonel of the Eighteenth Regiment Corps d'Afrique; which was considered as in Committee of the Whole.

It is a direction to the Paymaster of the Army to allow and pay to John B. Weber, late colonel of the Eighteenth Infantry, Corps d'Afrique, out of the appropriation for the pay of the Army, the pay and allowances of first lieutenant, from the 28th day of September, 1863, until the 8th day of November, in the same year, being from the time he received his commission as such officer until the time when he was mustered into the service.

The bill was reported to the Senate without amendment.

Mr. HOWE. I should like to hear the report in that case.

The Chief Clerk read the following report made by Mr. ALBRIGHT, of the House of Representatives:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 224) for the relief of John B. Weber, late colonel of the Eighteenth Regiment Infantry, Corps d'Afrique, have had the same under consideration, and make the following report:

On and before September 28, 1863, Colonel Weber was adjutant of the One hundred and sixteenth New York Volunteers, on duty in the Department of the Gulf.

The same day he received a commission as colonel of Eighteenth Regiment Infantry, Corps d'Afrique, but was not then mustered.

October 12, 1863, special orders issued, to take effect September 28, 1863, to discharge him as adjutant to enable him to accept his commission as colonel. From September 28, 1863, he was in command of the Eighteenth Regiment of Infantry, as colonel, but was not mustered until November 8, 1863.

He was paid as adjutant up to September 28, 1863, and no longer, and received no pay from this date to November 8, 1863, one month and ten days, when his pay as colonel commenced.

By General Order No. 7 he was compelled to apply for a discharge as adjutant on receiving commission as colonel.

The reason he was not mustered as colonel before November 8, 1863, is that the regiment was not full, although he was on duty and in command of the regiment. The committee, therefore, recommend that Colonel Weber be allowed pay as first lieutenant from September 28, 1863, to November 8, 1863, and that the bill (H. R. No. 224) be so amended.

The committee recommend the passage of the accompanying bill.

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

Mr. HOWE. The point that strikes me is that the bill proposes to pay a colonel for a regiment which did not exist and was not entitled to a colonel.

Mr. INGALLS. If there is to be discussion, under the understanding I suppose the bill ought to go over.

The PRESIDENT *pro tempore*. The bill will be laid aside, and the next bill on the Calendar will be called.

Mr. LOGAN. I think the Senator from Wisconsin was under a misapprehension about the Weber bill. I do not think it gives the officer pay as colonel. If the report be read again I think the Senator will see that there is no cause for objection to it.

The PRESIDENT *pro tempore*. The bill may be passed for the present, and after consultation among Senators and examination be returned to.

Mr. LOGAN. I know what the case is, and I think if the report is read so that Senators understand it there will be no objection.

The PRESIDENT *pro tempore*. The report will be again read.

The Chief Clerk again read the report.

Mr. LOGAN. The Senator from Wisconsin will see that the bill does not provide for pay as colonel; but he was mustered out as adjutant of the regiment and acted as colonel, but he could not receive

the pay of colonel until he was mustered in as such. The bill provides for continuing the pay of lieutenant to him until the time he was mustered as colonel.

Mr. HOWE. I see I was mistaken about it. I hope the bill will be passed; there can certainly be no objection to it.

The bill was passed.

PRIVATE LAND CLAIMS IN MISSOURI.

The next bill on the Calendar was the bill (S. No. 32) obviating the necessity of issuing patents for certain private land claims in the State of Missouri, and for other purposes.

The Committee on Private Land Claims reported an amendment to strike out all after the enacting clause of the bill and to insert the following as a substitute:

That all of the right, title, and interest of the United States in and to all of the lands in the State of Missouri which have at any time heretofore been confirmed to any person or persons by any act of Congress, or by any officer or officers, or board or boards of commissioners, acting under or by authority of any act of Congress, shall be, and the same are hereby, granted, released, and relinquished by the United States, in fee-simple, to the respective owners of the equitable titles thereto, and to their respective heirs and assigns forever, as fully and as completely, in every respect whatever, as could be done by patents issued therefor according to law.

SEC. 2. That nothing contained in the first section of this act shall in any manner abridge, divest, impair, injure, or prejudice any valid adverse right, title, or interest of any person or persons in or to any portion or part of the lands mentioned in said first section; and this act shall in nowise affect any lands or lots heretofore relinquished to the United States; and all persons who, under the statute of limitations of said State, would be protected in their possessions had patents for the lands or lots occupied by them been issued at the date of the confirmation of the claims thereto as aforesaid shall be deemed to have the equitable title to the lands so occupied by them within the meaning of this section, and the release herein provided for shall be as effectual in their favor as in cases where the owner derives title from the original claimant.

SEC. 3. That whenever the Secretary of the Interior shall be of the opinion that the public interest no longer requires the continuance of the office of recorder of land titles in Missouri he may close and discontinue the same; and all of the records, maps, plats, field-notes, books, papers, and everything else concerning, pertaining, or belonging to said office of recorder shall be delivered to the State of Missouri: *Provided, however*, That said State shall provide by law for the reception and safe-keeping of said records, maps, plats, field-notes, books, papers, and everything else belonging to said office of recorder, as public records, and for the allowance of free access to the same by the authorities of the United States for the purpose of taking extracts therefrom or making copies thereof, without charge of any kind: *And provided further*, That when said office of recorder shall be closed and discontinued as aforesaid, the Commissioner of the General Land Office shall forever thereafter possess and exercise all of the powers and authority and perform all the duties of said recorder.

Mr. BOGY. This bill was before the Senate a few days ago and the Senator from Vermont [Mr. EDMUNDS] raised some objection to it and desired some amendments to be made to the bill. He has indicated the amendments and I have accepted them. I will state them. In the seventh line of the first section the word "or" should be stricken out after the word "under" and the word "and" inserted in its place. In the third line of the second section, after the word "valid," the word "adverse" should be stricken out; and in the ninth line of the second section, after the word "lots," the word "aforesaid" should be inserted; and after the word "been," in the same line, the word "lawfully" should be inserted. These I believe are the only amendments suggested by the Senator from Vermont, and I move that they be accepted.

Mr. PRATT. I think this bill had better go over. Some Senators want to look into its provisions.

The PRESIDENT *pro tempore*. It will be laid aside.

Mr. BOGY. I will ask the Senator from Indiana why should this bill be laid over? I would ask its consideration as a favor It has been here for months. It involves no appropriation. It is entirely local; it affects no one in the world but persons in the State of Missouri, and is of importance only to them. It is here on the application, I may say, of the entire people of the State of Missouri, except a few land speculators. Why should the bill be laid over?

The PRESIDENT *pro tempore*. Does the Senator from Indiana insist on his objection?

Mr. PRATT. I wish to inquire of the Senator from Missouri what committee had the consideration of this bill?

Mr. BOGY. The Committee on Private Land Claims had this bill under consideration and reported it unanimously. It was referred to the Commissioner of the General Land Office and approved by him. It is sustained is every way that a bill can be sustained. It involves no appropriation, no grant of land, nothing in the world but a mere grant of a naked legal title, which now remains nominally in the hands of the Government of the United States.

Mr. PRATT. What is the quantity of land which this bill conveys or transfers?

Mr. BOGY. It does not convey any land at all, not an acre, not a foot. It relates merely to the old Spanish grants in the State of Missouri.

The PRESIDENT *pro tempore*. Does the Senator from Indiana withdraw his objection?

Mr. PRATT. For the present.

The PRESIDENT *pro tempore*. Then the bill is before the Senate as in Committee of the Whole.

Mr. BOGY. The bill does not convey any land at all. The lands referred to in it have been confirmed by boards of commissioners heretofore or by acts of Congress. It has always been supposed in that State that the confirmation was not only a sufficient title, but that the confirmation itself was a sufficient evidence of title. Under a recent decision, however, until patents are issued, there appears to remain a mere legal title in the Government. It is a question on which the profession in Missouri have been united. This bill simply obviates the necessity for issuing patents by saying that the confirmation shall be a legal title.

Mr. PRATT. Is there any letter from the Commissioner of the General Land Office on the subject?

Mr. BOGY. The Commissioner of the General Land Office had the bill before him, and it is recommended by him.

The PRESIDENT *pro tempore*. Does the Senator from Indiana withdraw his objection?

Mr. PRATT. Yes, sir.

The PRESIDENT *pro tempore*. The question is on the amendments of the Senator from Missouri to the amendment of the Committee on Private Land Claims.

The amendments to the amendment were agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment as amended.

The amendment, as amended, was agreed to.

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

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

RAILROAD IN WASHINGTON TERRITORY.

The next bill on the Calendar was the bill (S. No. 253) to authorize the county commissioners of Thurston County, in Washington Territory, to issue bonds for the purpose of constructing a railroad from Budd's Inlet, Puget Sound, to intersect the North Pacific Railroad at or near Tenino; which was considered as in Committee of the Whole.

The Committee on Territories reported the bill with amendments.

The first amendment was in section 1, line 7, to strike out the word "North" and insert the word "Northern," so as to read "Northern Pacific Railroad."

The amendment was agreed to.

The next amendment was after the word "thereof" in the ninth line of the same section to strike out the following words:

Not exceeding in amount the sum of $200,000, and to designate the time and manner of payment of principal and interest of said bonds; and also to determine the class and gauge of said railroad.

And in lieu thereof to insert:

Which bonds shall bear interest not exceeding 10 per cent. per annum, and the principal thereof shall not exceed in amount 10 per cent. of the value of the taxable property of said county of Thurston as legally assessed for territorial taxation, and shall not, in any event, exceed, in the aggregate, $200,000. notwithstanding this sum may be less than 10 per cent. of such taxable valuation; and any such bonds issued in excess of said 10 per cent. of the territorial taxable valuation of the property of said county, or in excess of $200,000 in the aggregate in any event, shall be absolutely void; and all persons interested are required to take notice hereof. And the said commissioners are hereby authorized and empowered to designate the time and manner of payment of the principal and interest of said bonds, and also to determine the class and gauge of said railroad: *Provided*, That no bonds shall issue until the full and final completion of said railroad: *And provided further*, That said county of Thurston shall not contract with any person, firm, or corporation to construct said railroad until such person, firm, or company shall enter into a good and sufficient bond, in the penal sum of $200,000, to be secured by first mortgage on said railroad, conditioned that they will operate said road with passenger and freight trains for a period of twenty-five years: *And provided further*, That when the said county commissioners shall have agreed upon the terms for the construction of said railroad with any individual, firm, or corporation, they shall call a special election at such time as they may designate, by causing three notices of such election, which said notices shall embrace the terms of the proposed contract, to be posted for twenty days in each election precinct of said county of Thurston, at which the said proposed contract shall be submitted to the legal voters of said county; and if two-thirds of the said votes cast at the said election shall be in favor of the said contract, and such two-thirds shall be equal in number to a majority of the votes cast in said county at the then next preceding election for Delegate in the Congress of the United States, then the said county commissioners shall complete the said contract and issue the bonds provided for by this act and not otherwise. Such election shall be held at the same places, in the same manner, and the returns thereof made by and filed with the same officers, as is required in case of election for county officers under the laws of said Territory.

Mr. MITCHELL. I move to amend the amendment by striking out the word "ten" in line 20, and inserting "seven;" so as to read, "may be less than 7 per cent. of such taxable valuation."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

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

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

WILLIAM N. DENNY.

The bill (S. No. 560) for the relief of William N. Denny was read the second time, and considered as in Committee of the Whole. It directs the Paymaster-General of the United States Army to pay, out of any money appropriated or hereafter to be appropriated for the payment of the Army, to William N. Denny, late major in the Fifty-first Regiment of Indiana Volunteers, the pay and emoluments of a major of infantry, from the 30th of June, 1863, the date his commission was received at the headquarters of the command to which he belonged, to the 15th of May, 1865, the date of his muster in as lieutenant-colonel, as if he had been mustered in as major on the date of the receipt of his commission, first deducting whatever sum may have been paid him as captain during the period for which pay is hereby allowed as major.

Mr. INGALLS. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. CLAYTON on the 3d of March:

The Committee on Military Affairs, to whom were referred the petition and papers in the case of William N. Denny, late major of Fifty-first Regiment Indiana Volunteers, praying that he may be allowed the pay and emoluments of a major from June 30, 1863, to March 25, 1865, less amount already received as pay of captain, have had the same under consideration, and beg leave to submit the following report:

The petitioner represents that he was a captain in the Fifty-first Regiment Indiana Volunteers; that on or about the 3d day of May, 1863, he was, with his regiment, captured by the command of General Forrest, near Rome, Georgia, and was confined in prison by the enemy until March 25, 1865, when he effected his escape and rejoined his regiment; that on or about June 30, 1863, he was commissioned as major of his regiment, vice D. A. McHolland, promoted to be lieutenant-colonel; that neither Denny nor McHolland were mustered, because of their captivity.

The papers before the committee substantiate these representations.

The accompanying bill is reported and its passage recommended.

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

CHARLES H. MOSELEY.

The bill (S. No. 561) for the relief of Charles H. Moseley was read a second time and considered as in Committee of the Whole. It directs the Paymaster-General to pay Charles H. Moseley, late a second lieutenant in the Forty-seventh Regiment Kentucky Mounted Infantry, the pay and allowances of a second lieutenant of infantry from the 9th of September, 1864, until the 30th of November, 1864.

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

BANKING AND CURRENCY—VETO MESSAGE.

Mr. MORTON. On the motion of the Senator from New York a few minutes ago, the finance bill and the veto message of the President were laid upon the table and the message ordered to be printed, with the statement on the part of the Senator from New York that it would be proper to have an early consideration of it next week. As the Senator did not name any date, I will now suggest in the hearing of the Senator next Tuesday at the expiration of the morning hour.

Mr. CONKLING. I suggest in answer to that, that it may be quite inconvenient to a number of Senators to have the consideration proceed at that time, and I purposely abstained from intimating any special time. I did so in part upon the suggestion and in deference to the judgment of other Senators. There are several members of the Senate who will be absent in the mean time, and some of them I think who will be absent a little later than that; and therefore in so far as the fact that I made the motion in any way devolves upon me the duty or propriety of moving to take up the message, I say to the Senator that I shall not be likely to do it on Tuesday next, as it is quite possible that I may not be able to be here on that day myself; and there are several Senators whose presence is more important than I can suppose mine to be who will not be here either. Therefore I suggest that it had better lie probably until a later day, to be taken up of course with convenient dispatch when the Senate may so choose.

Mr. MORTON. Of course if it does not suit the convenience of the Senate to take it up on Tuesday, the Senate will not take it up. I suggest, however, for the purpose of naming a day, that it be taken up on Tuesday.

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

Mr. CONKLING. It is understood, of course, that no assent is given to the suggestion just made.

The PRESIDENT *pro tempore*. The Chair understands the Senator from New York to have objected.

Mr. CONKLING. I make no objection, except that I say, having moved to lay the message on the table, I shall move to take it up myself at what I think is a proper time, unless somebody makes the motion before; and as far as it appears now, I do not think Tuesday is likely to be a convenient time. I understand, among other things, that the chairman of the Committee on Finance is to be absent for several days; and although I suppose the Senator from Indiana is going to sustain the message, from the suggestion he makes about taking it up, it might be well to have the Senator from Ohio, the chairman of the committee, also here to help sustain it.

Mr. MORTON. The Senator from New York no doubt will be ample aid in that matter.

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

GEORGE S. WRIGHT.

The bill (H. R. No. 1581) for the relief of George S. Wright, administrator of the estate of John T. Wright, deceased, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to George S. Wright, administrator of the estate of John T. Wright, deceased, $2,758.45, the amount of Treasury settlement numbered 536, dated March 13, 1869, in accordance with the certificates of the Third Auditor and the Second Comptroller.

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

CHEROKEE REMOVAL CLAIMS.

The bill (S. No. 505) to amend the act entitled "An act making appropriations for current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1849, and for other purposes," approved July 29, 1848, was considered as in Committee of the Whole. It proposes to amend sections 4 and 5 of the act referred to in the title, so as to make them read:

That the Secretary of the Interior shall cause a new census to be taken of the Cherokee Indians now residing east of the Mississippi River, which shall include the number and names of such individuals and families of said Indians who wish to remain and become citizens of the States in which they live; also the number and names of such individuals and families who desire to remove and join the Cherokee tribe west of said river, whereupon the Secretary of the Interior shall report the same to the Secretary of the Treasury, who shall set apart, out of any money in the Treasury not otherwise appropriated, a sum equal to $53.33 for each individual ascertained as aforesaid; and that the Secretary of the Interior cause to be paid to every such individual, or his or her legal representatives, interest at the rate of 6 per cent. per annum on said *per capita* from the date of the passage of this act.

SEC. —. That whenever hereafter any individual or individuals of the Cherokee Indians specified in section 1 of this amendment shall desire to remove and join the tribe west of the Mississippi, the Secretary of the Interior shall be authorized to withdraw from the fund set apart as aforesaid the sum of $53.33 and the interest due and unpaid thereon, and apply the same, or such part thereof as may be necessary, to the removal and subsistence of such individual or individuals, and pay the remainder, if any, or the whole, if the said Indians, or any of them, shall prefer to remove themselves, to such individuals or heads of families upon their removal west of the Mississippi.

SEC. —. That the Secretary of the Interior cause to be ascertained the number and names of such individuals and families of the Eastern Cherokee Indians who have, since July 1, 1867, at their own expense removed and joined the tribes west of the Mississippi River, and have not been reimbursed therefor by the United States as provided by section 5 of the act aforesaid, approved July 29, 1848, and shall report the amount necessary to reimburse such persons to the Secretary of the Treasury, who shall set apart, out of any money in the Treasury not otherwise appropriated, an amount sufficient to enable the Secretary of the Interior to pay, or cause to be paid, to the individuals or heads of families who removed at their own expense, a sum which shall be equal to $53.33 for each person who removed as aforesaid: *Provided*, That the amount herein required to be funded for the benefit of the said Cherokees east and west of the Mississippi River, and the amount required to be paid to them, shall be charged to the general Cherokee fund, under the treaty of New Echota, and shall be reimbursed therefrom.

Mr. EDMUNDS. I should like to have the chairman of the Committee on Indian Affairs be kind enough to explain this bill. It seems somewhat important.

Mr. BUCKINGHAM. In 1836 a treaty was made with the Cherokee Indians, by which a large portion of them were to remove west of the Mississippi. It was provided in that treaty that those who removed should receive for removal the sum of twenty dollars each, and the sum of $33.33 each for sustaining themselves one year after their arrival in their new country. It was also provided that those who did not choose to remove and remained in North Carolina should receive the interest of that $53.33, to be divided *per capita*. Since that time it has been found very difficult to ascertain who were entitled to this division of interest, and it has been pretty difficult sometimes to trace the genealogy of the Indians, and a new census was made a few years ago in order to ascertain to whom this payment should be made, but there is some embarrassment still under that, and now this bill provides that a new census shall be taken in order to ascertain who are entitled to this interest. The bill also provides that if any of the Indians have removed who have not received their share of this $53.33, to pay them for their removal and subsistence they shall be paid that amount.

Mr. EDMUNDS. How long is it since they removed?

Mr. BUCKINGHAM. They have been removing all the time from 1836 to the present time, as I understand.

Mr. EDMUNDS. Then may I ask the Senator what means this bill provides for ascertaining the identity of these claimants? Would not that part of the bill specially mentioned by the Senator be liable to the objection that under it we shall allow a vast mass of claims, bought up and in the hands of claim agents, which will do no good to the Indians; or else fictitious claims may be brought forward to pay Indians removed since 1836 for the expenses of their removal? A great many of them must be dead. The rest are scattered. Their identity may not easily be proved; and that leads me to make the inquiry of the Senator, what means we can provide for securing the Government against wrong in that respect?

Mr. BUCKINGHAM. The bill provides that a census shall be taken for that very object.

Mr. EDMUNDS. Are not the Indians who have removed scattered? I am not speaking of those who have remained behind, but those who have gone.

Mr. BUCKINGHAM. Those who have gone, I suppose, are with the bulk of the tribe west of the Mississippi. The second section provides "that whenever hereafter any individual or individuals of the Cherokee Indians specified in section 1 of this amendment shall desire to remove and join the tribe west of the Mississippi," he shall have his pay; and then in the third section the Secretary of the Interior is to "cause to be ascertained the number and names of such individuals and families of the Eastern Cherokee Indians who have since July 1, 1867, at their own expense, removed." I do not know of any better way to ascertain who are entitled to it than to leave it subject to the discretion of the Secretary of the Interior. If the honorable Senator will point out any better way, I shall be glad to take it.

Mr. EDMUNDS. Can the Senator tell me where the treaty is under which this obligation arises?

Mr. BUCKINGHAM. The treaty of 1836, called the New Echota treaty.

Mr. EDMUNDS. The date of the treaty is 29th of December, 1835, I find by the volume of treaties.

Mr. BUCKINGHAM. I named the date when it was proclaimed, May 23, 1836.

Mr. EDMUNDS. The eighth article of the treaty does provide "that the United States agree to remove the Cherokees to their new homes and subsist them one year after their arrival; and that a sufficient number of steamboats and baggage-wagons shall be furnished to remove them comfortably, so as not to endanger their health; that a physician, well supplied with medicines, shall accompany each detachment of emigrants removed by the Government. Such persons and families as in the opinion of the emigrating agent are capable of subsisting and removing themselves can be permitted to do so. They shall be allowed in full for all claims for the same twenty dollars for each member of their family; and in lieu of their one year's rations they shall be paid the sum of $33.33 if they prefer it."

Now I wish to ask the Senator in charge of this bill what is the evidence we have to act upon that during forty years—it will be forty years next year since this treaty was made—we have failed in our obligation to discharge this duty by either removing them bodily at our own expense or paying their expenses for the removal in the time of it? How does it happen that forty years have gone by before this claim is brought forward for payment by Congress?

Mr. BUCKINGHAM. I am not aware that we have failed in any respect; but as a matter of fact the difficulty arises from the impossibility, if you please, of ascertaining who among them are entitled now to the interest on this $53.33. The descendants of those entitled to it have so increased in numbers that it is only a small fraction which each one is entitled to. The difficulty arises from the trouble in tracing the genealogy of the Indians. The present bill is not to avoid any duty or renew any, but to ascertain precisely who are entitled to this money, and then also to carry the repetition, if you please, or the re-enactment of the same treaty, so that instead of paying them the money at home we will pay them $53.33 each if they remove the same as we would have done had they gone in 1836.

Mr. EDMUNDS. That part of it is not what I am asking the Senator to explain. I can understand the second section which provides for the future that if a Cherokee chooses to remove west of the Mississippi and join the tribe he shall have $53.33 for doing it. That I can understand, and that probably cannot be made the subject of covering up and concealing from Congress a job of a lot of claim agents to get on these old, stale claims of forty years' standing, if there ever was any claim at all, a large sum of money on fictitious Indians. The second section is not open to that objection. But what troubles me is the necessity of our interfering here after forty years have passed and providing for trying to ascertain who among the Indians who removed forty years ago or thirty years ago are entitled to this $53.33 with interest upon it, among their numerous descendants, whose legitimacy the honorable Senator from Connecticut tells us with great propriety and frankness it is somewhat difficult to ascertain. That is the trouble which appears to me, and I suggest it in all sincerity to the honorable Senator as a very dangerous feature in respect to protecting the United States against fictitious claims for money to be paid out of the Treasury.

Mr. BUCKINGHAM. Can the Senator suggest any better way to guard the interests of the Government than submitting this question to the Secretary of the Interior to appoint a commission to ascertain who the parties are?

Mr. EDMUNDS. Yes, sir. I think I can; and that is to strike out the section. I do not know any state of public affairs that requires us to submit anything to the Secretary of the Interior upon this topic of hunting up the descendants of Indians beyond the Mississippi, who were removed there thirty or forty years ago, for the sake of paying them interest on $53.33.

Mr. BUCKINGHAM. I believe we are not paying them the interest.

Mr. EDMUNDS. I only took it as the Senator stated it.

Mr. BUCKINGHAM. Perhaps I stated it incorrectly. It is to pay those who have gone the $53.33, provided they have not already had it.

Mr. EDMUNDS. Does the Senator understand that any delegation of Indians of the proper color and apparent proper race have been here showing to any Department a *prima facie* case looking to the fact that this money has been this long time due and not paid?

Mr. BUCKINGHAM. I do suppose, from what I understand from the Secretary of the Interior, that within the last five years, for instance, Cherokees from North Carolina have gone voluntarily from North Carolina and joined their friends west of the Mississippi, and that those men, whoever they are, are entitled to this $53.33 each, and it is this class of men whom this bill proposes to have paid if we can ascertain who they are. They are entitled to it if they stay in North Carolina; and if they have gone, we say pay it to close the matter with them.

Mr. EDMUNDS. The treaty of 1835, upon which this legislation is stated to rest, certainly does not provide that the Indians may wait forty years, as long as the Children of Israel were in the wilderness, and then go to this land of Canaan and get $53.33 for it. It provided for a substantially immediate removal then of the tribe, and they were to be removed by the United States bodily; but if any were able to remove themselves and could get on they were allowed to do so and to commute at this sum. Thereupon the great body that were ever to go did go, and that part of the treaty exhausted itself. I am sure it will not be contended by my honorable friend from Connecticut, that article 8 of that treaty providing for the removal of the Cherokees west of the Mississippi is still in force as obligatory upon the United States to remove any more or to commute with any more who go. It was a thing that was closed out long ago.

Mr. BUCKINGHAM. The obligation of the Government is not to commute. There is no limit to the obligation to pay each of the Indians the $53.33 until it is paid. If the honorable Senator will show me that it has been paid to any one or more, that ends the case in regard to that particular Indian; but if he cannot show that, and if he cannot show that those who are the heirs of the one who was originally entitled to it have had his pay, it seems to me the money is still due, and if due it should be paid.

Mr. EDMUNDS. So far as I understand the law or justice, there is no presumption arising because my friend and I have dealings, by which it would appear that forty years ago I owed him a sum of money, that I owe him yet. The presumption is exactly the reverse.

Mr. BUCKINGHAM. It would be between you and me.

Mr. EDMUNDS. But the Government, whose Treasury is always full and always open to the raid of anybody who chooses to make a claim, seems to be utterly helpless to protect itself, and as to it the presumption is the other way, I infer from my friend's intimation. No, Mr. President, in all seriousness it is not. Therefore I feel justified in saying that the presumption is, the strong presumption is, that every Indian who removed west of the Mississippi in the time of the removal between 1835 and 1840, if you please—suppose you give them five years to do it—has been settled with and has had his rights long ago. If he has not, then the period of thirty-five years of non-claim, and of descent and distribution and the ten thousand chances of life and of estate, ought to be a bar in and of itself.

We do not find from anything that is reported that any of these Indians have come to the United States saying that they have not been provided for and showing any *prima facie* case tending to lead us to believe that injustic has been done to them; but this appears to be an attempt on the part of the Secretary of the Interior, or of the Indian Office, to close out this treaty as if it were still fresh and a thing that had just been done, and that we are to go now upon an expedition to look up the descendants of Indians who from 1835 to 1840 went west of the Mississippi, with the genealogical doubts that my friend so very handsomely paraphrases, as who is who, and find somebody that is to take $53.33 apiece. I dare say you can find plenty of people west of the Mississippi who are willing to take $53.33 apiece. I know some east of the Mississippi who would do the same thing. But the question is, is it safe for the Government to leave to the Secretary of the Interior or anybody else to institute a commission to go over into that land west of the Mississippi and advertise or hunt in whatever way he may to find the descendants of the immigrants of 1835? If there are any who have gone there within five years, as my friend says, I am sure every gentleman who will read this article will say they do not come under the provision of article 8 of the treaty of 1835. That had long expired and exhausted itself. They went, if they went at all, not under the auspices and enumeration of the Government, as everybody was to go under the eighth article in the time of it, so that we knew who they were; but they went of that free will which belongs to everybody born in this country, and some others now, of moving from one State or Territory to another at pleasure. We do not owe them any money under that treaty, I feel sure. What I object to is the principle and the practice of creating commissions in the Interior or any other Department to go out over the world in the western prairies searching for somebody to whom $53.33 can be paid. I do not think it is safe.

