In volume 2, Opinions of the Attorneys-General, page 668, is found the following opinion, which I give in full:

"Punishment by the House of Representatives for assault and battery on the person of one of its members is no bar to an indictment and conviction in the District court for the same act."

The punishment of General Houston by the House was for a breach of privilege and for contempt of the House; the indictment and conviction were for a violation of a public law.

ATTORNEY-GENERAL'S OFFICE, *June* 25, 1834.

SIR: In answer to the question submitted to me on the memorial of General Houston, who appears to have been indicted, convicted, and fined in a criminal court in this District for an assault on the person of a member of the House of Representatives, after having been previously punished by that House for the same act, as a contempt and breach of privilege, I have the honor to state that, in my opinion, the proceedings of the House constituted no bar to the subsequent indictment and conviction. The fifth amendment to the Constitution of the United States, which provides that no person "shall be subject for the *same offense* to be twice put in jeopardy of life or limb," does not apply to cases of this sort. Courts and other bodies which have the power to punish for contempts are invested with that power, and are supposed to employ it for the purpose of protecting themselves in a due exercise of their appropriate functions, and not for the purpose of vindicating the general law of the land, which may also have been violated by the same act. Technically, therefore, General Houston has not been twice tried for the *same offense*. The act committed by him was one and the same, and it constituted but one indictable offense; and he was, therefore, subject to only one conviction on indictment. But if this act was also a breach of the privileges of the House of Representatives and a contempt of the House, they had the right to punish him for the contempt independently of the action of the criminal court; and so *vice versa*.

I am, sir, &c.,

B. F. BUTLER.

To the PRESIDENT OF THE UNITED STATES.

Again, this question came before the highest court in New York, in the case of Yates *vs.* Lansing, decided in the court of errors of New York. (See 9 Johnson's Reports, 395.) The chancellor committed one of the officers of the court of chancery for malpractice and contempt, and the judge of the supreme court, in application on *habeas corpus*, discharged the prisoner, and the chancellor afterward recommitted for the same cause, and action was brought under the fifth section of the *habeas corpus* act against the chancellor for the penalty attached to an order of commitment for the same cause after discharge on *habeas corpus*. Various questions are elaborately discussed in the case, and among other questions it became material to inquire whether, where the same act was a contempt and also by statute made a crime, the conviction was a bar to proceedings for contempt, or the commitment for contempt a bar to proceedings on indictment. Upon this point Platt, Senator, on pages 216 and 217, S. P., uses the following language:

"The right of punishing for contempts by summary conviction is inherent in all courts of justice and legislative assemblies, and is essential for their protection and existence. It is a branch of the common law adopted and sanctioned by our State constitution. The discretion involved in this power is in a great measure arbitrary and undefinable, and yet experience of ages has demonstrated that it is perfectly compatible with civil liberties and an auxiliary to the purest ends of justice. The known existence of such a power prevents in a thousand instances the necessity of exerting it, and its obvious liability to abuse, is perhaps, a strong reason why it is so seldom abused.

"This power extends not only to acts which directly and openly insult or resist the powers of the court, or the persons of the judges, but to consequential, indirect, and constructive contempts, which obstruct the processes, degrade the authority, or contaminate the purity of the court."—(4 Blackstone's Commentaries, 280; 2 Hawkins, C. 2, C. 22; 1 Com. Dig., Attachment A.)

"The officers of the court are peculiarly subject to its discretionary powers, and may be punished in this summary manner for oppression, extravagant indulgence, or abuse of their official capacity.

"A contempt is an offense against the court as an organ of public justice, and a court rightfully punishes with summary conviction, and whether the same act be punishable as a crime or misdemeanor on indictment or not. To challenge a Senator or a judge may under certain circumstances be a contempt, but it is certainly indictable. A conviction on indictment will not purge the contempt, nor will a conviction for a contempt be a bar to an indictment. The offense may be double, and so are the remedy and the punishment. For instance, assaults in the presence of the court, rescues, expression of libel upon the court or its suitors relating to suits pending, forging a writ, &c., are indictable offenses, and certainly they are also contempts. Contempts are never merged in statute offenses without express words for that purpose."

Still further, the practice of the House is itself the highest possible authority on the question of the joint construction of the statute of 1857. It being confessed on all hands that this jurisdiction in punishment of contempt does belong by common and constitutional law to the two Houses, and that if it be surrendered it is only surrendered by virtue of the construction of the statute, then on such question of surrender by construction I hold that by courtesy, if not by absolute and strict law, such as that laid down in Kearney's case, 7 Wheaton, the courts will defer to and not overrule the decision of the two Houses, which have been uniform ever since this act was passed; that the act was not meant to strip the two Houses of one of their original and highest jurisdictions, even were it constitutionally competent to do so by act of Congress.

It must be remembered that this concession by the courts to the two Houses of the right to determine whether they meant to surrender a jurisdiction confessed to have been conferred upon them by the Constitution is a very different question from the one whether the Constitution has ever conferred a given subject-matter to the two Houses as one of their privileges.

Now, touching the question so elaborately argued by the learned gentleman as to whether it is a judicial question for the courts to determine whether a given subject-matter is one coming within the privileges of the House, I doubt whether the Houses have ever asserted a claim at war with the doctrine in Stockdale *vs.* Hansard, so earnestly commented upon on the other side. Certainly nothing has been or will be claimed in this case which is at war with the doctrine in the Hansard case. The sum total of that case, so far as the relator seeks to use it for the purposes of this case, is that the House order of publication of a libel shall not *per se* be a bar to the suit for libel. Who in this case has disputed that law? Who has said that should the House of Representatives order the seizure of the coach and horses of a private citizen or the British minister for the use of the Speaker of the House, such order would in itself be a defense to replevin brought by the owner for the recovery of his property? And yet this is all there is for the relator in the Hansard case. There there was no judgment of the House for contempt as there is in this.

The question whether a given subject-matter of jurisdiction is or is not one of the privileges of the Houses, is always a judicial question into which the country may look, but the confusion and danger of conflict does not lie here, but does lie rather in the matter of the true legal idea and definition of the words "subject-matter of jurisdiction." This case furnishes a good illustration of this point. The subject-matter in this case over which the House has clear jurisdiction, is the making of inquest as to the use of money to corrupt the legislation of Congress. Here the subject-matter of jurisdiction is not what shall be the character of any particular question or step resorted to in making that inquest as to this last, to wit: what question shall be asked in that inquest the decision of the House is final, and no power on earth can review and retry the question whether the House had asked a relevant or improper question. So when it came to try Irwin on the charge of contempt. Then the subject-matter was "contempt of the House," and that matter being confessedly within the House's jurisdiction, no court can review or reverse the House's judgment of contempt or decide that improper questions were asked him in adjudging upon his contempt. Hence his denial in his petition for the writ that the questions were proper ones is a wholly immaterial denial; is one that has no significance in law as applied to this case, and one that he had no power to either aver or prove as against the judgment of contempt. This is so merely because the attempt to aver and prove that improper questions were asked on his trial is an attempt to review upon the writ of *habeas corpus* a judgment of the House touching a subject-matter of which the House had clear jurisdiction, to wit, the subject-matter of contempt. And so are all the cases upon this point, which extend through centuries. Upon this point take, for example, the case of Murray, 1 Wilson's Reports, 299, where the court uses these words:

"They granted the writ of *habeas corpus* not knowing what the commitment was, but now it appears to be for a contempt of the privileges of the House of Commons. What these privileges of either house are we do not know, nor need they tell us what the contempt was, because we cannot judge of it."

Or take the case of Rex *vs.* Fowler, 8 Term Reports, 341. Lord Kenyon says in that case, where the commons had committed for contempt of the house: "Having seen the return, we are bound to remand the defendant to prison because the subject-matter belongs *ad aliud examen*."

And in the same case Gross, judge, said: "The adjudication of the house on the contempt was a conviction, and the commitment in consequence was execution." "That every court must be sole judge of its own contempts."

Or take the case of Stockdale *vs.* Hansard, 36 Common Law Reports, where the chief justice, Lord Denman, on page 67, expressly declares that "the privilege of committing for contempt is inherent in every deliberative body invested with authority by the constitution."

On page 69 he declares "that in respect to these privileges of the house coming within their jurisdiction, I freely admit that the courts have no right to interfere."

In Howard *vs.* Gosset, 10 Adolphus & Ellis, N. S., 359, 441, the court, after an elaborate consideration, held the same doctrine.

Or, on the same point, take the case of Kearney, 7 Wheaton, 243, Chief Justice Story uses these words:

"It is also to be observed that there is no question here but the commitment was made by a court of competent jurisdiction and in exercise of an unquestionable authority. The only question was, not that the court acted beyond its jurisdiction, but that it erred in its judgment of the law applicable to the case. If, then, we are to give any relief in this case, it is by a revision of the opinion of the court given in the course of a criminal trial, and thus asserting the right to control its proceedings and to take from them the conclusive effect which the law intended to give them. If this were an application for a *habeas corpus* after judgment, on an indictment for an offense within the jurisdiction of the circuit court, it could hardly be maintained that this court could revise such a judgment or the proceedings which led to it, or set it aside and discharge the prisoner. There is in principle no distinction between that case and the present; for if a court commits a party for contempt their adjudication is a conviction, and their commitment in consequence is execution."

And so the law was settled upon full deliberation in the case of Bras Crosby, lord mayor of London, 3 Wilson, 188. And see further the authorities there cited by Justice Story. These cases do authorize me to employ the language of Chancellor Kent touching this point, when he says "that the law laid down may be considered as indisputably acknowledged and settled; that there can be no review on *habeas corpus*, or otherwise, by any tribunal whatever, of the rightfulness of the judgment of the House when it has rendered a judgment of conviction for contempt, when such contempt arises in proceedings in a matter over which the House has jurisdiction."

Having now established upon principle and incontrovertible authority that no court can review the judgment of the House of Representatives upon a subject-matter within the House's jurisdiction as a question of privilege, and that the relator is in custody and under execution of such judgment, and that no act of Congress either has attempted to or could abolish, modify, or interfere with the constitutional power of the House to exclusively judge of such subject-matter, this proceeding, we submit, must be dismissed and the custody of the House no further interfered with.

IN SENATE.

TUESDAY, *January* 26, 1875.

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

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

MISSISSIPPI ALLUVIAL BASIN.

The PRESIDENT *pro tempore* laid before the Senate a message of the President of the United States, transmitting the report of the commission of engineers appointed in compliance with the act of Congress approved June 22, 1874, to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation.

Mr. SHERMAN. That ought to be referred to the Select Committee on Transportation Routes to the Sea-board.

The PRESIDENT *pro tempore*. It will be so referred, if there be no objection.

Mr. ALCORN. With the consent of the Senator from Ohio, I ask to have that message referred to the Committee on the Levees of the Mississippi River, and printed. The report is voluminous, but very important. It is a matter of general interest to the country. I understand the Chief Engineer recommends that ten thousand copies of it be printed. It is a very valuable acquisition to science.

Mr. SHERMAN. I did not know that it was in regard to the levees. I supposed it concerned the mouth of the Mississippi River. The motion to print extra copies must go to the Committee on Printing.

Mr. ALCORN. I move that ten thousand extra copies be printed.

The PRESIDENT *pro tempore*. That motion will be referred to the Committee on Printing, and the message will be referred to the Select Committee on the Levees of the Mississippi River.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Interior, transmitting a copy of the report of the

Commissioner of the General Land Office, and accompanying papers, concerning lands listed to the State of Louisiana under the swamp-land act of Congress of March 2, 1849, in township 12 south, ranges 11 and 12 east, southeastern district of Louisiana, east of the Mississippi River; which was ordered to lie on the table and be printed.

He also laid before the Senate a report of the Secretary of War, transmitting, in obedience to law, a copy of the report of Major J. M. Wilson, of the Corps of Engineers, upon the examination and cost of construction of the third sub-division of the northern transportation route; which was referred to the Select Committee on Transportation Routes to the Sea-board, and ordered to be printed.

He also laid before the Senate a letter of the Secretary of War, transmitting, in compliance with a resolution of the Senate of May 20, 1874, copies of all documents on file in the War Department concerning the claims of Norman Wiard against the United States for expenditures upon the steamers Augusta, Savannah, Foster, Burnside, Reno, and Parker; which was ordered to lie on the table.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Foreign Relations:

A bill (H. R. No. 3158) for the relief of Enoch Jacobs, United States consul at Montevideo; and

A bill (H. R. No. 4466) permitting Lieutenant-Commander Frederick Pearson, of the Navy, to accept a decoration from the Queen of Great Britain.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. No. 1628) for the relief of Montraville Patton, of Buncombe County, North Carolina; and

A bill (H. R. No. 3268) for the relief of John N. Reed.

A bill (H. R. No. 3526) for the restoration of the property of Nicholas José Merrimet; and

A bill (H. R. No. 3735) for the relief of Anna M. Osborne.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs;

A bill (H. R. No. 3118) for the relief of Mary Conly, late widow of R. H. Murrell, late an officer in the Tenth Tennessee Cavalry;

A bill (H. R. No. 3271) for the relief of Stephen N. Honeycutt; and

A bill (H. R. No. 3272) for the relief of John T. Burchell, of Knoxville, Tennessee, for services rendered in a small-pox hospital.

The bill (H. R. No. 1515) for the relief of Gustavus F. Jocknick was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. No. 3399) authorizing the sale of certain lands at Vincennes, Indiana, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. No. 3870) to confirm to the city of San José, in the State of California, the title to certain lands was read twice by its title, and referred to the Committee on Private Land Claims.

The bill (H. R. No. 2279) for the relief of Richard Hawley & Sons was read twice by its title and referred to the Committee on Finance.

The bill (H. R. No. 3658) for the relief of William J. Coite was read twice by its title, and referred to the Committee on Naval Affairs.

ENROLLED BILLS.

The PRESIDENT *pro tempore* signed the following enrolled bills, which had before received the signature of the Speaker of the House of Representatives:

A bill (S. No. 170) for the relief of certain officers of the Navy who were dropped, furloughed, or retired under the act of February 28, 1855;

A bill (S. No. 448) for the relief of John T. Smith;

A bill (S. No. 597) for the relief of William A. Griffin;

A bill (H. R. No. 3593) to constitute Patchogue, on the south side of Long Island, in the State of New York, a port of delivery;

A bill (H. R. No. 4119) authorizing the Commissioner of the General Land Office to grant a patent for certain land in the Territory of Arizona; and

A bill (H. R. No. 4163) to provide an appropriation for continuing the construction of the post-office and custom-house at Saint Louis, Missouri.

PETITIONS AND MEMORIALS.

Mr. PRATT presented the petition of Joseph Peach and Philemon Jones, praying to be allowed pensions for services rendered in the war of 1812; which was referred to the Committee on Pensions.

Mr. OGLESBY. I present a memorial of late soldiers in the United States volunteers, citizens of Fulton County, Illinois, praying that a bounty be allowed to disabled soldiers. The petition has reference, I take it, to the bill reported from the Committee on Military Affairs now pending in the Senate, and it would have a bearing upon the equalization of bounties as provided for in that bill. I move that the petition be referred to the Committee on Military Affairs, although that committee has already reported a bill for that purpose.

The motion was agreed to.

Mr. HARVEY presented the memorial of Mary Jane Pyle, of Kansas, praying to be allowed a pension on account of the services of her husband, Jesse F. Pyle, late corporal of Company D, Eleventh Regiment Kansas Cavalry Volunteers, in the late war; which was referred to the Committee on Pensions.

He also presented twenty-two petitions of citizens of Kansas, praying for the passage of House bill No. 3281, to amend an act granting aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes; which were referred to the Committee on Railroads.

Mr. SCOTT presented four petitions from citizens of Schuylkill County, Pennsylvania, praying for the restoration of the 10 per cent. duty taken off leading foreign products in 1872 and for the passage of the currency bill submitted by Hon. WILLIAM D. KELLEY providing for the issue of 3.65 convertible bonds; which were referred to the Committee on Finance.

He also presented a memorial of citizens of Philadelphia, a memorial of citizens of Harrisburgh, and a memorial of citizens of Milesburgh, Pennsylvania, remonstrating against the restoration of the duty on tea and coffee and the re-enacting of internal-revenue taxes, and asking the repeal of the law which reduced the duties on certain foreign goods 10 per cent.; which were referred to the Committee on Finance.

Mr. FRELINGHUYSEN presented a petition of late soldiers in the United States Volunteers, citizens of Jersey City, New Jersey, praying that a bounty be allowed to disabled soldiers; which was referred to the Committee on Military Affairs.

Mr. WRIGHT. I present the resolutions of the O'Brien Grange of Patrons of Husbandry, State of Iowa, protesting against granting an extension of time for the completion of the McGregor and Sioux City Railroad, setting forth that such extension would be palpably unjust to the settlers along and near the line of said proposed road. I move the reference of these resolutions to the Committee on Public Lands.

The motion was agreed to.

Mr. WRIGHT. I also present a memorial and remonstrance adopted at a meeting of citizens of the District of Columbia, held at Lincoln Hall on the 11th of January, 1875, against the passage of Senate bill No. 963, known as the bill reported from the select committee for the government of the District of Columbia, setting forth at length the objections to said bill. I move its reference to the select committee which reported the bill.

The motion was agreed to.

Mr. WRIGHT presented the memorial and joint resolution of the territorial Legislature of Dakota, asking Congress for a grant of land for the right of way, and not exceeding four sections of land for each ten miles for stations, timber culture, &c., to aid in the construction of railroads in Dakota Territory, from Beloit, Iowa, by Canton and Sioux Falls, to Fargo and Pembina; also from Sheldon, Iowa, via Canton, to the Missouri River, at or near Brule City; also from Yankton, via Beloit, to a connection with the Saint Paul Railroad; which was referred to the Committee on Public Lands.

Mr. MERRIMON presented a petition of citizens of North Carolina, late soldiers in the volunteer forces of the United States, praying for the enactment of a law for the equalization of bounties to all soldiers discharged for disability; which was referred to the Committee on Military Affairs.

Mr. BOUTWELL presented the affidavit of Julius A. Pickering, in support of his petition for the extension of his patent for a bootstrap; which was referred to the Committee on Patents.

Mr. CONKLING. I present a petition signed by many residents of Plattsburgh, New York, setting forth the condition of things touching wages and the depression of industry, and remonstrating against the restoration of duties on tea and coffee, and suggesting other modes of increasing revenue. I present a like petition signed by many residents of Altona, New York, and a similar petition signed by citizens of Mooers, in the State of New York, and move the reference of each to the Committee on Finance.

The motion was agreed to.

Mr. CONKLING. I also present joint resolutions of the Legislature of the State of New York, touching the improvement of the Harlem River and Spuyten Duyvil Creek, from North to East River, through the Harlem Kills. I suppose under the rules these resolutions ought to be read.

The Chief Clerk read the resolutions, as follows:

STATE OF NEW YORK, IN ASSEMBLY,
Albany, January 15, 1875.

On motion of Mr. Smith,

Whereas the commercial interests of the whole country, and especially of the city and State of New York, demand the early improvement of Harlem River and Spuyten Duyvil Creek, from the North River to the East River, through the Harlem Kills, so as to afford a safe and convenient channel for vessels of all classes navigating the North River and bound for ports on the East River, Long Island Sound, and in the Eastern States, thus shortening the distance of the travel between the North River and the waters of the Sound, and of a large portion of the city of Brooklyn lying on the East River, and between the North River and the Eastern States by more than twenty miles around the Battery; of the tedious, expensive, and unsafe navigation of the waters that skirt the city, and thus avoiding the dangerous passage through Hell Gate: Therefore,

Resolved, (if the Senate concur,) That our senators and representatives in Congress be requested to use their influence for an early appropriation of the amount necessary and requisite for such improvements.

By order:

HIRAM CALKINS, *Clerk.*

IN SENATE, *January* 18, 1875.

Concurred in without amendment.

By order:

HENRY A. GLIDDEN, *Clerk.*

Mr. CONKLING. I move that the resolutions be referred to the Committee on Commerce and printed.

The motion was agreed to.

Mr. CONKLING presented the petition of Horace W. Peaselee, of the town of Chatham, Columbia County, New York, praying for the extension of letters-patent granted to him for an improvement in machinery for washing paper-stock; which was referred to the Committee on Patents.

Mr. WASHBURN presented the petition of the heirs of Ebenezer Babcock, praying for a pension; which was referred to the Committee on Pensions.

Mr. LOGAN presented the petition of Hibben & Co., of Chicago, Illinois, praying the passage of an act refunding to them certain taxes which have been twice paid on manufactured tobacco; which was referred to the Committee on Finance.

Mr. INGALLS presented the petition of F. C. Bulkley, contractor for furnishing Indian supplies, praying reimbursement for losses sustained by Indian depredations; which was referred to the Committee on Indian Affairs.

Mr. WEST presented the petition of Daniel Edwards, of New Orleans, praying for payment of certain commissions contracted to be paid him on the sale of crops, and supplies furnished for securing the same on Oaklands and Point Celeste plantations, Louisiana; which was referred to the Committee on Claims.

Mr. HITCHCOCK presented the petition of citizens of Nebraska, praying the establishment of a branch mint for coinage at Omaha, in that State; which was referred to the Committee on Finance.

PAPERS WITHDRAWN AND REFERRED.

Mr. PRATT. I submit the following order:

Ordered, That Hiram R. Rhea be allowed to withdraw his papers from the files of the Senate.

The PRESIDENT *pro tempore*. Has there been an adverse report?

Mr. PRATT. The gentleman who requests me to ask for this order says that there has been no adverse report, but that his object in withdrawing his papers is for the purpose of presenting them before the War Department. I have a general recollection of the case; that it was an application for a pension, and that the committee reported favorably.

The PRESIDENT *pro tempore*. The order will be entered.

On motion of Mr. PRATT, it was

Ordered, That Wesley Hensley be allowed to withdraw his papers from the files of the Senate.