Mr. BUCKINGHAM. It is well known that a large number of Cherokees remained in North Carolina after the treaty of 1836, and it is well understood also that by that treaty the United States should pay those who left and went west of the Mississippi the sum of twenty dollars for each member of each family, and one year's rations, or in lieu thereof $33.33 if they preferred to remain. I do not find any limit to that. That claim remains against the United States and in favor of the Indians who staid in North Carolina just so long as they remain there.

Mr. EDMUNDS. How do you know it has not been paid to them? It has been forty years ago.

Mr. BUCKINGHAM. This is to ascertain how far it has been paid or how far our payment has come short of the obligation. We have never paid it to those who remained in North Carolina.

Mr. EDMUNDS. What evidence has the Senator of that?

Mr. BUCKINGHAM. Nothing in the bill proves that, it is true. No provision has been made for the payment of it while they remained there.

Mr. EDMUNDS. Do you say that the treaty provided they should be paid?

Mr. BUCKINGHAM. The interest on it in North Carolina, not the principal.

Mr. EDMUNDS. Have we not continued to pay the interest?

Mr. BUCKINGHAM. I know nothing to the contrary. I ask the Clerk to read the communications which I send to the desk.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 10, 1874.

SIR: In accordance with the provisions contained in the fourth and fifth sections of the act of July 29, 1848, (Statutes, volume 8, pages 264, 265,) a census or roll of the Eastern Cherokees who remained in the State of North Carolina at the time of

the ratification of the treaty of New Echota, May 23, 1836, (Statutes, volume 7, page 478,) and who were entitled to have set apart for them the *per capita* fund of $53.33 referred to in said act, and to receive interest thereon, was taken by J. C. Mullay, in the year 1849, and the number thus entitled ascertained to be one thousand five hundred and seventeen in all, including many white people claiming affinity with the Cherokees.

Subsequently, in order to determine who were the legal heirs and representatives of those enrolled in 1849, but since deceased, the Secretary was directed by act of Congress approved July 27, 1868, (Statute, volume 15, page 228,) to cause another census of said Indians to be taken to serve as guidance in future payments.

This census was taken by S. H. Swetland in 1869, and he was instructed to make payment of interest then due to the Eastern Cherokees, guided by said roll, but on the same principle on which previous payments had been effected; that is, to those individuals only embraced in the roll of J. C. Mullay, or their legal heirs and representatives, as ascertained by the census taken by himself.

The difficulty of tracing Indian genealogy through its various complications in order to determine who are legal representatives of deceased Indians, without any rules by which hereditary descent among these people may be clearly established, and where, as in the present case, a single share of $3.20 would frequently have to be divided into small fractional parts, was fully demonstrated in the payment made by Mr. Swetland, and has led to litigation and serious embarrassment to the Department.

With a view to avoid similar complications in the future, I have caused to be prepared and herewith inclose a draught for a bill amendatory of the act of July 29, 1848, above referred to, and respectfully recommend the same for the favorable consideration of the Department and of Congress.

Very respectfully, your obedient servant,

E. P. SMITH,
Commissioner.

Honorable SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 13, 1874.

SIR: I have the honor to acknowledge the receipt of your letter of this date, returning the draught of a bill submitted with my report of the 10th instant, amendatory of the act of July 29, 1848, with reference to the Cherokees of North Carolina.

As suggested in your said letter, I have caused to be added to said bill a proviso that the amount of moneys furnished under the bill shall be charged to the general fund of the Cherokees under the treaty of New Echota, and shall be reimbursed therefrom.

I have also caused to be changed the date mentioned in section 3 of the bill, from July 12, 1869, to July 1, 1867.

Very respectfully, your obedient servant,

EDW. P. SMITH,
Commissioner.

Honorable SECRETARY OF THE INTERIOR.

Mr. SARGENT. I should like to inquire of the Senator from Connecticut if the Cherokees who went west of the Mississippi River do not resist this payment of the Eastern Cherokees out of the Cherokee fund?

Mr. BUCKINGHAM. There is some opposition to it.

Mr. SARGENT. Is there not very decided opposition? Have they not maintained agents here for years insisting that there was no right or claim on the part of the Eastern Cherokees to share in the money which belongs to the tribe?

Mr. BUCKINGHAM. I know not as to that; but I presume it is so if the Senator states it.

Mr. SARGENT. I understand that to be the case, and it seems to me that this bill which provides that this fund belonging to this tribe shall be taken for this purpose ought not to be passed, unless the committee have taken some pains to ascertain upon what grounds this protest rests. My own impression is that there is good ground for it; but my recollection of the case is rather indistinct.

Mr. BUCKINGHAM. The protest rests on the great desire of the Cherokees of the West to retain all the funds for their own benefit. They are not particularly friendly to the Eastern Cherokees, and are disposed, as other men often are, to get the larger half, if you please. The committee have the impression that this is an act of justice, and that the money should come from the general fund of the Cherokees, not from the Treasury of the United States.

Mr. EDMUNDS. In addition to what I stated before, I wish to call the attention of the Senate to the fact that so far as the Cherokees who did remove—and it is of them alone that I have been speaking so far—are concerned, in 1866, after they had gone into the rebellion and did us all the harm they could, we made a fresh treaty with them which wiped out all old scores and began anew, in which I find that there is no pretense of a claim like this set up by them. It goes on to enumerate the matters between them and the United States under this old treaty, provides for a new statement of accounts between them and the United States, how it shall be done, and that if anything is found there due it shall be invested in the registered stock of the United States and kept for their benefit, and all that, and then there is an express repeal of all the old treaties that should be inconsistent with this general jumping settlement that we made after they had forfeited all their rights by going into the rebellion.

Now this bill proposes to revive this old, slumbering, long-since obsolete article 8 of the treaty of 1835 for the purpose of finding somebody—as we know how things are done in these Indian countries, through some white man—to hunt up a lot of Indians who will swear that they are the descendants of Nickite-Wapote-Paw, or whatever his name may be, and his family forty years ago, under what I must again pay the homage of my admiration to, my friend's paraphrase in calling the genealogical difficulties which exist in such cases. No, Mr. President; that will not do. I move to strike out the first section of the bill, if that is it, which provides for doing anything about hunting up the Indians who forty years ago departed this land and went beyond the Mississippi. Each section contains a little on the same subject, I believe.

Mr. BUCKINGHAM. I will ask the Senator one question. He speaks of reviving an old, obsolete treaty. I will ask if the treaty of 1866, to which he refers, does not virtually forgive and forget and revive previous obligations?

Mr. EDMUNDS. No, sir, it does not. It does this, if the Senator will pardon me, because it may be a difference in phraseology; we may have the same thing in our respective minds: it does forgive these Indians, but forgives them upon the terms that we now make a fresh settlement of all affairs, that they agree to ascertain in a certain way what sum of money may stand to their credit and that that is to be invested in the registered stock of the United States. That is what it does; and for one I must be excused from voting to take any money from the Treasury to pay people who may be hunted up as descendants of the Indians who emigrated West of the Mississippi under that old treaty. If there are any recent cases where Indians have gone, then I say the treaty does not provide for them at all, and they are no more entitled to have somebody gather up their claims and speculate out of them or to have the money themselves, than I should be if I chose to emigrate beyond the Mississippi, because the treaty of 1835, the eighth article, long since exhausted itself on the subject of the removal by the United States of these Indians. It speaks of a thing then to be done and of the fact that the United States were to remove them in a body, making a special exception of Indians who were then able to remove themselves and to commute for the amount which they should have for it. Forty years have gone by, and it is said that from time to time afterward, and some within a few years, a Cherokee in North Carolina, or Georgia, or Mississippi, or wherever he may have happened to be, has gone west of the Mississippi, and is therefore entitled under the treaty. That cannot be a just construction of it. You cannot torture out of the words of the eighth article any such meaning unless your eyes are so set on the Treasury that everything in a treaty means money to you and every line means pay to you——

Mr. BUCKINGHAM. He would be entitled to the interest of it if he remained in North Carolina.

Mr. EDMUNDS. Suppose he would. Suppose I am entitled to be supported at the poor-house while I am in Vermont, and I do not know but that I shall have to be, then if I emigrate to the Indian Territory Vermont is under no obligation to me as far as I know, and the same may be said in respect to these Indians. If they are entitled to $53.33 if they remain in North Carolina, then they are not entitled to $53.33 on that account if they choose to go somewhere else in the exercise of their right to better their condition by emigration, as other people do.

I submit to the gentlemen of the Indian Committee that they are opening the door to extreme danger of fraud and falsehood, to say nothing of the fact that these Indians themselves have a very shadowy right to this money at best.

Mr. BOGY. Would it be in order to move that the bill be recommitted to the Committee on Indian Affairs?

The PRESIDENT *pro tempore*. It would.

Mr. BOGY. I make that motion.

The motion was agreed to.

PRIVATE AGREEMENTS WITH INDIANS.

The next bill on the Calendar was the bill (H. R. No. 668) relative to private contracts or agreements made with Indians prior to May 21, 1872; which was considered as in Committee of the Whole.

The bill provides that thereafter it shall not be lawful for any United States officer, or other person under its employ or control, to recognize the binding force or legality, or in any manner sustain or enforce or counsel, or give any aid or assistance to sustain or enforce, any contract or agreement made by any person or persons or corporation, with any band, tribe, or nation of Indians, or individual Indian or Indians, not a citizen of the United States, entered into prior to the date of the act of Congress entitled "An act regulating the mode of making private contracts with Indians," approved May 21, 1872, for the payment or delivery of any money or other thing of value, in present or prospective, or for the granting or procuring any privilege to him or her, or any other person or persons, or corporation, in consideration of services for, or advancements made to, said Indians relative to their lands, or to any claim growing out of or in reference to annuities, installments, or other moneys, claims, demand, or thing under laws or treaties with the United States, or official acts of any officer thereof, or in any way connected with or due from the United States, unless such contract or agreement was reduced to writing and duly signed by the parties in interest thereto at the time it was entered into and fully made known to the parties at the time the contract was signed, and then not until such original written contract shall first have been presented to and examined by the Secretary of the Interior and the Commissioner of Indian Affairs, and these facts by them severally indorsed thereon, and a copy of the contract and of any assignments that may have been made thereon duly entered of record in the office of the Commissioner of Indian Affairs.

The second section in addition requires that there shall also be filed in the Commissioner's office, and retained therein as official papers, and be examined by the Commissioner and Secretary, and that fact indorsed on them, the following statement of facts touching each and

all such contracts and agreements so presented; which statements shall be sworn to specially by all and severally the person or persons claiming interest in and seeking the support and enforcement of such contract or agreement, and not by agent or attorney: First, that the writing presented for examination and record, as provided for in the first section of the act, and purporting to be the original contract or agreement, is in fact such, and that it was entered into and reduced to writing at the date and for the purposes it purports to have been made and executed; secondly, such sworn statement shall give particularly the names of the real parties in interest in the original contract or agreement, naming them if not named in the written contract or agreement, and if either of the contracting parties is a band, tribe, or nation of Indians, or a corporation or firm, the name of the person, officer, or agent contracting in their behalf, together with his authority for so doing, shall be specially stated; thirdly, a particular statement of all and singular the services rendered or the thing or things done under such contract or agreement prior to said filing, with those things to be done or rendered, together with a particular statement of any and all moneys paid or advanced by either party under such contract or agreement, giving in all cases the time, place, and real value of services rendered, or thing or things done, or the kind and manner of payment, whether in money, property, or credits, up to the date of the filing of the said sworn statement; fourthly, state specifically whether the original contract or agreement had been submitted to any Secretary of the Interior, Commissioner of Indian Affairs, superintendent of Indian affairs, Indian agent, commissioner, or other person having official control of or connection with Indian affairs, giving the time when, place where, and person by name to whom such submission was made, and whether by said officer indorsed or not, or whether any such officer was cognizant of such contract or agreement having been made, though not submitted to him for approval.

The third section empowers the Secretary of the Interior or Commissioner of Indian Affairs to require, in writing, any additional facts or proofs that may be necessary to aid in determining the true character of the contract or agreement, or assignment thereof.

By the fourth section it is provided that no such contract or agreement shall be recognized by any officer or employé of the United States until the Secretary of the Interior shall, after full consideration of any such contract or agreement, together with the proofs and papers in this act required to be filed, and such as the Secretary of the Interior or Commissioner of Indian Affairs may require in addition thereto, consider it to be just and reasonable, and not tainted with fraud, and not exorbitant in its demands. The Secretary of the Interior is in all cases to enter, in writing, on the original contract, on the record in the office of the Commissioner of Indian Affairs wherein such original contract is recorded, an official statement showing that the contract or agreement and proofs have been filed in accordance with the provisions of this act and considered by him, and that in his opinion the contract or agreement or assignments thereof are not exorbitant and not fraudulent, and that they are just. But if, in the opinion of the Secretary of the Interior, such contract or agreement, or the assignment thereof, is fraudulent or exorbitant, he shall officially enter his rejection, in writing, upon the record of such contract or agreement, and they shall not be considered of binding force by any officer or employé of the United States.

The fifth section makes it the duty of the Secretary of the Interior to cause an investigation to be made of all existing contracts or agreements, within the purview of this act, now on file in his office, or of the office of the Commissioner of Indian Affairs, or any other office or Bureau under his control, and by special notice to the party or parties in interest compel, in the case of each such contract or agreement so found on file, the same strictness of official examination, and indorsement, record, and sworn statement of fact, as is required by the several provisions of the act; but the investigation of facts touching the character of any contract or agreement contemplated by the act may be made by a commissioner appointed by the President for that purpose, who shall report all such facts to the Secretary of the Interior in writing.

Mr. STEWART. I think the committee had better further examine that bill. I fear they have not guarded the very thing they intended. A contract touching the lands of an Indian reservation might be made in due form, not fraudulently, which might be confirmed under this act, though such contracts have all along been prohibited, and I think it would be very injurious to allow them to be made. I do not know that the bill is subject to that objection, but I am afraid it is. I have glanced it over hastily. I think it ought to be further considered.

Mr. BUCKINGHAM. This is a House bill which has been well considered by the House, and well considered by our committee. It is similar to a bill that passed in 1872, except that the bill which passed at that time referred to contracts with Indians made from that time on. This refers to contracts made previous to that date, and it provides that the officers of the Government shall not recognize contracts made with Indians unless they have been made in a specific way; and the manner in which they have been made is to be proved before the Secretary of the Interior, and the object for which they were made stated. The bill provides, very thoroughly it seems to me, for guarding against fraud upon the Indians and any parties connected with them. I do not think any reconsideration will bring any new facts. I am sure the bill will commend itself to the minds of Senators at once.

Mr. STEWART. I do not wish to antagonize the committee, but I think it is a great deal better that the bill should be further examined. I think the Secretary of the Interior has no power to interpose unless he finds a contract to be fraudulent. If the contract is fair on its face, he has to ratify it.

Mr. BUCKINGHAM. It is not worth while for the committee to reconsider this bill. Let the Senate act with it as they see proper. If they think it worth while to reject it, very well; be it so.

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

SETTLERS ON CHEROKEE STRIP.

The next bill on the Calendar was the bill (H. R. No. 200) for the relief of settlers on the Cherokee strip in Kansas; which was considered as in Committee of the Whole.

All persons who, by the provisions of the second section of the act entitled "An act to carry out certain provisions of the Cherokee treaty of 1866, and for the relief of settlers on the Cherokee lands in the State of Kansas," approved May 11, 1872, had become entitled at any time to enter and purchase any portion of the lands mentioned in that act, but who have failed to make proof of settlement, entry, and payment within the times provided by it are by this bill allowed additional time within which to make such proof of settlement, entry, and payment to the 1st day of January, 1875.

Mr. STEVENSON. I should like to ask the chairman of the Committee on Indian Affairs whether there was not a treaty which the Indians have accepted, by which on a certain day they were to receive a fulfillment of the stipulations of that treaty; and whether Congress has a right, after the Indians have accepted the treaty, to undertake on one side to extend the time without their consent? I desire to be informed on that question.

Mr. BUCKINGHAM. I understand that this is not that case; but this is an extension of an act of Congress by which persons become entitled to certain rights.

Mr. STEVENSON. But my impression and understanding was—I do not know that I am fully informed—that a treaty was entered into which the Indians accepted, by which on a certain day that treaty was to be carried out. Now I understand that this act proposes to extend the time within which certain things are to be done. I only ask for information.

Mr. BUCKINGHAM. The bill does propose to extend the time of payment until 1875 to those who have the right to the land or suppose they have it but failed to make the proper proof. I think perhaps the Senator from Kansas may give a better explanation of it.

Mr. INGALLS. With the permission of the Senator from Connecticut, and in response to the inquiry of the Senator from Kentucky, I will say that by the treaty of May 6, 1828, and the supplementary treaty of February 14, 1832, and the second article of the treaty of December 29, 1835, the United States guaranteed to the Cherokee tribe of Indians a tract of country amounting to seven million acres in what is known as the Indian country and in the State of Kansas. On the 19th of July, 1866, by the seventeenth article of the treaty of that date, the Cherokee Nation ceded in trust to the United States all the portion of that tract which was found to be lying within the boundaries of the State of Kansas. They consented that the land should be included in the limits and jurisdiction of the State, and the lands were to be surveyed as public lands and appraised at the average price of $1.25 an acre and sold to the highest bidder for cash, or in gross for a sum not exceeding $800,000. On the 11th of May, 1872, an act was passed to carry out the provisions of this treaty, and that act directed the survey of the lands and their sale to actual settlers within a certain time, stipulating that the lands on the east side of the Arkansas River should be sold at a price not exceeding two dollars an acre and those on the west side at not less than $1.50 an acre. On account of various misfortunes occurring to the settlers on that tract who went into possession under the provisions of that law, the failure of the crops and other misfortunes, they have been unable to comply with the provisions of that act; and this bill now before the Senate proposes to extend the time until the 1st of January, 1875.

The Indians themselves consent to this arrangement; the Commissioner of Indian Affairs has given his assent to it; and the settlers themselves desire it simply as an act of justice to them, the condition being that they shall pay on the deferred sum 5 per cent. interest, that being the same amount that the Government is compelled to pay to the Indians. It is a matter that is agreed upon by all parties in interest.

Mr. STEVENSON. I have nothing to say then.

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

JOHN M. M'PIKE.

Mr. CONOVER. I move that the Senate proceed to the consideration of executive business.

Mr. ANTHONY. I hope not. Let us go on with the Calendar. We can go on for half an hour longer.

Mr. CONOVER. I withdraw the motion.

The next bill on the Calendar was the bill (S. No. 563) for the relief

of John M. McPike; which was read the second time, and considered as in Committee of the Whole.

It provides for the payment of $19,473.50 to John M. McPike, in full settlement for beef and supplies furnished the troops by Jordan & McPike in quelling the Indian disturbances in the Territory of Utah, now the State of Nevada, in 1860.

Mr. WEST. I should like to hear the report read in that case. It involves a large amount of money.

The Chief Clerk commenced to read the report submitted by Mr. MITCHELL, from the Committee on Claims, March 4, 1874.

Mr. ANTHONY. That is a very long report, and we have but a short time. I think we had better take up the cases which can be disposed of.

The PRESIDENT *pro tempore*. The bill will be laid aside.

Mr. BOGY. I hope the gentleman will withdraw his objection. This bill has been before Congress for many years. I have examined it carefully. It is eminently just and eminently proper that it should pass. Mr. McPike furnished beef and provisions to the Army in Nevada fourteen years ago——

Mr. ANTHONY. I objected simply because I saw it was going to occupy the whole of the remainder of to-day's session and I wanted the time devoted to unobjected cases.

Mr. STEWART. Allow me to say a word.

Mr. ANTHONY. I withdraw the objection.

Mr. STEWART. I do not believe anybody will object to the consideration of the bill when the case is stated.

Mr. BOGY. There certainly should be no objection.

Mr. STEWART. In the spring of 1860 we had an Indian war in Nevada. The inhabitants themselves organized a militia company that went out——

Mr. ANTHONY. I do not like to interrupt my friend, but I am going to dispute the historical facts he states now, because he told us some days ago that they never had had an Indian war in Nevada because they treated the Indians so much better there than anywhere else.

Mr. STEWART. They went out to meet them. The Indians made an attack, and some sixty of our best citizens were killed. There were but few people there at that time. The snow was deep. The United States forces came over, and some volunteers from California, under Colonel Jack Hays. The citizens contributed largely. I gave $700 myself. The citizens generally have never asked for any pay, and I have never presented any claim on their account. Two or three hundred thousand dollars were raised by our people and contributed to the campaign. There was a firm known as Jordan & McPike, who were in the trading business with mules over the snow, and the snow was then fifteen or twenty feet deep. They used pretty much all the capital they then had in supplying the volunteer forces of the army that was under Colonel Jack Hays. The affair was conducted under Captain Stewart of the regular Army, assisted by Colonel Jack Hays, whose volunteers came from California.

These supplies were furnished and receipts given for them under a contract with the quartermaster of Jack Hays, and everybody was required to contribute. An ordinary war of this kind would have cost the Government of the United States $1,000,000. There has never been a cent paid by the United States on account of these volunteers. The campaign was an expensive one and a successful one, but we have never asked for and have never had an Indian claim paid in Nevada. Here a couple of men put in nearly their entire fortunes fourteen years ago. The claim has been before the committees all the time since I have been here. I have not pressed it, because I am not much of a hand to press claims. Mr. Willey examined it upon the Committee on Claims, and made a favorable report some years ago. The committee have again examined it now, and come to the conclusion that the claim is just. There is no doubt about its justice, and I hope it will be allowed to pass.

Mr. INGALLS. What is the amount involved?

Mr. STEWART. About $19,000.

Mr. BOGY. I have examined it.

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

RICHARD H. SWIFT.

The next bill on the Calendar was the bill (H. R. No. 1575) for the relief of Richard H. Swift; which was considered as in Committee of the Whole.

The bill provides for the payment to Richard H. Swift of $4,080.24, in full payment and satisfaction of all claim to moiety as informer in case of the United States against Jonathan M. Dair and certain property of Dair, and wherein judgment of condemnation was rendered in favor of the United States.

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

KENTUCKY AGRICULTURAL ASSOCIATION.

The next bill on the Calendar was the bill (S. No. 375) for the benefit of the Kentucky Agricultural and Mechanical Association; which was considered as in Committee of the Whole. It provides for the payment of $25,000 to the Kentucky Agricultural and Mechanical Association, to pay for damages to their fair grounds, resulting from their occupancy by United States troops during the late rebellion, which sum has been recommended to be paid by the board of claims and by the Secretary of War.

The bill was reported to the Senate without amendment.

Mr. ANTHONY. Does not that come under the class of claims we have passed over?

Mr. STEVENSON. It is recommended by the Secretary of War and by the Claims Committee and fully examined.

Mr. ANTHONY. Is not that of the J. Milton Best class of claims?

Mr. SCOTT. In response to the Senator from Rhode Island, who I understand addresses me as chairman of the Committee on Claims, I will state that this is not a claim of the class which he designates as the J. Milton Best class of claims. It is a claim for the occupation of real estate by the troops of the United States and for injury and destruction to the property. The bill is reported by the Senator from West Virginia [Mr. DAVIS] and it had the support of a majority of the Committee on Claims. There was some diversity of sentiment in the committee as to whether the evidence in the case was sufficient to justify this report in its entirety. I was not myself entirely satisfied with the report, but I shall not object to its consideration, leaving the Senator from West Virginia who had charge of the case to explain it.

Mr. ANTHONY. I understand, then, the Senator from Pennsylvania does not object to the principle, but to the amount?

Mr. DAVIS. That was the only question.

Mr. ANTHONY. Then I have no objection.

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

WASHINGTON INEBRIATE ASYLUM.

The next bill on the Calendar was the bill (S. R. No. 224) to incorporate the Washington City Inebriate Asylum in the District of Columbia.

Mr. ANTHONY. I am not familiar with the legislation of the District. Is not there a general incorporation law in this District?

Mr. JOHNSTON. There is a law authorizing private charters.

Mr. ANTHONY. Is there any necessity for this special act of incorporation?

Mr. JOHNSTON. These parties are advised that that law does not cover this case. It is a very important matter; and they prefer a charter from Congress.

Mr. ANTHONY. But the law does cover this case.

Mr. JOHNSTON. I do not think it does.

Mr. SARGENT. I want to hear the bill.

The bill was read.

Mr. ANTHONY. I hope the Senator who has charge of this bill will explain it. Certainly it is for a very good object, and I heartily sympathize with all those institutions which treat intemperance as a disease rather than a vice, which I think it generally is; but it seems to me this bill gives most extraordinary powers to the incorporators. They have the power to receive a man who comes there and to hold him there for a year without his consent, as I understand. I feel very reluctant to vote to give any men so great power as that. Perhaps I have not apprehended correctly the reading of the bill, but I should like to have it explained.

Mr. JOHNSTON. This bill is precisely on the model of the charter of the Binghamton asylum in New York, which is operating well there. It is almost a copy of that charter; and as that operates so well, in framing this law that charter was adopted as the model.

Mr. ANTHONY. Under this bill, if an intoxicated man voluntarily or by the persuasion of his friends delivers himself up to the officers of this institution, have they the power to keep him there a year?

Mr. JOHNSTON. No, sir; it gives them the same control that the officials have in a lunatic asylum over lunatics. It treats drunkenness as a disease, and proposes to treat it the same as lunacy is treated. I trust there will be no objection to it.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. SARGENT. I do not wish to object to the present consideration of the bill, but I desire to discuss it.

The PRESIDENT *pro tempore*. The Chair hears no objection. The bill is before the Senate as in Committee of the Whole.

Mr. SARGENT. The question was asked by the Senator from Rhode Island whether the District government was not authorized to grant corporate powers to benevolent corporations, and I understood the answer to be that that was true; that such power existed given by Congress, but that it did not cover this case.

Mr. ANTHONY. I should not think it would.

Mr. SARGENT. I would like to inquire of the Senator who reports this bill whether section 28 of the law creating the District government does not wholly cover it? That section is:

> *And be it further enacted*, That the said Legislative Assembly shall have power to create by general law, modify, repeal, or amend, within said District, corporations aggregate for religious, charitable, educational, industrial, or commercial purposes, and to define their powers and liabilities: *Provided*, That the powers of corporations so created shall be limited to the District of Columbia.

Mr. JOHNSTON. The power desired can only be exercised by Congress directly; and as this is a great enterprise, and will require the outlay of a great amount of money, the parties concerned do not desire

to embark in it without having a charter from Congress itself. It is not that they deny that the terms of that law would cover the case; but they are of opinion that the charter would not be sufficiently valid unless granted by Congress itself.

The PRESIDENT *pro tempore*. The amendments of the Committee on the District of Columbia will be read.

Mr. SARGENT. I do not see that it is pointed out why the powers of the District government are not adequate to cover cases like this. Certainly they are adequate for all judicious legislation. Some of the provisions of this bill are extraordinary in their character, very far-reaching, and go very far toward restraining the liberty of the citizen under circumstances where it ought not to be restrained. Furthermore there is very liberal provision made for the support of this institution out of certain taxes levied by the District government.

Mr. JOHNSTON. No.

Mr. SARGENT. Out of licenses, then. It is very difficult to understand such a bill when it is read for the first time at the Clerk's desk, and perhaps that should induce me to object to its consideration entirely; but I will not do that. I should like the Senator to state the provision in reference to the disposition of the taxes or licenses which the bill provides for.

Mr. JOHNSTON. The Senator is mistaken about that.

Mr. SARGENT. I will get the bill and examine it.

Mr. JOHNSTON. That provision is stricken out by an amendment of the committee.

Mr. SARGENT. That motion has not been made.

Mr. JOHNSTON. Yes, sir; it is so reported.

The PRESIDENT *pro tempore*. The amendments of the committee will be read.

The CHIEF CLERK. The first amendment of the Committee on the District of Columbia is in line 11 of section 1, to insert after the word "estate" the words "not exceeding sixty acres;" so as to read:

In their corporate name to take, purchase, have, lease, and hold real estate, not exceeding sixty acres, in the District of Columbia, &c.

The amendment was agreed to.

The next amendment was at the end of the first section, to insert the following:

But the limitation that the said asylum shall not take, purchase, have, lease, and hold real estate shall only apply to property leased or purchased, and shall not prevent the said asylum from taking and holding any estate, real or personal, given or devised to it.

Mr. EDMUNDS. I should like that explained. Do you intend to allow this corporation to become the owner of all the land in the District because it takes it by grant or devise?

Mr. JOHNSTON. No, sir. The bill as presented to the committee had no limit as to the amount of land the asylum might buy. The committee limited what the corporation might purchase to sixty acres, but if anybody chooses to give them land we allow them to accept it.

Mr. EDMUNDS. Without limitation?

Mr. JOHNSTON. Yes, sir.

Mr. EDMUNDS. Then the consequence is that this corporation, like some religious corporations that we know of in other countries, may become the proprietor of half the real estate in this District, withdraw it from taxation, and become a monstrous corporation with no power in Congress to correct it.

Mr. JOHNSTON. Does the Senator think it likely that the people of the District are going to give half their property to the asylum?

Mr. EDMUNDS. The Senator cannot forget that this corporation is a perpetual one, and that his day and my day will be gone, and perhaps that of our posterity, while this corporation is still blooming, and once getting hold of land it can hold on until it can get more, and so on, and bring influences to bear on people so that they will continue to give. You thereby build up at last—as we know religious corporations were built up in the same way in Great Britain and other countries—a monstrous land monopoly which is free from the taxing power of the Government entirely. The committee could not have intended that; or if they did I most respectfully submit that it is very wrong. This provision does, as the Senator correctly says, in their terms provide for that. I hope it will not be adopted.

Mr. JOHNSTON. The bill simply provides that this asylum may buy real estate not exceeding sixty acres, and then the amendment further provides that that limitation upon the right to purchase and hold real estate shall not apply to cases where it is given to the asylum. That was put in in order to allow charitable persons who choose to do so to make donations either of land or personal property to the asylum. I suppose the apprehension of the Senator is rather an extravagant one, that there is any danger of the asylum absorbing the land in the District of Columbia, or any considerable amount of property. I think the suggestion is hardly worthy of consideration.

Mr. EDMUNDS. The practical danger of to-day may be very small, but we are bound as sensible Senators to legislate upon a principle, and a principle which runs through the political jurisprudence of I believe every State in this Union and every civilized country in the world. I have no doubt that the statutes of Virginia do not allow any kind of corporation to hold unlimited real estate, because civilized history shows us the danger of permitting that species of accumulation of real property. Now the proposition is in the District of Columbia that here shall be an eleemosynary corporation that shall have no limit upon the amount of real estate which it may hold, provided it can get it by gift or by devise. Inasmuch as I believe the laws of almost every State in the Union are based upon exactly the opposite theory and fix the upper limit, it appears to me that this ought to be fixed; and instead of providing that they may hold unlimited real estate obtained by gift or devise, there should be a limit that they should not hold, as there is in the other part of the section, beyond a certain amount.

Mr. JOHNSTON. Does the Senator propose to strike that out altogether, or merely to restrict it?

Mr. EDMUNDS. As it stands now, I am opposed to it, and hope the Senate will disagree to it, because in my opinion the Senator himself—for he is an intelligent gentleman and understands history—must see that it violates a fundamental principle of free government; that is, never to intrust to a corporation the unlimited power to acquire land.

Mr. JOHNSTON. If the Senator will suggest how it can be done, let him submit a motion to amend restricting the amount to be held by the asylum to so many acres or to such a value.

The PRESIDENT *pro tempore*. The Senator can use words "not exceeding so many acres" or "so many dollars in value."

Mr. EDMUNDS. So many dollars, I would prefer.

Mr. ANTHONY. I suggest to the Senator from Virginia that the bill had better be recommitted to the committee. There are certainly some provisions in it which ought to be guarded with care; and that can be done much better in committee where the bill is in charge. It seems to me the power given over the liberty of the citizen in some cases is extraordinary. I suggest to the Senator from Virginia to move to recommit the bill. He has charge of it.

Mr. JOHNSTON. This bill is drawn precisely on the model of the charters of institutions which are in existence and which are working well. For that reason I did not suppose there would be objection to it.

Mr. ANTHONY. The Senator says this is exactly on the model of the Binghamton institution. Certainly he does not mean to say that the Binghamton institution allows a person brought there by the permission of his friends in a state of intoxication to be detained by the authorities at their pleasure for one year.

Mr. JOHNSTON. I have here the charter of the Binghamton institution.

Mr. EDMUNDS. Will the Senator read that clause?

Mr. JOHNSTON. Will the Senator point to the clause he refers to?

Mr. ANTHONY. The clause which allows the authorities to retain at their discretion from one month to one year a person who voluntarily or by the permission of his friends, when he is unable to act for himself or judge for himself, commits himself to their keeping.

Mr. EDMUNDS. It is section 7.

Mr. JOHNSTON. That reads as follows:

Said institution shall have power to receive any inebriate who shall voluntarily, or by the persuasion of others, come thereto, and retain him therein for a period not less than one month nor more than twelve months—

Twelve months is the limitation of detention under any circumstances—

as may be advised by the physician in charge.

It is exactly the provision that prevails in all lunatic asylums, as I understand.

Mr. EDMUNDS. A lunatic asylum where a man is committed by judicial process and where a man is subject to judicial process to be brought out at any time, would be quite a different thing. But here you are to put a man in prison by the persuasion of his friends, when he is temporarily insane by intoxication; and when he gets sober, according to the ordinary rules applicable to Washington, in the course of two or three weeks, then you say that the physician in charge shall be the lord and master of this sober man for the eleven months left of the year. It seems to me that, with the notions we have on this side of the Chamber of republican liberty and the liberty of the citizen, that is drawing it pretty strong against private rights. If the Senator from Virginia will be kind enough to read such a clause as that in the law of the State of New York, I shall be glad to hear it, although it would not change my opinion of the error of it if it were there.

Mr. JOHNSTON. As the bill seems to be objectionable, I move to recommit it to the Committee on the District of Columbia.

Mr. EDMUNDS. Before it is recommitted I wish to suggest to the Senator, because I sympathize with the object of his bill, that there ought to be a section at the end reserving to Congress the power to alter, amend, or repeal it. That is usual now in all acts of incorporation, and is necessary to the public safety.

The motion to recommit was agreed to.

EXECUTIVE SESSION.

Mr. HAMLIN. I move that the Senate proceed to the consideration of executive business.

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

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 22, 1874.

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

The Journal of yesterday was read and approved.

DISABILITIES OF RAPHAEL SEMMES.

Mr. BROMBERG. I ask unanimous consent to introduce a bill to relieve Raphael Semmes, of Alabama, of political disabilities. If there be no objection I ask that the petition he has addressed to Congress, asking for relief, may be read.

Mr. RUSK. Let it be printed.

Mr. HAWLEY, of Illinois. I ask that it be read.

The SPEAKER. The petition will be read.

The Clerk read as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The undersigned respectfully shows unto your honorable bodies that prior to the late war between the United States and the Confederate States he was a commander in the Navy of the United States, domiciled in the State of Alabama, of which State he had been a citizen for a number of years; that, viewing the questions at issue between the Northern and Southern States from a southern stand-point, he believed in the right of secession of a State for cause, and in a contest of allegiance as between his State and the Federal Government he believed his allegiance to be ultimately due to his State; that when his State seceded he felt himself in honor bound to follow her fortunes, for better for worse; that his State did secede, and upon the happening of that event he tendered his resignation to the then Secretary of the Navy, who well knew the object of the tender, and his resignation was accepted; that being by such acceptance relieved from all his obligations to the Federal Government, which grew out of his late commission, he returned to the State which he believed was entitled to his allegiance, took up arms in her defense, and defended her, and the Confederate States of which she had become a member, to the best of his ability; that at the close of the war he retired to private life and has again become a citizen of the United States, having as a voter of the State of Alabama sworn to support and defend the Constitution of the United States and the Union of the States. Having thus renewed his allegiance to the Federal Constitution in good faith, he desires the prompt and entire oblivion, except in so far as history may deal with the subject, of the late differences between the two sections. He has the natural affection of an American citizen for the land of his birth, and the same pride as formerly in the glory and prosperity of his country, and of his whole country. And he now requests your honorable bodies to remove the political disabilities under which he has so long labored, and restore him to the full and free embrace of the only country which can claim him and the only country which he cares to claim.

Respectfully,

RAPHAEL SEMMES.

Done at Mobile, in the State of Alabama, on this the 30th day of January, A. D. 1874.

Mr. MERRIAM. I call for the regular order.

The SPEAKER. Objection is made to the passage of the bill.

Mr. BROMBERG. Does any gentleman object to the passage of the bill?

Mr. SMART, and Mr. HAWLEY of Illinois, objected.

Mr. BROMBERG. I should like to say a single word about this case, and I hope gentlemen will at least hear me a moment.

The SPEAKER. The gentleman from Alabama asks leave to make a brief statement.

Mr. BROMBERG. There is not a word in that petition that is not the simple truth. Ever since the close of the war——

Mr. HAWLEY, of Illinois. I desire to state the reason of my objection, if the gentleman is heard.

Mr. HALE, of Maine. I think this matter can at least wait until after we get the Geneva-award money distributed.

Mr. BROMBERG. I think it strange, that when the House has passed a general bill relieving of their disabilities men who have trained cannon against their fellow-citizens and killed them, a man against whom the only charge is the destruction of a few ships and causing the loss of a few dollars is to have his disabilities remain on his head. Is blood less valuable than money?

Mr. HALE, of Maine. I think he can wait as long as the claimants under the Geneva award can wait.

AMERICAN CITIZENSHIP.

Mr. E. R. HOAR. I call up the motion to reconsider the vote by which the bill (H. R. No. 2199) to carry into execution the provisions of the fourteenth amendment to the Constitution concerning citizenship and to define certain rights of citizens of the United States in foreign countries and certain duties of diplomatic and consular officers, and for other purposes, was recommitted to the Committee on Foreign Affairs.

Mr. CONGER. Is that bill a report from a committee?

The SPEAKER. It is a report which was made some time since to the House and recommitted, and a motion entered by general consent to reconsider the vote recommitting it in order that it might be brought up for action at any time. The Committee on Foreign Affairs report a substitute for the bill, which alone will be read.

The Clerk read the substitute, as follows:

Strike out all after the enacting clause and insert the following:

That for the purposes of this act the words "domicile" and "reside" are to be construed as implying a fixed residence at a particular place, with direct or presumptive proof of an intent to remain indefinitely.

SEC. 2. That in order to assure to all persons born or naturalized in the United States, and subject to the jurisdiction thereof, the full enjoyment of the right to be citizens of the United States and of the State wherein they reside, it is hereby declared:

First, that all persons shall be regarded as entitled to the privileges and immunities of citizens of the United States, and as subject to the duties imposed upon such citizens, who may have been born and are residing within the United States and subject to the jurisdiction thereof, and also all married women whose husbands may be such citizens as against all powers, except the power within whose jurisdiction an alien woman married to a citizen of the United States may have been born and shall continue to reside. But a child born within the United States of parents who are not citizens, and who do not reside within the United States, and who are not subject to the jurisdiction of the United States, shall not be regarded as a citizen thereof, unless such child shall reside in the United States, or unless his or her father, or in case of the death of the father his or her mother, shall be naturalized during the minority of such child, or such child shall within six months after becoming of age file in the Department of State, in such form and with such proof as shall be prescribed by the Secretary of State, a written declaration of election to become such citizen, or shall become naturalized under general laws.

Secondly, a child born abroad, whose father may be a citizen of the United States, residing in and subject to the jurisdiction of the United States, shall be regarded as a citizen of the United States at the time of birth, and shall follow and have the domicile and citizenship of the father during minority.

Thirdly, the following persons shall be regarded as not subject to the jurisdiction of the United States within the intent of the said fourteenth amendment, or as not residing within the United States within such intent, namely: First, born or naturalized citizens of the United States who become naturalized as citizens or subjects of another State, or who enter into the civil, naval, or military service of any foreign prince or state, or of any colony, district, or people foreign to the United States; secondly, citizens of the United States who may be domiciled abroad, unless registered as hereinafter provided; commercial establishments shall not be regarded as creating a domicile unless made with an intent not to return; citizens of the United States engaged in them may, by registering themselves, as hereinafter provided, preserve presumptive proof of intent to return; thirdly, naturalized citizens of the United States who may, by the terms of any treaty, be regarded as having resumed their original nationality, or who, on returning to their native country, may be convicted of offenses against the laws of that country committed prior to their arrival in the United States; fourthly, a citizen of the United States becoming the wife of an alien, who shall not reside within the United States; but such citizen may, on the death of her husband, become again a citizen of the United States by residing within one of the States or Territories, and becoming subject to the jurisdiction of the United States, and filing in the Department of State, in such form as may be prescribed by the Secretary of State, a written declaration of her election to become such citizen; fifthly, a naturalized citizen of the United States becoming domiciled in the country of his or her nativity, unless when otherwise regulated by treaty.

SEC. 3. That citizens of the United States who are, or may hereafter be, domiciled in a foreign country may, if adults, within six months of the time of first acquiring such domicile, and if minors, within six months after becoming of age, register themselves as such citizens at the legation of the United States in the country in which they may be domiciled, or if there be no such legation, then at a consulate to be designated by the Secretary of State; the registry shall be made by a written declaration, signed by the person making it, stating in full his name, and the place and date of his birth; if naturalized, the time and place of his naturalization; his place of previous domicile in the United States; how long since he actually resided in the United States; whether he intends to return; if married, the name and nationality of his wife, and the names and ages of his minor children, if any, and the dates and places of their birth. The diplomatic or consular representatives of the United States, as the case may be, shall, at the close of each calendar year, make return to the Department of State of such registries in such form as the Secretary of State may direct; and the Secretary of State shall annually transmit copies of such returns to Congress; and citizens of the United States, of adult age, who shall remain out of the jurisdiction of the United States, and within the jurisdiction of some other power, continuously for two years, shall be held as domiciled in a foreign country, except as hereinbefore provided.

SEC. 4. That the foregoing provisions of this act shall not be construed as affecting the right of inheritance or succession to real or personal property in any State. Within the Territories and within the domain subject to the exclusive jurisdiction of the United States, real and personal property of every description may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a citizen of the United States; and a title to real and personal property of every description may be derived through, from, or in succession of an alien in the same manner in all respects as through, from, or in succession to a citizen of the United States.

SEC. 5. That a marriage in a foreign country between citizens of the United States, or between a citizen of the United States and an alien, unless forbidden by the law of the country in which it takes place, may be contracted and solemnized in such manner and form as may be prescribed by the Secretary of State, in the presence of the principal diplomatic agent of the United States in such country, or of a consul-general or consul for the district in which it takes place, and shall in such case have flul force and effect, and shall be valid to all intents and purposes throughout the United States. It is made the duty of such diplomatic agent, or consul-general, or consul, on being satisfied of the identity of the parties, and that at least one of them is a citizen of the United States, and that the marriage is not prohibited by the laws of the country, and on being requested to be present at any such marriage, to indicate a time and place when and where it may be solemnized in his presence, and to be present at such time and place, and, when the marriage shall have been solemnized, to give to each party a certificate thereof, in such form as may be prescribed by the Secretary of State. At the close of each calendar year he shall make a return to the Secretary of State of all marriages so contracted or solemnized in his presence within the year, showing with respect to each party the name, the age, the place and date of nativity, the place of residence, and such other facts as he may think necessary. Section 31 of the act of June 22, 1860, entitled "An act to carry into effect provisions of the treaties between the United States, China, Japan, Siam, Persia, and other countries, giving certain judicial power to ministers and consuls or other functionaries of the United States in those countries, and for other purposes," is hereby repealed.

Mr. E. R. HOAR. This bill, Mr. Speaker, is in regard to a subject of very great practical importance. The House will remember that in the President's message the attention of Congress was called to the necessity of legislation upon this subject; and there accompanied the President's message, among the documents, a large pamphlet of some two hundred and fifty pages containing the opinions of each of the Cabinet officers, which the President had called for; containing also a statement of our treaties affecting the subject with different foreign nations, and showing, I think conclusively, the necessity of some legislative declaration and provision applicable to the case.

The bill which is now submitted to the House for action has been most carefully considered by the Committee on Foreign Affairs. It was originally drawn by the State Department, and has been most carefully, in every line, revised; and suggestions in regard to it have been received, and many of them have been adopted, from various classes of citizens interested in the subject. It is the belief of the

committee that, as now reported, the bill contains a just, equitable, and practicable mode of disposing, as far as it goes, of the interesting questions involved.

I wish to say at the outset that the committee recognize to the fullest extent the American doctrine of the right of every human being to elect the nation to which he will belong, and to which he chooses to remove from the place of his birth. There is not, as I believe, in this bill a single provision which infringes in any degree upon this great right. We not only recognize and intend to assert the right of natives of all other countries on the earth to come to this country in the pursuit of happiness and prosperity who may choose to cast in their lot with us, but we recognize the corresponding right of every American citizen if he chooses to join himself to any other nation in the pursuit of fortune or of any of the objects of life.

There have been found practically many cases which have come under the consideration of the Executive in the State Department from which it seems that there is a necessity for some rule by which in a simple and easy manner it can be determined whether American citizens have chosen to change their nationality. We recognize the obligation of protecting American citizens, native, and naturalized also. It is therefore most desirable that there should be as easy and ready a means of determining whether persons have renounced their American nationality as of determining whether citizens of other countries have adopted American nationality; and a counterpart to our simple and easy method of naturalization, determining when the obligation of the American nation to interfere in behalf of those citizens abroad exists will be recognized as an object of importance. I suppose, Mr. Speaker, that the House will feel and understand that the object of allowing citizens of other countries to become citizens of this is that they may assume the practical duties of citizenship. It is because they cast in their lot with us and hold themselves ready to perform their duties of citizenship that we invite them and make such easy and ready provision for their becoming citizens of the United States.

In like manner we wish to recognize the right of native or naturalized citizens, whenever in their opinion their interests may lead them to adopt that course, to change their relations and become practically if they choose citizens of other countries. But we do not desire to encourage or foster a class of persons, whether native or naturalized, who acquire or inherit by birth the right of American citizenship, and renouncing all its obligations and all its duties, actually reside within and practically become citizens of foreign countries, using their right of American citizenship solely for the purpose of embarrassment to their country.

I will state to the House one case which has been brought to the attention of the State Department, and which created a practical embarrassment. Some twenty or twenty-five years ago a young Frenchman came over to New Orleans, apparently in pursuit of adventures. Soon after he arrived he took means to become naturalized, and was naturalized at New Orleans. The year following his naturalization he returned to France without any intention of ever returning to this country. He there married a French lady, established himself at his home as a French citizen, exercised all the rights of a French citizen, had children born to him, and died leaving his family there. His eldest son, born in France of French parents, never having resided, and never intending to reside in or to come to this country, on reaching the age of twenty years was called upon to perform military service. Thereupon he applied to the American minister for protection as an American citizen against that demand of the authorities of his native country, and, under the statutes of this country providing that a child born abroad of a father who was a citizen of the United States, claimed that he should have the protection and intervention of this Government. As I am assured by the State Department, several such cases have occurred, and they have given us great embarrassment.

Mr. ELDREDGE. I would like to ask the gentleman a question, if it will not interfere with his line of argument. I have hastily read over this bill, and it seems to me there is the same provision in it that the gentleman speaks of as having brought about the embarrassment to which he has referred. If not, then I would like to have him say what provision is made for the case to which he has referred.

Mr. E. R. HOAR. I do not propose to go into all the details of this bill at this time. I desire merely to state the general objects which the committee had in view. As I was saying, there are many cases which have occurred which are similar to the one I have stated. It is a subject of great practical difficulty. The object of the committee in framing this bill has been as far as possible to retain the rights of citizens of the United States, of persons entitled to the privileges of citizenship, where the parties themselves are willing to indicate that they desire that relation to continue. The first provision of the bill is a definition "that for the purposes of this act the words 'domicile' and 'reside' are to be construed as implying a fixed residence at a particular place, with direct or presumptive proof of an intent to remain indefinitely." That provision will be found applicable to the use of this language in several passages of the bill.

But the main purpose of the bill is to provide that when a person, a native or a naturalized citizen, leaves this country and establishes a domicile that is a fixed, permanent residence with intent to remain indefinitely in a foreign country, while perhaps he is having all the rights and privileges of a citizen of that country, if he desires to retain American citizenship he shall give notice by filing a declaration to that effect. That provision will enable a foreign government to distinguish by some accurate line what permanent residents of that country claim American citizenship.

It is provided that a commercial domicile, a residence for the purpose of commerce, shall not be considered a domicile unless it is accompanied with an intent not to return at all. And persons who have a commercial domicile, by registering their names with the diplomatic representative of their country, or with the consul, can preserve the evidence of their right of citizenship.

We have incorporated into this bill corresponding provisions in regard to the inhabitants of other countries who may have children born to them here and who are not citizens of the United States, by giving that same election which we claim for our citizens abroad to citizens of foreign countries who are born in this country, and who would be entitled to the privileges of citizenship in the country of which their fathers were citizens; in giving them, instead of naturalization, if born and residing here, the power to become citizens simply on their making their election and filing it here upon arriving at majority. That extends to children of foreign parents born in this country whose parents do not become naturalized here a privilege in regard to acquiring citizenship on coming of age which they do not now enjoy.

We have a number of treaties with different foreign nations in which some provisions of this bill are substantially included. They differ somewhat in their terms, and it was thought expedient to make a general legislative provision which would apply equally to citizens of all countries, those principles which have been recognized in our treaties with particular nations.

The only particular, so far as I am aware, in which in this bill any important distinction between native and naturalized citizen occurs is in regard to the length of time in which a presumption of domicile may arise when a citizen has been naturalized here, returns to the country from which he came, and establishes himself there. We have treaties with several nations of Europe already by which that presumption is held to arise upon two years' residence, and that time has been fixed in this bill as the time to be applied alike in all cases.

I do not propose, Mr. Speaker, to go over in detail the particular provisions of the bill at this stage of the discussion. I have stated the general purposes and principles upon which the bill is framed. I will simply say, in conclusion, that it is intended not to interfere at all, and does not interfere as I believe, with naturalization.

Mr. HALE, of New York. I trust that before the gentleman takes his seat, he will inform the House what substantial changes in existing law are made by this bill. I ask this for the reason that in running my eye over the bill, which I have seen for the first time this morning, I see there are many changes, and there may be others which I have not noticed. I think it certainly desirable that the House should understand precisely what changes are made by the bill.

Mr. E. R. HOAR. I will reply to the gentleman when I have finished my sentence. I was saying that the bill did not affect naturalization; that it was intended to make in regard to our citizens who go to foreign countries corresponding provisions with those which we apply to citizens of foreign countries coming here, and was framed, as the committee believe, in the interest of allowing as free an exercise of the right to select the nationality to which the man will belong as is practicable, providing only simple, direct, and practical modes for ascertaining what for the time being is the citizenship that he has selected.

In response to the inquiry of the gentleman from New York, I will call the attention of the House——

Mr. HALE, of New York. I was going to ask the gentleman from Massachusetts whether, instead of going through with a statement of the entire changes, he would not allow me to call his attention to certain clauses, and to inquire whether those do in his judgment change the law, and if so, whether the change is desirable.

Mr. E. R. HOAR. I shall be happy to answer any question I can when we come to the discussion of details, if the gentleman desires to call attention to them. There is one general feature of the bill to which I propose to call attention. While it is provided that under certain circumstances the United States shall not be required to recognize as citizens for the time being persons who occupy certain positions, it does not interfere with the right of such persons on their return to the United States to have and enjoy all their rights of citizenship.

Early in the bill there is a provision to which I will call attention, and which may be a change of existing law, though it is probably in conformity with our principles in a corresponding case. We hold that the marriage of a foreign woman to a citizen of the United States makes the wife a citizen of the United States. We provide here that if an American woman marries a foreigner abroad, and continues to reside abroad, she shall not be considered a citizen of the United States while that relation continues; but we do not interfere with her right to resume her citizenship of the United States by returning to this country. Whether under existing law an American woman marrying a French citizen domiciled in France, and herself going there to reside, and becoming a citizen of France under the French law, would on her return to the United States require to be naturalized as having lost her citizenship, may be a question for discussion.

We do not propose that such renaturalization shall be required under the provisions of this bill.

There is another very important provision of the bill in which a similar rule applies. Our citizens sometimes go abroad and enter the service of foreign governments, the military or naval or civil service, and, establishing themselves in those countries, enjoy the emoluments and honors and assume the duties of citizens of those countries. This bill provides that while such a state of things continues such persons shall not be regarded as citizens of the United States; but whenever they may choose to put an end to such a condition of things, they may under the bill become again citizens of the United States without any new naturalization. The object of this provision (and it is perhaps an important object with reference to the military and naval service of foreign countries) is that such persons shall not be considered as citizens of the United States unlawfully engaged in belligerency, shall not subject themselves to the penalties of treason. We recognize in the bill the right of our citizens to attach themselves to a foreign government if they see fit, and while that attachment continues we concede to them the rights of citizens of the government to which they have attached themselves.

Mr. HALE, of New York. Allow me to inquire right here whether an American citizen going abroad and entering the service of a power actually at war with the United States would not by the terms of this bill thereby abrogate his citizenship, and of course be absolved from the penalties of treason?

Mr. E. R. HOAR. There is no absolution in the bill of such penalties. We recognize the right of any country to impose punishment for crime previously committed. I suppose an American citizen who had in time of peace gone abroad and enlisted in the service of a foreign country, if that country went to war with the United States and he remained in its service, would not be liable to the penalties of treason. We recognize that by that act he has made himself a citizen of that country as against the United States. If a citizen of the United States should join any power at war with the United States, that is treason; and whenever we caught him we should deal with him, I presume, as leniently as we have with all other treasonable persons.

Mr. HALE, of New York. My point was whether in the latter case this bill does not relieve the party of the penalties attached to the crime of treason?

Mr. E. R. HOAR. I apprehend not. It is not so intended. Now, Mr. Speaker, I had proposed to yield at this stage of the discussion to my colleague on the committee from New York, [Mr. COX.]

Mr. HALE, of New York. I wish the gentleman would allow me to call his attention to a few points in reference to which I very much desire to get the views of the committee.

Mr. E. R. HOAR. I am willing to yield to the gentleman for that purpose.

Mr. HALE, of New York. In the second section of the bill, lines 11 to 14, I find a provision in regard to citizenship as conferred by marriage as follows:

All married women whose husbands may be such citizens as against all powers, except the power within whose jurisdiction an alien woman married to a citizen of the United States may have been born.

Mr. E. R. HOAR. "And shall continue to reside" is in the copy I have here, and is an amendment which has been accepted, and which will perhaps cover the point the gentleman makes.

Mr. HALE, of New York. It is not in the printed copy.

Mr. E. R. HOAR. "And shall continue to reside;" that is to say, as we should not deprive an American woman marrying a foreigner here of her citizenship, we ought not to deprive a French woman marrying an American citizen of her French citizenship in her own country. For the purpose of inheritance, for the purpose of domestic protection it is supposed to be more important she should have the citizenship of the country where she resides.

Mr. HALE, of New York. I wish to call the attention of the gentleman from Massachusetts to the fact that this law does change, not only the statutory law of the United States as it now exists, but is also a departure from the international law recognized I think by every civilized country on the earth except Great Britain; in all of which—the United States by statute and the other States by usage and practice at least recognize the status of married women always as controlled by the citizenship of her husband irrespective of domicile—Great Britain alone of all the nations requiring domicile as well as citizenship in the husband in order to make the wife a subject and citizen of Great Britain.

Mr. E. R. HOAR. America I think does not.