On motion of Mr. WRIGHT, it was

Ordered, That the petition and papers of Messrs. Gelatt & Moore be taken from the files and referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the bill (S. No. 765) for the relief of Amos B. Ferguson, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3004) for the relief of John C. Griffin, late second lieutenant Third Regiment East Tennessee Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. STEVENSON, from the Committee on the Judiciary, to whom was referred the bill (S. No. 454) to authorize the Attorney-General to adjust the claim of the Government upon the purchasers of property at Harper's Ferry, submitted an adverse report thereon, which was ordered to be printed, and recommended the indefinite postponement of the bill.

Mr. DAVIS. I ask that the bill be placed upon the Calendar, with the adverse report of the committee.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) That order will be made, if there be no objection.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1030) limiting the time in which applications for bounty lands shall be received and disposing of suspended cases after a certain date, reported it without amendment.

He also, from the same committee, to whom was referred the petition of Black Beaver, praying payment for services as a guide to United States troops during the late rebellion, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of John Pilmer, late of Company H, Ninth Iowa Cavalry Volunteers, praying to have the charge of desertion removed and that he be allowed his pay and allowances withheld on account of the unjust charge of desertion, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of citizens of Michigan, late soldiers in the First Regiment Michigan Cavalry, praying the passage of a law authorizing the granting to them of honorable discharges from the service, back pay, and bounty, asked to be discharged from its further consideration; which was agreed to.

Mr. KELLY, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2419) to provide for the construction of military roads in Arizona, reported it without amendment.

He also, from the same committee, to whom was referred the petition of Duane M. Greene, late captain of Company E, Sixth Regiment California Volunteers, praying compensation for services rendered between the date of his commission and the date of his being mustered into the United States service, asked to be discharged from its further consideration; which was agreed to.

Mr. SCOTT, from the Committee on Finance reported an amendment to the bill (H. R. No. 3825) to amend the national-bank act and fixing the compensation of national-bank examiners; which was ordered to be printed.

Mr. BOUTWELL, from the Committee on Public Lands, to whom was referred the bill (S. No. 471) providing for the survey and disposal of the timber lands of the United States, reported it with amendments.

Mr. ALLISON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2901) granting a pension to John Hendrie, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3724) granting a pension to Michael Quarry, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3702) granting a pension to Alice Roper, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3714) granting a pension to Moses B. Hardin, guardian of minors of Stanley Smith, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was recommitted the bill (H. R. No. 1760) to secure homesteads to actual settlers on the public domain, reported it with amendments.

Mr. PRATT. I am instructed by the Committee on Pensions, to whom was referred the bill (S. No. 985) to provide that all pensions on account of death, wounds received, or disease contracted in the service of the United States since March 4, 1861, which have been granted, or which shall hereafter be granted, on application filed previous to January 1, 1875, shall commence from the date of death or discharge, and for the payment of the arrears of pensions, to report the same adversely. There is no written report, but I desire to say that on correspondence with the Pension Office the committee learned that it would require upward of $9,000,000 to meet the requisitions of this bill. The letter of the Commissioner was written some months since, and it is probable that that would be increased to $10,000,000 now. There are undoubtedly individual cases where it would be eminently proper that arrears of pension should be granted, as for example where, on account of excusable neglect, or accident, or mistake, the application has not been made within the period of five years fixed by the general law. Sometimes the case has been delayed in the Pension Office on account of the neglect of agents or attorneys, or by the difficulty in obtaining the required proofs, in consequence of which arrears of pension have been lost. There are, as I have said, individual cases no doubt in great number where it would be eminently proper that these arrears should be paid; but this is a general bill and provides for arrears in all cases—a proposition few would consent to. For economic reasons, as well as others, the committee think that a bill of this kind should not be entertained at the present time. I therefore move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2724) for the relief of certain States and Territories on account of ordnance stores issued to them during the late civil war, reported it with amendments.

Mr. CAMERON, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. No. 17) authorizing the appointment of a commissioner to an international penitentiary congress, reported it without amendment.

BILLS INTRODUCED.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1191) to provide for and regulate the counting of votes for President and Vice-President; which was read twice by its title, referred to the Committee on Privileges and Elections, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1192) for the relief of the former occupants of the present military reservation at Point San José, in the city and county of San Francisco; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. WASHBURN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1193) to authorize the Secretary of the Treasury to issue an American register to the schooner Matilda; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1194) granting right of way to the San Pete Valley Railway Company; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1195) for the removal of certain bands of Indians from the Coast Range Indian reservation in Oregon, now known as Siletz and Alsea reservations, and their establishment on a

portion thereof; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1196) making an appropriation for the improvement of the military wagon-road from Scottsburgh, Oregon, to Camp Stewart, Oregon; which was read twice by its title, referred to the Committee on Appropriations, and ordered to be printed.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1197) to aid in the construction of the Southern Maryland Railroad, and for other purposes; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1198) authorizing the President to nominate Henry S. Wetmore a lieutenant in the Navy upon the retired list; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. HITCHCOCK (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1199) to survey the Austin-Topolovampo Pacific route; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. CRAGIN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1200) for the relief of William Young, of the District of Columbia; which was read twice by its title, and referred to the Committee on Naval Affairs.

JOHN A. CARR.

Mr. MITCHELL. I offer the following resolution and ask for its present consideration:

Resolved, That the Secretary of War be requested, if not incompatible with the public service, to furnish the Senate at the earliest practicable moment all information within the knowledge of his Department relative to the arrest and imprisonment by military authority, in the fall of 1874, of John A. Carr, a United States customs officer in Alaska; and that said Secretary be further requested to state the length of time said Carr was restrained of his liberty, if at all, in what manner, at what particular place or places both within the jurisdiction of the United States and on the high seas, and for what purpose, and upon what authority of law.

Mr. EDMUNDS. I think that resolution had better go to the Committee on Military Affairs in the first instance for inquiry. There may be circumstances when it would not be proper to make public all the particulars connected with the arrest of a deserter or whoever it may be; and as this resolution calls for so much and assumes so much, I think it had better be referred to the committee.

Mr. MITCHELL. I have no objection.

Mr. EDMUNDS. Then I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

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

A bill (H. R. No. 4528) amendatory of the act approved March 3, 1873, entitled "An act authorizing the construction of a bridge across the Mississippi River at Saint Louis, in the State of Missouri;" and

A bill (H. R. No. 4538) further supplemental to the various acts prescribing the mode of obtaining evidence in cases of contested elections.

ENROLLED BILLS SIGNED.

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

A bill (H. R. No. 3006) authorizing the President to nominate Holmes Wickoff an assistant surgeon in the Navy;

A bill (H. R. No. 4462) for the relief of Alexander Burtch; and

A bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes.

VIENNA EXPOSITION REPORTS.

Mr. SARGENT. On Friday last (this being within the time in which a reconsideration may be moved) I offered a resolution requesting the Secretary of State to furnish certain reports of commissioners to the Vienna exposition to the Senate. On examination of those reports and understanding more fully the circumstances, I am satisfied that some of them at any rate should be edited before they are sent in. I therefore move to reconsider the vote adopting the resolution which I then offered.

The motion to reconsider was agreed to.

Mr. SARGENT. I now move that the resolution lie on the table.

The motion was agreed to.

BUSINESS OF THE JUDICIARY COMMITTEE.

The PRESIDING OFFICER, (Mr. INGALLS.) If there be no further resolutions, the morning business having been completed, the Chair will call on the Committee on the Judiciary for bills.

Mr. EDMUNDS. I ask unanimous consent that this committee, like the Committee on Naval Affairs yesterday, may have not to exceed an hour from this time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont? The Chair hears none.

APPEALS TO THE SUPREME COURT.

Mr. EDMUNDS. I call up Senate bill No. 1076.

The bill (S. No. 1076) to facilitate the disposition of cases in the Supreme Court of the United States, and for other purposes, was considered as in Committee of the Whole.

The first section provides that the circuit court of the United States, in deciding causes of admiralty and maritime jurisdiction on the instance side of the court, shall find the facts and the conclusions of law upon which it renders its judgments or decrees, and shall state the facts and conclusions of law separately. The review of the judgments and decrees entered upon such findings by the Supreme Court, upon appeal, shall be limited to a determination of the sufficiency of the facts found to support the judgments or decrees entered, and to such rulings of the circuit court, excepted to at the time, as may be presented by a bill of exceptions, prepared as in actions at law.

Section 2 provides that whenever, by the laws now in force, it is required that the matter in dispute shall exceed the sum or value of $2,000, exclusive of costs, in order that the judgments and decrees of the circuit courts of the United States may be re-examined in the Supreme Court, such judgments and decrees hereafter rendered shall not be re-examined in the Supreme Court unless the matter in dispute shall exceed the sum or value of $5,000, exclusive of costs.

Section 3 declares that the act shall take effect on the 1st day of May, 1875.

The first amendment reported by the Committee on the Judiciary was to insert, after the word "separately," in section 1, line 7, the following words:

And in finding the facts, as before provided, said court may, upon the consent of the parties who shall have appeared and put any matter of fact in issue, and subject to such general rules in the premises as shall be made and provided from time to time, impanel a jury of not less than five and not more than twelve persons, to whom shall be submitted the issues of fact in such cause, under the direction of the court, as in cases at common law. And the finding of such jury, unless set aside for lawful cause, shall be entered of record, and stand as the finding of the court, upon which judgment shall be entered according to law.

Mr. BAYARD. I wish to ask the Senator from Vermont, the chairman of the committee, as to the limitation of the right to appeal to suits embracing $5,000. Does it embrace all appeals in admiralty?

Mr. EDMUNDS. It embraces precisely the character of appeals that are now embraced within the existing statutes limited by $2,000. It does not change the rule of appeal; but wherever $2,000 is now the limit as fixed by the act of 1789, it is now made $5,000.

Mr. BAYARD. I am aware that the act of 1789 fixed the amount at $2,000. I dislike to criticise the action of a committee which is generally so carefully conducted; but it did strike me that in admiralty suits there probably would be reasons why the amount to justify an appeal to the Supreme Court of the United States should be somewhat less than in other suits.

The PRESIDING OFFICER. The question is on the amendment reported by the committee.

The amendment was agreed to.

The next amendment reported by the Committee on the Judiciary was to strike out in section 1, lines 20 and 21, the words "sufficient of the facts found to support the judgments or decrees entered," and in lieu threof to insert "questions of law arising upon the record;" so as to read:

The review of the judgments and decrees entered upon such findings by the Supreme Court, upon appeal, shall be limited to a determination of the questions of law arising upon the record, and to such rulings of the circuit court, excepted to at the time, as may be presented by a bill of exceptions, prepared as in actions at law.

The amendment was agreed to.

The next amendment reported by the committee was to insert the following as a new section, to come in after section 1:

SEC. 2. That said courts, when sitting in equity for the trial of patent causes, may impanel a jury of not less than five and not more than twelve persons, subject to such general rules in the premises as may, from time to time, be made by the Supreme Court, and submit to them such questions of fact arising in such cause as such circuit court shall deem expedient; and the verdict of such jury shall be treated and proceeded upon in the same manner and with the same effect as in the case of issues sent from chancery to a court of law and returned with such findings.

The amendment 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.

FEES OF CLERKS AND MARSHALS.

Mr. EDMUNDS. I now call up House bill No. 3623.

The bill (H. R. No. 3623) to amend the twenty-third paragraph of section 3 of the act entitled "An act to amend the twenty-third paragraph of section 3 of the act entitled 'An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes,' approved February 26, 1853," was considered as in Committee of the Whole.

The Committee on the Judiciary proposed to amend the bill by striking out in section 1 the first paragraph, commencing in line 3 and ending in line 8, as follows:

That the twenty-third paragraph of section 3 of the act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853, be amended so as to read as follows.

The amendment was agreed to.

The next amendment was in line 24 of section 1, to strike out the word "it," before the word "may," and after the word "may" to

strike out the words "or may not regard the same proved and justified by law" and insert "be according to law and just;" so as to read:

And the court shall thereupon cause to be entered of record an order approving or disapproving the account, as may be according to law, and just.

The amendment was agreed to.

The next amendment was after the word "court," in line 29 of section 1, to insert "and the court shall pass upon the same in the manner aforesaid;" so as to read:

United States commissioners shall forward their accounts, duly verified by oath, to the district attorneys of their respective districts, by whom they shall be submitted for approval in open court, and the court shall pass upon the same in the manner aforesaid.

The amendment was agreed to.

The next amendment was to insert the word "clerks" before "marshals," in line 31, and after "marshals" to insert "and district attorneys;" so as to read:

Accounts and vouchers of clerks, marshals, and district attorneys shall be made in duplicate, to be marked, respectively, "original" and "duplicate;" and it shall be the duty of the clerk to forward the original accounts and vouchers of the officers above specified, when approved, to the proper accounting officers of the Treasury.

The amendment was agreed to.

The next amendment was in section 2, line 3, before the word "marshal," to insert the words "clerk or;" so as to read:

SEC. 2. That whenever the business of the courts in any judicial district shall make it necessary, in the opinion of the Attorney-General, for the clerk or marshal to furnish greater security than the official bond now required by law, a bond in a sum not to exceed $40,000 shall be given when required by the Attorney-General, who shall fix the amount thereof.

The amendment was agreed to.

The next amendment was to insert the following additional sections:

SEC. 3. That the clerks of the Supreme Court and the circuit and district courts, respectively, shall each, before he enters upon the execution of his office, give bond, with sufficient sureties, to be approved by the court for which he is appointed, to the United States, in the sum of not less than five, and more than twenty thousand dollars, to be determined and regulated by the Attorney-General of the United States, faithfully to discharge the duties of his office and seasonably to record the decrees, judgments, and determinations of the court of which he is clerk; and it shall be the duty of the district attorneys of the United States, upon requirement by the Attorney-General, to give thirty days' notice of motion in their several courts that new bonds, in accordance with the terms of this act, are required to be executed; and upon failure of any clerk to execute such new bonds, his office shall be deemed vacant. The Attorney-General may at any time, upon like notice through the district attorney, require a bond of increased amount, in his discretion, from any of said clerks within the limit of the amount above specified; and the failure of the clerk to execute the same shall in like manner vacate his office. All bonds given by the clerks shall, after approval, be recorded in their respective offices, and copies thereof from the records, certified by the clerks respectively under seal of court, shall be competent evidence in any court. The original bonds shall be filed in the Department of Justice.

SEC. 4. That the circuit courts of the United States, for the purposes of this act, shall have power to award the writ of *mandamus*, according to the course of the common law, upon motion of the Attorney-General or the district attorney of the United States, to any officer thereof, to compel him to make the returns and perform the duties in this act required.

SEC. 5. That if any clerk of any district or circuit court of the United States shall willfully refuse or neglect to make any report, certificate, statement, or other document required by law to be by him made, or shall willfully refuse or neglect to forward any such report, certificate, statement, or document to the department, officer, or person to whom, by law, the same should be forwarded, the President of the United States is empowered, and it is hereby made his duty, in every such case, to remove such clerk so offending from office by an order in writing for that purpose. And upon the presentation of such order, or a copy thereof, authenticated by the Attorney-General of the United States, to the judge of the court whereof such offender is clerk, such clerk shall thereupon be deemed to be out of office, and shall not exercise the functions thereof. And such district judge, in the case of the clerk of a district court, shall appoint a successor; and in the case of the clerk of a circuit court, the circuit judge shall appoint a successor. And such person so removed shall not be eligible to any appointment as clerk or deputy clerk for the period of two years next after such removal.

SEC. 6. That if any clerk mentioned in the preceding section shall willfully refuse or neglect to make or to forward any such report, certificate, statement, or document therein mentioned, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, in the discretion of the court; but a conviction under this section shall not be necessary as a condition precedent to the removal from office provided for in this act.

SEC. 7. That the proviso in the sixth paragraph of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes," approved June 16, 1874, shall not be construed to apply or to have applied to attorneys, marshals, or clerks of courts of the United States, their assistants or deputies. And all accounts of said attorneys, marshals, and clerks, for mileage and for expenses incurred subsequent to the 1st day of July, 1874, shall and may be audited, allowed, and paid at the Treasury Department of the United States in the same manner as if said act had not been passed. And hereafter no allowance shall be made to any such officer or person for mileage or travel not actually performed under the provisions of existing law.

The amendment was agreed to.

Mr. BAYARD. I should like to ask a question of the Senator from Vermont. As these bills come from the committee and are not readily at hand, I am not able to follow them as I should like otherwise to do; but I observe in the latter part of this bill as read by the Clerk an exemption from the general rule of auditing the costs of mileage. Will the Senator be kind enough to explain in what that exemption consists and how special provision in regard to these costs is made?

Mr. EDMUNDS. By the act of 1853 marshals, &c., were allowed mileage for the travel which they performed in serving process and in going to and returning from court, which is a large part of the means they have of living or getting any emoluments from the office. By an act of last year in the military appropriation bill there was provided a clause, as it was said, intended to apply to officers of the Army alone, which declared that they should only have their actual expenses instead of an allowance for mileage. That was construed at the Treasury as applying to marshals and officers of courts, so that they should have only their actual expenses, the result of which is to strip all the marshals and district attorneys, so far as their mileage is concerned, (and as to marshals that is about all there is of it,) of all compensation whatever except for their actual expenses, so that they receive nothing for their time. It is to correct that that this provision is made, and we put it back upon exactly the footing where it stood under the act of 1853, and which was not designed to have been altered. Then we provide what the act of 1853 I think fairly does provide; but there has grown up some doubt about it, that no allowance shall be made to any such officer for mileage or travel not actually performed, so as to make it impossible to have any constructive mileage.

Mr. BAYARD. May I ask also whether the system of constructive fees, which has been so abused in many of the districts, notably in the western district of Arkansas, is affected at all?

Mr. EDMUNDS. It is cut up by this in express terms.

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

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

The bill was read the third time, and passed.

Mr. EDMUNDS. The title of that bill should be changed so as to read, "A bill regulating costs and fees, and for other purposes."

The amendment was agreed to.

DISTRICT JUDGE OF VERMONT.

Mr. EDMUNDS. I call up next Senate bill No. 1012.

The bill (S. No. 1012) for the relief of the district judge of Vermont, was considered as in Committee of the Whole. As the present incumbent of the office of district judge for the district of Vermont is incapacitated by sickness and paralysis from performing the duties of his office, which incapacity is believed to be permanent, the bill provides that, the resignation of the district judge for the district of Vermont being tendered and accepted by the President of the United States, the salary now received by that judge shall be continued to him during his natural life, payable in the same manner and form as if he actually performed the duties of his office.

Mr. BOGY. This bill makes a change in regard to the compensation of judges, and I should like the Senator from Vermont to explain the reason why. Do we intend to pension off all the judges when they resign? If you make a law for the judge in Vermont, it must be made for the judges of the United States generally. We have an old man in my State who has been a very faithful judge for a great many years, and perhaps he would like to retire too. I cannot see why an exception should be made in favor of the judge in Vermont.

Mr. EDMUNDS. This bill was reported by my honorable friend the Senator from Kentucky, [Mr. STEVENSON,] who will, no doubt, render the explanation to the Senator from Missouri that he desires.

Mr. STEVENSON. This is a special bill for the benefit of the district judge of Vermont, who has been a long time on the bench and is known to be one of the most competent and able of the district judges. He has been stricken with paralysis, and it is necessary that some provision should be made for the discharge of the public duty of his position. Therefore it is proposed to allow him to retire as in the case of a supreme judge and continue to him his compensation. He has been on the bench a great many years, perhaps fifteen or more; the Senator from Vermont knows better the extent of his service than I do. The same provision, I will say to the Senator from Missouri, applies to a supreme judge. It is true that some of the Senators on the committee thought there ought to be a general bill. I myself opposed that proposition. "Sufficient unto the day is the evil thereof." It would be difficult at times to ascertain what disability would be necessary in order to allow a judge to retire. You would have to have some board, perhaps, by which this disability should be tested and should be tried. That might or might not be always advisable, and I, expressing only the opinion of myself, thought it best that we should allow each case to stand on its respective merits, that the committee itself and Congress should ascertain the extent of the disability, the extent of the malady, or the accident by which the incapacity to discharge judicial labor was caused, and the permanence of the disability. Therefore I think it entirely proper that this bill should pass, and not merely because of this worthy and upright judge, who is now physically disabled—I will not say mentally, though I have no doubt his mind is affected by paralysis. Instead of a general bill, the same meed of justice which is sought here can in cases similar to this be afforded; and we shall reach it better by referring each individual case as it arises to Congress than we shall if we have a general board, with power to decide upon the incapacity of a judge when he may be so disabled as not to be able to perform judicial labor. That is the extent of this bill, and no more.

Mr. FRELINGHUYSEN. I would only add that there were a number of members of the committee who thought there ought to be a general bill, and I suppose it is not improper for me say that the Senator from Vermont was one of those; but the majority of the committee thought that to pass a general bill would be an invitation to disabilities, and that, instead of the tribunal selected (which

would probably be the Supreme Court of the United States or possibly the President) to determine whether the disability was such as should entitle one to relief, that adjudication could be better made by Congress and by the committees of the Senate and House of Representatives than in any other mode. That was the conclusion which, after a great deal of reflection, a majority of the committee arrived at.

Mr. BOGY. Though I am inclined to vote against this bill, there is no reason why I should oppose this judge in Vermont because he is in Vermont; but I am opposed to it on principle. It is a new departure in favor of pensioning the judiciary. If that be the intention of the committee, a general bill ought to be proposed; and if it be not, I am not prepared to say that this gentleman occupies a position different from any other judge now on the bench in the United States. It does not appear that this man has been a very long time on the bench, ten or fifteen years, it is said. I know judges who have been twice as long on the bench. The fact that he may have been a very good judge and the fact that he may be suffering from disease now—all these facts put together do not justify a departure of this serious nature.