Mr. HALE, of New York. The gentleman is in error, and I refer him to the statute of 1855 which distinctly says every woman married to a citizen of the United States is by such marriage a citizen of the United States without limitation as to domicile.

Mr. E. R. HOAR. The remark of the gentleman does not seem to apply to the case I am now considering. Take for example what has frequently happened in my own neighborhood. A girl marries an unnaturalized foreigner. The man comes and marries her perhaps because she has some property, and settles down here. He does not get naturalized. Is that woman made an alien?

Mr. HALE, of New York. I regret I did not hear what the gentleman from Massachusetts has just said.

Mr. E. R. HOAR. Suppose an American girl marries a man who is not naturalized; is it desirable, she living here and never having changed her domicile, not going abroad with him, that she shall forfeit her American citizenship; and if her husband dies without being naturalized she shall be, as an alien, incapable of inheritance in States where that law exists? This is a provision for that case, to make it correspond with the other.

Mr. HALE, of New York. The converse of the other proposition. That is precisely the point to which I wish to call the gentleman's attention. I am discussing the relation of a foreign woman married to an American citizen, and I stated to him that by the laws of the United States an alien woman married to an American citizen becomes by that marriage such citizen irrespective of domicile. I refer him to the statute of February 10, 1855, (10 Statutes at Large, page 604,) which provides "that any woman who might legally be naturalized under the existing laws, married, or who shall be married, to a citizen of the United States, shall be deemed and taken to be a citizen." There is an explicit statutory provision. I am not discussing whether it is or is not a desirable provision, but I repeat the law enacted by this statute as to the United States is recognized as well, I think, by every European government except Great Britain to-day. What I desire to ask of the gentleman who represents the Committee on Foreign Affairs is an explanation whether such change is desirable and whether the committee intended it?

Mr. E. R. HOAR. It was intended on the general principle I have stated. It was called to the committee's attention by gentlemen who had daughters married in foreign countries, and the committee could see no reason why it was not a fit and proper exception; that is to say, if an American woman married a foreigner and desired to retain her citizenship why she could not be allowed to do so whenever she returned to the United States. We therefore inserted this particular provision, "married women whose husbands may be such citizens as against all powers, except the power within whose jurisdiction an alien woman is married to a citizen of the United States may have been born and continued to reside." Why should we, if she remained in her native country and by the laws of that country would be allowed to retain her citizenship, not give her in this country the privilege of American citizenship having married a citizen of the United States? We do not, in other words, in this country think it would be expedient to require a native woman of this country, marrying a foreigner here, and continuing to reside here, to lose her citizenship in this country so long as she proposes to remain here.

Mr. HALE, of New York. This section, however, does not touch that question at all. It has nothing to do with that. There is another question I would like to propound to the gentleman from Massachusetts.

Mr. ELDREDGE. Before the gentleman passes from that, will he allow me to ask the gentleman from Massachusetts what is meant by the exception there:

Except the power within whose jurisdiction an alien woman married to a citizen of the United States may have been born?

Mr. E. R. HOAR. "And shall continue to reside." That ought to have been in the printed copy.

Mr. ELDREDGE. But still I suggest to the gentleman whether that would not make her a citizen of this country, except as to a single power. Is not that the meaning of it?

Mr. E. R. HOAR. The meaning of it is that a woman married to an American citizen, in a foreign country, and continuing to reside in the country of her birth, shall not be by this country, as against that power and against her rights and duties there, be treated as a citizen of this country; and *vice versa*, if an American woman marries a foreigner here.

Mr. ELDREDGE. But she will be a citizen, I take it to mean, as against all other powers but the one power within whose jurisdiction she was born.

Mr. E. R. HOAR. And continues to reside. Yes, that is it exactly.

Mr. ELDREDGE. Now is there not a likelihood of great embarrassment growing out of such a provision as that? She is recognized by this country as not altogether a citizen, but as a citizen except as against one other power, which is recognizing the right of that power to claim of her the rights and duties and obligations of citizenship.

Mr. E. R. HOAR. We think that a wise provision and one which, in the converse as I have been stating, we should like to assert for ourselves; that is, that an American woman though married to a foreigner in this country, if she continues to reside here, shall, so far as this country is concerned, be continued in her citizenship.

Mr. HALE, of Maine. I desire to ask the gentleman from Massachusetts one question.

Mr. E. R. HOAR. Before any further questions are raised, as this is a very desultory method of proceeding, I suggest that, after the floor shall have been occupied by my colleague on the committee, the gentleman from New York, [Mr. COX,] who wishes to make some general observations on the bill, we shall take up the bill for consideration by sections and confine the discussion to the particular clauses. I yield to my colleague on the committee, the gentleman from New York, [Mr. COX.]

Mr. GARFIELD. Does the gentleman from New York [Mr. COX] desire to proceed to-day?

Mr. COX. I prefer to go on and finish what I have to say to-day.

Mr. GARFIELD. I give notice that after the gentleman from New York shall have concluded his remarks I will ask the House to re-

solve itself into Committee of the Whole on the legislative appropriation bill.

Mr. CONGER. Is it the understanding that this bill shall be considered by sections?

The SPEAKER. The gentleman from Massachusetts, [Mr. E. R. HOAR,] who has charge of the bill, suggests that after the remarks of his colleague on the committee, the gentleman from New York, the bill shall be debated by sections for amendment. If there be no objection that understanding will be had. The Chair hears none.

Mr. COX. The remarks that I make shall be general, though they may go into the details of the bill itself. This bill has been very well matured by the Committee on Foreign Affairs. It could have been committed to nobody more accomplished than my friend from Massachusetts, [Mr. E. R. HOAR,] who has given it the very strictest attention. His experience as Attorney-General and his education as a careful publicist give to his dissertations on such a theme unusual emphasis. I do not detract from a word he says.

All the matters connected with the questions of naturalization and expatriation have been more or less discussed in a document to which I refer the gentlemen who have been so anxious to anticipate proper discussion by asking questions. It is Executive Document No. 1, part first, of the Forty-first Congress, first session—papers relating to expatriation, naturalization, and change of residence. These papers, running over two hundred pages, were published in response to a call by the President on the various Departments for their opinions with respect to this subject. You will find in the answers to the various questions which the President puts to the members of the Cabinet pertinent information, indispensable to intelligent and cogent discussion.

There has been no more interesting collation of facts or array of principles on this subject than is found in that document. Whether they are colored by peculiar events or traditional hate of foreigners; whether they mean party bias or individual interest, it is not for me to determine. But I would suggest to gentlemen who are disposed to put questions that they can, perhaps, answer them more intelligently when we reach the minor debate arising on the different sections of the bill, and more especially after reading that document. The questions which the President propounded in the document referred to were directed from the Executive Mansion, under date of August 6, 1873, and are as follows:

1. The law-making power having declared that "the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness," (15 Statutes at Large, 223,) should the Executive refuse to give effect to an act of expatriation of a citizen of the United States?

2. May a formal renunciation of United States citizenship and a voluntary submission to the sovereignty of another power be regarded otherwise than as an act of expatriation?

3. Can an election of expatriation be shown or presumed by an acquisition of domicile in another country, with an avowed purpose not to return?

4. Ought the Government to hold itself bound to extend its protection, and consequently exert its military and naval power for such protection, in favor of persons who have left its territories and who reside abroad, without an apparent intent to return to them, and who do not contribute to its support?

5. What should constitute evidence of the absence of an intent to return in such cases?

6. When a naturalized citizen of the United States returns to his native country and resides there for a series of years, with no apparent purpose of returning, shall he be deemed to have expatriated himself, where the case is not regulated by treaty?

7. Are the children born abroad of a person who has been a citizen of the United States, but who has become a subject or citizen of another power, or who has expatriated himself, citizens of the United States, entitled to its protection?

8. Can a person who has formally renounced his allegiance to the United States and assumed the obligations of a citizen or subject of another power become again a citizen of the United States in any other way than in the manner provided by general laws?

If, Mr. Speaker, I should proceed to answer these queries in detail, as the Cabinet did, I would only repeat what is in type; and perhaps I can best obtain their best meaning, and give an added meaning to them, by pursuing my own method of discussion. I do not deny that these questions have been touched with great, though partial skill by the gentlemen of the Cabinet.

One thing is apparent in this discussion. It is this: that the common-law right, the old feudal idea, that a man who is "racy of the soil" is always a citizen, has become more or less obsolete. This is manifest by the progress of civilization and international law, as well as by the laws of all countries, including our own. So that now the question is not between a man who was born here and one who is naturalized here, for they are exactly in the same condition, and so far as our Government and its faith are concerned we are committed to the doctrine that a naturalized citizen is in the same troth and plight as one born here. We must love and comfort him the same, at home or abroad. His children are our children; his folk and kin are our folk and kin. Like Ruth, we will follow him irrespective of previous or other conditions. His citizenship is as immutable as if he had been born here for all purposes. When, when, when will the people who remember Columbus, Kosciusko, DeKalb, La Fayette, the gallant Germans and the gallant Irishmen, the McMahons and the O'Donnells, the men who make, fight, and create peoples; when will they remember that they are scions of a stock which emigrates, populates, fights, civilizes, and progresses?

There should not, therefore, be made in this bill any difference between naturalized and native-born citizens. I hope my friend from Massachusetts [Mr. E. R. HOAR] has eliminated from the bill any such feature.

The former and recent immigrations—the movements of men and women on our star—have no parallel in history. Not one word do I pronounce against the doctrine of expatriation. It is the epic of our age. This remarkable movement from foreign countries—from one side of our planet to another, and especially just now the immigration from that hive of the nations, Germany, to this country and to all other lands—is the wonder of the world. The Germans are not only overrunning New Zealand, Australia, and South America, but they are taking possession of England itself. They are not only doing the business of England, but by the thrifty and trustworthy character of their people they are making New York tributary to the good sense and industry of the German people. I speak now of what I see and know.

This bill concerns them more especially, I think, than any other class of our foreign-born population. I was curious, therefore, to know what the more eminent and reflective of our German citizens, those who direct the best thought of the race, might think about this particular measure. I have the responses of gentlemen connected with the German public press. I cannot send them to the Clerk's desk to be read; for they are in the tough Teutonic syllables, which Milton said never echoed the doctrines of slavery. They are not understood in this Congress. The honorable Senator, Mr. SCHURZ, has given me their inner meaning. I accept his statement as that of an honest man. These extracts are from the Staats-Zeitung of New York of April 4, 1874, and also from a German paper of the same title and date in Chicago, and from the German paper of Philadelphia of April 6, 1874. They speak as if they were jealous and fearful of this and similar bills; not because the German people would disfavor expatriation, but because such bills seek rather to deter immigration and to make our citizenship subject to odious and onerous restriction; subject to a net-work of police.

In other words, the general drift of this bill—it was not, of course, intended by the gentleman from Massachusetts—is to discourage immigration, because it detracts from the value of our citizenship.

I might go into the details of the bill to show you this, but I will not refer to details, excepting as far as it may be absolutely necessary. One of the many objections to this bill is a power with which the Secretary of State is clothed, as if he were a judicial person to renaturalize under certain circumstances. This, sir, is a power which belongs to the legislative branch of the Government. I will never give it to the State Department.

Although it may be true, as my honorable friend [Mr. E. R. HOAR] says, that embarrassments have arisen in our Department of State and to our Government in being called upon to protect men who have become citizens here and have afterward gone to their native land to make difficulties, yet I do submit that we might well have these alleged embarrassments, and more of them, rather than discourage immigration or throw a cloud over American citizenship.

What is such citizenship? To men and women, ay, to women and children, to persons of both sexes, it is their all. Many of them have this and nothing more when they go abroad. Should we not guard it carefully? Should we raise any presumption that, because they may have remained abroad for one or two or more years, they do not therefore intend to return? Should we be overprompt to raise the presumption that they have not the *animus revertendi*? Should we not be careful about the precise evidence required to indicate that intent?

I might go on, sir, for some time to show the House, in a general way, that the whole drift of this bill is at variance with the fundamental ideas of our republicanism as illustrated by those attractive forces which have brought men of all nations here to commingle with us in their and our varied independencies and industries. The old idea under the feudal system was *glebæ ascriptus*. The idea was that a man was bound to the soil. It was a system that resembled the villanage in England. A man owed personal service to the lord of the soil, the same as his master owed it to the king; and it was born with the child and only ended in the grave. It was from this relation of lord and vassal, or rather of master and servant, that the system of passports took its origin. That system is alien to our federal system of States, interdependent, with perfect comity among each and all.

I might here say to gentlemen who have traveled abroad that the passport system is obsolete. Turkey long since abolished it; Greece has abolished it; France too has abolished it, and even Germany does not require it. It is dead in all Europe. The passport system has now a certain legal status. If the passport be properly obtained it is sometimes evidence in court for certain purposes. But of that hereafter.

But so far as passports are concerned, they are almost obsolete. The world has changed and is changing. Locomotion has changed its ways. Steam and the telegraph, and what not, have made new relations. The feudal system, which my friend has unconsciously incorporated in this bill, cannot exist under our civilization. Therefore this bill is objectionable in two points: first, it recognizes the old feudal principle of supervision of American citizens abroad by diplomatic and consular agents; and second, in that it makes the continuance of American citizenship dependent upon this supervision, and imposes the loss of citizenship as a penalty for disobedience in this respect. The question presented here is not as to the right of expatriation, but as to the right of the government, of the nationality of which an individual has either by birth or naturalization become a citizen, to restrict the freedom of his movements, and to deprive

him of his citizenship against his will unless he submits to arbitrary restrictions.

To concede that right would indicate that under certain circumstances citizenship is held merely at the pleasure of the Government. Government may enforce when it chooses its claim to the service of the citizen. It may at will renounce its own duty to protect. Such a construction of the authority of the Government over the citizenship of an individual is untenable. By all the canons of American interpretation it is untenable. Upon it alone can the three principal sections of this substitute be reasonably defended.

A variety of thoughts strike me here, which I will reserve until the debate on those sections takes place. Among others, whether Congress has the constitutional power to pass any such act as this. Would it not be to some extent in the nature of a bill of attainder to legislate a citizen out of his rights? Because he resided two years abroad and did not register at the consulate, is he therefore lost to us? If Congress has the power to denationalize a citizen for being away from the country two years, could it not impose the same penalty for going abroad for any time, or at all? Undoubtedly it could. If Congress may prescribe registration at the consulate as the only means to avoid denationalization, could not the same authority change it the next year, and exact a penalty of a thousand or ten thousand dollars or some other sum for the privilege, or insist upon some less oppressive condition? Some of these suggestions come to me, as did others more important to General Cass, while Secretary of State, from such German citizens as Mr. A. V. Hofer. To him, as well as to the brave and just German press, am I indebted for many suggestions, which hurriedly I throw into this debate. Such suggestions never fail to instruct the men who make laws, even as the Germans made our organic laws in the ancient Wetenagemote!

Mr. Speaker, in what I have already said I do not wish to be understood as objecting to passports generally. They have their utility. I will reserve anything I may say on that subject to some time hereafter. Allow me to say, just here, that it seems to me that this bill to that extent would repeal the act concerning the right to citizenship which was approved July 27, 1868, and with which members are familiar. The motive for the passage of that bill just before the presidential election is not difficult to fancy. It was done to placate our Irish-born citizens. It did not do it to any great extent. But whatever may have been the motive of that act, it was the expression of legislative will. One cannot go far astray in getting at the true meaning.

The second section of that act provides that "all naturalized citizens of the United States while in foreign States shall be entitled to, and shall receive from, this Government the same protection of persons and property that is accorded to native-born citizens in like situations and circumstances."

The third section provides that "whenever it shall be made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government," &c.

No distinction was then made between native born and naturalized citizens. Nor is an individual of the latter class excepted who may return to the country of his birth. The rights of each are broadly defined as being identically the same. The duty of the President is made the same as to them. Now, sir, compare with this the following provision taken from the second section of the substitute under consideration:

> Thirdly, the following persons shall be regarded as not subject to the jurisdiction of the United States; fourthly, naturalized citizens of the United States who may by the terms of any treaty be regarded as having resumed their original nationality, or who, on returning to their native country, may be convicted of offenses against the laws of that country committed prior to their arrival in the United States; fifthly, a naturalized citizen of the United States becoming domiciled in the country of his or her nativity, unless when otherwise regulated by treaty.

What is the meaning of that? It is an offense in Germany for a man to desert from the military service. Such a horrible crime is, of course, committed before he leaves Germany. The man may have become a citizen of this country. He renounces and abjures all allegiance, &c.; when he goes back he becomes denationalized by the provisions of this bill, if I understand it rightly. If so, this bill is a gross and glaring outrage. In some parts of Germany, I believe, citizens are sometimes regarded as having committed an offense if they emigrate.

Mr. ELDREDGE. Yes; the very act of emigration is a crime.

Mr. COX. The very act of emigration, as my friend well says, is an offense by law. When they return to their native country they lose all the benefits of naturalization because of that very offense. And this, in this nineteenth century! And this, when Germany dominates Europe!

Mr. SCHUMAKER, of New York. There is no such law as that in Germany.

Mr. COX. In some parts of Germany such a law exists; I do not speak of Prussia particularly.

Mr. SCHUMAKER, of New York. There is no such law as that in any part of the German Empire.

Mr. COX. I will not contradict my honorable friend, who has traveled there. He perhaps knows more than I do about it. He will have an opportunity hereafter to correct me, and no doubt will do it with *authority*. I will not waste the time of the House or space in the RECORD in calling to the minds of members the clause cited about offenses committed prior to the arrival in this country of the naturalized citizen. It may include the evasion of military duty, or it may go further, and, as I have said, conviction may be obtained for the mere act of emigration. Leaving all these considerations aside, as they would carry me too far, I am constrained to ask if these provisions do not make a very decided, unjust, injurious, and wholly un-American distinction between native and naturalized citizens, and against the latter?

Is not the inference pardonable that the sole purpose of this bill is to curtail the rights of naturalized citizens tarrying abroad? Can such an inference be hid by the addition of a few general clauses? What need is there for such legislation? Has the American Republic grown so weak that it must in the ninety-eighth year of its existence, by a public act of Congress, declare its inability and even aversion to protect those of its citizens who for two years remain away from its soil? Does not this sort of legislation oppose the spirit that speaks through the act of 1868? Is it not contrary to the spirit that prompted the naturalization laws from the beginning of our Government? What the true intent is of these laws, even of those enacted under the administration of the elder Adams and repeated by the act of 1802, no one has better or more forcibly expressed than General Cass as Secretary of State, in his letter of instructions to Governor Joseph Wright, American minister to Prussia. That letter is dated July 8, 1859; and in it the veteran American statesman and diplomatist said:

> The moment a foreigner becomes naturalized his allegiance to his native country is severed forever. He experiences a new political birth. A broad and impassable line separates him from his native country. Should he return to his native country he returns as an American citizen and in no other character.

The last sentence states broadly as well as most concisely the true American doctrine, which was referred to as such by Lord Tenterden in his Memorandum on Naturalization and Allegiance, issued from the British foreign office in March, 1868. Judge Black, than whom no better interpreter of international law ever acted as Attorney-General of the United States, expressed himself in an official opinion with equal clearness in defining the meaning of naturalization. "In its popular etymological and legal sense," he wrote, "it (naturalization) signifies the act of adopting a foreigner and clothing him with all the privileges of a native citizen or subject." And this very same construction was adopted by a royal commission in England, which had for its chief the Earl of Clarendon, and among its members such eminent authorities and writers as Sir R. J. Phillimore, Baron Bramwell, Sir John Karslake, Sir Roundell Palmer, and Mr. Vernon Harcourt (late solicitor-general of England, and better known here as "Historicus.") This commission examined the whole subject thoroughly, and concluded to abandon the old common-law rule of perpetual allegiance. It adopted the American doctrine as eminently in accordance with the enlarged freedom of the age, and applicable also to Great Britain hereafter. Their recommendation was subsequently approved and confirmed by Parliament in the passage of the naturalization act of 1870, the sixth section of which reads:

> Any British subject who has at any time before, or may at any time after the passing of this act, when in any foreign state and not under any disability, voluntarily become naturalized in such state, shall from and after the time of his so having become naturalized in such foreign state be deemed to have ceased to be a British subject and *be regarded as an alien*.

Mr. Speaker, you will observe from this that it is precisely the ground taken by Secretary Cass and Attorney-General Black, to wit, that naturalization invests the foreigner with complete citizenship the same as birth, and that as to all other countries, even that of his nativity. Can the United States afford to be less liberal than Great Britain? Can we be less liberal than Great Britain, which regards a British subject naturalized here as an alien thereafter within its territories? Why should Congress, then, make a distinction between these two classes of citizens as if the rights of the one were not the same but less than those of the other? This is done most unequivocally by the language of the fifth clause of the third subdivision of section two of the substitute I have quoted, that a naturalized citizen becoming domiciled in the country of his nativity—which by section 3 means a continuous residence of two years—shall cease to be under the protection of the United States, be arbitrarily deprived of his rights acquired by naturalization, and abandoned to the very power all allegiance to which he had under oath renounced in accordance with the laws of the United States.

See how this would work in a supposable case. John Doe, a native of London and subject of Great Britain, emigrated to the United States and is here duly naturalized. After that, for some legitimate purpose, he returns say to Scotland, and remains there for three years or longer without being registered at any American consulate. Having completed his naturalization here, he is under the act of Parliament of 1870 an alien in Great Britain. But the proposed act of Congress would deprive him of his American citizenship also. He would therefore in fact be "a man without a country." Suppose he removed from Scotland to France and circumstances arise compelling him to appeal to the interposition and protection of his home government. He has abjured his allegiance to Great Britain, the country of his nativity, and being an alien there he has no rights. He applies to the United States. Here he would be met with an act of Congress of 1874 denying him all right to protection as an American citizen. Why? Because he had resided in the country of his birth continuously for two years;

for which reason he is to be regarded as having become domiciled there and to have forfeited his claim to American protection. This will not do.

A native of Austria (supposing another possible case) comes to the United States and in due time is naturalized according to law. After an absence of many years from his childhood's home he returns as an American citizen. Remaining there for two years he falls under the operation of this proposed new law of Congress, and may by its operation and by the mere will of the American Secretary of State be deprived of his citizenship. But the treaty between the United States and Austria (or Hungary) specially provides that return to and residence in his original country by a naturalized citizen shall not of itself work a renunciation of his acquired citizenship. As a consequence the man is thrown into grave doubts as to his true national character, which, like Mahomet's coffin in the air, may be kept dangling between America and Austria, neither claiming and both rejecting him.

No native citizen can possibly be exposed to any such difficulties, doubts, and entanglements; although under the bill now pending even he may often be unreasonably vexed and harassed. Why not place or rather leave the naturalized citizen upon the same footing as originally intended, as lucidly expressed by Cass and Black, tardily adopted by England, and authoritatively confirmed by act of Congress in 1868? Why change it now in 1874? Has any new light dawned upon our Federal Legislature—the great Sanhedrim of thirty-seven States—that makes it desirable to enter now upon such a retrograde movement? I believe I can discern far across the Atlantic the true source of this intended reactionary legislation.

The Bancroft treaty with the North German Confederation, concluded in 1868, does now apply to all the states comprised within the limits of the newly constituted German Empire, including Alsace and the annexed portion of Lorraine. A native of any part of that country, being naturalized here, is by the terms of that treaty reincorporated among the subjects of the Emperor after a residence anywhere in Germany, though hundreds of miles away from the place of his birth, for even a day over two years. He may be a native of Bavaria; and if after his naturalization in the United States he enters into business relations at Hamburg or Bremen, a residence of two years in either of these cities far remote from the country of his nativity, or elsewhere within the empire, makes him a subject of the emperor, *of whom he never was a subject before*, and divests him of the character of an American citizen without his consent and possibly against his will. And it need occasion no surprise were it to appear that this very bill has been suggested in the interest of that policy which seeks by every means to render emigration from Germany to the United States and the naturalization of native Germans as American citizens less desirable and popular in the country under its sway. The treaty on this subject of expatriation concluded with the North German Union and now extended over the whole empire seems to have had principally that end in view on the part of one of the contracting parties. The late postal convention between the two countries subserved a similar purpose, by inferentially imposing higher mail-rates on American newspapers and periodicals, printed in the German language and circulating in Germany, than upon those published in English. In all these measures the object was the same—to prevent the spread of knowledge on American affairs among the resident population of Germany. The pending bill is but an appendix to the rest. Ostensibly carrying out the provisions of the treaty, it aims at discouraging German-Americans from returning to the old country except at the risk of renouncing the protection of the United States and sacrificing their American citizenship.

Mr. George Bancroft is a learned and able man. He has large if not wise experience in diplomacy; but he is no match when pitted against men like Baron Thiele, the German under-secretary of foreign affairs; or Lothar Bucher, Bismarck's privy councilor. And as compared in statecraft with Prince Bismarck himself, Mr. Bancroft vanishes. Under these influences Mr. Bancroft was induced to consent to the treaty and sign away the rights of nearly two millions of naturalized citizens, and change the declared policy of the American Republic.

Even our Senate, I might say even our favorite Senator, Mr. SCHURZ, was captured by the transcendent renown of Bismarck's genius. His well-earned rank as the first statesman of the age, his unparalleled success, and above all his professed friendship for the United States, for the expression of which he found a loyally eager mouth-piece in Mr. Bancroft at Berlin and an eminent translator in the suave Baron Gerolt at Washington made him a paramount power.

The return to their native country even for a brief visit by German-American citizens who had founded a new home here, and by thrift and perseverance attained to a comfortable position, is not what the aristocratic court of Prussia, now of Germany, desires. That a man who in his youth left home a poor mechanic or farmer, who had his place assigned him among the lower ranks of society, should reappear upon the scenes of his early life after years of successful toil in his adopted country as a man completely changed in character and bearing, as one accustomed to independence of thought and action, as a man in fact, the proud self-conscious peer of any of the blue-blooded nobility, and as such shine brightly in his own person as convincing proof of the vast superiority of the American over the European system, was too offensive a contrast.

Hence it came that Prussian local officials always had orders from Berlin to keep a sharp lookout for returned German-Americans, and to treat them with the less respect and the more severity the better off in the world's goods they seemed to be. The few who came back poor and told tales of woe about America were seldom molested, and but rarely charged with having absconded from military duty. On the contrary, most of these disappointed people were rather encouraged to recount their experiences and disappointments, and were even helped along and assisted by the authorities. Returning German-Americans are always welcomed with open hands, and invited to hospitable homes—provided they do not talk too much republicanism. If they are disposed to be lackeys to those in power; if they are ready to depreciate American institutions, they are, I fear, welcomed too cordially. Fortunately there are but few such; and for their sake neither Bancroft's treaty nor the proposed act of Congress is required. But the naturalized citizen who has identified himself in feeling with our country, going back there and talking republican sentiments, is after two years' residence there, put to the trouble of a sort of espionage. O, sir, he must register himself! He must submit himself to a species of police or consular regulation. He must do this in order to save himself from a forfeiture of his American citizenship! This is our American welcome! This is our bill!

A large number of our naturalized citizens are justly proud of their new nationality. It is of these that Baron Mannteuffel, the predecessor of Bismarck as Prussian minister of foreign affairs, so bitterly complained that they excite the jealousy of the populace and flaunt their American citizenship even in the face of the authorities. My constituents are a part of these proud adopted people. There are nearly one hundred thousand such Germans in my district. They belonged originally to every part of Germany. Some of them left Germany owing certain so-called military duties. Some have political disabilities. Many might to-day be prosecuted there under new religious edicts or laws. The treaty with North Germany and the proposed act are intended to punish such for believing that naturalization in the United States means what it says. They do not believe citizenship is a mere illusion. It is this class who have reason to love the country of their adoption. They burn with a desire to make others also participants in the blessings of that liberty which they themselves enjoy, and whom the policy of Prussia under Bismarck and others before him would so wish to repel, that they should not return and induce a still larger number of Germans than are leaving Germany annually to seek new homes on this side of the Atlantic. That Bancroft treaty might be termed a convention to impede German immigration to this country, and the bill before the House, begotten in the spirit of that and other similar treaties, could appropriately be entitled "An act to discourage immigration to the United States." For myself, and representing a hundred thousand Germans, I do desire to bring the kith and kin—all the good folk of Germany to this land, to meet and kiss their kith and kin here. Our race so needs replenishing; and are not the Germans so thrifty, good, and prolific? Who could help us better?

The true policy of this Republic lies in a direction opposite to this bill. Not that my friend from Massachusetts [Mr. E. R. HOAR] does not intend, if possible, to be mutual; not that he has in his nature anything of that old spirit of federalism in connection with the alien laws which this country got rid of as early as 1802; not that he would not welcome people from all lands to this country—welcome them heartily and give them privileges and citizenship; certainly he would not place the negroes, who, born in Canada and the West Indies, have become without naturalization United States Senators and constitution-makers, above our German or Irish fellow-citizens! But, in spite of all he may say or do, this bill does go in an opposite direction. I am so glad to be able to say he means well when he does wrong.

Instead of surrounding the citizen after leaving our shores with an irksome net-work of technical observances, the outgrowth of the feudal relations between king and subject and lord and vassal, clogging his progress at every step, or abandoning him to the mercy of those from whom he has separated, the United States should look upon every one of their citizens abroad, from the highest to the humblest, as a voluntary and effective missionary in the cause of republicanism. Sir, I would throw around him the shield of our protection under any and all circumstances. I would copy the policy of Jackson and Marcy. I would do this until he himself renounces his rights; until he becomes recreant to his country and voluntarily assumes allegiance to another. This actual voluntary change of allegiance alone, and nothing else, is meant by the "natural and inherited right of emigration and expatriation."

Sir, the mere duration of residence abroad, although it is fixed in some of the treaties at two years, should be allowed to work no such change of relation as this bill contemplates.

I think that the numerous colonies of American citizens in foreign states should stand as republican outposts in monarchical countries. They should disseminate intelligence as to our country; they should attract new recruits to our home-army of freedom.

In this way the United States could colonize the whole world. England with all her wars and endless bloodshed has failed to make herself loving and kind. It was in this pre-eminently kind and liberal spirit that Congress passed the act of February 10, 1855, declaring that—

Persons heretofore born or hereafter to be born out of the limits and jurisdiction of the United States, whose fathers were, or shall be at the time of their birth,

citizens of the United States, shall be deemed and considered, and are hereby declared to be, citizens of the United States: *Provided, however*, That the rights of citizenship shall not descend to persons whose fathers never resided in the United States.

Mr. Caleb Cushing, I have been told, was the author of this act, being then Attorney-General of the United States, and it stands a monument of his foresight and sagacity. The proposed bill runs counter not only to this, but also to the act of 1868, and must prove exceedingly injurious to the best interests of the country. Congress should adhere to the doctrine which prevailed before the advent of the impolitic and injudicious Bancroft treaty, after which all the subsequent treaties on the subject seem to be modeled. Admitting, as it is but just to admit, that every man has a natural right to expatriate himself, it must be borne in mind that, in the terse language of Judge J. S. Black, "expatriation" includes not only *emigration* out of one's country, but *naturalization* in the country adopted as a future residence." Hence I incline to a principle totally at variance with this bill, and I consider it a principle distinctively and truly American that no mere residence abroad, however protracted and wherever it may be, can divest one of the rights and correlative duties of American citizenship or relieve our Government of its obligation to protect the citizen except by his own free will expressed by becoming fully naturalized.

I do not believe my honorable friend from Massachusetts is illiberal. Nor do I believe he desires to be illiberal; but this bill does march in the contrary direction from that which always made American citizenship honorably and beautifully attractive. And although we may have exceptional cases; although we do have difficulties growing out of our being a new land; although we may have our Koszta and Cuban cases, yet all these exceptional cases might well be tolerated, provided we hold over all our citizens the splendid ægis of American citizenship. Can we not do this without detracting from its full power?

I reserve, therefore, my right, if it be proper and not infringing upon what may be the order of the gentleman, to make such amendments to the bill as may appear proper for its perfection.

I have no objection to the last section of the bill. It refers to marriage. Perhaps that even might be better done by treaty. Perhaps many other provisions could be better secured by treaty. Perhaps treaties are indispensable to carry out all of the provisions of the bill. Of that I will not speak just now. Let us legislate heedfully on a question of so much importance to those who come from abroad to cast their lot with us here. Let our legislation be in accord with the genius and spirit of our age.

Mr. E. R. HOAR. Mr. Speaker, I desire to say a single word, as the gentleman from New York is to be absent. I entirely agree with most of the spirit of his remarks, but differ with him totally as to their being applicable to this bill.

He speaks about a feudal supervision over our citizens requiring them to be followed by police, or something of the kind. There is nothing of the sort in the bill. What do we do when a man comes to this country and wants to be naturalized? We provide he shall say so. That is about the sum of it; to go into a court and have it made of record. We do not in this bill provide his residence abroad shall affect his nationality except at his election. If he is domiciled abroad, if he goes there to stay, we want to know whether he wishes to be one of our citizens or not, and if he will just say so it continues. The whole object of that is a most ordinary and thoroughly American idea of ascertaining who the citizens are that have certain rights.

Why, we have registration laws in most of our States, and if a man wants to vote he has to enter his name. And my friend from New York might get up and go into ecstasies about feudal supervision over the American voter because he has to go and enter his name before he could vote.

What is the great harm in it? The real purpose is simply that the American Government may have a means of distinguishing whom they are to protect as their citizens abroad. And I will say that while we welcome all new citizens to our shores, while we protect native and naturalized citizens abroad, we do not want to have any of that class of people who, as Sheridan says in one of his plays, speaking of Little Moses, have renounced Judaism without embracing Christianity, and are like the blank leaves between the Old and the New Testaments. We do not want the class of citizens that have renounced all their American relationships and duties, who have cast in their lot with foreign governments, who take their property and pass their lives there, and consider it a great hardship even to tell our consuls civilly that they wish to retain their citizenship. If this is a hardship to anybody I do not so understand it.

We do not seek to denationalize anybody except those who have given the strongest presumptive evidence that they intend to denationalize themselves and are unwilling to admit that they are American citizens, and who stay continuously and acquire a permanent residence in a foreign country, and are not willing to say to our consuls that they are desirous of retaining their citizenship. But I shall not occupy time in going further into the discussion at present. I believe the understanding was that when the gentleman from New York had concluded his speech the House should go into Committee of the Whole.

Mr. ORTH was recognized by the Chair, and said: I understand that the chairman of the Committee on Appropriations desires the House now to go into Committee of the Whole. I yield, therefore, to the gentleman from Ohio, or any member of the committee, to make a motion for that purpose.

The SPEAKER. The gentleman from Ohio [Mr. GARFIELD] is not now in the Hall.

Mr. PARKER, of New Hampshire. I move that the House now resolve itself into Committee of the Whole for the consideration of the legislative appropriation bill.

Mr. HALE, of New York. I desire to make a parliamentary inquiry. What will be the position of the pending bill if the House goes into Committee of the Whole now? When will it come up again?

The SPEAKER. When the committee rises the bill will be before the House, and immediately after the reading of the Journal to-morrow morning.

Mr. HALE, of New York. I suggest that by unanimous consent the consideration of the bill be postponed until immediately after the reading of the Journal to-morrow.

The SPEAKER. That will be the effect of it.

PETITION OF WORKINGMEN.

Mr. RANDALL, by unanimous consent, presented a petition of the workingmen of the District of Columbia, praying Congress for relief; which was referred to the select committee appointed to inquire into the affairs of the District of Columbia, and ordered to be printed.

ENROLLED BILLS SIGNED.

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

An act (H. R. No. 2350) authorizing the Secretary of the Treasury to issue certificate of registry and enrollment to the schooner Almina, and changing the name to Minnie Davis;

An act (H. R. No. 2885) to remove the disabilities of Charles H. McBlair, of Maryland; and

An act (H. R. No. 3029) to provide for the relief of the persons suffering from the overflow of the Lower Mississippi River.

BARNEGAT BAY.

Mr. WARD, of New Jersey, by unanimous consent, presented a joint resolution of the Legislature of New Jersey, asking an appropriation for improving the navigation of the waters of Barnegat Bay and its tributaries; which was referred to the Committee on Commerce, and ordered to be printed.

DETROIT MARINE-HOSPITAL GROUNDS.

Mr. CONGER. I ask that by unanimous consent the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. No. 1706) to authorize the opening of Wight street through the grounds of the United States marine hospital at Detroit, Michigan, and that the bill be now put upon its passage.

The bill was read. It authorizes and directs the Secretary of the Treasury, in his discretion, to dedicate to the public for the purpose of a street or highway, known as Wight street, a strip of land off the southeast end of the grounds known as the United States marine hospital, at Detroit, Michigan, not exceeding fifty feet in width.

Mr. HOLMAN. Does that bill come from a committee?

Mr. CONGER. It comes from the Committee on Commerce, recommended by them. There is a street there which is fifty feet out of the direct line of the streets laid out in the city, and it is desired to straighten the street by allowing it to pass through one end of the marine-hospital grounds.

Mr. HOLMAN. Is it recommended by the Secretary of the Treasury? If it is, I should like his letter to be read.

Mr. CONGER. It is recommended by the surgeon of the marine hospital.

Mr. HOLMAN. I do not desire to antagonize the gentleman.

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

Mr. CONGER 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.

AMENDMENT OF RULES.

Mr. GARFIELD, by unanimous consent, submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That Rule 126 be so amended that less than a quorum of the Committee of the Whole may proceed with the consideration of any regular appropriation bill.

ORDER OF BUSINESS.

Mr. GARFIELD. Pending the motion that the House resolve itself into Committee of the Whole for the consideration of the legislative appropriation bill, I move that all debate on the pending paragraph be closed in ten minutes. I wish also to ask the unanimous consent of the House that there shall be an evening session to-night or to-morrow night, according as the pleasure of the House shall be, for the consideration of the appropriation bill. Some gentlemen around me state that they prefer we should not have an evening session to-night. I now ask unanimous consent that there shall be an evening session to-morrow night for the consideration of the appropriation bill.

Mr. KELLEY. Mr. Speaker, at the suggestion of others and not at all upon my own impulse I ask the chairman of the Committee on Appropriations whether, if this bill shall be disposed of, he will make objection to holding a session on Saturday for debate only? As I say, I have no desire to address the House myself, but I have been requested by several gentlemen to make this proposition.

Mr. GARFIELD. I shall be very willing if we can get the appropriation bill through by that time. I now ask consent that to-morrow evening, at half-past seven o'clock, the House may meet for the purpose of continuing the consideration of the appropriation bill.

Mr. NIBLACK. Has the proposition that the Committee of the Whole may proceed without a quorum been agreed to?

The SPEAKER. It has not; it went to the Committee on Rules. It proposes a general rule on the subject.

Mr. NIBLACK. It might have been adopted by unanimous consent. I do not object to holding an evening session to-morrow; I think we ought to have one.

There being no objection, the order for an evening session to-morrow was made.

Mr. GARFIELD. I desire to trouble the House with one further request, and it is that to-day we may proceed in Committee of the Whole with the consideration of the appropriation bill without the necessity of a quorum being present. My own belief is that a quorum will be more certainly here if we try it than otherwise.

A MEMBER. Why?

Mr. GARFIELD. Because gentlemen will not be willing to run the risk of having business done without a quorum. Now they know that if they are away and a quorum is found wanting they will be sent for. We are troubled every day for want of a quorum, and at any time when any gentleman pleases to demand it we are blocked for half an hour. Our progress with this bill has been very slow. Let us try the experiment for to-day. It will do nobody any harm if we find it does not work well. I ask unanimous consent that that may be the rule for to-day in Committee of the Whole.

Mr. NIBLACK. I hope no one will object to trying the experiment.

Mr. WILSON, of Iowa. It would not allow any amendment to be attached to the bill by less than a quorum, would it?

The SPEAKER. Of course all the work of the Committee of the Whole has to be revised by the House.

Mr. ELDREDGE. I object until it has been adopted as a rule.

Mr. GARFIELD. Well; I insist on my motion that all debate on the pending paragraph be closed in ten minutes.

Mr. O'BRIEN. I call the attention of the gentleman to the fact that there is a point of order pending.

Mr. GARFIELD. That makes no difference.

The motion to close debate was agreed to.

Mr. GARFIELD. I now ask for a vote on the motion to go into Committee of the Whole on the state of the Union.

The question was taken, and the motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WOODFORD in the chair,) and resumed the consideration of the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

The pending paragraph was that making appropriations for "Treasury miscellaneous."

The CHAIRMAN. By order of the House all debate on the pending paragraph will close in ten minutes. When the committee rose last evening there were two amendments pending. The Clerk will first read the amendment offered by the gentleman from Minnesota, [Mr. DUNNELL.]

The Clerk read as follows:

On page 22, in line 514, strike out "two hundred," before the word "thousand," and insert in lieu thereof the word "five;" so that it will read:
For purchase of official postage-stamps, $5,000.

The CHAIRMAN. The gentleman from Maryland [Mr. O'BRIEN] offered an amendment in the nature of a substitute, which the Clerk will read.

The Clerk read as follows:

Strike out lines 514 and 515, and insert in lieu thereof the following:
The postage-stamps required by the Treasury Department shall be furnished by the Postmaster-General at the request of the Secretary of the Treasury.

The CHAIRMAN. Upon that last amendment the gentleman from Ohio [Mr. GARFIELD] raises the point of order that it changes the existing law, and the gentleman from Maryland desires to be heard upon that point.

Mr. O'BRIEN. I desire that the gentleman who has charge of this bill shall state on what law he bases the point of order.

Mr. GARFIELD. I make the point of order under the law which is part of the deficiency bill of last year, and which declares that all official stamps furnished to the several Departments shall be paid for by said Departments at the same rate now required for stamps purchased at the several post-offices. I ask the Chair, to whom I have sent up a copy of the law, to have it read.

The CHAIRMAN. The Clerk will read the law to which the gentleman from Ohio refers.

The Clerk read as follows:

Provided, That the Postmaster-General shall cause to be prepared a special stamp or stamped envelope to be used only for official mail matter for each of the Executive Departments; and said stamps and stamped envelopes shall be supplied by the proper officer of said Department to all persons, under its direction, requiring the same for official use, and all appropriations for postage heretofore made shall no longer be available for said purpose, and all said stamps and stamped envelopes shall be sold or furnished to said several Departments, or clerks, only at the price for which stamps and stamped envelopes of like value are sold at the several post-offices.

Mr. O'BRIEN. I understand, from the reading of the RECORD, that there is but one amendment pending, and that is the one offered by me.

The CHAIRMAN. The first amendment is that offered by the gentleman from Minnesota, [Mr. DUNNELL,] which has been read. The gentleman from Maryland moved an amendment in the nature of a substitute, and on that the point of order was raised. Does the gentleman from Maryland desire to be heard on the point of order?

Mr. O'BRIEN. I do not desire to be heard any further than to say that I understand that the point of order is also made on the amendment of the gentleman from Minnesota.

The CHAIRMAN. The gentleman is in error. The point of order is not made against the amendment offered by the gentleman from Minnesota, [Mr. DUNNELL,] which simply proposed to change the amount to be appropriated from $200,000 to $5,000.

Mr. O'BRIEN. I ask the Clerk to read the decision made on yesterday by the Chairman himself.

The Clerk read as follows:

The CHAIRMAN. On this the gentleman from Pennsylvania [Mr. PACKER] raises the point of order that it changes existing law. To this the gentleman from Michigan [Mr. CONGER] suggests it does not involve any change of existing law as it provides for an appropriation for stamps. The law as it stands to-day requires the Post-Office Department shall prepare and furnish to the different Executive Departments the stamps to be used in the transaction of their business. The other law to which reference has been made provides the same postage shall be imposed on matter sent to or from the Departments as on other mail matter. It is suggested the amendment does not mean for payment to the Post-Office Department of the face value of stamps, but is to cover the expense of their preparation. As the law stands stamps must be prepared in the Post-Office Department. As this is under the heading of the Treasury Department, the Chair thinks were it to be put in here, to be logical it would involve the preparation of stamps in and by the Treasury Department. The Chair regards the point of order as well taken, and therefore rules the amendment out.

Mr. O'BRIEN. I believe the Chairman will now admit that I was correct in stating that the amount offered by the gentleman from Minnesota [Mr. DUNNELL] was ruled out of order by the Chair.

The CHAIRMAN. The amendment ruled out by the Chair was the first amendment offered by the gentleman from Minnesota. He then offered a second amendment, striking out $200,000 and inserting $5,000. It is clearly within the province of the Committee of the Whole to recommend to the House such an amount for appropriation as to the committee may seem good. The amendment is therefore clearly in order. The point of order is raised upon the substitute offered by the gentleman from Maryland, [Mr. O'BRIEN.]

Mr. O'BRIEN. I withdraw my substitute.

The question was upon the amendment of Mr. DUNNELL to reduce the appropriation from $200,000 to $5,000.

Mr. DUNNELL. I do not wish to occupy the time of the committee. I have said all I desire to say on this subject. The Chair has ruled my amendment in order, and I trust the Committee of the Whole, for reasons given yesterday, will adopt the amendment.

Mr. GARFIELD. I desire to say but a word. This amendment simply amounts to this, that we will allow but $5,000 face value of postage-stamps for the use of the Treasury Department. Of course nobody supposes that the Treasury Department can get along with any such amount of postage-stamps. We believe that $200,000 face value of postage-stamps is the smallest amount possible with which the Treasury Department can do its business. If the House wants that Department to get on with their business it will give them the means of doing so.

Mr. MERRIAM. Would it not be much better and wiser for us to employ a clerk at $3,000 a year to frank these documents of the Treasury Department, saving to the Government a very large sum of money, which it seems to me is now thrown away?

Mr. GARFIELD. That might be. But Congress plainly and squarely changed the policy, and I think it is the duty of the House to follow the law as it now is.

Mr. MERRIAM. Even if we can make a great saving the other way?

Mr. COBB, of Kansas. Is debate still in order on this amendment?

The CHAIRMAN. There is one moment left before debate is closed.

Mr. COBB, of Kansas. I move to strike out the last word, for the purpose of saying that I am in favor of the amendment of the gentleman from Minnesota [Mr. DUNNELL] for the simple reason that I do not believe in the system of accounts between Bureaus and Departments of this Government. In other words, I do not believe it wise to make it the first and primary object of the head of a Department or Bureau to take care of the money that may be appropriated for the support of his Department or Bureau, instead of taking care of the money that comes out of the general Treasury.

Some time since I brought before this House a question of this character, relative to an appropriation made for the support of the Army, when the Army appropriation bill was before the House. In relation to that bill the Quartermaster-General distinctly and plainly said

that rather than look after the money of the United States he would look after the interests of his own Department. In other words, that when he could use a route for the transportation of supplies of the Army by which one dollar would not go out of the Treasury, but a debt would be paid, because the amount would be charged against the appropriation that was made for the support of his Department, he would not use it. It seems to me that there ought to be some sort of a system inaugurated by the Committee on Appropriations, certainly a very able committee, by which every head of a Bureau and every head of a Department would make it his primary interest to save the general fund of the Treasury, instead of saving the specific appropriation which may have been made for the support of his Bureau or Department.

[Here the hammer fell.]

Mr. COBB, of Kansas. I withdraw the amendment to the amendment.

The question was then taken upon the amendment of Mr. DUNNELL; and upon a division there were—ayes 65, noes 55; no quorum voting.

Mr. GARFIELD. I call for tellers. The idea of appropriating $5,000 in postage-stamps for the Treasury Department is absurd.

Mr. BECK. The idea of giving the Postmaster-General $200,000 for postage-stamps for the Treasury Department is absurd.

The CHAIRMAN. Debate is exhausted. No quorum having voted, the gentleman from Ohio, Mr. GARFIELD, and the gentleman from Minnesota, Mr. DUNNELL, will act as tellers.

The committee again divided; and the tellers reported that there were—ayes 85, noes not counted.

So the amendment was agreed to.

The Clerk read as follows:

Independent treasury:

Office of the assistant treasurer at New York: For assistant treasurer, $8,000; for deputy assistant treasurer, $3,600; cashier and chief clerk, $4,200; chief of coin division, $4,000; chief of note-paying division, $3,000; chief of note-receiving division, $3,000; chief of check division, $3,000; chief of registered-interest division, $2,800; chief of coupon-interest division, $2,500; chief of fractional-currency division, $2,500; chief of bond division, $2,400; chief of canceled-check and record division, $2,000; two clerks, at $2,400 each; six clerks, at $2,200 each; ten clerks, at $2,000 each; nine clerks, at $1,800 each; four clerks, at $1,700 each; four clerks, at $1,600 each; ten clerks, at $1,400 each; three clerks, at $1,200 each; five messengers, at $1,300 each; one messenger, $1,200; keeper of building, $1,800; chief detective, $1,800; assistant detective, $1,400; four hall-men, at $1,000 each; six watchmen, at $730 each; one engineer, $1,000; one porter, $900; in all, $148,980.

Mr. GARFIELD. I move to amend by inserting in line 582 of the clause just read the words "two clerks, at $1,500 each." This was omitted by misprint in the estimates.

The amendment was agreed to.

Mr. GARFIELD. I also move to amend by striking out "four" before the word "hall-men," and inserting "three," so as to provide for "three hall-men, at $1,000 each."

The amendment was agreed to.

The Clerk read as follows:

Office of assistant treasurer at San Francisco: For assistant treasurer, $6,000; for cashier, $3,000; for book-keeper, $2,500; for assistant cashier, $2,000; for assistant book-keeper, $2,000; for one clerk, $1,800; for four watchmen, $4,000; in all, $21,300.

Mr. RANDALL. I find that last year we appropriated only $5,000 for the assistant treasurer at San Fransisco. I would like to learn from the chairman of the Committee on Appropriations whether there is any law to authorize this increase, or if not what reason there is for it.

Mr. GARFIELD. The gentleman will remember that the coinage law terminated the relation of the assistant treasurers to the mint. They formerly received a part of their salary in the capacity of superintendents of the mint and assay office, the other part being paid to them directly as officers of the sub-Treasury. It was necessary therefore that we should appropriate for their salaries independently of their duties in connection with the mint. We simply continue the pay at what it was for the two offices.

Mr. RANDALL. That is not the case anywhere else than at San Francisco.

Mr. GARFIELD. Wherever there was a change we have made the appropriation accordingly. In some cases no change was required.

Mr. RANDALL. But the duties of these officers are very much reduced.

Mr. GARFIELD. We have followed the law in this respect in every case.

Mr. RANDALL. The law fixes $5,000 as the salary, I think.

Mr. GARFIELD. By reference to the law of February 12, 1873, the gentleman will find that the salary is $6,000.

Mr. RANDALL. In what capacity?

Mr. GARFIELD. As assistant treasurer of the United States at San Francisco. The Book of Estimates refers to the seventeenth volume of Statutes at Large, section 65, page 435.

Mr. RANDALL. If that was the law last year, why did we then appropriate only $5,000?

Mr. GARFIELD. This law was passed after we acted on the appropriation bill.

The Clerk read as follows:

Office of assistant treasurer at Philadelphia: For assistant treasurer, $5,000; for cashier and chief clerk, $2,700; book-keeper, $2,500; chief interest clerk, $1,900; assistant book-keeper, $1,800; coin teller, $1,700; chief registered-interest clerk, $1,900; assistant coupon clerk, $1,600; fractional-currency clerk, $1,600; two assistant registered-loan clerks, one at $1,500 and one at $1,400; assistant coin teller, $1,400; assistant fractional-currency clerk, $1,400; receiving teller, $1,300; assistant receiving teller, $1,200; superintendent of building, $1,100; seven female counters, at $900 each; four watchmen, at $930 each; in all, $40,023.

Mr. MERRIAM. I move to amend by striking out "$930" and inserting "$750," so as to make the clause in regard to watchmen read "four watchmen at $750 each." I find that the watchmen in the sub-Treasury at New York City are allowed only $750. It certainly must be as expensive to live in New York City as it is in Philadelphia; and the amount of property to be watched is certainly ten times as great. I can therefore see no reason why the watchmen at Philadelphia should receive greater pay than those at New York.

Mr. GARFIELD. The disparity of pay is in the law.

Mr. MERRIAM. That is the reason I think it ought to be corrected.

Mr. GARFIELD. The pay of the various officers employed under these assistant treasurers has been fixed by law.

Mr. MYERS. I make the point of order that as the appropriation is in accordance with existing law, the amendment proposing to change the salary is out of order.

The CHAIRMAN, (Mr. G. F. HOAR.) The Chair is of opinion that it is competent to strike out the appropriation altogether; and it is competent to appropriate one-half or any greater or less proportion of what the law fixes as the salary of a particular office. The point of order is therefore overruled.

Mr. MYERS. With deference to the ruling of the Chair, my view is that while it might be competent not to make an appropriation at all, while we might allow a session to pass by without appropriating for the salary of a particular office, yet if we do appropriate, the appropriation should be in accordance with the existing law fixing the salary.

The CHAIRMAN. The Chair is of opinion that it would be perfectly competent to appropriate in a particular appropriation bill any proportion to the salary fixed by law for any public officer, leaving the remainder of the salary as established by law to be appropriated whenever Congress may choose. The point of order, therefore, does not lie.

Mr. KASSON. I do not think there is any law fixing the permanent rate of pay for watchmen; it is only fixed by the appropriations made from year to year.

Mr. MYERS. I ask the chairman of the Committee on Appropriations [Mr. GARFIELD] to state his views upon this question. My attention has been called to the matter very suddenly.

Mr. GARFIELD. The form of the appropriation in this case is the same that has been made for a series of years. We have never attempted in an appropriation bill to equalize the pay of the employés in the offices of the different assistant treasurers. This office at Philadelphia is the oldest of these offices. Those at other points were established at different times, under different acts which were supposed to meet the special necessities of each city. There has never been any attempt to codify and make harmonious, according to any one gauge, all these different sub-treasurers' offices. We have therefore taken the law just as we have found it and appropriated in accordance with it. The inequality in this case may be right or may be wrong. It would strike me that there is no special reason for paying watchmen in one city more than in another, except on the Pacific coast. I find that this has been the appropriation since 1867.

Mr. RANDALL. These watchmen are very responsible officers.

Mr. MYERS. There are six in New York and only four in Philadelphia.

The question being taken on the amendment of Mr. MERRIAM, there were—ayes 18, noes not counted.

So the amendment was not agreed to.

The Clerk read as follows:

Office of assistant treasurer at Chicago:

For assistant treasurer, $5,000; for cashier, $2,500; for paying teller, $1,800; for book-keeper and for receiving teller, at $1,500 each, $3,000; for one clerk, $1,200; for one messenger, $840; for one watchman, $720; in all, $15,060.

Mr. RANDALL. I ask the Chairman whether there is not in the paragraph just read an increase of $5,000 over the appropriation of last year?

Mr. GARFIELD. It was only last year that an assistant treasurer was authorized at Chicago. It was not certain how much force would be needed; and we appropriated then $15,060. This year they submitted an estimate for $25,080. They urged we should give more messengers, more clerks, and more watchmen, and also for rent of a suitable office. We did not listen to their demand except to this small extent.

Mr. RANDALL. My impression is that this is an increase over former appropriations of $5,000.

Mr. GARFIELD. How much is the total?

Mr. RANDALL. Fifteen thousand and sixty dollars.

Mr. GARFIELD. These are the figures of the last year. Instead of giving $25,080, which was the estimate for this year, we followed the figures of last year?

Mr. RANDALL. I still think this is an increase, but I will figure it up to see whether it is so or not.

Mr. DUNNELL. When the paragraph in reference to the assistant treasurer at the city of Philadelphia was up, I noticed that the gentleman from Pennsylvania did not refer to his book for the amount of the appropriation now and formerly. I should like to ask him now how

the present appropriation for the assistant treasurer at Philadelphia compares with that made last year?

Mr. RANDALL. I will turn to my book to see. The appropriation in the bill is an increase of $3,700.