This will lead to the pensioning of the judges of the district courts throughout the United States. If that be the intention, let there be a general bill at once, and let the country know the fact that it is the design of Congress to increase the pension-list, which has heretofore been confined to the Army, and hereafter to extend it to the judges of the courts, and then after awhile it will be extended to somebody else, and so on, for there is no limit to it. This bill involves a very great principle. It is rather ungracious to oppose it on account of the fact that this gentleman is said to be afflicted with disease, but it does involve a principle of sufficient importance to justify me in protesting against its passage. I do not think a bill of this nature ought to pass under the circumstances.

Mr. EDMUNDS. My own opinion was in concurrence with the opinion expressed by the Senator from Missouri respecting having a general provision; but a majority of the gentlemen of the committee thought otherwise, and they certainly had very strong reasons for their opinion, which have been so well stated. This is not a new departure, as the Senator from Missouri seems to suppose, for in the case of one or two western and southwestern judges this identical provision has been made where the judge, a worthy person, had served for a considerable period of time and had become wholly incapacitated to perform the duties by permanent sickness, or as in this case by permanent paralysis. This gentleman is about sixty-five years old. In five years under existing laws he will be entitled to retire and to continue to receive his pay; but during these five years the wheels of justice must be greatly impeded unless he chooses to give up a life office where he has worn himself out in the service, and thereby deprive himself of the means of support. That is the statement of the case. Judge Smalley was appointed by President Pierce during his administration. It must have been in 1853 or 1854, if I recollect aright.

Mr. FLANAGAN. Allow me to suggest that I think we had a case in point in Texas in the instance of Judge Watrous.

Mr. EDMUNDS. There was one case in Texas, and there are two others; so that it is not a matter of new impression. As I say, my own opinion is that a general bill would be better; but the committee thought otherwise, and have reported this bill, and I hope the Senator from Missouri will allow it to pass.

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

INDEBTEDNESS OF SOUTHERN RAILROADS.

Mr. EDMUNDS. I ask the Senate now to take up House bill No. 1938.

The bill (H. R. No. 1938) to extend the provisions of the act approved March 3, 1871, entitled "An act to provide for the collection of debts due from southern railroads, and for other purposes," was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary, with an amendment to strike out the preamble and all after the enacting clause, and in lieu of the matter stricken out to insert:

That the Secretary of War and Attorney-General are hereby authorized and empowered jointly to adjust and settle the claims of the United States against the Alexandria, Loudon and Hampshire, the Edgefield and Kentucky, the Knoxville and Kentucky, the McMinnville and Manchester, the Mobile and Ohio, the Memphis, Clarksville and Linnville, the Memphis and Little Rock, the Nashville and Northwestern, the Southwestern Branch Pacific Railroad of Missouri, and the Selma, Rome and Dalton Railroad Companies, and all persons and corporations having any interest in the subject growing out of the sale and transfer by the United States of any rights or property to said railway companies above named respectively, in the years 1865 and 1866, or both, by making such abatement in the amount of such claims respectively as shall be deemed just, in respect of an overvaluation, if any, of the property sold, not exceeding 25 per cent. of the valuation of the property in each case, as made under the authority of the War Department on the occasion of such sales: *Provided*, That such settlements shall be made within one year next after the passage of this act; and that good and sufficient security be given to the United States, by or on behalf of the parties in interest respectively, who do not pay in cash at the time of settlement, for the payment with interest, of such sums as shall, on such settlements, be so found due at such times within ten years as may be agreed upon.

SEC. 2. That this act shall not be construed so as to produce or authorize any delay in the prosecution of said claims respectively other than as aforesaid; and each of said claims not so settled and disposed of as aforesaid shall be prosecuted and enforced according to existing obligations. In such settlements no allowance shall be made in respect of any matter occurring prior to such sales and transfers, nor otherwise, except such payments as may have been made in cash and such credits for transportation as the general course of the business regulations of the Departments authorizes. And in any such settlement, the said Secretary and Attorney-General shall, as a condition thereof, take a full release from the other parties, respectively, of all claims and demands, of every name and nature, theretofore existing, if any such there be, against the United States.

The amendment was agreed to.

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

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed. Its title was amended to read: "A bill to provide for settlements with certain railway companies."

DEBTS DUE THE UNITED STATES.

Mr. EDMUNDS. I now call up House bill No. 2080.

The bill (H. R. No. 2080) to provide for deducting any debt due the United States from any judgment recovered against the United States by such debtor was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with amendments, which was to insert after the words "United States," in lines 3 and 4, the words "or other claim duly allowed by legal authority;" in line 6, after the word "plaintiff," to insert the words "or claimant;" in line 9, after the word "judgment," to insert the words "or claim;" in line 10, after the word "plaintiff," to insert the words "or claimant;" in line 11, after the word "judgment," to insert the words "or an amount thereof equal to said debt or claim;" in line 14, after the word "plaintiff," to insert the words "or claimant;" in line 17, after the word "judgment," to insert the words "or claim;" in line 19 to strike out the words "such claim" and insert the words "the debt of the United States;" so as to make the bill read:

That when any final judgment recovered against the United States, or other claim duly allowed by legal authority, shall be presented to the Secretary of the Treasury for payment, and the plaintiff, or claimant, therein shall be indebted to the United States in any manner, whether as principal or surety, it shall be the duty of the Secretary to withhold payment of an amount of such judgment, or claim, equal to the debt thus due to the United States; and if such plaintiff, or claimant, assents to such set-off, and discharges his judgment, or an amount thereof equal to said debt or claim, the Secretary shall execute a discharge of the debt due from the plaintiff to the United States. But if such plaintiff, or claimant, denies his indebtedness to the United States, or refuses to consent to the set-off, then the Secretary shall withhold payment of such further amount of such judgment, or claim, as in his opinion will be sufficient to cover all legal charges and costs in prosecuting the debt of the United States to final judgment. And if such debt is not already in suit, it shall be the duty of the Secretary to cause legal proceedings to be immediately commenced to enforce the same, and to cause the same to be prosecuted to final judgment with all reasonable dispatch. And if in such action judgment shall be rendered against the United States, or the amount recovered for debt and costs shall be less than the amount so withheld, as before provided, the balance shall then be paid over to such plaintiff by such Secretary, with 6 per cent. interest thereon for the time it has been withheld from the plaintiff.

The amendments were agreed to.

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

It was ordered that the amendments be engrossed and the bill be read a third time.

The bill was read the third time, and passed.

PUNISHMENT OF MANSLAUGHTER.

Mr. EDMUNDS. I now call up House bill No. 1593.

The bill (H. R. No. 1593) relating to the punishment of the crime of manslaughter was considered as in Committee of the Whole. It provides that whoever shall hereafter be convicted of the crime of manslaughter, in any court of the United States, in any State or Territory, including the District of Columbia, shall be imprisoned not exceeding twenty years and fined not exceeding $1,000; but this act is not to affect or apply to any prosecution now pending or the prosecution of any offense already committed.

The Committee on the Judiciary proposed to amend the bill by striking out in line 6 the word "twenty" and inserting "ten," so as to read "not exceeding ten years."

The amendment was agreed to.

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

Mr. EDMUNDS. I ask that the bill be laid aside informally for a moment. It has been suggested that there should be an additional saving clause. The bill was not reported by me, but by the Senator from Ohio. The suggestion is that perhaps there ought to be a saving clause to provide for offenses already committed being punished according to existing laws, inasmuch as this act does not apply to offenses already committed and repeals all inconsistent acts.

Mr. THURMAN. That might be necessary.

Mr. EDMUNDS. If the Senator will draw up a provision of that kind we can pass the bill in a moment.

Mr. WRIGHT. I suggest to the Senator that this bill repeals all prior laws.

Mr. THURMAN. It is very true there ought to be that saving clause. I wish the chairman would draw it up.

Mr. EDMUNDS. I will send it to the gentleman who reported the bill to draw it up.

The PRESIDENT *pro tempore*. The bill will be laid aside for the present.

Mr. THURMAN subsequently said: I ask the Senate now to return to the consideration of House bill No. 1593. I wish to move a proviso to the last section.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the bill (H. R. No. 1593) relating to the punishment of the crime of manslaughter, and the amendment of the Senator from Ohio [Mr. THURMAN] will be read.

The CHIEF CLERK. The amendment is to insert at the end of section 2 the following:

Provided, however, That said acts shall remain in force for the punishment of all persons who have heretofore committed the crime of manslaughter.

The amendment was agreed to.

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

The bill was read the third time, and passed.

GEORGE W. ANDERSON.

Mr. EDMUNDS. I next call up Senate bill No. 1147.

The bill (S. No. 1147) for the relief of Courtland Parker, as administrator of George W. Anderson, deceased, was read the second time, and considered as in Committee of the Whole. It instructs the Secretary of the Treasury to pay to Courtland Parker, as administrator of George W. Anderson, the sum of $13,254.67, being the amount received into the Treasury of the United States, under certain proceedings and decree in the southern district of New York, undertaking to condemn the stock and dividends of Anderson in the Minnesota Mining Company, the Rockland Mining Company, the Superior Mining Company, and the Steel River Mining Company, the same being in full for all claims and demands of Parker as administrator, or the heirs or representatives of the estate, against the United States, connected with or in any manner growing out of the claim, for which a receipt is to be taken in full by the proper officer of the Treasury.

Mr. WRIGHT. I suggest that instead of the word "instructed," in the third line, the words "be authorized and directed," as is the usual language in such bills, be inserted.

The amendment was agreed to.

Mr. WRIGHT. In the eighth line the word "decree" should be "decrees," in the plural.

The PRESIDENT *pro tempore*. That verbal correction will be made, if there be no objection.

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, was read the third time, and passed.

COURTS IN TEXAS.

Mr. EDMUNDS. I now ask for the consideration of Senate bill No. 736.

The bill (S. No. 736) to change the boundaries of the eastern and western judicial districts of the State of Texas, and to fix the times and places of holding courts in the same, was considered as in Committee of the Whole.

Mr. EDMUNDS. I move to amend the bill by inserting a section to precede section 11, in these words, merely to cover a possibility:

Whenever defendants reside in more than one of any of the counties named in this act, process against them may be returnable at the places fixed for the county where either resides.

The amendment was agreed to.

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

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

Mr. HAMILTON, of Texas, subsequently moved to reconsider the vote by which the bill was passed; and the motion was entered.

MESSAGE FROM THE HOUSE.

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

A bill (H. R. No. 3880) amendatory of the act of June 22, 1874, relating to bankruptcy;

A bill (H. R. No. 1342) declaratory of the rights of such Mexican citizens as were established in Territories acquired from Mexico by the treaty of Guadalupe Hidalgo and the Gadsden treaty and who have since continued to reside within the limits of the United States; and

A bill (H. R. No. 4531) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874.

ASSIGNMENT OF TERRITORIAL JUDGES.

Mr. EDMUNDS. I now ask to have taken up House bill No. 1393.

The bill (H. R. No. 1393) providing for the assignment of judges in the Territories was considered as in Committee of the Whole.

The Committee on the Judiciary proposed to strike out all after the enacting clause of the bill and in lieu thereof insert the following:

That the judges of the supreme court of the respective Territories, except Utah, or a majority of them, shall, at the first regular or adjourned term of said supreme court, after the passage and approval of this act, and annually thereafter, if expedient, fix the boundaries of the respective districts, and appoint the times and places of holding courts therein, and designate the judges respectively who shall hold the same: *Provided*, That in case of a failure in any of the said Territories so to fix the districts and make such assignments, the Legislature of said Territory shall fix said districts and make such assignment, to continue till the judges, or a majority of them, shall change the same.

Mr. SARGENT. I offer the following amendment: Strike out all after the enacting clause of the bill to and including the word "Territory" in line 6——

Mr. WRIGHT. That is an amendment to the original bill, as I understand.

The PRESIDENT *pro tempore*. The Committee on the Judiciary report an amendment to strike out all after the enacting clause and insert a substitute.

Mr. SARGENT. I think my amendment is in order. The committee propose in effect to strike out all after the enacting clause of the bill and to insert a certain amendment. I propose my amendment in lieu of that reported by the committee.

The PRESIDENT *pro tempore*. If the Senator proposes to amend the bill which the committee move to strike out, it is in order.

Mr. WRIGHT. As an amendment to the original bill?

The PRESIDENT *pro tempore*. It is in order, by way of perfecting the bill before the vote is taken on striking it out. The amendment of the Senator from California will be read.

The CHIEF CLERK. It is proposed to amend the bill by striking out—

That the Legislature of each of the organized Territories of the United States, except the Territory of Utah, shall at each regular session thereof make an assignment of the judges to hold the courts in the several districts in such Territory.

And in lieu thereof to insert:

That the Legislature of each of the organized Territories of the United States, except the Territory of Utah, shall at its first regular session after the passage of this act, and thereafter at any regular session, if expedient, fix the judicial districts of said Territory, appoint the times and places of holding court therein, and designate the judges, respectively, who shall hold the same.

Mr. SARGENT. The time allowed to the Committee on the Judiciary has so very nearly expired, that I suppose any prolonged debate on this bill will prevent action upon it at the present time; but this proposition has been controverted heretofore. It was brought forward at the last session, and after a very extended debate on the part of members of the committee and of Senators who differed with the conclusions of the committee, the bill was recommitted to the committee, and now comes back to us in the form it stood at the time of the recommittal, if I am not in error.

It proposes that the power be taken away from the Legislature in the Territories where that power now resides and be conferred on the judges, and in some other Territories, a little less than half of them, where it is now exercised by the judges, that the power shall be continued in them. There are five Territories of the United States where the power is exercised by the Legislature, and so far as I know—and I have talked with all the Delegates, I believe, on this matter—the power is exercised carefully and to the satisfaction of the people. In three of the Territories it is exercised by the judges. In one of the Territories, in Utah, which is exceptional in a great many respects, it is exereised by the governor of the Territory.

Now, it is proposed that the rule shall be made imperative which applies at present to a minority of these Territories, that the power shall be taken away from the Legislature and conferred on the judges. What sort of representations may have been made to the committee which should lead them to deprive the majority of the Territories of the privilege, as they esteem it, which they now have, to conform them to a rule which is now applied only to the minority, I know not; but I do know that from that source from which we ordinarily derive information of the interest of the Territories—I refer to the Delegates, who as a body are very intelligent men—we receive other representations. At the last session the Delegates from nearly every one of the Territories came to me and said that the people of their Territories desired that this power should reside in the Legislature. As a matter of principle, it seems to me that the power of fixing the boundaries of districts and of naming the place within those districts where courts shall be held should be in the local Legislature, and therefore that these territorial Delegates are right. The Supreme Court of the United States has no power to fix the boundaries of districts or the place within those districts where courts shall be held, and yet a power greater than that conferred on the Supreme Court is to be given to those territorial judges. Why should it be?

As was well said in the debate when this bill was under consideration before, there are favorite spots in the Territories, desirable places in the Territories for judges, and there are places which are not favorite or which are not desirable for places of residence. There are places where there is great business carried on, where there are considerable communities, where large mining operations are carried on; and I might instance such places, although not an exact illustration, as Cottonwood Cañon, in Utah Territory, where there is a very large mining business carried on and a large laboring population. In other words, there are places in the Territories where there are gathered together large bodies of men with large property interests where courts ought to be held, but that are not desirable as places of residence. It is difficult to get any comforts of life in them, and judges and people of pleasure do not like to go to them and live there; and they will not select such places, the people complain, for holding courts, but they hold courts at places remote, where it is easier to live, and witnesses at great cost to themselves and great injury to suitors are carried a long distance in order to attend courts at inconvenient places simply because those places are more suitable to the tastes of the judges as places of residence.

These difficulties arise, and the Delegates say that the Legislature being near the people will consult the wishes of the people of the Territories and that they will determine whether the interests of the community require that courts shall be held at particular places rather than the convenience of the judges——

The PRESIDENT *pro tempore*. The hour assigned to the Committee on the Judiciary having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday.

SELF-GOVERNMENT IN LOUISIANA.

The Senate resumed the consideration of the following resolution submitted by Mr. SCHURZ on the 8th instant:

Resolved, That the Committee on the Judiciary be instructed to inquire what legislation by Congress is necessary to secure to the people of the State of Louisiana their rights of self-government under the Constitution, and to report with the least possible delay by bill or otherwise.

Mr. PEASE resumed and said:

Mr. President, I now proceed to examine some of the statements that were presented to the Senate in the speech of my honorable friend from Georgia, [Mr. GORDON.] The Senator stated upon "his honor as a gentleman, a Senator, and a man," that the people of Georgia are loyal to the United States. They have no war to make upon the United States. Well, sir, grant that they are loyal, does that entitle them to any special merit? One would suppose, from the Senator's earnest manner in reminding the Senate and the American people of the present loyal attitude of the people of Georgia—"*my people*," as he denominates them; I suppose he refers to the white people, an oligarchy of twenty thousand slave-holders who have managed and controlled affairs in Georgia for one hundred years—that he thought this entitled them to some special consideration and sympathy. That was the impression that I received from the protestations of the Senator. Sir, loyalty is a good thing; patriotism is commendable; to love one's country and respect its flag is a good thing; but when a people have to protest their loyalty in order to give it currency, it presents at least some grounds for suspicion or doubt as to its genuineness.

"The lady doth protest too much, methinks."

Now, sir, as to the loyal attitude of the secession democracy of Georgia——

Mr. GORDON. Mr. President, my only reply is that I did not say anything of that sort at all.

Mr. PEASE. In reply to that feature of the Senator's speech as to the real loyalty that actuates the hearts of the class of people that he presented to us, I simply refer to one fact which occurred within a few months in that State, and I presume it will not be denied by the Senator, for it is notorious that in the organization of the militia in many portions of that State the companies that were organized under the law passed in 1873 absolutely refused to carry the American flag. I have here a petition which has been presented to Congress, signed by numerous persons living in Georgia, and I desire to read from certain portions of it:

The State of Georgia has received from the United States since the close of the late war 1,180 breech-loading rifle-muskets, 870 rifle-muskets, 520 pistols, 500 cavalry sabers, 5 light 12-pounder bronze guns, and 50 non-commissioned officers' swords with accouterments, cartridges, &c., amounting in all to the value of $64,105.38.

I understood the honorable Senator to say, in relation to this matter of arms in the hands of the people of the South, and particularly of Georgia, that not one white man in a hundred was armed now who was armed before the war. I venture the assertion that prior to the war they had no such armed and equipped militia as is set forth in the petition just read. I will add that, unless the people of Georgia are different from the white people in the vicinity where I reside, the men who are not armed are the exception to the rule. The carrying of concealed weapons is the crying evil of the whole southern country.

I quote further from this petition:

The governor has distributed them as follows: To 21 white companies 1,180 breech-loading rifled muskets; to 14 white companies 700 rifled muskets; to 10 white companies 410 pistols and 410 sabers; and to white companies 5 light 12-pounder bronze guns; to 3 colored companies but 150 rifled muskets. It will be seen that 45 white companies have been armed with muskets, pistols, and sabers, and that but *three* colored companies have been armed; that the breech-loading rifled muskets, pistols, and sabers were all distributed to white companies, and the colored companies put off with muzzle-loading muskets. The governor has refused to organize companies composed of colored men, as we believe, because they are colored men, although it is made his duty by the laws of Georgia to organize all companies that have the required number of men enrolled. He has refused to distribute arms, furnished to the State by the United States, to companies composed of colored men, as we believe, because they are colored men, in violation of the act of Congress of March 3, 1873, which provides "that in the organization and equipment of military companies and organizations with said arms, no discrimination shall be made on account of race, color, or former condition of servitude." Your memorialists assert that it was the purpose of the Legislature in passing the acts of August 24, 1872, and February 22, 1873, to so legislate that the governor could refuse to distribute arms to companies of colored men, and they further assert that the governor of Georgia has, in the organization and equipment of military companies with the arms distributed to the State by the United States, made a discrimination between said companies on account of race, color, and former condition of servitude.

Again, the memorialists say:

Your memorialists respectfully call your attention to the following additional facts: All or nearly all of the white companies are composed of men who fought in the confederate army to destroy the Union. Many of the colored companies are composed of men who fought in the Union Army to sustain the Government. The white companies choose the confederate gray for their uniforms; the colored companies prefer the Union blue. On the 19th day of January last the white companies of Savannah celebrated the anniversary of the birth of General Robert E. Lee, (to which, however, we did not object,) and were reviewed by General Joseph E. Johnston. No national flag was displayed by the companies, twelve in all, although a confederate battle-flag, carried through the late war by the fifty-fourth Georgia regiment, was noticed as the "brigade" marched through the street, and it marked the post of honor where General Johnston stood to review the "brigade." Recently three white companies in Atlanta met for parade, when the commander of the "battalion" requested the captain of one of the companies to send his colors, a national flag, from the line, saying the flag was objectionable to himself and the majority of the men in the companies, and they would not march in the column with it. When colored companies parade they honor the national flag.

So much for the evidences of loyalty that pervade the Georgia militia. Again, the honorable Senator pleads most earnestly that his people are misunderstood. As reluctant as he is to appear in this debate, he could not, he says, remain silent in his place and suffer the gratuitous insults which Senators on this side of the Chamber have deemed proper to utter; he could not permit the people of his section to rest under the imputation that they are murderers and assassins, without raising a voice in their defense.