Mr. DUNNELL. I noticed that you did not call attention to it at the time.

Mr. RANDALL. My attention was called away for a moment to listen to a statement made by some gentleman on the floor that the President had vetoed the Senate currency bill.

The CHAIRMAN. No amendment being pending, the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Office of assistant treasurer at Cincinnati:
For assistant treasurer, $5,000; for cashier, $2,000; for one book-keeper, $1,800; for assistant cashier, $1,500; for check clerk and interest clerk, at $1,200 each; for fractional-currency clerk, $1,000; for one messenger, $600; for one night watchman $720; two watchmen, at $120 each; in all, $15,260.

Mr. HOLMAN. I move to strike out the whole of that paragraph and insert in lieu of it the following:

Office of depositary at Cincinnati:
For cashier, $2,000; one clerk, $1,800; two clerks, $2,400; one clerk, $1,000; in all, $7,200.

I offer this substitute for the pending paragraph, and will proceed to state the reason why, in my judgment, it should be adopted.

Mr. GARFIELD. I make the point of order against the amendment. Last year the office of depositary at Cincinnati was abolished and an assistant treasurer was established in place of it. The gentleman now proposes to abolish the assistant treasurership. The point of order therefore lies against it that it changes existing law. In these appropriations we have followed exactly the law of last year, both as to the force and amount of appropriation.

Mr. HOLMAN. No person knows better than the gentleman from Ohio [Mr. GARFIELD] that this increase of expenditures in salaries from $7,200 in 1873 up to $15,260 was entirely unnecessary in the management of the public funds at Cincinnati. It was required by no public necessity. It is absolutely certain that neither in Cincinnati nor Chicago was there any necessity for creating the office of assistant treasurer. The United States depositories in those cities were all that the public interests required. But in the unexampled scramble for offices last session, and increased salaries, the old depositories of public funds, well and economically administered, were abolished, and the offices and salaries were doubled through assistant treasurerships. In this one instance, salaries to the extent of $8,080 were created.

I am aware that this and all other increase of offices and salaries are accepted as a matter of course, and any proposition to reduce the expenditures is received with indifference. It is well known that these assistant treasurerships were created without any public reason for it. These cities did not ask the creation of these new offices, and the well-informed citizens of those cities I am certain saw no reason or excuse for their creation. The public press, so far as I am aware, throughout the West condemned this increase of officers as entirely inexcusable.

I should like to call the attention of the gentleman from Connecticut, [Mr. KELLOGG,] chairman of the Committee on Reform in the Civil Service, to the fact that here is the office of assistant treasurer at Chicago, Cincinnati, and Charleston, South Carolina, which can very well be dispensed with without any detriment to the public service, and ought to be abolished. The business at these points can be done through depositories very well, and safely as it has been done heretofore.

I wish to call the attention of the gentleman from Ohio [Mr. GARFIELD] to another fact, that the appropriation for the year ending June 30, 1872, for the purposes covered by this paragraph was only $5,200. It is increased in this bill to $15,260 since 1872 by turning this depositary into an assistant treasurer. He made the point of order against my amendment, that restoring the depositary and abolishing the office of assistant treasurer was a change of existing law. Let me remind him that the change from depositary to the office of assistant treasurer at Cincinnati and Chicago was made in an appropriation bill. But of course the rules look to expenditure and not to economy. Yes, sir; these offices were created by an appropriation bill. And the gentleman makes the point of order that you cannot by an appropriation bill reduce the expenditure unwarrantably increased by an appropriation bill by abolishing the office. Certainly, such is the rule!

Mr. GARFIELD. I profess to have no special personal knowledge of the necessity of what was done last year in that regard except what was represented to the Committee on Appropriations. By the fifth section of the act of last March the following provision of law is made:

That there shall be appointed an assistant treasurer of the United States, to be located in the city of Cincinnati, in the State of Ohio; and one to be located in the city of Chicago, in the State of Illinois; and such assistant treasurers shall be appointed in like manner, for like time, and be subject to all the provisions of law to which the other assistant treasurers of the United States are subject.

This was done on the recommendation of the Treasury Department, and the reasons given were in brief that these two cities being central cities in the West, needed all the guards and sanctions that are thrown around the offices of the independent treasury, as distributing centers, as fiscal centers, as disbursing centers of the United States Treasury, and that to sweep away the old depositary system and place the assistant treasurership instead of it would make but a slight increase in the cost of it.

The recommendations of the Secretary of the Treasury were such as to convince the Committee on Appropriations that this was a correct proposition, and it went into the bill with, I believe, the unanimous sanction of the House. I do not think there was any opposition to it at the time.

Now, if Congress has made a mistake in the matter it is a very innocent mistake. There are more guards thrown around the public money in an assistant treasurer's office than there are in a depository, and we appropriate here the exact amount authorized by law, the exact amount given last year after the law had passed. I hope the amendment will not prevail.

Mr. HOLMAN. These offices were created by an appropriation bill, and the official salaries doubled, and I believe that it was the same appropriation bill by which a large number of other offices were unnecessarily created and a vast number of salaries increased, many of which Congress has been compelled to repeal.

Mr. GARFIELD. No, sir; this was in the miscellaneous appropriation bill.

Mr. HOLMAN. Well, it amounts to the same thing; and the point of order should not have been insisted on when an effort is made to get rid of the offices thus created by correcting one of the inexcusable acts of the last Congress. This abuse ought to be corrected.

Mr. GARFIELD. I do not admit that this is an abuse. I think it is wise legislation.

Mr. HOLMAN. The appropriation bill of 1871 makes this appropriation:

For clerks and messengers in the office of the depositary at Cincinnati, $5,250.

Now for the same service you propose to appropriate $15,260. And no person in office or out of office had ever intimated that the duties of the Treasury of the United States at Cincinnati had not been well and safely performed through the depositary.

There is, therefore, an increase in this one instance of over $10,000 without a public reason for it. I should have made the motion as to Chicago and Charleston but my attention was called away from the bill when those paragraphs were read. Even if we must have those assistant treasurers at $5,000 a year each, I still ask the gentleman from Ohio why he could not leave the other offices as they were left by the legislation of 1872?

Mr. GARFIELD. If the gentleman from Indiana thinks that the force of clerks in this Cincinnati office is greater than is needed, and has any special information to that effect, I will heartily join him in cutting down that force. But the office of assistant treasurer is fixed by law, and the salary provided is not greater than ought to be allowed for an officer of that grade. But if the gentleman will tell me that he knows there can be a reduction in the force employed there, I shall go with him in endeavoring to effect that reduction.

Mr. HOLMAN. I was not sufficiently acquainted with the business of the old depository, to be able to speak of the clerical force required in the office of assistant treasurer; but I am very certain that before the depository was abolished there was no embarrassment in the transaction of the public business with the force provided for that office, none whatever; at least no such complaint ever came to this House. I have learned, however, that while every avenue is open, by appropriation bill or otherwise, to create offices, it is next to impossible to abolish one; and as a practical measure it is not worth while making the attempt; I never do so with much hope of success. Judging from the appropriations heretofore made for the depository in that city and in other cities, I am quite certain that some of these offices can be dispensed with, and I move to strike out the following words:

For assistant cashier, $1,500.

I believe that that officer can be dispensed with. One cashier is certainly sufficient.

Mr. GARFIELD. I yield to my colleague from the Cincinnati district, [Mr. SAYLER,] who has more knowledge on the subject than I have. If those who are acquainted with the business of the office will say that this officer can be dispensed with, I will not oppose the amendment.

Mr. SAYLER, of Ohio. Whatever degree of correctness there may be in the statement of the gentleman from Indiana as to the lack of necessity for this office in Cincinnati, there is certainly no reason for his proposed amendment to strike out one of the cashiers employed in that office. I undertake to say that at present the office has no more force than it needs; and if it is proposed to continue the office at Cincinnati as established under the law, there is certainly, in my judgment, no propriety in striking out this assistant cashier, who is perhaps one of the most useful gentlemen employed in the office. I hope the committee will not agree to the amendment.

Mr. HOLMAN. I wish to inquire of the gentleman from the Cincinnati district whether any embarrassment was found in Cincinnati in transacting the business through the depository as it existed in Cincinnati until this spring a year ago?

Mr. SAYLER, of Ohio. So far as I know there was not.

Mr. HOLMAN. Then a cashier at $2,000, a clerk at a salary of $1,800, two clerks at $2,400, and one clerk at $1,000 a year, performed all the duties.

Mr. SAYLER, of Ohio. I desire to state that at that time there was a larger force of clerks employed in the office of the collector of the port.

Mr. HOLMAN. They are there yet; the force has not been reduced.

The question was taken on Mr. HOLMAN'S amendment; and on a division there were—ayes 13, noes 16; no quorum voting.

Mr. HOLMAN. I withdraw that amendment, and move to amend by striking out all of the paragraph after the words "for assistant treasurer, $5,000," and to insert in lieu thereof the following:

For cashier $2,000, one clerk at $1,800, two clerks at $2,400, one clerk at $1,000; in all $12,200.

Mr. SAYLER, of Ohio. I want to ask the gentleman from Indiana if he intends to strike out entirely the messenger, night watchman, and other employés connected with this office?

Mr. HOLMAN. My purpose is to give the office the same force that it had before last year, when it was a depository only. The appropriation for clerks and messengers in the office of the depositary at Cincinnati was then only $5,460, and the effect of my amendment is to limit it to that amount now. I will modify it, however, by inserting one messenger at $700.

Mr. SAYLER, of Ohio. I have only a word to say about this amendment. If this office of assistant treasurer at Cincinnati is to be continued, it should be retained with the proper force to run it in such a way as will meet the obligations resting upon the officer.

From the various amendments which the gentleman from Indiana has offered on this occasion, and from the readiness with which he modifies them at all times, it is evident that he is undertaking to legislate about something which he practically knows nothing about, and that he is undertaking to modify and change the employés in an office the nature of the duties of which he has not studied at all.

I do not see why he persists in attempting to cut down the number of employés in this office at Cincinnati. I hope the committee will stand by the bill as reported by the Committee on Appropriations.

Mr. HOLMAN. I move to amend the amendment by striking out the last word. The gentleman from Ohio who is on the democratic side of the House [Mr. SAYLER] must know that this office is one of those which have been created by the party in power in this endless growth of the expenditures of this Government; it is a part of the system by which the $34,000,000 of salaries are built up in this country.

The gentleman charges that inasmuch as I modified my amendment from time to time I do not, therefore, understand this proposition. I know what legislation we have had heretofore, and the gentleman will not deny, nor will the chairman of the Committee on Appropriations, that the appropriation for the office of the depositary at Cincinnati was formerly $5,240, and then every public duty was well and safely performed.

Here is an increased expenditure of over $10,000 without any public reason for it; and I challenge the gentleman from Cincinnati or the chairman of the Committee on Appropriations to point out one public reason for the addition of $10,000 to the salaries of the officers in the depository at Cincinnati by converting it into an assistant treasurership. I will yield to any gentleman who will point out one. This propositionin the bill is in accordance with our legislation on the the miscellaneous appropriation bill and the legislative appropriation bill of last session, which increased salaries to the extent of millions of dollars, and yet gentlemen are found on this side of the House who are prepared to excuse it because these appointments are made in their own section of the country. It is in this way that these oppressive loads are laid upon the industries of the country.

Sir, knowing what legislation has been had here before, I had some reason to know what legislation was necessary now to secure the proper performance of the public duties at this office. I do not pretend to know what private motives or what partisan motives there may be for the creation of these offices, but I know there is no public reason for it.

The question was taken upon the amendment; and upon a division—ayes 33, noes not counted—it was not agreed to.

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

For compensation to designated depositaries at Buffalo, New York; Louisville, Kentucky; and Pittsburgh, Pennsylvania, for receiving, safely keeping, and paying out public money at the rate of ½ of 1 per cent. on the first $100,000, ¼ of 1 per cent. on the second $100,000, and ⅛ of 1 per cent. on all sums over $200,000; any sum which may have been allowed to such depositaries for rent or any other contingent expenses in respect to the custody of such public money being deducted from such compensation before any payment shall be made therefor: *Provided*, That no compensation shall be allowed for the above services when the emoluments of the office of which said designated depositary is in commission amounts to the maximum compensation fixed by law; nor shall the amount allowed to any of said designated depositaries for such services, when added to the emoluments of the office of which he is in commission, be more than sufficient to make the maximum compensation fixed by law: *And provided further*, That the whole allowance to any designated depositary for such service shall not exceed $1,500 per annum, $3,000.

Mr. WILLARD, of Vermont. This seems to be a change of law from last year. Is the amount to be paid more or less than last year?

Mr. GARFIELD. It is less by $5,000. Last year it applied to eight cities, now to but three, Cincinnati and Chicago having been made assistant treasuries instead of depositories, and Oregon City, Olympia, Washington Territory, and Mobile, Alabama, having been discontinued. That leaves but three, and we appropriate $3,000 instead of $8,000.

Mr. RANDALL. I would like to ask the chairman the effect of the word "maximum." It occurs twice in this paragraph. What is the outside limit?

Mr. GARFIELD. The outside limit is $1,500.

The Clerk resumed the reading of the bill, and read as follows:

Office of the Director of the Mint:

For Director, $4,500; chief clerk, $2,500; one clerk of class four; one clerk of class two; one translator, $1,200; one copyist, $900; one messenger, and one laborer; making in all the sum of $13,860. And hereafter all salaries under the Director of the Mint at Washington and at the various mints shall be at the rates appropriated for in this act.

Mr. GARFIELD. I am directed by the Committee on Appropriations to move to amend this paragraph by striking out the words "chief clerk" and inserting "examiner," and to fix his salary at $2,200, instead of at $2,500, as provided by this paragraph.

Mr. RANDALL. That changes the law.

Mr. GARFIELD. It does. But the mint law as passed last year left the Secretary of the Treasury to fix the salary. The Committee on Appropriations thought it best to have it fixed, and therefore they report this amendment.

The amendment was agreed to.

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

For contingent expenses of the United States mints and assay offices, namely: For specimens of coins, to be expended under the direction of the Secretary of the Treasury, $1,000; for books, balances and weights, and other incidental expenses, $1,500.

Mr. GARFIELD. I am directed by the Committee on Appropriations to move to amend this paragraph by striking out "$1,000" and inserting "$350," as the appropriation for specimens of coins.

The amendment was agreed to.

The Clerk read the following:

For recoinage of gold coins, to meet the difference between the nominal and bullion value of gold coins now in the Treasury, reduced by natural abrasion below the legal limit, and to be recoined, to be expended under the direction of the Secretary of the Treasury, $20,000.

Mr. RANDALL. That is a new provision altogether. I suppose it is required by the legislation of Congress.

Mr. GARFIELD. The new coinage law requires the Government to attend to this matter.

No amendment being offered, the Clerk read as follows:

Mint at Philadelphia:

For salaries of the superintendent, $4,500; for the assayer, melter and refiner, coiner, and engraver, at $3,000 each; the assistant assayer, assistant melter and refiner, and assistant coiner, at $2,100 each; cashier, $2,500; chief clerk, $2,400; book-keeper, deposit clerk, and weigh clerk, at $2,000 each; and two clerks, at $1,800 each; in all $37,300.

Mr. RANDALL. There is an apparent increase in this appropriation; I suppose from the same cause as the other.

Mr. GARFIELD. Partly from the same cause and partly because there has been an increase of coinage during the last year. About $15,000,000 in British gold has found its way to this country within the last eight months, nearly all of which has been recoined into American coin. The process of recoining is thus steadily going on. The balance of exchange is not now so strongly in our favor as it was a few weeks ago, but still while it was in our favor a very considerable amount of recoinage was made.

Mr. RANDALL. It is due to the House that some explanation should be made of this increase.

Mr. GARFIELD. A demand also comes to us from China and Japan, and from South America also, for trade dollars. They are now using at the mint in San Francisco their entire force in coining trade dollars to meet the demand in Japan and China; and the deficiency bill will ask for an additional appropriation to carry on the work for the present fiscal year.

Mr. MAYNARD. I have seen a statement within the last day or two that these trade dollars, being 3 per cent. more in value than our current dollars, are taken and clipped to that extent for the 3 per cent. profit.

Mr. GARFIELD. I have not noticed that.

Mr. RANDALL. That would be useless, for it would make them unpassable.

Mr. MAYNARD. They could be used as bullion; clip off the 3 per cent. and use the 100 per cent. as bullion.

The Clerk read the following:

Mint at San Francisco, California:

For salaries of superintendent, $4,500; assayer, melter and refiner, and coiner, at $3,000 each; chief clerk, $2,500; cashier, $2,500; four clerks, at $1,800 each; in all $25,700.

For wages of workmen and adjusters, $200,000.

Mr. MERRIAM. I move to amend the clause relating to watchmen and adjusters by adding the following:

Provided, That the pay of watchmen and messengers shall not exceed $1,000 per annum.

The pay of messengers is now seven dollars a day, and of watchmen six dollars a day. That price was fixed in 1862.

Mr. GARFIELD. I raise the point of order that the amendment proposes to change the law.

Mr. MERRIAM. That may be the law, and the change should be made.

The CHAIRMAN, (Mr. WOODFORD.) The point of order is well taken.

Mr. GARFIELD. I am instructed by the Committee on Appropria-

tions to move to amend the last paragraph read so as to make the sum appropriated $241,000 instead of $200,000. The committee are satisfied that they have cut down this item too much.

Mr. MERRIAM. I would inquire if there is really any law fixing the compensation of messengers and watchmen?

Mr. GARFIELD. We have for years past paid larger salaries to all classes of employés on the Pacific coast.

Mr. MERRIAM. Is such the law?

Mr. GARFIELD. The salaries are so fixed by law; and it has been the uniform custom in our appropriation bills to make larger appropriations for the Pacific coast.

Mr. RANDALL. Last year the appropriation was only $200,000. Why the increase?

Mr. GARFIELD. Because of the increase of business which has required even a deficiency appropriation for this year—the increase of business on account of the coinage of the "trade dollar."

Mr. HOLMAN. Do I understand the gentleman to say that that mint will be engaged more largely in coinage during the next fiscal year than it is during the current year?

Mr. GARFIELD. Certainly. The business at that mint is increasing beyond all precedent, partly in consequence of the additional quantity of bullion, but mainly in consequence of the demand for the "trade dollar."

Mr. HOLMAN. But that demand has existed during the whole current year up to this time. The excuse for this increase, if there is any excuse, would be found in the fact that in our trade with China and Japan the "trade dollar" is very valuable. But I submit that we have been carrying on the coinage of the "trade dollar" during the current year. I do not believe in accepting the mere estimate of the Treasury Department.

Mr. GARFIELD. But the gentleman will remember that the coinage of this "trade dollar" was authorized only as late as the close of last session.

Mr. HOLMAN. For the last six months, then, this business has been going on.

Mr. GARFIELD. Certainly.

Mr. HOLMAN. The gentleman knows that the Treasury Department has not for five years sent an estimate to this House that was not above what was necessary to be appropriated. There is not an estimate in the book that cannot be reduced without interfering with any public interest whatever.

The amendment was agreed to.

The Clerk read as follows, under the heading "Mint at San Francisco, California:"

For material and repairs, fuel, lights, chemicals, and other necessaries, $59,545.

Mr. GARFIELD. I move to amend by striking out "$59,545," and inserting "$75,000."

Mr. RANDALL. So we go, from bad to worse!

Mr. GARFIELD. This is for precisely the same reason as the last amendment, in order to increase the efficiency of this mint. Everybody knows, too, that the new mint building is larger and of greater capacity than the old.

Mr. MERRIAM. I take an appeal from the decision of the Chair on the amendment offered to the last paragraph. There is no law regulating these salaries. The provision on the subject in the coinage act is as follows:

And to the workmen shall be allowed such wages, to be determined by the superintendent, as may be customary and reasonable according to their respective stations and occupations, and approved by the Director of the Mint.

Several MEMBERS. It is too late to take an appeal.

The CHAIRMAN. Technically it is too late for the gentleman to take an appeal. The Chair based his ruling upon the statement of the chairman of the Committee on Appropriations, that there was a law which the amendment proposed to change.

Mr. GARFIELD. It appears by the law which the gentleman has read that the superintendent, with the approval of the Director of the Mint, was authorized to fix these salaries. The rate of pay having been fixed under that authority of law, the gentleman, in proposing to change the pay, proposed to change the law.

The CHAIRMAN. The Chair cannot entertain the appeal except by unanimous consent, because it requires unanimous consent to go back. Is there objection?

Several members objected.

Mr. GARFIELD. I submit for the information of the committee the following letter:

TREASURY DEPARTMENT,
OFFICE OF THE DIRECTOR OF THE MINT,
March 19, 1874.

SIR: Referring to my verbal statements and the papers sent in explanation of the mint estimates, I beg to submit the following remarks:

The mints and assay offices are manufactories of bars and coin, and the expenses for any year, except as to salaries and the regular force of experts and skilled workmen, which it is necessary to retain at all times, will be in proportion to the amount of work performed.

The business of the mints has been very largely increased since the 1st of April, 1873, the date when the new coinage act took effect, by reason of—

First. The change in the course of bullion, on account of the reduction of the coinage charge from ½ to ⅓ of 1 per cent. and which, with lower rates of foreign exchange than existed for some time previous, induced the entire gold product of the country to go to the mints for coinage.

Before that date nearly half of the gold bullion produced was exported in an unminted condition, the average annual gold coinage of all the mints from 1868 to 1872, inclusive, having been about $20,000,000, against an annual average production of about $40,000,000.

Second. The importation and mintage of about $16,000,000 of foreign gold bullion and coin.

Third. The successful introduction into China of the American trade dollar and a consequent large demand for the coinage thereof.

Fourth. The coinage of gold coin reduced by natural abrasion below the limit of wear as fixed by the principal commercial nations and our own coinage act.

Fifth. An increased coinage of subsidiary silver during the year to supply the demand from Texas and the Central and South American states where those coins circulate at their nominal value.

The foregoing additional business has rendered it necessary to run the three coinage mints and the assay office at New York not only to their full capacity since the 1st of April last but during extra hours for a portion of the time, and I regard the comparatively small sum required in addition to the amount ordinarily appropriated for the support of the mints as proving beyond question that the utmost economy consistent with the prompt and proper execution of the coinage has been observed by the Mint officers generally.

The law places no restriction on the receipt of deposits of bullion at the mints; and, however large they may be, it is our duty to convert them into coin or bars, as the case may be, and meet the consequent expenses until the appropriations for that purpose are exhausted.

As to the question of policy, there cannot, I think, be any doubt that our gold bullion should all be converted into coin, and this for the reason that inasmuch as bullion in the form of bars cannot be profitably retained as a reserve or otherwise by banks and bankers in this country, it must seek a foreign market if for the outturn only unless made into coins, and which will not be exported unless required to adjust foreign balances; and so long as silver coins command a reasonable premium on their intrinsic value for export to other countries, as they have for some time past, commercial policy, and the fact that ours is the largest silver-producing country, require that we should coin as much silver as we can in addition to the required gold and minor coinage.

It is proper to state at this point that we shall no doubt be called upon to execute coinage for other countries under the act approved January 29, 1874, authorizing the same.

I have made the foregoing statements with a view to show the importance of keeping our mints and assay offices in a high state of efficiency, and of making the necessary appropriations for their proper support, the greater portion of which will be returned to the Treasury from the various charges on deposits of bullion; seignlorage or gain on silver and minor coinage; sale of by-products, &c., the moneys arising from which are, under the coinage act, payable at least twice a year into the Treasury of the United States.

I have the honor to be, very respectfully, your obedient servant,

H. R. LINDERMAN,
Director.

Hon. JAMES A. GARFIELD,
Chairman Committee on Appropriations, House of Representatives.

Mr. GARFIELD's amendment was agreed to.

The Clerk read as follows:

Mint at Carson, Nevada:

For salaries of superintendent, $3,000; assayer, melter and refiner, and coiner, at $2,500 each; chief clerk, $2,500; cashier and book-keeper, at $2,000 each; weigh-clerk and voucher clerk, at $2,000 each; computing clerk, $2,000; assayer's clerk, $1,600; in all, $24,600.

For wages of workmen and adjusters, $67,000.

For materials and repairs, fuel, light, charcoal, chemicals, and other necessaries $53,200.

Mr. WILLARD, of Vermont. I should like to have some explanation from the Committee on Appropriations as to the necessity for this large appropriation for the mint at Carson, Nevada.

Mr. GARFIELD. The reason I gave in reference to the San Francisco mint applies to all these mints west of the mountains. It is because of the increase of business during the year. We have a statement from the Director showing there has been a large increase of business at Carson. They are producing both silver and gold—silver in large quantities.

Mr. WILLARD, of Vermont. I move to strike out the last word. I do not think the gentleman's explanation goes far enough.

Mr. GARFIELD. We have been urged to increase the appropriations in the last two paragraphs for wages of workmen and adjusters and for materials and repairs. I wish in general to make this statement. We have the report of the Director of the Mint as to the product of gold and silver during the past year and its relative increase over former years. At Carson a large amount of business is done in the way of separating gold and silver. It is found there in a mixture and the work of separating it is not only valuable but has largely increased, so much so that the committee have been urgently pressed by the Director of the Mint and the Secretary of the Treasury to increase the appropriation, as I have already said, in the two paragraphs for wages of workmen and adjusters, and materials, repairs, fuel, light, charcoal, chemicals, and other necessaries.

The gentleman from Vermont desires information as to the necessity for this appropriation. I have here a tabular statement, which if the gentleman desires, I will have printed in my remarks. In this tabular statement, for instance, I find at Carson, Nevada, the amount of gold coined during the six months ending December 31, 1872, was $2,129,862.76, and of silver $1,532,000; and during the six months ending December 31, 1873, the figures given here are about the same, being, if anything, a small decrease. Both of these years there was a large sum produced, amounting to nearly $4,000,000.

Mr. WILLARD, of Vermont. What I wish to get at from the chairman of the Committee on Appropriations is the necessity for this increase of appropriation.

Mr. GARFIELD. It arises from the coinage of the trade dollar, and from separating the silver and gold, which is an expensive although necessary process.

Mr. WILLARD, of Vermont. I am not prepared to determine how much should be expended for this Carson City mint. I only know, Mr. Chairman, that for the last three or four years this mint has been asking for larger appropriations every year, and now that so large a

sum is asked for I thought when the committee proposed to nearly double the appropriation they would be prepared to state some good reason for it. From what has been stated by the chairman of the committee just now it would seem that the amount coined for the six months ending December 31, 1873, is about the same that was coined for the six months ending December 31, 1872; that therefore does not show any increase in the business and can be no good ground for asking any increase of appropriation. When an increase of nearly double of former appropriations is asked for in this bill, it seems to me we ought to have some justification for it put upon the record.

Mr. GARFIELD. The following letter from the superintendent of the mint at Carson, Nevada, together with the accompanying estimate, to the Director of the Mint will show precisely what ground there is for this appropriation:

THE MINT OF THE UNITED STATES AT CARSON,
Superintendent's Office, February 6, 1874.

SIR: I yesterday forwarded you the details of my estimated deficiency in the appropriations for the current fiscal year, caused by the entire change of our business from unparted bars with a limited coinage to fine bars with the increased coinage which the separation of the gold from all the silver deposits gives. This change necessitates the constant working of the refinery, the most expensive branch of the institution, and considerable increase of work in the coining department, the next expensive branch of the business.

Should this continue, or should the Government decide upon putting us upon subsidiary coin, of course this increased cost of running this mint will continue.

The depreciation of silver, it seems likely, will continue to direct our work into fine silver bars and trade dollars, as the most productive shape in which the products of the mines can be exported, whatever may be the course pursued by the Government with respect to subsidiary coins.

I have therefore remodeled my estimates for the appropriations for the support of this mint during the fiscal years of 1874-'75, the figures of which I inclose, based upon our present rates of consumption and expenditure.