Sir, I will resent an unjust imputation or aspersion upon the character of the people of the South as promptly as the Senator. Far be it from me to utter a word that would reflect upon the good people of Georgia or of any section of the country. I have the honor to represent on this floor a large constituency made up of southern men, men "to the manner born," and I would not willingly utter a word that would reflect upon the character of southern gentlemen; and I take pleasure in saying that many Mississippians belong to the highest type of gentlemen. While I represent the class of men referred to, I have the honor—and I esteem it an honor—to represent also another class of people at the South. I am one of the representatives of a people at the South numbering between four and five million, who constitute the laboring classes of the country, the men who cultivate the cotton and the corn, who work the sugar fields; and not only that class of laborers, but thousands of poor white men who, heretofore under the old *régime*, had no social or political privileges which the wealthy, chivalric planter was bound to respect, occupying a position lower in the social scale in that country than the veriest slave. In view of that fact, when the Senator and his colleagues upon that side of the Chamber undertake to say that there are no outrages practiced upon the negro and the poor whites of the South, that the people at the South are loyal to the Government, as was said by the Senator from Virginia [Mr. JOHNSTON] yesterday—when they undertake to say that the negro has his rights, that the white people of that country—I mean the dominant classes—are disposed to accord to the negro all the rights which are guaranteed to him under American law, I am compelled to deny that statement. It is an unpleasant duty which I have to perform; but I am constrained to say that outrages are perpetrated at the South for political and partisan purposes, for the purpose of advancing the ends of secession democracy, the main object of that party being the final overthrow of the thirteenth, fourteenth, and fifteenth amendments to the Constitution; and for this reason I deem it my duty as a Senator to present to the Senate, unpleasant though it be, some of the facts which go to demonstrate that outrages, murders, assassinations, and lawlessness do exist at the South, and if it happens to fall upon any of the people of Georgia or of Mississippi, I cannot help it. They are responsible for their acts; they make their own history. The facts to which I propose to advert are matters of record, to be found in our courts of justice, and if in the course of this debate I shall allude to some unpleasant things, it will be simply a history of those men who are governed by their passions and not by their respect for law or the rights of others. The honorable Senator says, "I challenge the refutation of the declaration that wherever in the Southern States people of intelligence have control of affairs, property, life, and rights, political and personal, are as secure as in any State of this Union." Upon the truth or falsity of this statement hangs the solution of the southern question. This impression has obtained throughout the country that there is peace, quiet, order, and adequate protection for person and property at the South, such protection as the organic law of this country, affords to its citizens. This impression in relation to the condition of the South has been brought about by the mendacious representations which have been continually made by the Associated Press at the South, such as: all the difficulties, outrages, &c., were perpetrated by the negroes and those whom they please to call "carpet-baggers," who encourage hostility between the races, array the negro against the white man, plunder and misgovern the people of the South; that when negroes are killed by white men, it is done in defending their wives and children, their lives and their property.

The crying evil of the South to-day, and it is not confined to any one locality, it obtains generally throughout the South, is the prevalence of lawlessness, the inadequate protection of property, and the insecurity of human life. The pistol, bowie-knife, and shot-gun are resorted to in the settlement of personal difficulties, and to an alarming extent for political and partisan purposes. It is a most lamentable fact, which brings a blush of shame to the cheek of a southern man when he is compelled to speak the truth. Public sentiment has become so vitiated, so demoralized, that the people of the South place a low estimate upon human life. The crime of murder is seldom punished. The exceptions, however, are against the negro. He is invariably punished. Justice in the South is loth to shield its sword when the criminal is a colored man. You may search the records of the criminal proceedings in the South since the war, and I venture the assertion that you will not find one single instance where there

was a scintilla of proof against a negro who committed homicide but that he has been punished—either hung, or incarcerated in the State's prison for life. In the State of Louisiana thirty-five hundred murders have been committed since 1866, and I undertake to say, that not a single murderer has been punished in that State to this good day. I quote from the report of General Sheridan, as follows:

[Telegram.]

NEW ORLEANS, *January* 10, 1875—11.30 p. m.

Hon. W. W. BELKNAP,
Secretary of War, Washington, D. C.:

Since the year 1866, nearly thirty-five hundred persons, a great majority of whom were colored men, have been killed and wounded in this State. In 1868 the official record shows that eighteen hundred and eighty-four were killed and wounded. From 1868 to the present time no official investigation has been made, and the civil authorities in all but a few cases have been unable to arrest, convict, and punish perpetrators. Consequently, there are no correct records to be consulted for information. There is ample evidence, however, to show that more than twelve hundred persons have been killed and wounded during this time, on account of their political sentiments. Frightful massacres have occurred in the parishes of Bossier, Caddo, Catahoula, Saint Bernard, Saint Landry, Grant, and Orleans. The general character of the massacres in the above-named parishes is so well known that it is unnecessary to describe them.

The isolated cases can best be illustrated by the following instances, which I take from a mass of evidence now lying before me of men killed on account of their political principles: In Natchitoches Parish the number of isolated cases reported is thirty-three. In the parish of Bienville the number of men killed is thirty. In Red River Parish the isolated cases of men killed is thirty-four. In Winn Parish the number of isolated cases where men were killed is fifteen In Jackson Parish the number killed is twenty; and in Catahoula Parish the number of isolated cases reported where men were killed is fifty, and most of the country parishes throughout the State will show a corresponding state of affairs. The following statements will illustrate the character and kind of these outrages:

On the 30th of August, 1874, in Red River Parish, six State and parish officers, named Twitchell, Divers, Holland, Howell, Edgerton, and Willis, were taken, together with four negroes, under guard to be carried out of the State, and were deliberately murdered on the 29th of August, 1864. The White League tried, sentenced, and hung two negroes on the 28th of August, 1874. Three negroes were shot and killed at Brownsville, just before the arrival of the United States troops in this parish. Two white-leaguers rode up to a negro cabin and called for a drink of water. When the old colored man turned to draw it, they shot him in the back and killed him. The courts were all broken up in this district, and the district judge driven out.

In the parish of Caddo, prior to the arrival of the United States troops, all of the officers at Shreveport were compelled to abdicate by the White League, which took possession of the place. Among those obliged to abdicate were Walsh, the mayor, Rapers, the sheriff, Wheaton, clerk of the court, Durant, the recorder, and Ferguson and Renfro, administrators. Two colored men who had given evidence in regard to frauds committed in the parish were compelled to flee for their lives, and reached this city last night, having been smuggled through in a cargo of cotton.

In the parish of Bossier the White League have attempted to force the abdication of Judge Baker, the United States commissioner and parish judge, together with O'Neal, the sheriff, and Walker, the clerk of the court; and they have compelled the parish and district courts to suspend operations. Judge Baker states that the white-leaguers notified him several times that if he became a candidate on the republican ticket, or if he attempted to organize the republican party, he should not live until election.

This statement is a sad commentary upon the administration of justice in Louisiana. What is true of Louisiana, is true of every other Southern State; and I propose to substantiate what I say before I finish my remarks. I shall not leave it open to uncertainty. I will endeavor to show to our friends on the other side of the Chamber, who have attempted in this debate to cover up the fact, that murder and outrage obtain in the South; and I charge it upon them that they have attempted to cover up and treat with indifference amounting to contempt these facts, because it militates against their party and their party policy. I say to our democratic friends that it will not do. The time has come when the American people will be deceived no longer by newspaper correspondents from the South—men who are in the employ of secession democrats. The time has come when the American people will demand the facts. The evidence to-day is clear that the American people are beginning to appreciate the gravity of the situation at the South.

It has been represented that the republican party was attempting to get up another "bleeding Kansas" for political effect; that they were parading these outrages in order that they might excite sympathy. That thing has been iterated and reiterated in this Hall during this discussion; but the American people, I am happy to know, are beginning to investigate this matter for themselves. When the noble hero Sheridan, an honest, brave, patriotic soldier, states that the very atmosphere of Louisiana is "impregnated" with assassination, the American people begin to feel that it is possible, notwithstanding the democratic press of the country have denied and suppressed the facts, that there may be some truth in it after all?

Now, as to the matter of the administration of justice, and I speak from personal knowledge, I have not been a casual observer of the events of the South for the last twelve or fifteen years; I have been intimately connected with every form and phase, with every shifting social or political scene in the South since the war. I am familiar with the events of the whole period of transition from slavery to freedom, and I know whereof I speak when I say, that as a rule there is no such thing as conviction for the crime of murder in the South, especially where a colored man is the victim. There are very many where white men are killed, though even then adequate punishment is rare. We have some as able, honest, and faithful judges as ever graced the bench in the history of mankind; but there is a vitiated public sentiment in the South that controls our courts, controls our juries, controls all our ministers of justice. A white man may slay a negro, and it may be proven as clear as the noon-day sun that it was a case of murder with malice aforethought; and yet you cannot get a jury to convict, and, in nine cases out of ten, you cannot get a grand jury to indict a white man for killing a negro or a poor white man.

But change the scene. Suppose a negro has committed some crime. The whole country is in arms. A negro has murdered a white man perhaps. The Associated Press throughout the South darts its lightning messages all over this country proclaiming a negro riot. The people in the section where the homicide is committed pretend to be alarmed. The slogan is taken up by the Ku-Klux and White League clans, and suddenly there is a hurrying to and fro. The negro is arrested, and in many cases he is not tried, but summary punishment is administered without judge or jury. Where a white man kills a negro the form of an inquest is sometimes held, and the verdict in nine cases out of ten is a farce, something after this manner: "That the negro came to his death by an inordinate desire to run after a white man's pistol." That is about the way the matter is determined. In this connection, in regard to the statement made by the distinguished Senator from Georgia, in reply to the Senator from Indiana, that in Georgia there was as much protection for human life, for property, and all the rights of a citizen as obtain in the State of Indiana, allow me to present some statistical facts in relation to the prevalence of crime in the South, taken from the census of 1870. In the State of Maine, containing a population of 626,915, we find that there were 7 homicides in the year 1870. In the State of New Hampshire, containing a population of 318,300, there was 1 homicide. In Vermont there was none. In Massachusetts, containing a population of 1,457,351, there were 22 homicides. In Rhode Island, 5. In Connecticut, 6, containing a population of over half a million. In New York, containing 4,000,000 inhabitants, out of that number there were 70 homicides. In New Jersey, 5. In Pennsylvania, 60. In Ohio, containing a population of 2,000,000, there were 54. In Michigan, containing a population of 1,184,000, there were 11 homicides. In Indiana, the State the distinguished Senator from Georgia referred to, containing a population of 1,680,637 inhabitants, there were 32 homicides in 1870. In Wisconsin, 6. In Illinois, 56. In Minnesota, 5. In Iowa, 24. In Nebraska, 11. Kansas, 42. Total in all these States, 417.

Now I come to the Southern States, and I call the attention of the Senator from Georgia to those particularly where the affairs of the State are under the control of the "intelligent and honest people," where their laws are properly executed, where there is the same sort of protection, as the Senator says, to property and to life that obtains in Indiana. In the State of Delaware, containing 123,000 inhabitants, there were 4 homicides. In Maryland, with only 780,000 inhabitants, 20 homicides. In the District of Columbia, 13. Virginia, including West Virginia, containing a million and a half of population, 80 homicides. In Kentucky, containing over 1,000,000 inhabitants, 73 homicides. In North Carolina, 48. In Tennessee, containing 1,258,520 inhabitants, 117 homicides. In South Carolina, containing 705,000 inhabitants, there were 36. In Georgia, containing 1,184,109 inhabitants, we find in the year 1870 160 murders; while in the State of Indiana for the same year, containing about the same population, we find only 32. There is the difference. In Georgia, 116. In Florida, 44. In Mississippi, 89. In Missouri, 94. In Arkansas, 76. Louisiana, 128. In Texas, 323. Now, these statistics of murder were gathered from the records of the courts. They were not gotten up in any "outrage-mill" or for any political purposes. They are matters of statistics that are placed in the archives of the Government. We find in these Southern States during one year 1,361 murders compared with 417 in the Northern States. There is no question in my mind but that at the time these statistics were gathered there were hundreds, yes, I may say, a thousand more murders, the only evidence of which was the bones of the victims lying in the swamps or perhaps newspaper reports, not followed by prosecution.

I have a little further information upon this matter of crime which I desire to present—and I will be as brief as possible—a statement that is made up, giving the number of murders, and by whom perpetrated, and upon whom, in the State of Arkansas since its reconstruction or since the war. Out of a population in 1870 of 122,169 blacks, and 362,115 whites, the number of murders and assaults with intent to kill committed in that State since reconstruction aggregated eleven hundred and sixty-nine. These facts are taken from the records of the courts. They are not all murders, but eleven hundred and sixty-nine comprise murders and assaults with intent to kill. Of those by whom these murders and crimes were committed ten hundred and seventy-eight are whites, and only eighty-two are blacks. Another feature of this statement is, that the victims are eight hundred and sixty-five republicans, and three hundred and four democrats—nearly three to one. There, sir, is a phase of the character of these outrages and murders, where nearly three to one of the victims of murder are republicans. What inference shall we draw from that? Can we draw any other than that these murders are perpetrated to further the partisan ends of a certain party? It is a singular coincidence that in a State three to one of the victims of outrage and murder happen to belong to the republican party. I hold in my hand, but I will not detain the Senate by reading it, a list of murders committed in my own State in the year 1874. They amount to ninety-nine. I have the names taken from the records of the auditor of public accounts, where the payments have been made for expenses in holding coroners' inquests. This does not include the one hundred colored men massacred at Vicksburgh December 7, nor any of the numerous murders upon which no coroners' inquest fees were paid by the State.

In the State of Mississippi there has been up to within the last six months, less lawlessness, better order, more protection for life and property than perhaps in any other Southern State.

It is a notorious fact, a matter that will not be questioned, that Mississippi is one of the best reconstructed States among the fifteen insurrectionary States. We have not had, with but few exceptions, the difficulties that have characterized other Southern States. We have had good government. No charge of misgovernment has been brought against Mississippi. We have had there the best judicial system probably of any Southern State. We have administered justice. Our ministers of justice have held the scales evenly balanced; yet, notwithstanding all these safeguards, notwithstanding these facts, in that State alone, containing less than a million of inhabitants, we have had ninety-nine murders during the last year. And yet it is stated that in the South, where intelligent men have control of the government, there is no more crime, that there is as much protection for human life as in Indiana. I am sorry to be obliged to stand in my place in the Senate and present these facts; they are shameful facts, but they are nevertheless true. It only goes to show that there is a public sentiment at the South so vitiated upon this subject of murder. If a man fancies that his neighbor has insulted him, his redress is the pistol, bowie-knife, and shot-gun.

Now, sir, I propose to refer the Senate to the evidence, and I call the attention of our friends on the other side of the Chamber to the character of the evidence that I propose to adduce. It is evidence, I presume to say, they will not question, because it comes from unwilling witnesses. It proceeds from statements made by the leading democratic journals of the South. It does not come from any southern "outrage-mill;" it does not proceed from any "southern outrage-convention," that gets up these statements of lawlessness for political effect. It is from a pure democratic source, and relates to one of the Southern States which has never been demoralized by "carpet-bag" rule. No strangers have robbed and plundered the people and thereby goaded them, "like the teaser in the Spanish bull-fights" referred to by the honorable Senator from Georgia in his speech, into acts of violence and lawlessness. I refer to the State of Kentucky. I will read an extract from one of the leading journals of that State; and let me say, while I do not pretend that newspaper statements are the most reliable evidence, I think I will be allowed to quote from democratic journals on this question of outrage and murder in the South.

Says the Louisville Courier-Journal in relation to crime in that State:

> The shooter has only to kill or wound his man to make himself certain of escape.

That is the way justice is administered in the good old Commonwealth of Kentucky, the home of Henry Clay.

> We never convict anybody of murder except a nigger or a pauper.

That is the statement of the editor of the Louisville Courier-Journal. I desire to repeat that—

> We never convict anybody of murder except a nigger or a pauper.

He never penned a truer statement in his life; and what is true of Kentucky is true to a greater or less extent of every State south of the Ohio River.

I will quote more democratic authority on this question of the prevalence of crime in the State of Kentucky, where, I repeat, no carpet-baggers and negroes have ruled the country. That State has been in the hands of intelligent, patriotic, high-minded southern democrats. Here is an extract from the "Lexington, Missouri, Caucasian," a leading democratic paper, one of these white-line papers. Its very name indicates the character of its politics, advocating the doctrine that this is a "white man's" Government, and that a negro has no right that a white man is bound to respect. It says:

> Kentucky's criminal record rivals Missouri's—and human language can award it no more appalling pre-eminence.

That is a serious reflection on both these good democratic States. The diction of this editor is not as pure as it might be, but it is characteristic of democratic journalism in the South—

> Hell seems to have been upset and spilled all over the South.

That is the expression of a democratic editor speaking of a neighboring State. He says that from the lawlessness that prevails in the State of Kentucky "Hell seems to have been upset and spilled all over the State." He then says:

> Its very sod is reeking with the blood of slaughter.

This statement was penned only a few months ago, not at the time referred to by the distinguished Senator from Missouri, [Mr. SCHURZ,] when he undertook to palliate the condition of things at the South immediately after the war and the necessary demoralization that followed the terrible revolution, but ten years, a decade, has passed, and yet a democratic editor says that the very sod of the good old State of Kentucky is "reeking with the blood of slaughter." But he goes on:

> Eleven murders, twenty-two shooting and stabbing affrays, and the wholesale killings and burnings at Lancaster, all in four weeks, and not one legal hanging in four times as long, is enough to blast for a generation the fame of any ordinary half-dozen Commonwealths, even though the bones of Clay and Crittenden reposed in each of them. It is a horrid blot upon southern civilization.

There is a statement made by a democratic editor representing the extremest doctrines of the secession democracy; I mean the white-man's doctrine. He says that it is a "horrid blot upon southern civilization;" yet when a republican stands in his place in this Senate and makes the statement that murder, assassination, lawlessness, and outrage have prevailed at the South, the Senator from Georgia rises to his feet and pronounces the statement "false." This was his language. Another Senator rises and says it is "exaggerated." The Senator from Georgia again says: "We have as much peace, quiet, order, and protection for human life and property in the South, where 'intelligent men' control, as in any Northern State." Yet here is a statement made by a democratic editor that the condition of things in the State of Kentucky is a "horrid blot upon southern civilization." If a republican editor had uttered that sentiment in certain sections of the South, he would have been waited upon before the ink was dry on his paper, by a band of white-leaguers, and hung up to the first tree. Because the noble hero, Sheridan, happened to say in a dispatch to the President, speaking of the condition of things in Louisiana, that there were "banditti" there, lawless men banded together for plunder, for riot, for revolution, he is abused, traduced, aspersed, and a Senator from his seat in this Senate says, because he designated these assassins by the only proper name which would express their true character, that this gallant soldier and patriot is "not fit to breathe the air of a free republic." Yet a southern editor of a democratic paper is compelled to admit that crime in Kentucky, is of such a terrible character as to become a "*a blot upon southern civilization.*"

> It gives a tinge of justice—
>
> Says this editor—
>
> to the Yankee howl about our ruffianism, heathenism, barbarism.

O, how indignant was the honorable Senator from Georgia the other day at the mere mention by the Senator from Vermont of the term "barbarism," as applied to the customs of the South of former days! His virtuous indignation knew no bounds, and we did not know at one time but that the mild-mannered Senator of New England would have to face a dueling-pistol or submit to be "posted" as a coward, after the most approved style of so-called "chivalry."

I have many other quotations from democratic sources. I will read, however, for the edification of our friends, one more statement taken from the same paper, in relation to the condition of things in Kentucky, and then I will pass on. Says the Louisville Courier-Journal:

> The law against carrying concealed weapons is a dead letter. There has scarcely been a conviction of a respectable, well to do man for murder or homicide within the last twenty years. Every coward and bully goes armed. Every case of human slaughter goes unpunished. Every case of shooting with intent to kill passes by as an amusing episode, provided there is no funeral. Even the most atrocious, cold-blooded, deliberate, malignant, dastardly assassinations have left no mark on the statute-books except the mark of acquittal purchased by money or intimidation.

This is the statement of a democratic journal in regard to the law-abiding and law-loving people of Kentucky, where no carpet-bagger has plundered her treasury, where no negro has ruled, that there is a public sentiment, says this democratic editor, that absolutely intimidates the law-respecting people. A jury cannot indict, a petit jury cannot convict because of this intimidation; and yet we are told there is no *intimidation* in the South. I appeal to the good sense of any man if lawless men can intimidate the *noble, patriotic men of old Kentucky* so that her courts fail to convict of crime, what can they not do in Louisiana? And yet, sir, in the face of these admitted facts, we are told that the statements about intimidation, murder, and outrage are all gotten up for "political effect;" "exaggerated," says the honorable Senator from Ohio, [Mr. THURMAN.] "I do not stand up here," he says, "to defend murder, but I propose to protest against these exaggerations." Great heavens! where in the history of any civilized country is there such an arraignment as this democratic editor presents to the world of the condition of things in the State of Kentucky. It is enough to appall the civilization of the nineteenth century, that in this Christian land, in the State of Kentucky, men can murder, can attempt to murder, and the law-abiding people who believe in protecting life and property are so *intimidated* that a grand jury will not indict, nor a petit jury convict. That is the condition of things in Kentucky; and yet Senators say there is no murder in the South. This editor goes on to say:

> Red-handed murderers roam at large among respectable people.—

Not among negroes, not among "carpet-baggers" and "scalawags," but among "respectable people"—

> The rule is that you may kill your man with impunity. There is no danger of the gallows or the prison for the assassin who has money or friends. A drink too many, a word too much, a pull of the trigger of a six-shooter, and a funeral, so the murderer be a good-natured fellow and is rich enough to pay the fiddler.

That is the way the law wags in Kentucky.

I desire here to cite some further authority upon the condition of things in the South as relates to crimes committed, of a political character. The Senator from Georgia said to the honorable Senator from Indiana, "Why do you not arraign the metropolitan press of the North? You say that the associated press of the South have been peddling lies, have been attempting to cover up outrage and murder. Why do you not cite the New York Times?" I propose to give the honorable Senator and the Senate a quotation from the New York Times in a recent publication of that journal.

Says the Times, of date January 2:

Thousands of men voted the democratic ticket in the State of Alabama against their conviction from fear of violence or loss of employment, and many thousands more failed to vote at all from the same cause.

And yet there is no intimidation in Alabama!

The northern people can have no conception of the state of society here, and the testimony taken before the committee cannot but make a deep impression. The evidence fully shows that a republican form of government cannot be maintained in the State of Alabama without the aid of the United States troops.

And yet that State is under democratic control; "intelligent, honest men control its government!"

The evidence shows that the churches and school-houses of the colored people were burned and destroyed by white democrats, only because the colored people who worshiped and sent their children to school therein were republicans; that armed white democrats, in companies of hundreds, visited some of the more intelligent of these colored people, beat them, and drove them from their homes.

Here are some of the good, law-loving, quiet people of Georgia referred to:

On the Georgia border white democrats came to this State and voted not only once, but in some instances three times, and led negroes to the polls and made them vote the democratic ticket. At Girard, in Russell County, the police from Columbus, Georgia, surrounded the polls and kept possession of them all day. It has also been found that the polls at Spring Hill, Barbour County, were destroyed by democrats, and about six hundred votes lost to the republicans, and the son of Judge Kiels, who was the United States supervisor, was killed; also, one hundred and fifty colored republicans killed and wounded at Eufaula, in the same county, on the day of election by armed democrats, and upward of five hundred republican voters driven away from the polls.

Not a particle of evidence has been furnished by the Alabama democrats or any body else that the United States troops in the slightest degree interfered with the election. On the other hand, the subordinate military officers were so bound up by General Order No. 75 that they did not feel authorized to do anything or extend any help whatever to the election officers, except when called upon to assist United States marshals in the execution of writs issued by the United States courts. The proscription, social ostracism, withdrawal of business, and loss of employment among republicans on account of politics amounts to a reign of terror, and thousands of voters were lost to the republican party at the late election from these causes.

This is a statement published to the world by the New York Times, which the honorable Senator from Georgia desired, with a slight tinge of sarcasm, the honorable Senator from Indiana to include in his animadversion upon the Associated Press of the South. I am informed that the committee who have investigated this matter will present not only these facts, but stronger facts, showing that a reign of terror, murder, and assassination prevails in the State of Alabama. I will read the statement of a citizen of Alabama, and a man of no mean repute, a man who was born in that State, who has occupied the honorable position of its chief magistrate. He says in a recent public utterance:

The Ku-Klux and White League are in existence. How can justice be done in a community where they abound, when the oath they take to the organization is obeyed before the one they take to the State? This prowling about the country at night to kill lone men is not the chivalry of the past nor is it the chivalry of the late war.

That is the statement of ex-Governor Parsons. He has always been a conservative man in his political views. He was among the foremost Alabamians when the State seceded. He did his utmost after his State had gone out of the Union to stand by the confederate cause. He says that these Ku-Klux, these *White League organizations do exist; and that justice cannot be executed in the country where they exist*, because the jurymen who are sworn to pass upon crimes are bound by the oaths of their organization, which they regard as paramount to the oath they take to do justice between man and man, to decide upon the law and evidence without fear or favor.

Permit me in this connection to submit several extracts from the President's message in proof of the existence and purposes of the White League banditti:

The following is from the platform of the White League, adopted at Alto on the 11th of July:

"That we regard it the sacred and political duty of every member of this club to discountenance and socially proscribe all white men who unite themselves with the radical party, and to supplant every political opponent in all his vocations by the employment and support of those who ally themselves with the white man's party; and we pledge ourselves to exert our energies and use our means to the consummating of this end."

The following is from the Enterprise of the 6th of August, published at Franklin, Saint Mary's Parish:

"We ask for no assistance; we protest against any intervention. * * * We own this soil of Louisiana, by virtue of our endeavor, as a heritage from our ancestors, and it is ours and ours alone. Science, literature, history, art, civilization, and law belong alone to us, and not to the negroes. They have no record but barbarism and idolatry, nothing since the war but that of error, incapacity, beastliness, voudouism, and crime. Their right to vote is but the result of the war, their exercise of it a monstrous impositon, and a vindictive punishment upon us for that ill-advised rebellion."

"Therefore are we banding together in a White League army, drawn up only on the defensive, exasperated by continual wrong, it is true, but acting under Christian and high-principled leaders, and determined to defeat these negroes in their infamous design of depriving us of all we hold sacred and precious on the soil of our nativity or adoption, or perish in the attempt.

"Come what may, upon the radical party must rest the whole responsibility of this *conflict*, and as sure as there is a just God in heaven their unnatural, cold-blooded, and revengeful measures of reconstruction in Louisiana *will meet with a terrible retribution.*"

The following is from the Minden Democrat:

"The remedy for all the evils that afflict our State and every Southern State under negro and carpet-bag rule is very simple. The incendiaries who flood our country at the approach of every election must be looked after; the proceedings of midnight gatherings in dark and gloomy places must be known. Incendiary teachings of the carpet-baggers and scalawags to inflame the minds of the negroes must not be tolerated again."

The following is from the Mansfield Reporter of July 4 and July 11:

"There is nothing to be gained by pleadings or concessions, but everything is within our reach, if we will move forward and grasp it. *Let our actions be such that everybody will know what we want, and let them see that we are in earnest and are determined to carry out the programme, regardless of the consequences.*"

"The lines must be drawn at once, before our opponents are thoroughly organized, for by this means we will prevent many milk-and-cider fellows from falling into the enemy's ranks. While the white man's party guarantees the negro all of his present rights, *they do not intend that white carpet-baggers and renegades shall be permitted to organize and prepare the negroes for the coming campaign.* Without the assistance of these villains the negroes are totally incapable of effectually organizing themselves, and unless they are previously excited and drilled, *one half of them will not come to the polls*, and a large percentage of the remainder *will vote the white man's ticket.*"

The following is from the Alexandria Democrat of July 15:

"The people have determined that the Kellogg government has to be gotten rid of, and they will *not scruple about the means*, as they have done in the past."

The following is from the Shreveport Times of July 29:

"There has been some red-handed work done in this parish that was necessary, but it was evidently done by cool, determined, and just men, who knew just how far to go, and we doubt not if the same kind of work is necessary it will be done.

We say again that we *fully, cordially, approve* what the white men of Grant and Rapides did at Colfax; the white man who does not is a creature so base that he shames the worst class of his species. We say, again, we are going to carry the elections in this State next fall.

"If the Federal Government again strikes them down then let the infamy of the deed rest upon the shameless despotism that has arisen out of the malignity and hate of the northern people, beneath whose withering influence no sentiment of liberty can survive; under whose policy of meanness, cowardice, and hate, every community that does not worship it must be trampled in the dust, and every civilization that does not pay tribute to it blasted by its curse."

The following preamble and resolutions were adopted by White League No. 1 of the second ward of Livingston Parish:

Resolved, That we will have no man on our farms or in our workshops who votes the radical ticket.

Be it further resolved, That we consider it the duty of (and cordially invite) all white men opposed to radicalism to co-operate with us.

Further resolved, That we consider it beneath our moral dignity to associate with any white man who votes the republican ticket or affiliates with that party in any manner whatever.

Further resolved, That we pledge our support to the democratic party.

Next as to Tennessee. In three counties in Tennessee, the counties of Rutherford, Sumner, and Gibson, during the past year, there have been thirty-nine murders. Tennessee is a State governed by no carpet-baggers; no negroes control affairs in that State; and yet in three counties alone this is a matter of record. It is no information that comes from an "outrage-mill," but is taken from the records of their courts; facts that cannot be controverted. In three counties during the last year thirty-nine murders have been committed; and yet the honorable Senator from Georgia says that in a Southern State where "intelligent men" control, where "honest men" govern, there is as much protection to human life as there is in any of the Northern States.

I desire to have incorporated in my speech—I will not weary the Senate by reading it, because I know that almost every Senator is familiar with it—the statement of the district attorney for the western district of Tennessee in his report to the Attorney-General:

I have the honor to say that from affidavits now on file in my office the following facts appear: Since the election on the 6th of August last bands of men, armed and in disguise and known as the Ku-Klux Klan, have been riding through certain portions of Gibson County, in this district, almost every night, committing outrages upon the colored people, in some instances whipping them and in others threatening to kill them; and on Saturday night, August 16, a number of colored people were shot at on their return home from church by certain of these masked men. An old negro named Joshua was severely whipped, and at the time was told by the Ku-Klux that they should again visit him on Saturday night, August 22. Thereupon, on that night, several of his colored neighbors started to go and assist the old man in defending himself, and on the way thither were met by a party of men, armed, mounted, and in disguise, who first fired upon them, they returning the fire, and either killing or wounding a mule; whereupon both parties fled.

This is, as I suppose, "the conspiracy to take the lives of the white citizens of the neighborhood" for which "sixteen negroes were committed to the jail of Gibson County in this State," referred to in Governor Brown's telegram. The next day, Sunday, the State authorities commenced arresting the black men in the vicinity almost indiscriminately, taking, among others, two colored preachers out of their churches. The prisoners so arrested were confined and guarded to await their preliminary trial the next day. During that night some of these prisoners were taken out of the building in which they were confined by some of the guard, and by means of threats, and in one instance by hanging the prisoner to a tree, confessions were extorted from them, which confessions, so obtained, were used as testimony against them in their examination before the committing court.

During Monday and Tuesday, August 24 and 25, sixteen black men were committed to the jail of the county; fourteen as criminals, the other two as witnesses against them. They were conducted on foot to the jail, a distance of eleven miles, bound together with trace-chains about their necks secured by padlocks, twelve being committed on Monday and four on Tuesday, while the sheriff's posse who conveyed them thither were mounted. On their way to the jail on Monday two attempts were made by armed men in disguise to obtain possession of these colored prisoners, twelve in number, but the attempts were unsuccessful. Fourteen of the prisoners were confined together in a small cell in the jail, two being left in the hall of the jail. On Tuesday night, August 25, a band of masked men, armed, and generally mounted, variously estimated to number from seventy-five to one hundred and fifty, surrounded the jail, forcibly entered it, took out those sixteen colored prisoners, tied them together with ropes, marched them a few hundred yards distant to a bridge crossing a small river, and commenced shooting them indiscriminately, then and there killing four and wounding others, one of whom has since died of his wounds, and some are known to have escaped.

We have these reports lying on our tables as to the character of crime in the State of Tennessee, especially in relation to the Trenton affair. In this connection, allow me to say, that we have in that report an exhibition of the condition of things as regards the courts of the country. One Senator says: "Why do you republicans of the South

complain that you cannot get justice? that your laws are not executed? that crime is not punished? You have the executive officers, you control the courts, you control the constabulary forces, and why is it that you cannot get justice and punish crime; who is to blame?" In that report you will ascertain the condition of things in the State of Tennessee. A murderer has an opportunity under the laws of that State of challenging thirty-five jurors; and in the case there reported, where there is a conspiracy, a large number of men indicted, when they come to be tried, each one of them has an opportunity to challenge thirty-five jurors; and there are so many included in these indictments that they can challenge the whole county peremptorily, and you cannot impanel a jury to convict them. And a similar law obtains in many of the Southern States.

We are asked "How is it that you do not punish crime at the South?" I can answer that question so far as it relates to the State of Mississippi. I blush when I say it, but the cause of truth, the interest I feel in presenting the facts to the American Senate and the American people, compel me to say that in the State of Mississippi, where our laws are executed with as much impartiality as in any other southern State, I do not know among the several hundred homicides committed in that State a single instance, since reconstruction, where a white man has been convicted of killing a negro; and I venture the assertion that there have been over five hundred murders of negroes in that State by white men, and not one of them punished; but I do know of a large number of colored men who have been hung or incarcerated within our penitentiary walls for even making an assault upon a white man with intent to kill. Sir, it is impossible to convict a white man of murder, because if a white man kills a negro there is a public sentiment there which excuses and palliates the crime. This is the natural outgrowth of slavery. Under the slave *régime* a man who killed his neighbor's negro was liable to the owner for the price of the negro, and in some instances, if he was a favorite servant, he would demand further satisfaction, and kill the slayer of his negro. But it was not regarded as homicide to kill a negro in many of the States in the South; and that estimate of a negro's life obtains to a greater or less extent to-day throughout the South, which palliates the slaying of a negro.

There is probably no State in the Union that has more stringent punitive laws than the State of Mississippi, and yet we cannot convict or punish white men of murder, because of the depraved public sentiment and the want of a proper appreciation of the value of human life, the natural outgrowth and concomitant of the institution of slavery. Men who have trafficked in the bodies and souls of men, of buying and selling God's image, become, as a natural sequence, callous to the idea of the sanctity of human life.

The State of Texas is another State controlled by "intelligent, honest men," and, as the honorable Senator from Georgia would have us believe, when they control in the South there is protection for life and property. Let us see about Texas. Over six hundred murders have been committed since Governor Coke, a democratic governor, succeeded Governor Davis. There is a fearful record in a little over a year and a half of *six hundred murders*. In Texas six hundred murders are committed in a year and a half. No one is alarmed for the safety of society. This is no statement of "an outrage-mill." I will now cite a statement in regard to the condition of crime in the State of Texas under democratic rule, taken from a democratic source. I refer to the Saint Louis (Missouri) Republican, a democratic paper of the Bourbon type. It says, in speaking of the condition of Texas:

> Whole counties are under the absolute control of organized bands of desperate men, who set the laws of the State at defiance and levy contributions upon the people at will.

This is a statement certified to by a democratic editor of one of the leading western papers of the condition of Texas. I propose now to call the attention of the honorable Senator from Georgia to the condition of his own State. I refer again to the press of his State. It is conceded that the public press is the great formative power of public sentiment, and at the same time an index of the condition of society in the community or section of the country where it is located. I read from the Daily News, one of the leading democratic papers published at Atlanta, Georgia, as follows:

> Against the fate that confronts us what have the southern people? Is it that "prudence" which such papers as the Louisville Courier-Journal advocate, but which men less gifted than the editor of that paper call a dastardly submission? No! Our only hope is in a stern, resolute resistance, a resistance to the death, if necessary, with arms in our hands. Let there be "White Leagues" formed in every town, village, and hamlet of the South; and let us organize for the great struggle which seems to be inevitable. If the October elections which are to be held at the North are favorable to the radicals, the time will have arrived for us to prepare for the very worst. The radicalism of the republican party must be met by the radicalism of white men. We have no war to make against the United States Government, but against the republican party our hate must be unquenchable, our war interminable and merciless. Fast fleeting away is the day for wordy protests and idle appeals to the magnanimity of the republican party.
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> By brute force they are endeavoring to force us into acquiescence to their hideous programme. We have submitted long enough to indignities, and it is time to meet brute force with brute force. Every Southern State should swarm with White Leagues, and we should stand ready to act the moment Grant signs the civil-rights bill. It will not do to wait until radicalism has fettered us to the car of social equality before we make an effort to resist it. The signing of the bill will be a declaration of war against the southern whites. It is our duty to ourselves, it is our duty to our children, it is our duty to the white race whose prowess subdued the wilderness of this continent; whose civilization filled it with cities and towns and villages; whose mind gave it power and grandeur, and whose labor imparted to it prosperity, and whose love made peace and happiness dwell within its homes, to take up the gage of battle the moment it is thrown down.
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> If the white democrats of the North are men, they will not stand idly by and see us borne down by northern radicals and half-barbarous negroes. But no matter what they may do, it is time for us to organize. We have been temporizing long enough. Let northern radicals understand that military supervision of southern elections and the civil-rights bill mean war, that war means bloodshed, and that we are terribly in earnest, and even they, fanatical as they are, may retrace their steps before it is too late.

And again, I desire to present some southern democratic testimony as to the existence of White Leagues and the murders and massacres which have taken place as an offset to the Southern Associated Press denials of the existence and purposes of the organization. From the Atlanta News I will read the following extract from one of its editorials:

Here is what he says about the condition of the South and the purposes of White Leagues:

> Violence is to be deprecated and avoided, if possible; but where these men have been killed they have brought about their deaths by their own acts, and do not merit the sympathy of anybody. We shall not imitate the example of some of our Congressmen by condemning the killing of the men.
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> We are not defending murder; we are not justifying assassination. We admit that there have been instances in which gross outrages have been perpetrated by men who disgraced their section by their acts.
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> * * * * * * *
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> At the same time, we recognize the existence of a state of affairs which compels a summary procedure. What was termed the Camilla massacre, which occurred in this State in 1868, was justifiable in any sense of the word. Had every negro been killed who took part in the conflict, the whites would have been justified in killing them. So also in Mississippi, recently; so also in Louisiana.
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> When Grant holds up our people to public view as assassins, let us tell the story as it exists. There is no denying that men were killed at Colfax and at Coushatta. There is no denying, too, that they were killed by the whites; but, deplorable as their killing was, they were the victims of their own dishonesty, their own villainy, their own incendiarism.

They have found out in Georgia that there is an "irrepressible conflict," and the leading paper of the State urges the people to form leagues and arm themselves for the inevitable struggle. I stated to the Senate that there was a conspiracy existing in the South, the object of which was revolution, rebellion against the Government of the United States. I am aware that it was a startling announcement; but here is a statement from high authority, a leading newspaper in the State of Georgia edited by one of the ablest men of that State, in which he calls on the people *to arm themselves, to organize for the struggle which he says is inevitable. "War must come. We must strike for our rights."* That is the same spirit that pervaded the South in 1860 when the secession democracy "fired the southern heart" into a flame of rebellion.

The same is true of the democratic press of the South; the same rash appeals are made to the people to organize for revolution. The struggle, they say, "is inevitable." Why, sir, when I see the temper and tone of the press of the South, it would seem that history was indeed repeating itself; that the dial had been turned back a decade and that we were really on the eve of another rebellion.

The same spirit animates the leaders of the secession democracy that characterized their efforts in 1861. In justice to the people of the South it is proper that I should make a distinction. I am happy to be able to say that there are thousands of southern men who do not subscribe to the rash follies of the democratic party. There is the old whig party, the men who still cling to the doctrine advocated by Henry Clay. These men were at heart loyal. They opposed the efforts of the secession rule-or-ruin democracy to plunge the country into an internecine war. They pointed out the fearful results to the South, and the sequel proved the truth of their assertions, and they are as powerless to-day as in 1861.

The same rash leaders of the secession democracy who brought bankruptcy and utter ruin upon the beautiful south-land; who plunged her into revolution and left her desolate, an utter waste; filled the land with lamentation and woe; her industries stricken down; her cities and towns reduced to ashes. The very men who brought this destruction upon the South are to-day attempting to revive the old secession party. They control the press of the South. They propose to again "fire the southern heart;" they advocate and indorse the organization of leagues for murder and assassination. "The struggle," in the language of this Georgia editor, "is inevitable," and we must arm.

I do not exaggerate the condition of the South when I say that there are in the South to-day at least half a million of men organized and armed with the most improved weapons, Winchester rifles and needle-guns. What does all this mean? Does the Senator from Georgia say that in his State there is peace, quiet, and order; that the people are loyal; that they are disposed to counsel peace and quiet? But I will proceed to read:

> By brute force they (the republicans) are endeavoring to force us into acquiescence to their hideous programme.

What "hideous programme" has the republican party proposed? What is the programme that is so hideous to the chivalric editor of the Atlanta News? Why, sir, it is the programme of universal liberty, the doctrine of equal protection under American law. That is "the head and front of our offending." Because we demand that the Ku-Klux assassins who go to the cabin of the poor, defenseless negro masked and under the cover of night to scourge and murder him, shall be arrested, and, if necessary, to use Federal bayonets; that they shall be tried, and, if found guilty, punished by a Federal court. That, sir, is "the hideous programme" that he speaks of.

Because we demand that an American citizen shall have the protection of American law at home as well as abroad; because we advocate that doctrine the southern aristocratic democracy propose to arm themselves and organize White Leagues for riot and murder. Why, sir, a few years ago a man who had not become a citizen of the United States, who had only made a declaration of his intention to become such, was seized by the Austrian authorities. I refer to Martin Koszta. The Austrian authorities attempted to take him because of some crime alleged to have been committed against that government. One of our glorious, noble tars, standing up in the defense of the theory that an American citizen was entitled to the protection of the American flag on the high seas, proposed to pour a broadside into the Austrian craft if Koszta was not delivered up immediately. This action of an American naval officer met with a hearty approval from every American all over this broad land. And so in the case of Dr. Houard, the Virginius prisoners, and a hundred of instances that have occurred in the history of this country. Yet when in 1875 the republican party demand of these democratic revolutionists at the South, these White Leagues and assassins at the South, that they shall respect the life of an American citizen, white or black, this is a "hideous programme," an insult, an outrage upon the chivalric Ku-Klux democracy of the South too intolerable to be borne.

I will not detain the Senate by reading further from this paper. There are several more very important points in it, but I pass on.

I will refer to one other instance of the peaceful condition of Georgia. In August last a body of Georgians from Atlanta invaded the State of South Carolina, and by means of murder and other kinds of violence controlled the election in the interest of the democratic party; and yet the honorable Senator from Georgia would have us understand that the people of Georgia are "*law abiding;*" that the people of Georgia allow every man to vote as he pleases; that there is no intimidation used to control the vote of the negro or any class of people. We find a band of men known as the Georgia Tigers invade an adjoining State, and undertake to control, and do control, the election of a whole county in South Carolina, and murder men in the attempt. How much this sounds like the old border-ruffian tales from Kansas!

Now I have another little matter, and I am sorry the Senator is not in his seat. I desire to read the statement of a gentleman who is responsible as a "gentleman and a man" for what he says. I am authorized by this gentleman to present this statement to the Senate. In the late canvass in Georgia, in the town of Montezuma, as the distinguished Senator from Georgia was passing through that city, it was arranged that the rail-train should stop and he should make a political speech. On this occasion, I am informed by this gentleman that the honorable Senator used this language, or words of a similar import: "I suppose there is not a white republican in this county," referring to Macon County; "if there is one, the good people of Macon County should drive him from her soil, and not permit him to live there." The gentleman who authorized me to make that statement is, I am informed, a man of high character. His name is Jack Brown; he was the playmate, school-mate, and confederate in the late war of the honorable Senator. And yet the Senator says that in the canvass he made in his State he advocated the right of every man to vote as he pleased; he was opposed to intimidation. We are informed that he stood on the stump in his State and advised his fellow-citizens to acts of violence because of differences in political opinion.