By it you will see that in all the leading articles of supply affected by the increased activity in the refinery the cost is doubled, thus: When my first estimate was made we were using one and a half cords of wood. The increased power required for driving purposes and for steam for separating has increased our consumption at the present time to three and one-eighth cords per day. When the largest portion of our work was unparted bars, and the proportion requiring separation small, we consumed about twenty thousand pounds sulphuric acid per month; our consumption now is fifty thousand pounds per month, so that I have doubled the estimate for this branch of expense, except that I have based my estimate on present purchase price, which is less than that stated in my original estimate.

The consumption of charcoal, too, has more than doubled. Hard coal costs fifty dollars instead of forty dollars, as in the original estimate, and for this I have made an allowance. The quantity I think need not be increased. The quantity of copper used is more than doubled, and the consumption of crucibles, chemicals, and other supplies is largely increased.

The estimate for labor I have based upon present cost with the additions of such employés as are necessary in the coiner's department, to enable that department to keep its work up with the melter and refiner's.

These changes in the cost of running this mint, rendered necessary by the changes in the description of work done, call for an increase on my original estimate for the fiscal year of 1874-'75 of $56,617 and make the total amount necessary to be appropriated $233,317, distributed as follows, namely:

Salaries, as per original estimate	$28,600
Wages, as readjusted	88,717
Incidental expenses, as readjusted	116,000
Total	233,317

Very respectfully,

FRANK D. HETRICH,
Superintendent.

Hon. H. R. LINDERMAN,
Director of the Mint.

Supplementary estimate for annual appropriations for the support of the United States mint at Carson, Nevada, during the fiscal year 1874-'75.

Wood, 1,000 cords, at $11	$11,000 00	
Less, estimated for	5,500 00	
		$5,500 00
Acid, 600,000 pounds, at 6½ cents coin, will be in currency	44,000 00	
Less, estimated for 300,000 pounds, at 11 cents	33,000 00	
		11,000 00
Charcoal, 24,000 bushels, at 30 cents coin, is in currency	8,000 00	
Less, estimated for	3,600 00	
		4,400 00
Hard coal, 300 tons, at $45 coin, is in currency	15,000 00	
Less, estimated for $40 currency	12,000 00	
		3,000 00
Copper, crucible, fluxes, repairs, gloves, aprons, mittens, iron, lumber, bunting, stationery, and other incidental expenses, estimated at $19,000, at same rate will be		19,000 00
Wages:		
Appropriation for 1873-'74	$67,000 00	
Deficiency on this year	15,576 00	
	82,576 00	
Estimated for 1874-'75	$75,000 00	
	7,576 00	
Extra labor required for full working of the mint:		
1 cutter and 1 assistant annealer	3,950 00	
2 adjusters	2,191 00	
		$13,717 00
		56,617 00

Mr. WILLARD, of Vermont. I withdraw my amendment.

The Clerk read as follows:

Mint at New Orleans, Louisiana:

For salaries of assayer, and melter and refiner, $2,500 each; wages of three workmen, $3,000; for fuel, lights, acids, chemicals, and crucibles, $2,000; and for apparatus necessary to put the mint in condition, $5,000; in all, $15,000.

Mr. SYPHER. Mr. Chairman, I desire to offer the following amendment in the nature of a substitute for the lines of the bill commencing with 820 and ending with 826, inclusive, as follows:

Mint at New Orleans, Louisiana:

For repairs of machinery and apparatus and for new machinery required to put the mint in condition for coinage of gold and silver, $30,000; for salaries of assayer, melter and refiner, and coiner, $2,500 each, $7,500; wages of workmen $8,000; incidental expenses, $4,500.

The sum total of these items is $50,000, which is $16,700 less than the director of the mint reports as necessary "to make a fair start."

The mint was originally established at New Orleans in the year 1838, and was the second in importance in the country for a period of twenty years, until suspended by the breaking out of the war. Coinage was executed there to upward of seventy millions, about half of which was Mexican silver.

The ground upon which the mint building is located was donated to the United States by the city of New Orleans for the express purpose of erecting and operating a mint. The act of donation provides that whenever the ground shall not be used by the United States Government for purposes of coinage it shall revert to the city. No coinage has been executed at that mint since the war. The Government has occupied a part of the building for the assistant treasurer. The intent of the act donating the site has not been carried out, yet the city of New Orleans has made no demand upon the United States Government for the restoration of the property, believing that the time would come when the interests of the country would again require this property for its former purpose.

Mr. Chairman, that time has in my opinion now arrived. The increased demand for gold and silver coin in our country requires increased facilities for its manufacture.

Under the act of Congress authorizing recoinage of specie below the standard weight prescribed by law much additional labor is imposed upon the mints now in operation in other parts of the country. On this subject the Director of the Mint of the United States, in his annual report to the Secretary of the Treasury, says:

By your direction, the amount believed to be necessary to place the mint at New Orleans in condition for coinage operations, and for its support during the fiscal year, was included in the estimates of appropriations for the mints and assay offices. * * * * * * *

A gratifying increase of business at the San Francisco and Philadelphia mints, and assay office, New York, took place immediately on and after the coinage act became operative, and which has recently been greatly augmented in consequence of large importations of foreign coin and bullion, and the almost total cessation of bullion exports. * * * * * * *

Some idea of the increase of operations may be formed when it is stated that the coinage of gold during the month of October approximated in value $14,000,000.

It is well known that much of the gold and silver coin in circulation below the standard weight is in the Southern States, especially in Texas, where "hard money" has never ceased to be the circulating medium. In the course of trade large amounts of this specie finds its way to New Orleans; it is there offered in payment of duties to the Government, and cannot be received except in accordance with the fourteenth section of the coinage act and the regulations of the Treasury Department, requiring a fixed standard. During the past year the Department issued instructions to the collector of that port to receive no gold in payment of duties under the prescribed legal standard. To have carried out these instructions rigidly, would have stopped all importations at that port, there being no gold of the required standard attainable in that market.

Besides the home necessity for reopening this mint at New Orleans, good faith to foreign countries demand it, to enable our Government to comply with the terms of the act passed at the beginning of this session, authorizing our mints to coin for foreign nations, some of whom are already inquiring upon what conditions our Government will afford them these facilities. Under this act it is believed that our Government will be able to offer superior advantages, especially to the countries south of us, Mexico and the Central and South American States; it will be a saving of time and money to these countries to have this Government manufacture their coin, and nations, like individuals, seek trade relations most advantageous to themselves. Then since you have solicited, as it were, the patronage of foreign nations by the enactment of the coinage act, it becomes your duty to furnish the necessary facilities to perform the work.

American merchants have for a century coveted the trade of China and Japan. Now for the first time these countries open wide their ports to our ships, and supersede the Mexican dollar, their standard of value for many years, with our American trade dollar, for which they pay us in gold. Republican Switzerland, a bright example across the Atlantic of our own great Republic, is among the first to avail herself of the advantages offered by our Government to manufacture her coin, of which France has in the past had the exclusive monopoly. In Central America the peso, or dollar, corresponds in value very nearly with our subsidiary silver coin, and circulates largely, so that the adoption of our fractional silver would be only a slight departure from their present circulating medium. The silver dollar is well known among civilized nations, and the demand for it is rapidly on the increase, and no short-sighted policy of mistaken economy should prevent this Government from supplying that demand as well as becoming, as we are destined to be, the bullion depot for the civilized world.

If the interests involved in reorganization and operation of the mint at New Orleans were altogether local or even national, the argu-

ment against this appropriation on the ground of economy might apply with some force, but the interests involved are international. Mexico, our nearest neighbor, only three days' sail from New Orleans, sends annually away from our shores in British bottoms twenty-two millions of bullion. Is it wise statesmanship or genuine economy to permit this state of things to continue from year to year without an effort to direct at least a portion of this valuable trade into American ports? I think not. This is a subject to which the popular harangue of the demagogue on "economy and retrenchment" does not apply; true economy and wise policy dictate that this appropriation should be made and made now.

Mr. HALE, of Maine. Will the gentleman from Louisiana permit me to ask him a question?

Mr. SYPHER. Certainly.

Mr. HALE, of Maine. Does not the gentleman think that the appropriation in the bill is enough to save forfeiture of the title?

Mr. SYPHER. I will answer the gentleman's question with pleasure. For twelve years there has been no coinage executed at the New Orleans mint, yet the city has made no effort to have the property restored. The people of my city appreciate the importance and necessity of re-establishing that mint, and while there is a prospect that Congress will appropriate money to meet that public necessity they will not be likely to make such effort. But it is not merely an appropriation to prevent forfeiture of title that we desire or that the public interests demand, without reference to the justice due the generous donors; it is an appropriation sufficient to put that mint in condition to manufacture gold and silver coin; and until that is accomplished I shall not cease my efforts.

It requires no great wisdom to foresee as the result of manufactur ing the coin of foreign nations the establishment of amicable com mercial relations with nations whose trade will add millions to the wealth of our people. Every consideration of local and national interest demand the re-establishment of this mint, located as it is upon the extreme southern border of our country, at the second exporting city of the Union, the metropolis of the south; at the mouth of the greatest commercial artery of the world, tributary to nineteen States and Territories. If that is not a fit location for such an establishment to manufacture coin for this and foreign nations, then there is none suitable to be found in the Republic.

Mr. GARFIELD. The estimate for this purpose was $70,000. The committee gave a special hearing on the subject, and were impressed with one fact: that under the peculiar tenure by which we hold the property on which the mint now stands it would lapse if it ceased to be occupied as a mint after a certain specified time.

Mr. RANDALL. The dedication was to lapse?

Mr. GARFIELD. Yes; the property would go out of the hands of the United States. We were not willing to lay out $70,000 to establish a full force as a mint. But we were willing to give enough to save our title and begin the work. We believe that what we have done is enough, and I hope the gentleman's amendment will be voted down. If it is voted down I am requested by the chairman of the Committee on Coinage to offer the amendment which I send to the Clerk's desk, which will more fully carry out the law in regard to this matter.

Mr. RANDALL. Let us vote on the one amendment before the other is offered.

Mr. MOREY. I ask that the substitute offered by my colleague [Mr. SYPHER] may be again read.

Mr. SYPHER's amendment was again read.

Mr. SYPHER. Those items are as fixed by the Director of the Mint.

The CHAIRMAN. Does the gentleman from Louisiana [Mr. MOREY] desire to address the committee?

Mr. MOREY. All I wished was that the amendment might be read, that the committee might vote intelligently as between the two propositions.

The question being taken on Mr. SYPHER's amendment, it was not agreed to.

Mr. GARFIELD. I now offer the amendment which I have indicated.

The Clerk read as follows:

Strike out the words "mint at New Orleans, Louisiana," and insert the following: To reopen the branch mint at New Orleans, to be conducted hereafter as a mint, subject to the provisions and restrictions of the coinage act of 1873, the following appropriations are made.

Mr. GARFIELD. This is merely to put it formally under the control of the coinage act.

Mr. HOLMAN. I do not object to this amendment, but I wish to ask the genleman from Ohio whether the real intention is to put this mint in operation during the coming fiscal year.

Mr. GARFIELD. It is not supposed that it can be put in operation, but we can make repairs on it so as to retain the title.

Mr. HOLMAN. I understand the motive; but is it necessary to provide for a large number of salaries, and such high salaries, too, when the only object is to retain control of the property?

Mr. GARFIELD. It is necessary that it shall be conducted as a mint, and if you have the essential officers of a mint, so as to comply with the law, they can be employed in putting the machinery in order, and this appropriation of $15,000 is to enable them to do that.

Mr. SHELDON. I would like to say to the gentleman from Indiana that it is our purpose to have the mint re-established for the purpose of doing business, as it will be a source of great profit to the country, because it lies contiguous to a country that produces both silver and gold, and we expect to be able to coin, as we did before the war. From 1848 to 1860 when gold coinage was established, and from 1838 to 1860 when silver coinage was established, we coined over $70,000,000, and I do not want the House to understand that we do not intend to re-establish that mint for permanent use. That is all I wish to say. I did not want there to be any mistake about the matter.

The question was taken on Mr. GARFIELD's amendment, and it was agreed to.

Mr. GARFIELD. I move further to amend the paragraph by inserting after the word "apparatus," in line 824, the words "and repairs;" so that it will read—

And for apparatus and repairs necessary to put the mint in condition, $5,000; in all, $15,000.

The amendment was agreed to.

The Clerk read as follows:

Assay-office at New York:

For salary of superintendent, $4,500; for assayer, and melter and refiner, $3,000 each; chief clerk, $2,400; three clerks, at $2,000 each; and four clerks, at $1,800 each; for assistants to superintendents in assayer's room and weigh-room, $10,000; in all, $36,100.

Mr. RANDALL. I find that this is a very large increase over the appropriation last year. I think it is as much as $29,900 increase.

Mr. GARFIELD. It is an increase over the appropriation of last year, but it is a very considerable decrease on the estimates. That is the only answer we have to make. A very great pressure was brought to bear on the committee to make the increase much larger than we made it.

Mr. POLAND. I propose to move an increase.

Mr. MERRIAM. For the benefit of the gentleman from Pennsylvania [Mr. RANDALL] I will explain that the bullion received and operated upon in the assay office in New York from the 30th of June, 1871, to the 1st of July, 1872, was $11,088,600, whereas during the last year it was over $34,775,000, requiring an increase of force. Evidently with such an increase of business it is necessary that there should be an increase of expenses.

Mr. RANDALL. Well, the appropriation of last year was only $5,000, and the appropriation in this bill is $36,000.

Mr. MERRIAM. They had some unexpended balance before.

Mr. RANDALL. The chairman of the committee does not seem to give us an intelligent answer.

Mr. MERRIAM. I am not chairman of the committee.

Mr. POLAND. I move to amend the paragraph by striking out in line 830 "$2,400" and inserting $3,000," so that it will read, "chief clerk, $3,000;" in line 831 by striking out "two" and inserting "three," so that it will read, "three clerks, at $3,000 each;" and in lines 831 and 832, by striking out "$1,800" and inserting "$2,500," so that it will read, "four clerks, at $2,500 each."

This amendment which I offer is merely to place these salaries just where they have been before, and where they are at the present time. The men who are employed in this assay office have most responsible positions. We want men in all these places of the very highest character. These gentlemen are obliged to live in the city of New York, where the expense of living is very great, and it seems to me it is not only unjust, but exceedingly unwise, to undertake to put men occupying those positions and performing those duties upon such meager pay and allowances as the Committee on Appropriations propose. I am not aware of any reason why the pay of these men should be reduced. I know some of the gentlemen personally, and we know that if we have not men in these places who are men of the very highest character for probity and responsibility, we ought to have such men. We certainly ought to have men in these positions that will command the salaries that these gentlemen now have, and to which I propose by this amendment to raise them.

Mr. MELLISH. I desire to corroborate every word uttered by the gentleman from Vermont from my own personal knowledge. I desire to say that the superintendent of the assay office at New York is one of the most scrupulously economical officers that can be found anywhere. He is the man who some years ago placed the police force of the city of New York in such a high condition of discipline and efficiency as to achieve a world-wide fame, but from which it subsequently retrograded when it fell under the control of Tammany politicians.

I would say that during the last year the amount of business performed at the assay office has been about $34,000,000, while during the year before it was only $11,000,000, an increase of a very large percentage. The superintendent gives bonds to an amount of $100,000, and a number of the clerks have to give bonds. There is no office in the country which requires men of more strict integrity or higher character.

I trust that the amendment offered by the gentleman from Vermont will be adopted. The increase of business this year over last is between 200 and 300 per cent., and these officers have been required to work at night during a large portion of the past year. I do not believe it will be economy to try to get cheaper men there. I think that the true policy in this case would be to raise salaries. But all that is asked is that they shall be retained at the same point in regard to salaries as that at which they have heretofore stood—that they shall not be cut down below that point.

Mr. MERRIAM. I ask the chairman of the committee if he has a

letter from the Director of the Mint on this subject? If he has I should wish to have it sent to the desk to be read.

Mr. HALE, of Maine. This is the last place, this assay office at New York, where any gentleman should rise and say that the rate of compensation fixed by the committee is meager, and I will show the committee why. The work of the office is important—there is no doubt of that—and so far as the force employed to do that work is concerned, the committee does not propose to change that. It proposes in the next line, line 835, to put the $58,000 there for wages of workmen up to $65,000, which it was last year, so as not to impair the working force of the assay office.

Now in reference to these special favorite clerks, let us see how they stood before. The committee does not cut down a man under the estimates. It is provided that including the chief clerk there shall be eight clerks in this single assay office. These clerks are estimated for, and the gentleman from Vermont moves to amend now so as to make them draw salaries at this rate: The chief clerk and three other clerks, at the rate of $3,000 each; three clerks at $2,200 each; and one clerk at $1,800. Why, Mr. Chairman, there is not a clerk in one of the Departments in Washington, or anywhere else, who gets such pay as this. There is no reason why the New York assay office should be paid above other places of corresponding dignity and importance. Let gentlemen turn back to Philadelphia, and what do we find there? The committee has passed the paragraph relating to the Mint at Philadelphia and no gentleman has risen to talk about meager salaries. The chief clerk there is put at $2,400. That is the figure that is given here, in the New York office. The weighing clerk and bookkeeper and deposit clerks have $2,000 each.

Mr. MERRIAM. Is that an assay office?

Mr. HALE, of Maine. It is the mint, which is certainly as important. They are the same grades of office; and they are all left just as the committee has left them in the bill here at $2,000 each.

Does any gentleman here believe that you cannot obtain mere clerks in your assay office at $2,000 a year, which is $200 a year more than is paid to the highest grade of clerks in the Departments here? Sir, there are men in Washington to-day at the head of divisions, with fifty to one hundred men under their charge, who are receiving only $1,800 a year. A gentleman asked me if these parties do not have to give bonds. Does any gentleman believe that there is any difficulty in getting men at these rates, hundreds of dollars a year higher than we pay to the highest grade of clerks here, because they have to give bonds? Why, sir, I guarantee that gentlemen who are so anxious to get these men appointed, if they can get them in, will see to it that they will give bonds.

I do not know a man in the New York assay office. I have nothing to say against the character and efficiency of a single man there. But the truth is that that office has been a favorite place. The committee found that these rates were scaled and raised away above corresponding offices here and elsewhere. All the committee has done or has sought to do is not to impair the force of that office, but to put these men on a fair level. The office stands to-day with the same number of clerks that it had before, only their compensation is scaled to what it should be as compared with other offices.

The workmen who go to make up the efficient force, whose efficiency measures the result of the assay office, are not to be disturbed in their pay to the extent of one dollar. The whole moving machinery in the assay office is not to be impaired an iota. And yet gentlemen stand up here and talk about meager salaries, when the salaries given these men are hundreds of dollars over and above what similar services are paid elsewhere. I for one am free to say that I am tired of this talk of meager salaries whenever somebody or other in whom some member or other is interested is reached by our legislation.

Mr. HOLMAN. Has the gentleman observed the fact that since 1866 the amount appropriated for these salaries has been increased $11,100; that in 1866 it was $25,000, and now it is $36,000?

Mr. MERRIAM. I ask the Clerk to read a communication from the Director of the Mint.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE DIRECTOR OF THE MINT,
March 25, 1874.

DEAR SIR: In further reply to your inquiries respecting the estimates for the assay office at New York, I have the honor to transmit herewith a copy of a letter from the superintendent of that office, and exhibits "A," "B," and "C," therein referred to, from which it appears that although the amount of bullion operated upon during the present fiscal year, as compared with the year ending June 30, 1873, is nearly three times as great, the increase in the number of employés, assistants, and workmen has only been seven, and the increase of expenses $40,500, and establishing beyond question the fact that the business of the institution has been conducted with the utmost economy.

The increase in the number of employés consists principally of day and night watchmen, which was indispensably necessary for the proper security of the large amounts of bullion to be transferred from one room to another and its safe custody at night.

I earnestly request that the estimates, as originally transmitted, may be approved by the committee, both as respects the regular and deficiency appropriations.

Very respectfully, your obedient servant,

H. R. LINDERMAN,
Director.

Hon. JAMES A. GARFIELD,
Chairman Committee on Appropriations, House of Representatives.

Mr. POLAND. I do not intend to get particularly excited over this matter; but I do not like the tone of the remarks of my friend from Maine, [Mr. HALE.] The assay office in New York requires as responsible and intelligent men as are needed in any department of the public service in the whole country; gentlemen who are the peers of the gentleman from Maine in any and every respect. He says they are mere clerks. I do not like the sound of that talk. How would the gentleman like to live in the city of New York upon a salary of $2,000 a year? That is the salary which it is proposed to give to these men, who are entitled to live in every way as respectably as he desires to live.

He says he does not want to hear any of this talk about meager salaries. I do not want to pay anybody in the public service extravagantly. These gentlemen have $3,000 a year now. I say that is a meager salary for the men who occupy the responsible positions these men do—for men of the character which we ought to have in these places.

Mr. SCHUMAKER, of New York. It costs more to live in New York than in any other place.

Mr. POLAND. Yes; everybody knows that New York is the most expensive place to live in of the whole country. And when we find proper men to fill these places, I think no one should complain of giving them $3,000 a year. I am ashamed of the gentleman from Maine when he stands up here and says that these gentleman are mere clerks, and that their pay should be cut down from $3,000 to $2,000 a year.

Mr. MELLISH. I want the House to understand one thing in regard to this matter. The amendment offered by the gentleman from Vermont [Mr. POLAND] is simply to retain the salaries that have been paid heretofore; it does not propose to raise them one penny. The amount of work done is 300 per cent. more now than it was two or three years ago. The remark is very true that it costs more to live in New York than in any other place on this continent. I have heard gentlemen say that Washington was a dear place to live in. Let them try New York for a while, and they will see the difference.

Mr. HALE, of Maine. One single word. It is not I that have put upon these men what the gentleman from Vermont [Mr. POLAND] seems to regard as a stigma, that is, the designation of clerk. They appear as clerks in the law; they appear so in this bill; they appear so in the amendment of the gentleman himself. Now, it is easy to say here or elsewhere that men cannot live as they want to live in New York City for $2,000 a year, and that these men are entitled to live as well as I live, and as the gentleman from Vermont lives, upon a salary of $5,000.

But that is the vaguest kind of argumentation, it seems to me, with all respect to the gentleman. He says clerks cannot live in New York under $3,000 a year. How many of the fifteen hundred men employed by the Government in the post-office, in the custom-house, and the other Government offices in the city of New York receive $2,000 a year? How many respectable men does the gentleman from Vermont believe get even $2,000? Yet they are the heads of families, they are his peer and my peer, but they are only able to get, at most, $1,500 a year. I know respectable men there, of collegiate education, of fine natural attainments and fine cultivated powers, with wife and children depending upon them, who are not only not getting that, but who would be glad to have the gentleman or have me get them clerkships in the New York custom-house which would pay them $1,500 a year. They do not ask $2,000, but would be content with $1,500 a year. If they were to get into office everybody would say they were first-class men. Of course, if we are to divide up the revenues of the Government and give everybody, to collectors, to deputy collectors, to superintendents of mints, to assayers, to coiners, to chief clerks, to inspectors, and to everybody else all they want, we will not stop at $2,000, $3,000, or $4,000 a year. I repeat there are thousands of men in New York as clerks to-day who cannot get one-half what the committee give these men.

Mr. MELLISH rose.

Mr. HALE, of Maine. I am not done. I do not know how much the gentleman on my left as a respectable man has made, but I believe the gentleman from Vermont himself, an excellent lawyer, and indeed while judge presiding over a high court, never received $2,000 as an annual salary. I wish he had more, but it will be well for him to consider there is a measure of salary over and above what a man wants to live in an expensive way.

Mr. PARKER, of Missouri. Mr. Chairman, there are one or two considerations which I wish to call to the attention of my friend from Vermont [Mr. POLAND] and to the attention of my friends from New York which I am satisfied they have not thought of in connection with this discussion. The argument has been made here, running through a period of about three months, that the resumption of specie payments would make everything in the country very much cheaper than it has been. That argument has come with great power and great force from many of our friends from New York. If that be true I cannot see any reason in the world why they should not cut down the salaries of the New York office-holders, and especially of these gentlemen who are connected with the assay office in New York, as it seems we are now approaching the specie-paying period. If it be true we are making strides in that direction. I ask my honorable friends from New York to forbear pressing any claims for increase of salaries on the ground that living is so high in that city. It is a measure some of them have advocated so enthusiastically and advocated upon the ground that it would decrease the cost of living. I think, then, it comes with poor grace from them to propose an increase of salaries if the effect of the policy is to decrease the cost of living. Therefore

I respectfully call on my friends not to insist on this increase of salary, and not even to insist it shall go back to where it was. If we are on the down grade and if we are determined and destined at no distant day to strike hard-pan, let us get the benefit of reducing salaries wherever they can be reduced. This does not take effect until the 1st of July next, and I would suggest—and I have no doubt, if the declarations of many of my friends are not mistakes—we will have reached specie payments long before that time.

Mr. TREMAIN. Mr. Chairman, I am very glad to learn from the statement of our friend from Missouri [Mr. PARKER] that we have approached the era that all honest men desire, a return to specie payment. But I think, sir, Orator Puff has two tones to his voice, one before and one after a veto. This is the first time I have heard any intimation from gentlemen coming from west of the Alleghanies that the glorious era to which all men have looked forward with so much anxiety, the return to specie payment, had dawned on us. If he reads the signs of the times aright, I should be very glad to have the salaries of men in New York reduced from $3,000 to $2,000; but unfortunately, sir, we have as yet only realized the first dews, the incipient indications, of that approaching golden storm which shall refresh the land.

Unfortunately the same commanding majority from the West and the South that have demanded that we should have an expanded currency remain unbroken in this House. And unless that majority can be influenced by the good, sound arguments of our patriotic and honored Chief Magistrate, General Ulysses S. Grant, who has proved himself equal to the emergency, we shall have no return to specie payments, and all we can expect is to hold on to what we have got, an inflated currency, payment in irredeemable greenbacks and irredeemable bank-notes, and a currency based upon moonshine, with that return to gold and silver long hoped for, but not likely to be reached during the present Administration.

Mr. PARKER, of Missouri, and Mr. CONGER rose.

The CHAIRMAN. The gentleman from New York [Mr. TREMAIN] has one moment left. The Chair desires, so far as he can in accordance with the rules, to give every gentleman an opportunity to be heard.

Mr. GARFIELD. I ask for a vote.

Mr. TREMAIN. I hope these interruptions will not be taken out of my time.

The CHAIRMAN. The gentleman from New York has the floor, with one minute of his time still left.

Mr. TREMAIN. Sir, if we could have the assurance that the policy of returning to specie payments could be sanctioned by that controlling majority which holds power in this Congress, then, and not till then, would I unite with my friend from Missouri.

Mr. GARFIELD. I rise to a question of order. I am sorry to interrupt so good a speech, with which I agree, but for the sake of the work——

Mr. TREMAIN. I come to the work, and I say that if any gentleman thinks anybody with a family who is worthy to fill the position of a chief clerk in the assay office can live in New York on $2,000 a year, I only wish he would come and stay there four weeks in a hotel or boarding-house.

Mr. HALE, of Maine. We give the chief clerk $2,400.

Mr. TREMAIN. This is simply a return to the old pay. You cannot expect for $2,000 to find a man fit to discharge the duties of this office unless you expect him to steal enough to make up the balance.

Mr. RICE rose.

Mr. CONGER. I move to strike out the last word of the pending amendment for the purpose of making a few remarks.

The CHAIRMAN. Will the gentleman from Michigan [Mr. CONGER] yield for a moment to enable the Chair to fulfill a promise to recognize the gentleman from Illinois, [Mr. RICE,] after which the Chair will recognize the gentleman from Michigan?

Mr. RICE. I feel called upon to say something, as my name has been alluded to.

The CHAIRMAN. Gentlemen in front of the Chair will please resume their seats, and the committee will come to order.

Mr. CONGER. I understood that the Chair had recognized me. I wish to be heard, and I do not ask the Chair to cause these gentlemen to retire. They do not embarrass me at all with their presence.

The CHAIRMAN. The gentleman from Michigan [Mr. CONGER] insists on his right to the floor and will proceed.