I do not say that the Senator uttered such a sentiment; I give the authority. But I do undertake to say that if the Senator himself never uttered that sentiment, that that kind of doctrine, that kind of sentiment is heard on every stump from democratic orators in every southern State. I have heard it; I have listened to it myself in the State of Mississippi. And yet we are told there is no intimidation!

By the same authority I am informed that in the town of Americus, where I believe the distinguished Senator from Georgia lives, at least two hundred white men would have voted in the recent election for the republican candidate for Congress but for the proscription and ostracism that prevailed. He says, referring to his own son-in-law, who was employed as book-keeper in one of the leading mercantile firms of that city, the firm known as Pickett & King, after the election the democrats of that town, and the democratic press demanded of this mercantile firm that they should discharge this book-keeper, simply because he had voted for his father-in-law, the republican candidate for Congress.

The fact is, as stated by this gentleman, that in the town where the honorable Senator lives, because a man happens to vote for one of his kindred if he is a republican, the democratic press of the town and the whole democratic party of the town, insist that his employers shall discharge him.

The Senator, in speaking of the peaceful condition of affairs in Georgia, referred to the school-houses that dotted it. He said that all over the hills and vales of the State of Georgia were to be found school-houses where the colored people were educated, which was another evidence of the good feeling between the races; and he cited an instance of the benevolence of the southern people. He called the attention of the Senate to one benevolent man who had donated $100,000 to endow certain eleemosynary institutions for the colored people. Upon examination I find that this man's name was Lamar, Mr. G. B. Lamar, that he was the father of the notorious "Charley Lamar," of the "Wanderer" notoriety, who brought from Africa a cargo of slaves a few years before the war. It turns out that this benevolent individual, who had been a slave-trader all his life, amassed his fortune in buying and selling slaves, gave $50,000 to Savannah to found an asylum for indigent negroes, and the same amount for Augusta; and it further appears that this man who donated so liberally to this commendable purpose, was a loyal man during the war, and has recently received several hundred thousand dollars from the United States Treasury for losses incurred during the war. He has founded an asylum for the colored people, and the honorable Senator would have us believe that such benevolence was characteristic of the feeling that exists among our democratic friends at the South toward the negroes in relation to their education. I have some facts on that question; but I will not detain the Senate by reading them, but I beg leave to incorporate them in my speech.

I desire to refer the Senate to the condition of education in the Southern States, and I take this occasion to say that in almost every instance (and I know whereof I affirm, because I have had the honor to be connected with the educational interests of the South) when those States were reconstructed there was no such thing as an efficient school system in the South, and in many Southern States there was no such thing known. These States had, with scarcely an exception, no school laws, and where they had, they were practically inoperative; but immediately after reconstruction, in those States which were under republican administration, school-houses were built, educational facilities were provided for the blacks and whites alike.

When the State of Mississippi was reconstructed, there was not a single free school in the State. Under republican administration, in three years over two thousand school-houses were built and over three thousand schools were organized. Nearly one hundred thousand children were receiving tuition in the schools under the patronage of a republican administration. The same was true of Tennessee in 1868; but when the power passed from the republican party into the hands of the democracy, one of their first acts was to close the schools. The schools were broken up, and not until quite recently have the people of Tennessee paid any attention to the revival of their school system. This was true also of Georgia. Under republican rule schools were established. As soon as the State passed into the hands of the democrats the schools were practically abolished; and they have to-day a mere nominal school system. I undertake to say, that the different benevolent and educational associations in the North have contributed more money to support the education of the colored children and the white children in the State of Georgia, than the democratic party have ever contributed during the whole history of that State. The same is true of Texas. The amount of the Peabody fund distributed in the South since the war is $3,500,000. The contributions for educational purposes at the South by the American Missionary Association of the North since the war have amounted to $1,663,000. The General Government expended, through the Freedmen's Bureau, nearly $6,000,000 for educational purposes in the South. In the six months ending June 30, 1869, northern or foreign benevolence had contributed $365,000 for the education of southern youth, white and colored. During the last ten years the same benevolence has contributed, aside from the Peabody gift, over $8,000,000 for southern education; and nearly all these contributions have come from republican sources.

In the State of Mississippi, when the democratic party began to feel that they were coming again into power and the Ku-Klux organizations were being formed, instead, as the honorable Senator would have us believe that the southern people were anxious to educate the negro and the masses of the people, the Ku-Klux democracy burned our school-houses. Over fifty school-houses, including church buildings used for schools by the negroes, were burned in Mississippi by these lawless bands; and it is the same class of men who are foremost in the White League movement to-day.

I append a statement of the condition and progress of free schools in the South, made up from official sources, which will fully substantiate my remarks upon this subject:

ARKANSAS.

First public school-house in the State was built by the freedmen in 1864. No free public schools for white or colored children until after the war.—*Report Superintendent Freedmen's Schools Arkansas*, 1864.

On her admission to the Union, in 1836, Arkansas received 928,000 acres of land from the General Government to aid free schools; at the same time two townships to establish a seminary of learning; afterward seventy-two sections of saline lands in aid of education. For more than thirty years no free schools were established. The first effective system was established by republican administration in 1868. In 1870 there were in the State 1,289 school-houses erected since the war; there were 2,537 schools in operation. In 1872 there were 1,292 school-houses, whose value exceeded $255,000. In 1871 there were about 70,000 pupils in the schools. These results were achieved during six years of republican rule and under adverse circumstances.—*Reports Superintendent Public Instruction Arkansas*, 1868 *to* 1873.

GEORGIA.

Before the war Georgia had no effective free-school system. During the short period of republican administration after the war 816 free public schools were established, in which were taught about 40,000 pupils.—*Report of J. R. Lewis, State Superintendent of Education.*

As soon as the democrats gained political control the public Schools began to languish, and were generally discontinued throughout the State in 1872, the school fund having been diverted from its proper purpose.—*Report State Superintendent Public Instruction.*

In one year 10 school-houses and 1 church used for school purposes were burned by white men in Georgia. This was the second year after the war.—*Report Inspector of Schools Freedmen's Bureau, July*, 1867.

In 1867 a northern benevolent society sustained two schools for poor whites, numbering 255 pupils, at Atlanta.—*Report Inspector of Schools Freedmen's Bureau*, 1868.

LOUISIANA.

Outside of New Orleans there was no system of free schools before the war. In 1873, 101 school-houses were built, 864 schools in operation, 1,474 teachers employed, and 57,433 pupils taught. The lands appropriated by Congress to aid public schools had been so unwisely managed as to render little or no aid prior to 1870.—*Reports Superintendent Public Instruction Louisiana*, 1870–'73.

SOUTH CAROLINA.

In 1870, 110 school-houses were built, 630 free public schools maintained, 734 teachers employed, and 23,441 pupils taught.—*Report of Superintendent Public Instruction State of South Carolina*, 1870–'71.

TENNESSEE.

Tennessee had no efficient free-school system until 1867. In twenty-two months under republican supervision 3,903 schools had been started; 4,614 teachers employed, 185,845 pupils taught; during the same time 629 school-houses have been erected, of which 61 were "burnt or destroyed" during the same period.—*Report Superintendent Public Instruction Tennessee, October*, 1869.

As soon as the State passed under democratic control the school law was repealed, and the system in vogue before the war re-established. The first report after this change showed that but twenty-three counties out of ninety-four levied any tax for school purposes. Number of schools reported 478; the enumeration of scholastic population was 165,067, against 418,729 in 1869.—*Report Superintendent Public Instruction Tennessee*, 1872.

Granger County, Tennessee, in 1869, had 46 white and 8 colored schools, with 4,125 white pupils and 450 colored. In 1872 the superintendent reports "3 schools; scholastic population about 3,200; no school tax voted."—*Comparison of above reports.*

Dyer County, in 1869, had 41 schools, 43 teachers, 1,389 pupils; in 1871 it had no public schools, and the county refused to vote a school tax.—*Comparison of above reports.*

TEXAS.

Free-school system established in 1871, and under its operation 129,542 pupils had been gathered in schools before September of that year. In May, 1872, 1,921 schools had been organized, 2,299 teachers employed, and 84,007 pupils taught. In 1873 the school law was so amended as to almost destroy the efficiency of the system. Thus in September, 1871, there were 587 schools, with 28,800 pupils. In September, 1873, there were 85 schools, with 2,913 pupils; while the number of teachers employed had decreased from 710 in 1871 to 98 in 1873. In 1871 Texas had but one or two public school-houses. About 5,000,000 acres of land were set apart for educational purposes. In 1858 a law was passed appropriating the proceeds of the sale of all public lands to the educational fund; but during the rebellion this revenue, amounting to $236,000, was diverted from its purpose to assist in carrying on the war against the Government. Of the permanent schoool fund $1,285,327 was diverted from its purpose and used in the same manner. Seven hundred and seventy-six thousand seven hundred dollars of United States indemnity bonds belonging to the school fund were also disposed of in like manner.—*See Official Reports Superintendent of Public Instruction Texas for* 1871, 1872, 1873.

THE SOUTH.

Amount of Peabody fund, $3,500,000.—*Appleton's Cyclopedia*, 1869.

Contributions to educational work in the South by the American Missionary Association $1,663,000 in ten years; expended for education by the General Government through the Freedmen's Bureau about $6,000,000.—*Report Commissioner of Education*, 1871, page 15, note.

In six months, ending June 30, 1869, northern and foreign benevolence had contributed $365,000 for the education of southern youth, white and colored.—*Report Inspector of Schools Freedmen's Bureau*, 1869.

During the last ten years the same benevolence has contributed, aside from Peabody's gift, over $3,000,000 for southern education.—*Reports of American Missionary Association, Freedmen's Aid Societies and Church Missionary Boards.*

Now, sir, suppose we admit, as the Senator from Georgia claims, that the people of his section are wronged, maligned, subjected to misgovernment, "a foot-ball for political adventurers." That there has been some bad government in the South no one denies. There is no question but that there has been in quite too many instances of questionable management of the public funds; but I undertake to say, that in almost every case where the public treasuries of the Southern States have been robbed or plundered, it has been done to a greater or less extent, by democrats or their agents. In almost every instance some democrat has had an interest in the schemes of robbery and extravagance. There is hardly an exception.

The democratic party seek to divert attention from the real issue in the South, by parading what they call "misrule," "radical thieving," "negro domination" in the South as a palliation for outrages and crime. They allege that the people are being plundered by "strangers," "adventurers," and plunderers, as the Senator from Georgia denominates the northern immigrants and Federal officers who have settled in the South since the war. And for this reason the southern democracy are justified in organizing themselves into secret bands for the purpose of murder, assassination, and revolution; justified in attempting in defiance of law to overturn existing State and municipal governments. I will repeat, that if you take the history of the South since reconstruction, and there is scarcely an exception to the rule, where a large State debt has been imposed, and excessive taxes levied, the democracy are to a greater or less extent responsible. Those who have been most interested in procuring legislation granting subsidies to one franchise and another, and who have been the principal beneficiaries of these schemes, are democrats, who are howling to-day about robbery and corruption in the South. I make the statement without fear of successful controversy, that at least one-half of the indebtedness of the Southern States has been brought upon them in granting subsidies to railroad corporations, and no republican, white or colored, have received any part of the spoils.

For an illustration take the city of Charleston. I am informed by reliable authority that the people of that city, with a view to revive commerce and to attract capital, voted large sums of money as an inducement for capitalists to open railway communication. What is true of that city is true of Savannah, and true of nearly every other southern city.

In the campaign of 1872, in every democratic newspaper were exhibited tables comparing the condition of the Southern States before the war under democratic rule with republican rule since reconstruction. They attempted to make it appear that the republicans were absolutely bankrupting those States.

The State of Louisiana, which has been held up as a special victim of radical misrule, in about eighteen months under democratic rule, when not a carpet-bagger or negro had anything to do with State affairs, but under a democratic administration was plunged in debt nearly $18,000,000; and of the debt that hangs over Louisiana to-day, which the democracy parade so much before the American people as an evidence of the outrage perpetrated upon the poor people of the South, more than one-half her indebtedness was contracted in eighteen months under democratic rule. These are facts that cannot be controverted. Lest this may be doubted, I submit a tabular statement of each item of expenditure, which, however, I will not detain the Senate to read.

The following is a list of the appropriations made by one democratic Legislature previous to the republicans obtaining power; extra session of December, 1865:

Nature of Appropriation.	No. of act.	Amount.
Legislative expenses	1	$100,000 00
To repair State-house	9	7,050 10
Land offices' expenses	18	6,239 32
Relief of Jewell	24	2,398 75
For charitable associations	27	11,750 00
For relief of Cassady	32	108 00
For penitentiary	34	50,000 00
Levee bonds	35	1,000,000 00
Total	.....	1,177,546 17

Special appropriations made by the Legislature in 1866.

Nature of appropriation.	No. of act.	Amount.
Legislative expenses	1	$75,000 00
Governor authorized to issue certificates of indebtedness	5	2,010,000 00
Governor to issue bonds for warrants of treasury	15	1,505,000 00
Relief of Carrigan	53	125 00
Relief of Kells	54	75 00
Legislative expenses	55	75,000 00
State seminary	63	25,800 00
Other purposes	63	26,600 00
Relief of Palms	69	227 30
Relief of Lockwood	72	1,000 00
Relief of Hailey	88	300 00
Relief of King & Co	97	557 51
Relief of B. Hay	102	3,877 70
Relief of Soldiers' Home	103	20,000 00
Relief of B. Bloomfield	104	750 00
Relief of Hall	110	250 00
Relief of Penniga & McLean	113	6,872 00
Relief of Stark	114	250 00
Relief of veterans of 1814–'15	116	1,056 00
Expenses of Legislature	128	20,000 00
University of Louisiana	130	25,000 00
Relief of Morehead	132	3,495 00
Relief of Wood	132	3,495 00
Levee purposes	135	500,000 00
Clerks of auditor and treasurer	139	2,400 00
Relief of Chisolm	143	210 34
Relief of Durell	144	701 06
English grammar	156	2,000 00
Insane asylum	157	23,000 00
Lease of State-house	158	8,000 00
Total	.....	4,340,941 91
General appropriation bill	120	959,457 84
Grand total	.....	5,300,399 75

Special appropriations made in 1867, *giving the number of the act where found.*

Nature of appropriation.	No. of act.	Amount.
Legislative expenses	3	$75,000 00
Insane asylum	11	4,604 66
Legislative expenses	23	90,000 00
Legislative expenses	25	60,000 00
Repair Mechanics' Institute	30	15,000 00
Return to levee fund $150,000 taken from this fund in 1863 for confederate purposes	33	150,000 00
Assessors	36	10,000 00
Relief of Jamison	38	200 00
Relief of Farrer	42	200 00
Judge Duffil, salary for 1862	45	2,395 83
Waddell, treasurer of East Baton Rouge	54	15 62
District attorney	58	750 00
Issue of bonds for relief of treasurer	64	3,005,000 00
Relief of Peebles	66	1,203 33
Printing bonds and costs	67	25,000 00
Relief of Starns	68	200 00
Relief of McCullough	74	25 25
Relief of Jones	75	288 00
Relief of Tony	77	288 00

Special appropriations made in 1867, *&c.*—Continued.

Nature of appropriation.	No. of act.	Amount.
Relief of penitentiary	78	$24,583 22
Levees	86	10,000 00
State	88	50,000 00
Relief of board	96	210 00
Relief of levees	104	10,000 00
Relief of levee, bonds to be issued	115	4,010,000 00
Levees	117	700,000 00
Legislative expenses	120	25,000 00
Levees	122	250,000 00
Legislative expenses	127	10,000 00
Robertson	128	1,500 00
Glenn	130	1,200 00
State Seminary	131	400 00
Leeves	137	20,000 00
Relief of Pratt	143	500 00
Relief of Boelitz	150	225 00
Paris exposition	151	4,542 10
Superintendent of State seminary	153	1,000 00
To pay tax on issue of city notes	160	250,000 00
State seminary	162	10,000 00
To fit up executive office	163	1,270 63
Relief of McVea	166	1,500 00
Relief of Nixon	167	501 00
Relief of Cambray	169	250 00
Relief of Enete	173	1,056 00
Relief of Flint	174	500 00
To improve Red River	176	220,000 00
Mechanics' and Agricultural fair	181	50,250 00
University of Louisiana	182	3,000 00
Poydras College	184	2,500 00
Tom Bynum, State printer	190	16,150 00
Bayou Courtableau	191	15,000 00
Relief of Allen	192	325 50
Relief of Burbank	193	612 00
Relief of Callory	196	1,313 14
Relief of McBride	198	711 62
Relief of Montain	199	789 00
Relief of Jacob	200	595 00
Relief of Upshend	201	680 00
Amount of general appropriation bill of 1867	119	1,545,174 00
Total	.....	10,651,608 90

RECAPITULATION.

Amount of appropriations in 1865	$1,177,546 17
Amount of appropriations in 1866	5,300,399 75
Amount of appropriations in 1867	10,651,608 90
Total	17,129,554 82
Bonded debt before the war	3,990,000 00
Outstanding indebtedness 1865	362,855 76
Total	21,482,410 58
Less amount taxes collected in 1866 and 1867	3,379,682 00
Amount of State debt transmitted to republican administration	18,102,728 58

The Legislature that made the above appropriation was elected in 1865, and was almost unanimously democratic, composed mostly of such old leading democrats as J. M. Lapeyre, D. F. Kenner, A. Voorhies, J. B. Eustis, W. B. Eagan, and John McEnery. We have seen at the extra session of December, 1865, they appropriated $1,177,546.17; in 1866, $5,300,399.75; in 1867, $10,651,608.90; making a total of $17,129,554.82 appropriated by a single Legislature almost unanimously democratic.

Now permit me to present a few facts relating to the political condition of Louisiana before the war. It is represented that all was peaceable when honesty and intelligence controlled. Our democratic friends hold up the present demoralized condition of the State as the result of oppressive legislation and misgovernment under republican rule since the war.

Gayarre, the historian, referring to the condition of affairs in Louisiana in 1856, says: that Governor Herbert, in his valedictory message, referred with deep mortification to the scenes of intimidation, violence, and bloodshed which had marked the late general elections in New Orleans.

He said that the repetition of such outrages would tarnish our national character and sink us to the level of the anarchical governments of Spanish America; that before the occurrence of those "great public crimes," the hideous deformity of which he could not describe and which were committed with impunity in midday light and in the presence of hundreds of persons, no one could have admitted even the possibility that a blood-thirsty mob could have contemplated to overawe any portion of the people of this State in the exercise of their most valuable rights; "but that what would then have been denied, even as a possibility, is now a historical fact."

Referring to the internal condition of the State, Governor Wickliffe said:

Bountiful as nature has been to Louisiana, the skill of the engineer is still essential to her full development. With twenty-five millions of acres of fertile lands, hardly a tenth is in cultivation; with a sea-coast a third in length of the State, we have a tonnage almost in its infancy. With capacity to produce all the cotton needed for the British Empire and all the sugar required for this great confederation, we are as yet but laggards in their growth. With thousands of miles of internal navigation, our productions frequently can find no market, and North and South Louisiana are strangers to each other. Toward the cultivation of these millions of acres, toward the improvement of these miles of navigation, toward cementing together these sections, discreet and timely legislation can do much. As yet nothing, absolutely nothing, has been accomplished. A fund for internal improvement has existed for years. Large amounts of it have been expended. Yet it would be difficult for even a curious inquirer to discover any benefit that has resulted from it.

These were sad truths from the lips of the chief magistrate. He further said:

It is passing strange that, in a popular government, without privileged classes, without stipendiaries on the bounty of the State, mismanagement and recklessness should be tolerated.

Although the presidential election which had secured the success of the democratic party, represented by James Buchanan, to which Governor Wickliffe also refers, had been considered as determining whether the Southern States should continue or not to remain in the Union, and although it had been for this reason the most important which had been held since the foundation of the Federal Government, yet out of 11,817 votes registered in the city of New Orleans only 8,333 were cast, showing apparently at least an inexplicable apathy on the part of 3,484 citizens. The governor commented on this regrettable fact in the following language:

It demonstrates that some extraordinary cause was at work to prevent a large proportion of lawful voters from enjoying the sacred franchise of the Constitution. It is well known that at the two last general elections many of the streets and approaches to the polls were completely in the hands of organized ruffians, who committed acts of violence on multitudes of our naturalized fellow-citizens who dared venture to exercise the right of suffrage.

Thus nearly one-third of the registered voters of New Orleans have been deterred from exercising their highest and most sacred prerogative. The expression of such elections is an open and palpable fraud on the people, and I recommend you to adopt such measures as shall effectually prevent the true will of the majority from being totally silenced.

The evil pointed out by the governor was of the utmost magnitude, but there was one still more dangerous than any which resulted from open violence. It was that corruption which enabled foreigners just landing on our shores to vote, and which put two or three thousand illegal voters at the disposal of whatever party had the means of buying them. This was the main cause, which, by producing intense disgust, went much further than fear of assassination to prevent honest citizens from resorting to the ballot-box. They knew all our elections to have become so hopelessly fraudulent that it was disgraceful to participate in them, and had retired from the political arena in sullen dispair.

Again permit me to refer to the State of Mississippi, which I have the honor in part to represent. The State of Mississippi, under democratic rule, in the days when "honesty and intelligence" (in the language of the Senator from Georgia) ruled and controlled that country—in about nine years of democratic rule, the democratic party absolutely squandered and robbed that State of nearly $20,000,000; and during a period of thirty-five years of democratic rule in Mississippi they absolutely plundered and squandered $40,000,000! To prove this, I cite my honorable colleague [Mr. ALCORN] who, when a candidate for governor in 1869, in an able speech, arraigned the democratic party, (the leaders of which are the very men who are to-day furnishing the pabulum for democratic newspapers North in the cry of "thief," "plunderer," and like epithets,) proved and demonstrated—and there was not a democrat in Mississippi who could controvert his statement—that the democratic party had stolen out of the trust funds and squandered the public funds of that State to the amount of $40,000,000. And because in the State of South Carolina, under negro rule, as it is called, the State has contracted a debt of a few millions of dollars, the most unheard of and terrible misrule in the history of this government is complained of!