Mr. CONGER. I desire to make some few remarks very pertinent to the subject before the committee. I promise my hard-money friend who has charge of this bill [Mr. GARFIELD] that they shall relate in some measure to the payment of salaries. I will try to make my remarks a little more pertinent and a little more logical than my learned and eloquent friend from New York [Mr. TREMAIN] has made his. I learned for the first time while listening to that gentleman that in the use of language and the application of words merely it is the beautiful storm that brings the dew to the land; which is as logical as the arguments of gentlemen have been heretofore to prove that the prostration of all the vital industries of the country and the stagnation of all the business in the land and the eating up of the hoarded savings of the poor laborers of the country will enable them to pay higher taxes and enable the country sooner to produce wealth that shall remove our indebtedness and bring back the era of gold.

Sir, when we speak of paying salaries to you and me and all the tens of thousands of office-holders of the Government in money, whether it be in currency or in gold, we are providing for them for the next coming year a guarantee against inevitable starvation and want.

A MEMBER. Louder.

Mr. CONGER. I would to God my voice could ring throughout this land, until every poor laboring man in the country who depends on the sweat of his brow and the toil of his hands for the daily food of himself, his wife, and his children, to say nothing of the luxuries of life, might hear how the members in this House are proposing to raise the fixed salaries of the officials of the Government and cutting down and destroying every prospect for the laboring classes to procure any means whatever for their own livelihood and support.

Ay, Mr. Chairman, those who may desire to have these things said louder to them will be gratified not many days hence.

Mr. MELLISH. Let it be understood that it is not proposed to raise these salaries, but to keep them as they are.

Mr. CONGER. I tell my mellowish friend from New York, who interrupts me in his not very dulcet tones, that thirty-nine millions of the American people will speak to him and his hard-fisted money-gripping comrades in this land. It may be that he is an inflationist. God knows. We cannot tell from one day to another on what side high men or low men stand nowadays. And we cannot tell either, or I cannot tell, what kind of influences may work around in this land to affect my friend from New York or other men in their action in this matter of currency.

But, sir, to return to the subject—for my time is passing, and I can say but a word in the brief moments which are allotted to me—to return to the subject, I say we are fixing beyond the power of change our own salaries in this Congress, the salaries of the high officers of the Government, the salaries of those who make the gold dollars, and the salaries of those who receive the greenbacks; ay, Mr. Chairman, we are fixing a permanent daily support for the one hundred and fifty or two hundred or three hundred thousand officers of the General Government, and we are determining that the people in their darkness and in their bondage and in their blindness shall grope in poverty and in want beyond any relief that we shall give them and beyond any relief that they can gain for themselves. On this salary question, then, I submit to my democratic-republican chairman of the Committee on Appropriations [Mr. GARFIELD] whether we had not better take the back track and review our work, and in view of the coming days of distress and of want that loom up before us all over the country whether we had not better say at once that we will fix a comparatively small salary for ourselves and for the two hundred thousand privileged office-holders of the United States, and fix it small, because it will be sure and will carry them and us through those trying times. Let us in considering this bill, and every bill, be careful not to increase salaries and expenditures. Let no man dare to rise and say there shall be added to the salary of any office-holder in the United States money that he does not need to buy his children bread; for many who have neither salary nor work will yet want bread for themselves and their children.

Mr. GARFIELD rose.

Mr. CONGER. The gentleman rises, and I trust he rises to assent to my proposition. I trust he will stand here as the advocate of low salaries and small appropriations until the people get bread. I thank the gentleman for his readiness, for his willingness, to accept my humble recommendations and suggestions. I know that he, like myself, commenced his journey through this life among the common people, toiling for his education by the labor of his hands as I did, and battling as he and I both have to gain whatever position in this country our efforts could attain.

I know his sympathies will go with the common people of the United States, and against the great army of moneyed men and office-holders in the land. I yield to him, that he may carry out with his powerful eloquence and his great influence with the House the suggestions which I have been enabled in these two or three moments to throw out, and I pledge myself and I pledge all these western and southern members that we will stand by him in carrying out and perfecting a change in the system of this bill and of all bills that wring money from an afflicted people to make the monopolists and the office-holders of the United States alone prosperous.

Mr. MELLISH. I would ask the gentleman if he was actuated by the same economical principle when he voted for and took his own back pay?

Mr. CONGER. I never voted for the increase of salary; I never voted for back pay; I voted to restore the increase of salary and back pay, and all perquisites, even to the mileage, back to the people.

Mr. MELLISH. Did the gentleman return his own back pay? Gentlemen by my side say that he has never returned it.

Mr. GARFIELD. I hope now that all these inflation schemes are likely to subside, and that we shall get back to a solid basis, and to the solid question before the committee; which is simply this: Will we increase these salaries 33 per cent. above what is recommended in the bill?

I call the attention of gentlemen to the fact that under the coinage act of last spring the Secretary of the Treasury was authorized to fix the salaries at all the mints and assay offices, and there came to us in the Book of Estimates a statement of what rates he had fixed. The committee have put in this bill a proviso that instead of allow-

ing the Secretary hereafter to fix these rates, the rates of salaries shall be such as are determined on in this bill. Whatever, therefore, you now determine as the rate of salaries in this bill, relating to mints and assay offices, becomes the law; and I ask gentlemen to remember that they are enacting the organic law of the force in the mints and assay offices.

Now, when we came to look over the estimates of the Secretary of the Treasury, we found that the salaries of the officers in the assay office at New York were fixed by him nearly 30 per cent., on the average, higher than the salaries he had fixed for the officers in the Philadelphia mint. We thought that was unjust, and we have attempted to bring the salaries at the assay office in New York somewhere nearly on a level with similar salaries in the Mint at Philadelphia, and in doing that we have cut down the amount $10,000. I call for a vote on the amendment of the gentleman from Vermont, [Mr. POLAND.]

Mr. RANDALL. I believe I started the controversy about these salaries upon the aggregate amount involved. I am myself in favor of adequate salaries, and I know that these are responsible positions, and should have adequate salaries, But I cannot deny myself the opportunity of pointing out the distinction between the action proposed by the gentleman from Vermont [Mr. POLAND] with reference to the chief clerk in this assay office, who is provided with a salary of $2,400, which the gentleman proposes by his amendment to make $3,000, and the action of the House the other day in reference to the chief clerk in the First Comptroller's office.

I wish to give a recital of the duties of that officer: Every warrant for the expenditure of public money must be signed by the First Comptroller; no warrants are signed by the Second Comptroller. Every draft paid by the Treasurer, which comprises all the expenditures of the Government except for the Post-Office Department, undergoes an examination in the office of the First Comptroller. Every bond redeemed, every coupon paid throughout the United States, is examined and passed in the same office. Every power of attorney likewise is examined and approved by the First Comptroller.

In addition, the decision of the First Comptroller, in his examination of the accounts of this Government, is paramount upon the Secretary of the Treasury and the President of the United States, and has been so adjudged by the Supreme Court of the United States; and for the very proper reason that we should have some officer of the Government who will be a check upon the President or the Secretary of the Treasury.

Now, while we have refused to give to the chief clerk of that office an increase of salary as I proposed to $2,500, and have continued him at $2,000, with what show of consistency can we increase the salary here for the chief clerk of the assay office in New York above $2,400? I am willing that he should receive $2,400. Because I cannot have justice done to one officer I am not in favor of doing injustice to another. But it seems to me here is an actual inconsistency on the part of this committee.

Mr. POLAND. I desire to say but a word. Several gentlemen who have spoken in relation to this matter seem to suppose that I am proposing to raise the salary of somebody. The amendment which I have proposed, in reference to the clerks included in this paragraph, is merely to continue to give them what they are now receiving; it does not propose to raise the salary of one of them a single dollar. It simply proposes that their salary shall not be decreased.

The chairman of the Committee on Appropriations says, and I suppose says truly, that these salaries have all been regulated by the Secretary of the Treasury within the past year, and proportioned to the cost of living in these various places. Now no gentleman will need to be told that one of the most important elements, in reference to the compensation which any man should receive for his services, is the cost of supporting himself and his family. I suppose every one knows, certainly every gentleman here from the city of New York will testify, that that is the most expensive place in which to live and keep a family that there is in the United States. There is a manifest propriety and a manifest reason why the salaries of the same class of officers in the city of New York shall be larger than the salaries of similar officers in the city of Philadelphia, because we all know that the expense of living in New York is so much greater.

I do not desire to repeat what I have said, and what everybody knows, in relation to the responsibility of these places, and the necessity of having men of character, men of probity, men who can be trusted without stint and without measure. If we have men of the right character, the men that we ought to have in these places, then I think no gentleman can say in his own conscience that a man of the stamp which the good of the public service requires in such a place can live in the city of New York and support his family with less than $3,000 a year.

The question was then taken upon the amendment moved by Mr. POLAND; and upon a division there were ayes 27.

Before the noes were counted,

Mr. POLAND said: If gentlemen think it wise to put the salary of these men so low that they cannot live without stealing I will not call for a further count.

The amendment was accordingly rejected.

Mr. GARFIELD. At the suggestion of the gentleman from Pennsylvania, [Mr. RANDALL,] in order to avoid any misconstruction of the language, I move to amend this paragraph so as to read "for assayer, $3,000; for melter and refiner, $3,000."

Mr. RANDALL. They are two officers.

Mr. GARFIELD. There are two officers, and I propose to separate them so that it may not be supposed there are three officers. The assayer is one officer and the melter and refiner is another.

The amendment was agreed to.

The Clerk read the next clause, as follows:

For wages of workmen, $58,000.

Mr. RANDALL. Why, here is a green spot; this is actually a reduction.

A MEMBER. Wait till you hear General GARFIELD's amendment.

Mr. GARFIELD. I move to restore the amount appropriated last year, $65,000.

Mr. RANDALL. Ah! I spoke too quickly.

The amendment was agreed to.

The CHAIRMAN. With the indulgence of the committee, the Chair will recur for a moment to his ruling upon the amendment of the gentleman from New York [Mr. MERRIAM] in regard to the compensation of laborers and watchmen in the mint at San Francisco. The Chair ruled the amendment out of order on the ground that it decreased the salaries as fixed by law. The Chair has since been informed——

Mr. MERRIAM. The Chair was right; my amendment would have reduced their salaries. I would ask whether a committee of eleven men has a greater power to reduce salaries than a committee of this whole House? The Committee on Appropriations propose to reduce the salaries of men in New York from $3,000 to $2,000.

The CHAIRMAN. Any amendment which proposes to increase a salary is in order under the fixed rule of the House. But an amendment which proposes to decrease a salary is not in order.

Mr. HOLMAN. When the occasion presents itself I shall appeal from such a ruling by the Chair.

Mr. G. F. HOAR. Although an amendment decreasing a salary is clearly out of order, an amendment that simply decreases the amount to be appropriated for a salary is not out of order.

The CHAIRMAN. An amendment which proposes a fixed and certain decrease of salary is out of order. An amendment which proposes simply to appropriate a less sum, without changing the existing law, is as clearly in order.

The Clerk read as follows:

Assay-office at Charlotte, North Carolina:

For assayer in charge, $1,800; melter, $1,500; clerk, $1,000; wages of workmen, $600; contingent expenses, $1,500; in all, $6,400.

Mr. HOLMAN. I move to strike out the last word, in order to inquire of the gentleman from Ohio, [Mr. GARFIELD,] what business is transacted now at this mint?

Mr. GARFIELD. The Committee on Appropriations is not aware that any business is done at Charlotte. For two successive years the committee left Charlotte out of their appropriation bills when they prepared them, and the House by an overwhelming vote put it in each time. We did not wish to run the risk of so many defeats on Charlotte; we considered ourselves instructed in regard to that lady, and we reported this provision for her in this bill. If the gentleman will move to strike it out I will vote with him every time.

Mr. HOLMAN. I move to strike out the paragraph.

Mr. ROBBINS. I hope that will not be done. There has not been much done for North Carolina, and I hope this will be allowed to remain. This is all the speech I have to make.

The question was taken; and on a division there were—ayes 56, noes 44; no quorum voting.

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

The committee again divided; and the tellers reported that there were—ayes 99, noes 47.

So the motion to strike out was agreed to.

Mr. ROBBINS. I give notice that I will call the yeas and nays on this amendment in the House.

Mr. GARFIELD. I move to amend by inserting in lieu of what has been just struck out the following:

For care of public buildings at Charlotte, North Carolina, to be expended under the direction of the Director of the Mint, $1,000.

The amendment was agreed to.

Mr. HALE, of New York. I move that the committee rise.

The motion was agreed to; there being—ayes 71, noes 57.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. WOODFORD reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was presented by Mr. BABCOCK, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. No. 154) for the relief of William Stoddard, late assistant quartermaster United States Volunteers;

An act (H. R. No. 911) to relinquish title of the United States in certain real estate near Columbia, Tennessee, to Rose Hill Cemetery;

An act (H. R. No. 1003) to authorize and direct the Secretary of War to change the name of John Rziha, captain in the Fourth Regiment of Infantry of the United States, on the register, rolls, and records of the Army, to John Laube de Lauberfels;

An act (H. R. No. 2667) to enable the Secretary of the Treasury to gather authentic information as to the condition and importance of the fur trade in the Territory of Alaska; and

An act (H. R. No. 2967) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Concord, Massachusetts, for monumental purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed, with amendments, to the amendment of the House to the bill (S. No. 350) providing for the payment of the bonds of the Louisville and Portland Canal Company.

The message also announced that the Senate had passed, without amendment, a joint resolution and bill of the following titles:

Joint resolution (H. R. No. 45) tendering the thanks of Congress to Captain Benjamin Gleadell, officers, and crew of the steamship Atlantic, of the White Star line, for saving the brigantine Scotland in mid-ocean; and

An act (H. R. No. 2193) to ratify an agreement with certain Ute Indians in Colorado, and to make an appropriation for carrying out the same.

DISABILITIES OF J. W. BENNETT.

Mr. ARCHER. I ask unanimous consent to introduce and have passed a bill to relieve J. W. Bennett, of Maryland, from all legal and political disabilities, under the fourteenth amendment of the Constitution.

The bill was read.

Mr. WALLS. I object.

SAMOA OR THE NAVIGATOR'S ISLANDS.

The SPEAKER laid before the House a message from the President of the United States, transmitting a communication from the Secretary of State and an accompanying report upon Samoa or the Navigator's Islands; which was referred to the Committee on Foreign Affairs, and, with the accompanying documents, ordered to be printed.

ENROLLED JOINT RESOLUTION SIGNED.

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

Joint resolution (H. R. No. 45) tendering the thanks of Congress to Captain Benjamin Gleadell, officers, and crew of the steamship Atlantic, of the White Star line, for saving the brigantine Scotland in mid-ocean.

WITHDRAWAL OF PAPERS.

On motion of Mr. KELLOGG, by unanimous consent, leave was granted to withdraw from the files of the House the petition and accompanying papers of Gideon W. Hazen, no action having been had thereon.

LEAVE OF ABSENCE.

Mr. MOORE, by unanimous consent, obtained leave of absence till Tuesday next.

Mr. DAWES. I move that the House adjourn.

The motion was agreed to; and accordingly (at four o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BECK: The petition of Robert S. Price, United States store-keeper in Woodford County, Kentucky, for relief, to the Committee on Claims.

By Mr. CAIN: Memorial in relation to the condition of agricultural laborers of the South and West, to the Committee on Agriculture.

By Mr. CROUNSE: The remonstrance of sundry citizens of Nebraska, against extending letters patent for the Haines harvester, to the Committee on Patents.

By Mr. FARWELL: Papers relating to the claim of Theodore S. Loveland for difference of pay between first sergeant and second lieutenant, to the Committee on Military Affairs.

By Mr. HENDEE: The petition of Shepard, Davis & Co. and others, lumber dealers, of Burlington, Vermont, for the passage of the bill (H. R. No. 2906) to prevent vexatious and interminable litigation and a multiplicity of suits, to the Committee on Patents.

By Mr. E. R. HOAR: The petition of George F. Gorham, late of Company B, Twenty-ninth Massachusetts Volunteers, for increase of pension, to the Committee on Invalid Pensions.

By Mr. HOUGHTON: The petition of citizens of Ventura County, California, that the confirmation of the San Buenaventura ex-mission lands be set aside and a new trial had, to the Committee on the Public Lands.

By Mr. O'NEILL: The memorial of the Philadelphia Board of Trade, for the repeal of the moiety system in the customs department of the Government and the discontinuance of spies and informers, to the Committee on Ways and Means.

By Mr. SAYLER, of Indiana: The petition of 58 citizens of Ohio County, West Virginia, for the passage of a law authorizing the manufacture of patent-right articles by others than the owners of patent-rights upon payment of a reasonable royalty thereon, to the Committee on Patents.

Also, the petition of 21 citizens of Defiance County, Ohio, of similar import, to the same committee.

Also, the petition of 43 citizens of Lafayette County, Mississippi, of similar import, to the same committee.

Also, the petition of 49 citizens of Crawford County, Kansas, of similar import, to the same committee.

Also, the petition of 22 citizens of Tioga County, New York, of similar import, to the same committee.

Also, the petition of 17 citizens of Carroll County, Missouri, of similar import, to the same committee.

Also, the petition of 52 citizens of Harrison County, Missouri, of similar import, to the same committee.

Also, the petition of 25 citizens of Clay County, Missouri, of similar import, to the same committee.

Also, the petition of 12 citizens of Dorsey County, Arkansas, of similar import, to the same committee.

Also, the petition of 30 citizens of Fremont County, Colorado, of similar import, to the same committee.

Also, the petition of 20 citizens of Morris County, Kansas, of similar import, to the same committee.

Also, the petition of 21 citizens of Auglaize County, Ohio, of similar import, to the same committee.

Also, the petition of 26 citizens of Randolph County, Indiana, of similar import, to the same committee.

Also, the petition of 24 citizens of Johnson County, Missouri, of similar import, to the same committee.

Also, the petition of 21 citizens of Pottawatomie County, Kansas, of similar import, to the same committee.

Also, the petition of 12 citizens of Daviess County, Kentucky, of similar import, to the same committee.

Also, the petition of 17 citizens of Putnam County, Indiana, of similar import, to the same committee.

Also, the petition of 17 citizens of Mississippi County, Missouri, of similar import, to the same committee.

Also, the petition of 22 citizens of Jackson County, Missouri, of similar import, to the same committee.

Also, the petition of 9 citizens of Williams County, Ohio, of similar import, to the same committee.

Also, the petition of 19 citizens of Orangeburgh County, South Carolina, of similar import, to the same committee.

Also, the petition of 11 citizens of Osborn County, Kansas, of similar import, to the same committee.

Also, the petition of 26 citizens of Dane County, Wisconsin, of similar import, to the same committee.

Also, the petition of 24 citizens of DeKalb County, Georgia, of similar import, to the same committee.

Also, the petition of 27 citizens of Montgomery County, Illinois, of similar import, to the same committee.

Also, the petition of 13 citizens of Jackson County, Missouri, of similar import, to the same committee.

Also, the petition of 15 citizens of Linn County, Kansas, of similar import, to the same committee.

Also, the petition of 46 citizens of Atchison County, Missouri, of similar import, to the same committee.

Also, the petition of 21 citizens of Freeborn County, Minnesota, of similar import, to the same committee.

Also, the petition of 24 citizens of Saint Francis County, Missouri, of similar import, to the same committee.

Also, the petition of 17 citizens of Clay County, Missouri, of similar import, to the same committee.

Also, the petition of 21 citizens of Shelby County, Alabama, of similar import, to the same committee.

Also, the petition of 13 citizens of Branch County, Michigan, of similar import, to the same committee.

Also, the petition of 17 citizens of Nodaway County, Missouri, of similar import, to the same committee.

Also, the petition of 29 citizens of Saline County, Missouri, of similar import, to the same committee.

Also, the petition of 17 citizens of White County, Indiana, of similar import, to the same committee.

Also, the petition of 22 citizens of Franklin County, Ohio, of similar import, to the same committee.

Also, the petition of 24 citizens of Allen County, Ohio, of similar import, to the same committee.

Also, the petition of 13 citizens of Wilson County, Tennessee, of similar import, to the same committee.

Also, the petition of 14 citizens of Douglas County, Illinois, of similar import, to the same committee.

Also, the petition of 23 citizens of Clermont County, Ohio, of similar import, to the same committee.

Also, the petition of 23 citizens of Fillmore County, Nebraska, of similar import, to the same committee.

Also, the petition of 23 citizens of Buchanan County, Missouri, of similar import, to the same committee.

Also, the petition of 29 citizens of Seneca County, Ohio, of similar import, to the same committee.

Also, the petition of 23 citizens of Huntington County, Indiana, of similar import, to the same committee.

Also, the petition of 16 citizens of Wells County, Indiana, of similar import, to the same committee.

Also, the petition of 15 citizens of Franklin County, Ohio, of similar import, to the same committee.

Also, the petition of 18 citizens of Todd County, Kentucky, of similar import, to the same committee.

Also, the petition of 30 citizens of Howard County, Missouri, of similar import, to the same committee.

Also, the petition of 23 citizens of Knox County, Missouri, of similar import, to the same committee.

Also, the petition of 23 citizens of Shelby County, Indiana, of similar import, to the same committee.

Also, the petition of 17 citizens of Dearborn County, Indiana, of similar import, to the same committee.

Also, the petition 18 citizens of Wayne County, New York, of similar import, to the same committee.

Also, the petition of 14 citizens of Grant County, Kentucky, of similar import, to the same committee.

Also, the petition of 27 citizens of Noble County, Ohio, of similar import, to the same committee.

Also, the petition of 10 citizens of Branch County, Michigan, of similar import, to the same committee.

Also, the petition of 26 citizens of Huntington County, Indiana, of similar import, to the same committee.

Also, the petition of 20 citizens of Eaton County, Michigan, of similar import, to the same committee.

Also, the petition of 18 citizens of Delaware County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 15 citizens of Henry County, Illinois, of similar import, to the same committee.

Also, the petition of 21 citizens of Cherokee County, Alabama, of similar import, to the same committee.

Also, the petition of 26 citizens of Simpson County, Mississippi, of similar import, to the same committee.

Also, the petition of 25 citizens of Eaton County, Michigan, of similar import, to the same committee.

Also, the petition of 16 citizens of Lake County, Ohio, of similar import, to the same committee.

Also, the petition of 12 citizens of Columbia County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 24 citizens of Niagara County, New York, of similar import, to the same committee.

Also, the petition of 17 citizens of Orleans County, New York, of similar import, to the same committee.

Also, the petition of 17 citizens of Hawkins County, Tennessee, of similar import, to the same committee.

Also, the petition of 23 citizens of Ballard County, Kentucky, of similar import, to the same committee.

Also, the petition of 15 citizens of Spencer County, Indiana, of similar import, to the same committee.

Also, the petition of 9 citizens of Harrison County, Kentucky, of similar import, to the same committee.

Also, the petition of 11 citizens of Owen County, Kentucky, of similar import, to the same committee.

Also, the petition of 26 citizens of Mercer County, Kentucky, of similar import, to the same committee.

Also, the petition of 19 citizens of Buncombe County, North Carolina, of similar import, to the same committee.

Also, the petition of 24 citizens of Talladega County, Alabama, of similar import, to the same committee.

Also, the petition of 17 citizens of Lyon County, Iowa, of similar import, to the same committee.

Also, the petition of 22 citizens of Edwards County, Illinois, of similar import, to the same committee.

Also, the petition of 22 citizens of Saint Joseph County, Michigan, of similar import, to the same committee.

Also, the petition of 20 citizens of Newton County, Indiana, of similar import, to the same committee.

Also, the petition of 23 citizens of Jasper County, Indiana, of similar import, to the same committee.

Also, the petition of 8 citizens of Delaware County, Indiana, of similar import, to the same committee.

Also, the petition of 21 citizens of Jay County, Indiana, of similar import, to the same committee.

Also, the petition of 21 citizens of Ripley County, Indiana, of similar import, to the same committee.

Also, the petition of 30 citizens of Miami County, Indiana, of similar import, to the same committee.

Also, the petition of 14 citizens of Clinton County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 14 citizens of Wayne County, Illinois, of similar import, to the same committee.

Also, the petition of 54 citizens of Pike County, Indiana, of similar import, to the same committee.

Also, the petition of 80 citizens of Sedgwick County, Kansas, of similar import, to the same committee.

Also, the petition of 23 citizens of Vermillion County, Indiana, of similar import, to the same committee.

Also, the petition of 23 citizens of Riley County, Kansas, of similar import, to the same committee.

Also, the petition of 20 citizens of Greene County, Indiana, of similar import, to the same committee.

Also, the petition of 15 citizens of La Crosse County, Wisconsin, of similar import, to the same committee.

Also, the petition of 24 citizens of Franklin County, Ohio, of similar import, to the same committee.

Also, the petition of 17 citizens of Cass County, Indiana, of similar import, to the same committee.

Also, the petition of 41 citizens of Lynn County, Missouri, of similar import, to the same committee.

Also, the petition of 21 citizens of Giles County, Tennessee, of similar import, to the same committee.

Also, the petition of 26 citizens of Grant County, Indiana, of similar import, to the same committee.

Also, the petition of 27 citizens of Jefferson County, Wisconsin, of similar import, to the same committee.

Also, the petition of 15 citizens of Osage County, Kansas, of similar import, to the same committee.

Also, the petition of 32 citizens of Clinton County, Indiana, of similar import, to the same committee.

Also, the petition of 29 citizens of Ross County, Ohio, of similar import, to the same committee.

By Mr. SAYLER, of Ohio: The petition of Herman J. Korff, of Cincinnati, Ohio, for pay for services and other relief, to the Committee on War Claims.

Also, the petition of Hattie Boraff, of Camp Dennison, Ohio, for a pension, to the Committee on Invalid Pensions.

Also, the petition of George William Allen and other leading citizens of Ohio, asking pecuniary assistance for the widow and children of Captain Charles F. Hall, late commander of the Polaris expedition, to the Committee on Naval Affairs.

By Mr. SCUDDER, of New York: The memorial of assistant engineers in the revenue-marine service, asking that they may be regularly commissioned, to the Committee on Commerce.

By Mr. VANCE: The petition of J. W. Reeves, B. P. Mull, and 80 other citizens of Madison County, North Carolina, for modifications of the internal-revenue laws, to the Committee on Ways and Means.

By Mr. WOLFE: The petition of Francis Curran, late of Company E, Thirteenth Indiana Volunteers, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

THURSDAY, *April* 23, 1874.

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

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

PETITIONS AND MEMORIALS.

Mr. LEWIS presented a petition of a large number of citizens of the city of Washington, praying for the erection of a bridge across the Eastern Branch of the Potomac River; which was referred to the Committee on the District of Columbia.

Mr. HAMLIN. I present a memorial, largely signed by merchants, ship-owners, and ship-masters of Ellsworth, Maine; another signed by the same class of persons in Harrington, Maine; and still another signed by a large number of the same class of persons of Calais, Maine, all asking for the abolition of compulsory pilotage. I move their reference to the Committee on Commerce.

The motion was agreed to.

Mr. MORRILL, of Maine, presented the petition of Joseph Farwell and other citizens of Rockland, Maine, praying the abolition of compulsory pilotage; which was referred to the Committee on Commerce.

Mr. SCOTT presented the petition of Nathan Kunkle, late private of Company H, Sixty-seventh Regiment Pennsylvania Volunteers, praying the removal of the charge of desertion and also praying to be allowed back pay and bounty; which was referred to the Committee on Military Affairs.

He also presented the petition of Sarah M. Smead, of Carlisle, Cumberland County, Pennsylvania, widow of Raphael C. Smead, late captain in the Fourth Regiment United States Artillery, praying an increase of pension; which was referred to the Committee on Pensions.

Mr. BUCKINGHAM presented the petition of Miss Adrianah Banks, of Bridgeport, Connecticut, praying the passage of a law enabling her to make such a contract as she may see fit for necessary services in obtaining her pension; which was referred to the Committee on Pensions.