Mr. President, I will cite an authority which will not be questioned by our democratic friends as to the condition of Mississippi in 1838, in the palmy days of democratic rule in that State. No negro domination or radical rule is here portrayed, but pure, unadulterated democratic administration. Governor McNutt, in his message to the Legislature, says: "He could not ascertain the true situation of the State treasurer's books. The total receipts into the treasury from the 7th of December, 1837, to 31st of December, 1838, amounted to $196,919.96, and the disbursements $350,644.19, showing an excess of expenditures over receipts of upward of $150,000." And referring to a democratic auditor of public accounts, John H. Malory, he says:

It appears that he is a defaulter to the amount of $54,079.96. The trust imposed has been sadly abused, and he has been enabled thus long to conceal his defalcation.

Again, showing the condition of the administration of justice at that time, on page 31, senate journal, we find the governor making use of the following:

Sheriffs and coroners have resigned about the commencement of the court for the evident purpose of preventing the term being held, and thus defeating the regular administration of the laws.

Further evidence of disorganization follows on page 32 of said journal:

I am advised that the final records of the courts are rarely made up pursuant to law. It is believed that they are imperfect in almost every office of the State. When a new clerk comes into office he finds the fees for such service collected and the work undone. He refuses, therefore, to bring up the unfinished business of the office, and the records are suffered to remain in their imperfect state.

At page 36 attention is called to the "judicial legislation" of the high court, superior court of chancery, and several circuit courts. The complaint is that "in many cases parties are prohibited from being heard by counsel in open court, but are required to submit

written arguments and briefs," precluding a reply to the arguments and authorities adduced by the opposite party, and placing it "in the power of the judge to overlook the adjudications cited, to the manifest injury of suitors."

Allusion is also made to the probate courts:

Too much power is given to the judge in vacation, and in numerous cases the securities of executors, administrators, and guardians are utterly insolvent when taken.

At page 38 of the senate journal we find the following:

The long list of defaulters given in the auditor's report, and the immense amount of arrearages remaining unpaid, show that something is wrong in the present system. It is outrageous that taxes should be wrung from the hard earnings of the people and squandered by the officers they have chosen to collect them.

Page 39, another extract from the message is as follows:

Thirty-three tax collectors are in default the sum of $90,617.46 for taxes accruing prior to the year 1838; suits have been ordered against them on their bonds. Twenty-six tax collectors are in default in the sum of $26,980.27 for taxes assessed in the year 1838. It is believed that these sums fall far short of the actual defalcations. Immense sums are yearly collected which are not returned on the roll of the assessors, and under the existing laws it is impracticable to bring officers thus in default to account.

The following extracts from the message of Governor McNutt, (senate journal of 1842, page 15,) reveal a sad state of public affairs, and show conclusively that no improvement had taken place in the administration of the government during his four years' of service:

The duties of many of our officers are for long periods of time performed by deputies and clerks. If they are competent to discharge such duties, they deserve the salaries drawn by their principals; if undeserving, they are unfit to be intrusted with the management of such important offices.

Relative to the auditor, treasurer, and secretary of state, he says:

They frequently absent themselves for long periods of time without even notifying the executive of their intentions. During their absence the business of their offices is left in the charge of clerks who neither give bonds nor take the oath of office. Under such circumstances the public business is often neglected and the funds of the State endangered.

It is further stated (page 16) that thousands of dollars are annually lost to the State by delays and failures in the prosecution of suits by the district attorneys against defaulters. A suit had been pending on the bond of a defaulting auditor (who owed the State upward of $50,000) three years; the State employed assistant counsel, but no judgment was obtained. In the mean time the securities of the defaulter had become insolvent, and the whole claim good for nothing. In another place (page 14) we find that assessors and collectors resign and no tax-rolls are returned, &c.

Again—let me cite you another case. The good old Commonwealth of Virginia, which has never been misgoverned by carpet-baggers, radicals, and negroes, that State to-day, so far as its financial condition is concerned, has more than double the debt of any Southern State under a republican administration. Her indebtedness is over $45,000,000; and yet an attempt has been made to convince the American people that the republican party of the South have been plunging those States into an indebtedness and bankruptcy without parallel and beyond precedent. But in Virginia they see no bankruptcy, no misrule. It makes a great difference whether a democrat steals or a republican, and of the two I am inclined to think that a republican thief is the more culpable.

Here are the debts of the Southern States as given in Poor's Manual of Railroads for the year 1874–'75, the latest authority on the subject:

Alabama	$11,258,836 07
Arkansas	10,885,000 00
Georgia	14,871,084 00
Kentucky	2,720,710 00
Louisiana	22,308,800 00
Maryland	10,741,210 60
Mississippi	No debt stated
North Carolina	29,547,045 00
South Carolina	20,650,235 00
Tennessee	20,966,382 19
Texas	3,715,978 88
Virginia	45,718,112 23

Mr. President, I will now cite a case or two of the management of the municipal affairs of some of our southern cities. The city of Louisville, Kentucky. That city has five times the indebtedness of the State of Mississippi, and it has always been under democratic control. Take the city of New Orleans. That city has never been under the control of republicans, and the indebtedness of that city alone, I am informed, is greater than the whole indebtedness of the entire State of Louisiana.

So much for the honest, economical management of the democracy in the control of the finances of the South. I know of my own personal knowledge in the State of Mississippi, that in almost every case where there has been a job, where colored officials have been imposed upon, the men who have profited by these schemes and appropriations of the public funds and plunderings, if you please, have been democrats, who are to-day leaders in that party. The men who have thus enriched themselves are the men who are leading the white-leaguers in their bloody work in Mississippi and in other portions of the South. I do not know of a single northern man or a single southern man who has been connected with the republican party, and is in good standing with the party to-day who has made a dollar that was not legitimately and honestly made; but I do know that various attempts have been made by democrats of that State to secure legislation in favor of various kinds of schemes by which they might be benefited. Why, sir, the city of Vicksburgh is indebted to-day several hundred thousand dollars in bonds issued for internal improvements and railroads, and democrats, white-leaguers, have been the principal beneficiaries of these city grants; and yet the indebtedness of the city of Vicksburgh and the county is paraded by the Associated Press and the democracy of this country as a justification for violently driving their sheriff from office and turning out of office the men that the people have elected, and are even set up as a complete defense for murder and assassination. Much of the clamor about taxation in the South is greatly overdrawn. I present to the Senate the following tabulated statements, compiled from the last census, which I have obtained from an able article published in the New York Nation dated March 28, 1872. Although figures show taxation to be high in the South, yet it is certainly not so alarmingly out of ratio with other communities as to justify the lawlessness that exists. It appears even that certain Northern States are taxed higher than any Southern State.

Rate of taxation per thousand dollars.

1.	Nevada	$26 34
2.	Louisiana	21 85
3.	Arkansas	18 33
4.	Mississippi	17 86
5.	Maine	15 36
6.	Nebraska	14 83
7.	Alabama	14 77
8.	Kansas	14 15
9.	South Carolina	13 30
10.	New Hampshire	12 88
11.	Iowa	12 62
12.	California	12 25
13.	Massachusetts	11 68
14.	Minnesota	11 57
15.	Oregon	11 26
16.	Virginia	11 26
17.	Florida	11 23
18.	Missouri	10 88
19.	Ohio	10 52
20.	Maryland	10 30
21.	Illinois	10 28
22.	Georgia	9 79
23.	Kentucky	9 48
24.	Vermont	9 07
25.	West Virginia	9 03
26.	North Carolina	9 02
27.	Indiana	8 51
28.	New Jersey	7 88
29.	Connecticut	7 83
30.	Wisconsin	7 67
31.	Michigan	7 52
32.	New York	7 47
33.	Rhode Island	7 31
34.	Texas	7 10
35.	Tennessee	6 79
36.	Pennsylvania	6 44
37.	Delaware	4 30

Rate of taxation per head.

1.	Nevada	19 30
2.	Massachusetts	17 10
3.	California	13 95
4.	Connecticut	11 28
5.	New York	11 07
6.	New Hampshire	10 22
7.	Rhode Island	9 98
8.	Louisiana	9 71
9.	Ohio	8 83
10.	Illinois	8 59
11.	Maine	8 53
12.	Maryland	8 49
13.	Nebraska	8 35
14.	New Jersey	8 18
15.	Missouri	8 08
16.	Iowa	7 58
17.	Kansas	7 33
18.	Pennsylvania	6 96
19.	Vermont	6 46
20.	Indiana	6 42
21.	Oregon	6 39
22.	Minnesota	6 02
23.	Arkansas	5 91
24.	Wisconsin	5 10
25.	Michigan	4 57
26.	Mississippi	4 51
27.	Kentucky	4 34
28.	South Carolina	3 92
29.	West Virginia	3 89
30.	Virginia	3 76
31.	Delaware	3 34
32.	Alabama	2 99
33.	Tennessee	2 69
34.	Florida	2 64
35.	Georgia	2 21
36.	North Carolina	2 20
37.	Texas	1 38

One thing further about taxation in my own State. We see a great deal in the way of testimony before congressional committees and in other ways about the taxation on real estate having increased in Mississippi from one mill to twelve or fourteen mills, the present State tax. Sir, this is strictly true. Taxation in Mississippi on *real estate* has been increased tenfold, I do not doubt, and I will tell you how and why. Before the war, when that State was absolutely controlled by an oligarchy of twenty-five thousand democratic land-owners, they adopted a revenue system that placed all the burdens of government upon the industry and enterprise of the country, while property, wealth, was almost completely exempted. Under that system the tax

upon real estate was limited by law at $\frac{1}{10}$ of 1 per cent. and the land owner fixed *his own* valuation upon his land. Lands whose actual valuation was in some instances fifty dollars per acre were assessed at fifty cents per acre. Why, sir, under that system of taxation a poor, free negro barber, whose property consisted of a razor, shaving-brush, and comb, paid more revenue to the State government than a democratic planter worth $10,000 in negroes and lands. As an exhibit of the equitable mode of taxation in the palmy days of democratic rule in Mississippi, I read from the provisions of the revenue laws of Mississippi as they existed prior to reconstruction:

Auctioneers, 2 per cent. on gross sales; stocks, 3 mills on the dollar; banks, $500; brokers, 3 mills on their gross sales; mechanics, (including milliners,) ¼ of 1 per cent; on sales of merchandise, 3 mills; on all transient sales, except mules and horses, 2 per cent. on gross sales; livery and sales stables, 2 per cent. on gross receipts of regular business, and on sales 3 mills; telegraph companies, 2 per cent. on gross receipts of each office; each billiard table, $100; exhibitions, $25 per day; confectionery and barber shops, $25; expresss companies, $1,000 each; pleasure carriages, clocks, watches, gold or silver coin, gold or silver plate above the value of fifty dollars, and pianos, 5 mills; gross receipts of all ferries, bridges, turnpikes, or other places where a fee is collected from the passer, 5 mills; on the value of all solvent credits, ¼ of 1 per cent.; cotton grown prior to 1866, $1 per bale; cotton grown after 1866, 50 cents per bale; all cattle over twenty in number, 5 cents per head; all saddle and carriage horses, diamonds and jewelry, 1 per cent. of their value; household furniture over $1,000, 1 per cent.; breweries, $100; distilleries, $100, and $2 per gallon upon the capacity of each still; druggists, upon sales of paints, oils, and glass, 3 mills, and upon all other sales 1 per cent.; on all horses and mules brought into the State for sale, $1; inns, taverns, hotels, or boarding-houses, 1 per cent.; on sales of liquors and wines over one gallon, 5 per cent; on gross earnings of physicians, lawyers, and dentists, 1 per cent.; eating-house or restaurant, $50; on manufacturers, 20 cents on each $100 in value of their several productions; photographers, $50; race-tracks, $100; each raft of logs, 10 cents for each tier of six logs; all salaries, 5 mills; theatres, $10 per day; on any show or performance, where compensation is charged, (except for benevolent or charitable objects,) $10; each peddler, $200, except where he exclusively sells the products of this State, then 3 mills upon gross sales; insurance agencies, 5 mills upon gross receipts; each hack, cab, carriage, or omnibus used for transporting passengers, $5 per head on horses drawing same; drays or wagons used for transporting freight, if drawn by one horse, $5, if drawn by two horses, $10; on each wharf-boat, $10; for every steamboat or flat-boat which may land at said wharf-boat, $1; on gross sales of trade boats, 5 mills; on water-craft engaged in the gulf or coast trade—steamboats, $250; all other boats, over sixty and under one hundred tons, $30; over forty tons and under sixty, $20; all under twenty tons, $10; every stallion or jack, the price which may be charged for the season; ten-pin alley, $50; on every license granted—by any county, city, or town having a population of two thousand, $500; if one thousand and under two thousand, $200; in all other places, $100; news depots, $10; playing-cards, 50 cents; on gross amount of prizes, 5 per cent; on each juggler, magician, or sleight-of-hand performer, $100; poll tax, $2; dogs, 40 cents; ½ per cent. per mile on all travelers over railroads; on fees of officers, 3 mills; ½ of 1 per cent. on all moneys loaned; on all physicians who advertise their special cures, $25 per month; vendors of ice-cream upon the street, $25 per month, in advance; on all bequests and inheritances, 1 per cent; each pistol, having one or more barrels, $2; single barrel, $1; shot-gun, rifle, or army guns 50 cents; bowie-knife, sword-cane, or dirk, $2; on all rents, 3 mills.

All subjects of taxation above enumerated were liable to taxation by the counties, in addition to that of the State, and collected in the same manner. The taxation on property was limited, as I have before stated, to $\frac{1}{10}$ of 1 per cent.

It is one of the chief glories of republican reconstruction in that State that it has wiped out this unequitable system of taxation and placed the burdens of Government where they belong—on wealth and not on industry.

I might startle the Senate by some illustrations of the practical workings of this system as the records show them, but I will not dwell on results which are self-evident. The bad faith of the democratic press of the country in concealing material facts and parading alleged increase of taxation in Mississippi, on real estate, as an evidence of corrupt administration is only one of the numerous methods which they have adopted to impose upon the credulity of the northern people. The increase on wealth or property has been an act of justice.

The honorable Senator from Georgia speaks of oppression in his State. Sir, I will now call the attention of the Senator to a class of people who are indeed oppressed in his State and plundered of their substance, and whose daily toil is no guarantee against daily oppression. I refer to a half million of colored people. So grievous are their wrongs that they are leaving the State. The statistics will show that during the last eight or ten years thousands of the laboring population of Georgia have fled because of oppression, many of whom are settling in Mississippi. The Vicksburgh and Meridian Railroad, in Mississippi, transported several thousand emigrants from Georgia over its line last year. All these immigrants, as they passed through our State, told the same story of oppression. They said: "The colored people have no rights which a Georgia democrat is bound to respect. We are seeking a country where we can have civil liberty, enjoy the privileges of freemen, and eat in peace the bread our own hands have earned."

Mr. President, in this connection allow me to refer to a convention recently held in Georgia—a convention of Georgia democratic planters; and to show the animus of that convention toward the negro, I will quote the language of one of the speakers, a Mr. W. D. Murray. In his address Mr. Murray said:

I have practiced whipping some of my negroes lately, and I always make the victims promise not to prosecute me while the chastisement is going on. In this way I manage to keep my negroes under perfect control.

There is the statement of a Georgia planter, made only a few days ago in a convention in Georgia. Yet we are informed by the honorable Senator from Georgia that the negro is treated well in that State; that he is protected in all his civil and political privileges in Georgia. Another speaker, one Mr. Stafford, said he was in favor of memorializing the State Legislature to pass a law making it a misdemeanor to entice laborers away from Georgia farmers, inducing them to move westward.

I will read an extract from the Atlanta Herald upon this subject:

The negro is remarkable for his love of locality. He generally prefers to stay around the old farm place where he was raised, and will do so unless all the conditions tempt him to leave it. The single obstacle of full, high-priced railroad fare would settle the matter with two-thirds of them.

It is a notorious fact that in many districts where the colored people are in large majorities the right to vote is abridged by the whites through one device and another.

But, says the honorable Senator, "Under the wise administration of the government of Georgia their lands are so valuable that a negro cannot buy them, and because of the maladministration of affairs in republican Mississippi, lands can be bought there for five cents an acre." Well, Mr. President, I am not surprised to learn that land is held at a very high value by a Georgia democratic planter when a negro proposes to buy it, for they maintain the same doctrine that they advocated in 1865, when they attempted to prohibit the negro from purchasing land by law.

I call the attention of the honorable Senator to the value of land in Georgia as compared with the land in Mississippi. According to the census report of 1870 I find the aggregate value of land in Georgia to be $268,169,207; in Mississippi, $209,197,345. Georgia contains nearly twice the area of Mississippi, and it is a much older State; and yet the lands in Mississippi are nearly as valuable in the aggregate as those in the large State of Georgia. I leave the Senator to draw his own conclusions as to the comparative value of land in the face of these statistical facts.

Sir, the colored Georgian comes to Mississippi for his *rights*, not for land. Not one in a thousand of the poor negro immigrants under the benign, wise, and prosperous democratic administration in Georgia has been able to accumulate money enough to buy land even at five cents an acre. They bring to Mississippi muscle and labor, and we in return give them liberty, equal personal privileges and rights, under the laws of our State.

The Senator vaunts before the American Senate and the country that in Georgia "no negro sits at a white man's table," and that in Mississippi social equality obtains, and that is one of the reasons he assigns for the rapid emigration from this State. He represented to the Senate that because of the inducements of social equality held out in the State of Mississippi, because the negro was allowed, as he had been informed, "a seat at the white man's table," he was leaving Georgia. The Senator said "There is no such equality between white men and negroes in Georgia, thank God!" He had heard that it is different in Mississippi. Mr. President, I undertake to say, and I believe, that it is different in degree. I trust it is. I take this occasion to say that some of the most highly esteemed citizens of Mississippi, men who are "to the manner born," who in the question of blood, brains, and bullion will compare with any of our friends of Georgia, have so far rid themselves of irrational prejudices as to recognize the claims of the colored man to equal privileges at theaters, on steamboats, and in hotels, and allow the people to enjoy equal privileges. In the State of Mississippi we have a civil-rights law that gives to all our citizens equal privileges, equal rights, and equal protection. I am happy to say that in the State of Mississippi, in some degree at least, a man is esteemed by the standard of character, of manhood, and not by the color of his skin. Virtue, intelligence, and patriotism are appreciated in Mississippi though they are inclosed in a colored skin. I can readily understand and most fully appreciate how honorable and high-minded men can shrink from contact with the low and the base, with murderers and assassins, be they black or white; but I fail to estimate highly the arrogant assumption which vaunts itself that a man is too good to associate with his equals, and perhaps superiors, because of a difference in the color of his skin. I will presume to say that the American Senate places no very high value on any such display of accidental superiority. From my observation I do not understand that the colored people of Georgia, or anywhere else in this country, have any very inordinate desire to be entertained at the white man's table; but they do desire to be recognized and protected in their rights under American law the same as their white people. That is the kind of equality the colored people of the South seek. They seek it in Georgia, but they seek in vain. They come to Mississippi and they have these rights, and they will continue to have them if the American Congress and the American people can be led to appreciate the present condition of affairs and give us protection. But unless we have it, our civil-rights law will be a dead letter. Unless we have that protection, the white-leaguers who have murdered our citizens by the hundreds in the streets of Vicksburgh in the last month will control the State, and the poor negro will be in a worse condition than he was under the service of his former master.

The honorable Senator from Missouri thinks that the colored men ought to divide their votes between the two parties.

The honorable Senator can rest assured of one thing, that the colored people of the South will be very reluctant to divide their votes in favor of a party whose leading representatives in the United States Senate and in the national Capitol proclaim their inferiority and herald their degredation. When the poor negro understands the fact

that a democratic Senator can here in this Chamber put himself out of the way to parade the fact that in democratic Georgia white men do not recognize the equality of their colored fellow-citizens, they will be very loth to divide their votes with such a party or to sustain such men.

In this connection, and as an offset to the low estimate the honorable Senator from Georgia places upon his colored constituents, I shall beg the Senate to bear with me while I read the testimony of the Hon. Effingham Lawrence, of Louisiana, to the good character and rapid progress of the colored citizens of that State. This testimony speaks volumes in favor of the wisdom of reconstruction, and ought to cover with shame the democratic malcontents who would deny him justice and who undertake to grind him down and degrade him. It also shows that among the old-time slave-owners of Louisiana there are some men at least who reprobate the diabolical programme of the white-leaguers.

I read the following extracts from a letter of Mr. Lawrence, published in the New Orleans Republican, August 23, 1874:

The men who, while contemplating the negro emerging from a bondage of centuries and still embarrassed by the presence of ignorance, timidity, and servility that belonged to his former serfdom, and making his first essays as a citizen with the political experience of less than ten years, would correct the mistakes, failures, and imperfect efforts of this brief experimental period, and thereupon institute a contrast between the negro and the white man, and should conclude from such comparison that negro citizenship is a failure, and that the negro should be remitted substantially to his former condition as a political chattel, not a political entity controlling his own action, but a political value to be controlled by white men, ungenerously estimates humanity and but poorly appreciates either the temper of the times or the civilization of the age.

A further serious objection to the race-movement is found in the proscriptive methods suggested by its advocates for controlling the negro vote. They would ostracize the white man who honestly gives counsel to the colored masses, and would withhold employment from the negro worker; and, thus deprived of leadership and impoverished, without homes, and without bread, the negro masses will become docile and easily induced to act in harmony with the resident whites. This is a *monstrous* proposition, both in the ends contemplated and the dangerous agencies used to accomplish it. It suggests the idea that the man who hires his muscles to honest toil that he may make honest bread sells his conscience as a citizen to the purchaser of his labor, and proposes that no bronzed son of toil shall have awarded to him by the intelligent conservative white men of Louisiana the right of unproscribed work, except on the condition that the worker shall yield to his employer his honest political convictions. If the negro citizen would for an instant yield to the demand thus conditioned, he would prove thereby not only his incompetency for but his unworthiness of citizenship.

In common with my Anglo-Saxon kindred, I am not indifferent to the reputation and claims of my race to pre-eminence, and feel an honorable pride in the fact that I am a Caucasian. But the pride that leads the superior race, exultant in its strength, to domineer over the inferior, is a questionable virtue in the American system.

Like Dr. Taylor, I had the responsibility attaching to the ownership of three hundred slaves, nor could I feel that their emancipation released me from the obligation to care for them. I have deemed it not only expedient but a duty, as opportunity offered, to do what I could for their intelligent advancement in the new sphere in which they as suffragans have been called upon to move.

Nor have I been disappointed in any reasonable expectation relative to them either as a political or industrial element. They have increased in numbers, made creditable progress in education and in the acquisition of the material comforts of life. As an agricultural community, owning comfortable homes and a sufficiency of good lands, supplied with schools and churches at their doors, they are contented and improving; and in thrift, industry, and obedience to law and decorous conduct they will compare favorably with any agricultural community in this or any other State in the Union. I have not attempted to control their party affiliations, nor to suggest how they shall use their franchise, further than to advise them of the importance and necessity of casting their ballots for competent and honest men. They regard me as a friend, and would, I believe, give due consideration to any proper suggestions I might make.

But I state *to their credit* that no personal friendship for me would induce them either to abandon, as a class, their political convictions or to vote for other than men of their choice. Yet I think they would be perfectly open to frank and kindly appeals which look to the accomplishing friendly relations with the whites and the securement of good local government in the State. I can very readily perceive how the colored men as a class should have given their first political preference to the national party which played so important a part in securing their personal freedom and political rights. And to a simple-minded and trustful race, their surroundings and antecedents considered, any proscriptive or coercive measures, direct or indirect, looking to the control of their political action, seems not only suspicious and threatening, but indicative of a danger to them that will simply drive them furthur from the party so acting.

The honorable Senator makes a plea for peace and reconciliation. In this I join with him most heartily. I had hoped that peace had indeed come when in 1872 the democratic party was utterly vanquished. I congratulated the country upon its demise, particularly the South, which had suffered more than any other part of the country from its political teachings, its corruptions, its treason and rebellion. I hoped that its last chapter of treason and bloodshed had closed, and that a new era of peace had dawned upon the South; but alas the party has revived again, and lo, turmoil and social revolution follow. Intimidation, disorders, prostration of business are upon us.

When business men who come to the country with a view to help revive our waning industries by investing their capital discover disorders; when they witness the terrible murders at Coushatta, the revolt and bloodshed of the 14th of September; when they see all over the country men associating themselves in secret organizations to set the law at defiance; when they see the social revolution, they are not disposed to hazard their capital; for no characteristic of capital is better understood than this: it is always timid in seeking investments. Capital always counts all its surroundings; and I undertake to say that the prospect of a democratic victory in 1876 has done more to paralyze the industries of the South than anything that has happened in the last fifteen months. The panic of 1873 is a simple circumstance, the merest bagatelle, compared to the apprehensions entertained by the business portion of the southern people. They know and feel that a democratic victory would lead to an utter prostration of business in the South.

I again appeal to our southern democratic friends not to indulge in the delusion that the democratic party is now coming into power. This delusion you entertained in 1860. You believed then that the democracy in the North would stand by your revolutionary enterprises. You were told by some of the leading metropolitan journals of the country that if President Lincoln or the republican party should attempt to "coerce a sovereign State" it would prostrate the industries of the North, ruin its commerce, grass would grow in the streets of New York City, the owls and bats would make their nests in the looms of Lowell. Some democratic orator of Illinois said if any of Lincoln's slave-hunting hirelings should attempt to force a State back into the Union they would have to march over the dead bodies of ten thousand Illinoisians; but when in your madness you struck a blow at the Government, when you tore down the flag from Sumter, what was the result? The first men who flew to the capital and tendered their services to the Government were the men who but a few weeks before had been loudest in their professions of sympathy for the South. Prominent leading democrats of the North were here on their knees before Mr. Lincoln pleading for commissions as brigadier or major generals to lead the Yankee Army and strike down with shot and shell the southern insurgents. And so it will turn out in this conspiracy. I will undertake to proffer this advice to our southern democratic friends: do not count too strongly upon the assistance of the northern democracy. Let me remind you that it was upon their pledges of sympathy and support you based the success of your enterprise in 1860.

I tell you the democratic party of the North and the White League democracy of the South are composed of widely different elements. There is patriotism, there is love of order in the democratic party of the North; they have lived under a different kind of civilization; and when your party with its present temper and tendency shall develop its work of revolution, you will find the democratic party of the North will forsake you as they did in 1861.

The democracy of the South during the period of reconstruction and ever since has been antagonistic to the policy of the Government. I will not detain the Senate on this point, but I desire to submit some of the laws that were passed in the different Southern States relating to the liberties of the people, some of the most infamous laws that were ever enacted in the history of civilized legislation.

The following are some of the provisions of the "black code" of Mississippi, denominated in the statute-book "An act to confer civil rights on freedmen, and for other purposes," approved November 24, 1865:

Be it enacted, &c., That all freedmen, free negroes, and mulattoes, may sue and be sued, implead and be impleaded, in all the courts of law and equity of the State, and may acquire personal property and choses in action by descent or purchase, and may dispose of the same in the same manner as white persons: *Provided*, That the provisions of this section shall not be so construed as to allow any freedman, free negro, or mulatto to rent or lease any lands or tenements except in incorporated towns or cities in which places the corporate authorities shall control the same.

* * * * * * *

SEC. 5. *Be it further enacted*, That every freedman, free negro, and mulatto shall on the second Monday of January, 1866, and annually thereafter, have a lawful home or employment, and shall have written evidence thereof.

* * * * * * * *

SEC. 7. Every civil officer shall, and every person may, arrest and carry back to his or her employer any freedman, free negro, or mulatto who shall have quit the service of his or her employer before the expiration of his or her term of service; and said officer or person shall be entitled to receive for arresting and carrying back every deserting employé aforesaid the sum of five dollars, and ten cents per mile from the place of arrest to the place of delivery, and the same shall be paid by the employer, and held as a set-off for so much against the wages of said employé.

SEC. 8. Upon the affidavit made by the employer of any freedman, free negro, or mulatto, or any credible person, before any justice of the peace, or member of the board of police, that any freedman, free negro, or mulatto employed by said employer has deserted said employment, such justice of the peace, or member of the board of police, shall issue his warrant, returnable before himself or other such officer, directed to any sheriff, constable, or special deputy, commanding him to arrest said deserter and return him or her to said employer, and the same proceedings shall be had as provided in the preceding section. It shall be lawful for any officer to whom such warrant shall be directed to execute said warrant in any county of this State, and said warrant shall be transmitted without indorsement to any like officer of another county, to be executed as aforesaid, and the said employer shall pay the costs, which shall be set off for so much against the wages of said deserter.

SEC. 9. If any person shall knowingly employ any such deserting freedman, free negro, or mulatto, or shall sell to any such freedman, free negro, or mulatto any food, raiment, or other thing, he or she shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars; * * * and if said fine and costs are not immediately paid, the court shall sentence said convict to not exceeding two months imprisonment in the county jail, and he or she shall moreover be liable in damages to the party injured.

Section 2 of an act to amend the vagrant laws of the State provides:

All freedmen, free negroes, or mulattoes in this State over the age of eighteen years found on the second Monday in January, 1866, or thereafter, with no lawful employment or business, or found assembling themselves together either in the day or night time shall be deemed vagrants, and on conviction shall be fined fifty dollars. * * * * * * *

SEC. 5. That all fines collected under the provisions of this act shall be paid into the county treasury for general county purposes, and in case any freedman, free negro, or mulatto shall fail for five days after the imposition of any fine or forfeiture upon him or her for violation of any of the provisions of this act to pay the same, then it shall be, and is hereby, made the duty of the sheriff of the proper county to hire out said freedman, free negro, or mulatto to any person who will for the shortest period of service pay said fine or forfeiture and all costs. Preference shall be given to the employer, if there be one, in which case he shall be entitled

to deduct and retain the amount so paid from the wages of such freedman, free negro, or mulatto then due or to become due; and in case such freedman, free negro, or mulatto cannot be hired out, he or she may be dealt with as a pauper.

SEC. 6. In order to secure a support for such indigent freedmen, free negroes, and mulattoes, it shall be lawful, and it is hereby made the duty of the boards of county police of each county in this State, to levy a poll or capitation tax on each and every freedman, free negro, or mulatto, between the ages of eighteen and sixty years, of one dollar annually to each person so taxed, which when collected shall be paid into the county treasurer's hands and constitute a fund to be called the "freedmen's pauper fund," which shall be applied by the commissioners of the poor for the maintenance of the poor of the freedmen, free negroes, and mulattoes of this State, under such regulations as may be established by the boards of county police in the respective counties of this State.

SEC. 7. *Be it further enacted*. That if any freedman, free negro, or mulatto shall fail or refuse to pay any tax levied according to the provisions of the sixth section of this act, it shall be *prima facie* evidence of vagrancy, and it shall be the duty of the sheriff to arrest such freedman, free negro, or mulatto, or such person refusing or neglecting to pay such tax, and proceed at once to hire for the shortest time such delinquent tax-payer to any one who will pay the said tax with accruing costs, giving preference to the employer if there be one.

The same kind of legislation adopted in Mississippi was enacted in all the other Southern States. I call attention to the character of this legislation in the various States, which I will not detain the Senate by reading but ask the Clerk to insert.

ALABAMA.

Bill passed making it unlawful for any freedman, mulatto, or free person of color in this State to own fire-arms, or carry about his person a pistol or other deadly weapon, under a penalty of a fine of $100 or imprisonment three months. Also, making it unlawful for any person to sell, give, or lend fire-arms or ammunition of any description whatever to any freedman, free negro, or mulatto, under a penalty of not less than fifty dollars nor more than one hundred dollars at the discretion of the jury.

TENNESSEE.

January 25, 1866, this bill became a law:

That persons of African and Indian descent are hereby declared to be competent witnesses in all the courts of this State in as full a manner as such persons are by an act of Congress competent witnesses in all the courts of the United States, and all laws and parts of laws of the State excluding such persons from competency are hereby repealed: *Provided, however*, That this act shall not be so construed as to give colored persons the right to vote, hold office, or sit on juries in this State; and that this provision is inserted by virtue of the provision of the ninth section of the amended constitution, ratified February 22, 1865.

LOUISIANA.

December 21 this bill became a law:

SECTION 1. That any one who shall persuade or entice away, feed, harbor, or secrete any person who leaves his or her employer, with whom she or he has contracted or is assigned to live, or any apprentice who is bound as an apprentice, without the permission of his or her employer, said person or persons so offending shall be liable for damages to the employer, and also, upon conviction thereof, shall be subject to pay a fine of not more than $500 nor less than ten dollars, or imprisonment in the parish jail for not more than twelve months nor less than ten days, or both, at the discretion of the court.

GEORGIA.

March 20, 1866.—Crimes defined in certain sections named as felonies are reduced below felonies, and all other crimes punishable by fine or imprisonment, or either, shall be likewise punishable by a fine not exceeding $1,000, imprisonment not exceeding six months, whipping not exceeding thirty-nine lashes, to work in a chain-gang on the public works not to exceed twelve months; and any one or more of these punishments may be ordered in the discretion of the judge.

SOUTH CAROLINA.

An act preliminary to the legislation induced by the emancipation of slaves, October 19, 1865.

Section 10 provides that a person of color who is in the employment of a master engaged in husbandry shall not have the right to sell any corn, rice, pease, wheat, or other grain, any flour, cotton, fodder, hay, bacon, fresh meat of any kind, animal of any kind, or any other product of a farm, without having written evidence from such master, or some person authorized by him, or from the district judge or a magistrate, that he has the right to sell such product; and if any person shall, directly or indirectly, purchase any such product from such person of color without such written evidence, the purchaser and seller shall each be guilty of a misdemeanor.

Section 13 states that persons of color constitute no part of the militia of the State, and no one of them shall, without permission in writing from the district judge or magistrate, be allowed to keep a fire-arm, sword, or other military weapon, except that one of them, who is the owner of a farm, may keep a shot-gun or rifle, such as is ordinarily used in hunting, but not a pistol, musket, or other fire-arm or weapon appropriate for purposes of war. The district judge or a magistrate may give an order, under which any weapon unlawfully kept may be seized and sold, the proceeds of sale to go into the district court fund. The possession of a weapon in violation of this act shall be a misdemeanor which shall be tried before a district court or magistrate, and in case of conviction, shall be punished by a fine equal to twice the value of the weapon so unlawfully kept, and if that be not immediately paid, by corporal punishment.

Section 22 provides that no person of color shall migrate into and reside in this State unless, within twenty days after his arrival within the same, he shall enter into a bond, with two freeholders as sureties, to be approved by the judge of a district court or a magistrate, in a penalty of $1,000, conditioned for his good behavior and for his support, if he should become unable to support himself.

Section 27 provides that whenever, under any law, sentence imposing a fine is passed, if the fine and costs be not immediately paid, there shall be detention of the convict, and substitution of other punishment. If the offense should not involve the *crimen falsi*, and be infamous, the substitution shall be, in the case of a white person, imprisonment for a time proportioned to the fine, at the rate of one day for each dollar; and in the case of a person of color enforced labor, without unnecessary pain or restraint, for a time proportioned to the fine, at the rate of one day for each dollar. But if the offense should be infamous, there shall be substituted for a fine, for imprisonment, or for both, hard labor, corporal punishment, solitary confinement, and confinement in tread-mill or stocks one or more days, at the discretion of the judge of the superior court, the district judge, or the magistrate who pronounces the sentence. In this act, and in respect to all crimes and misdemeanors, the term servants shall be understood to embrace an apprentice as well as a servant under contract.

December 21: An act to establish and regulate the domestic relations of persons of color, and to amend the law in relation to paupers and vagrancy.

A parent may bind his child over two years of age as an apprentice to serve till twenty-one if a male, eighteen if a female. All persons of color who make contracts for service or labor shall be known as servants, and those with whom they contract as masters.

Colored children between eighteen and twenty-one who have neither father nor mother living in the district in which they are found, or whose parents are paupers, or unable to afford them a comfortable maintenance, or whose parents are not teaching them habits of industry and honesty, or are persons of notoriously bad character, or are vagrants, or have been convicted of infamous offenses, and colored children, in all cases where they are in danger of moral contamination, may be bound as apprentices by the district judge or one of the magistrates for the aforesaid term.

It provides "that no person of color shall pursue or practice the art, trade, or business of an artisan, mechanic, or shop-keeper, or any other trade, employment, or business (besides that of husbandry, or that of a servant under a contract for service or labor) on his own account and for his own benefit, or in partnership with a white person, or as agent or servant of any person, until he shall have obtained a license therefor from the judge of the district court, which license shall be good for one year only. This license the judge may grant upon petition of the applicant, and upon being satisfied of his skill and fitness and of his good moral character, and upon payment by the applicant to the clerk of the district court of $100, if a shop-keeper or peddler, to be paid annually, and ten dollars if a mechanic, artisan, or to engage in any other trade, also to be paid annually: *Provided, however*, That upon complaint being made and proved to the district judge of an abuse of such license he shall revoke the same."

FLORIDA.

An act to punish vagrants and vagabonds, January 12, 1866.

Section 1 defines as a vagrant "every able-bodied person who has no visible means of living and shall not be employed at some labor to support himself or herself, or shall be leading an idle, immoral, or profligate course of life;" and may be arrested by any justice of the peace or judge of the county criminal court and be bound "in sufficient surety" for good behavior and future industry for one year. Upon refusing or failing to give such security, he or she may be committed for trial, and, if convicted, sentenced to labor or imprisonment not exceeding twelve months, by whipping not exceeding thirty-nine stripes, or being put in the pillory. If sentenced to labor, the "sheriff or other officer of said court shall hire out such person for the term to which he or she shall be sentenced, not exceeding twelve months aforesaid, and the proceeds of such hiring shall be paid into the county treasury." All vagrants going armed may be disarmed by the sheriff, constable, or police officer.

An act prescribing additional penalties for the commission of offenses against the State, and for other purposes, January 15, 1866.

Section 1 provides that whenever in the criminal laws of this State, heretofore enacted, the punishment of the offense is limited to fine and imprisonment, or to fine or imprisonment, there shall be superadded as an alternative the punishment of standing in the pillory for an hour, or whipping not exceeding thirty-nine stripes on the bare back, or both, at the discretion of the jury.

Section 12 makes it unlawful for any negro, mulatto, or person of color to own, use, or keep in possession or under control any bowie-knife, dirk, sword, fire-arms, or ammunition of any kind, unless by license of the county judge of probate, under a penalty of forfeiting them to the informer and of standing in the pillory one hour, or be whipped not exceeding thirty-nine stripes, or both, at the discretion of the jury.

Section 15 provides that persons forming a military organization not authorized by law, or aiding or abetting it, shall be fined not exceeding $1,000, and imprisonment not exceeding six months, or be pilloried for one hour, and be whipped not exceeding thirty-nine stripes, at the discretion of the jury. The penalties to be threefold upon persons who accepted offices in such organizations.

No. 35.—An ordinance relative to the police of negroes recently emancipated within the parish of Saint Landry.

Whereas it was formerly made the duty of the police jury to make suitable regulations for the police of slaves within the limits of the parish; and whereas slaves have become emancipated by action of the ruling powers; and whereas it is necessary, for public order as well as for the comfort and correct deportment of said freedmen, that suitable regulations should be established for their government in their changed condition, the following ordinances are adopted:

SECTION 1. *Be it ordained by the police jury of the parish of Saint Landry*, That no negro shall be allowed to pass within the limits of said parish without a special permit in writing from his employer. Whoever shall violate this provision shall pay a fine of $2.50, or in default thereof shall be forced to work four days on the public roads or suffer corporal punishment, as provided hereinafter.

SEC. 2. *Be it further ordained*, That every negro who shall be found absent from the residence of his employer after ten o'clock at night, without a written permit from his employer, shall pay a fine of five dollars, or in default thereof shall be compelled to work five days on the public road, or suffer corporal punishment, as hereinafter provided.

SEC. 3. *Be it further ordained*, That no negro shall be permitted to rent or keep a house within said parish. Any negro violating this provision shall be immediately ejected and compelled to find an employer; and any person who shall rent or give the use of any house to any negro in violation of this section shall pay a fine of five dollars for each offense.

SEC. 4 *Be it further ordained*, That every negro is required to be in the regular service of some white person or former owner. But said employer or former owner may permit said negro to hire his own time by special permission in writing, which permission shall not extend over seven days at any one time. Any negro violating the provisions of this section shall be fined five dollars for each offense, or in default of the payment thereof shall be forced to work five days on the public road, or suffer corporal punishment as hereinafter provided.

SEC. 5. *Be it further ordained*, That no public meetings or congregations of negroes shall be allowed within said parish after sunset; but such public meetings and congregations may be held between the hours of sunrise and sunset, by the special permission in writing of the captain of patrol within whose beat such meetings shall take place. This prohibition, however, is not intended to prevent negroes from attending the usual church services conducted by white ministers and priests. Every negro violating the provisions of this section shall pay a fine of five dollars, or in default thereof shall be compelled to work five days on the public road, or suffer corporal punishment as hereinafter provided.

SEC. 6. *Be it further ordained*, That no negro shall be permitted to preach, exhort, or otherwise declaim to congregations of colored people, without a special permission in writing from the president of the police jury. Any negro violating the provisions of this section shall pay a fine of ten dollars, or in default thereof shall be forced to work ten days on the public road, or suffer corporal punishment as hereinafter provided.

* * * * * *

SEC. 14. *Be it further ordained*, That the corporal punishment provided for in the foregoing sections shall consist in confining the body of the offender within a barrel placed over his or her shoulders in the manner practiced in the Army, such confinement not to continue longer than twelve hours, and for such time within the aforesaid limit as shall be fixed by the captain or chief of patrol who inflicts the penalty.

Such, sir, was the general character of the legislation in the South for three or four years after the war. Is it to be wondered at that the negro continues to distrust the men who made these enactments;

or can the American people trust to them the liberties and suffrage of the colored people of the South and the guardianship of the principles established in the thirteenth, fourteenth, and fifteenth amendments?

Mr. President, before I close my remarks I desire to say one word in relation to the State of Mississippi and what the republican party has done there. And I will say at the outset that Mississippi is proud of her reconstruction and her republican record. She challenges any State North or South to show a more rapid progress in proportion to her advantages, or a government freer from reproach considering her circumstances and surroundings. The democrats left her without a dollar in her treasury, a bankrupt not only in fortune but in character. We have seen how her democratic Legislature of 1865 and 1866 added to her embarrassment and her shame by putting upon the statute-books some of the most infamous laws that have disgraced modern civilization.

When the work of reconstruction commenced, this very same secession democracy counseled the people to have "nothing to do with the unclean thing." When the question of framing a new constitution was pending and an election was ordered by the military government, the democratic leaders said to their friends "Keep away from the polls, have nothing to do with it," and they succeeded in dissuading a large portion of the intelligent people from participating in the work of reconstructing the State. The result was that a convention met in Jackson composed largely of colored men. But let me say that the white republicans did everything in their power to induce the southern men of Mississippi to come forward and give their aid and assistance and the benefit of their counsels in framing the organic law of the State. But no; the democratic press and the leading democrats of the State threatened and intimidated the people, as they are doing now, to act against their better judgment.

What is true in Mississippi was true in almost every Southern State. When the proposition was made for them to accept the fourteenth amendment to the Constitution, it was spurned with contempt, as they have spurned and resisted every single step in the progress of reconstruction, under the lead of the same rash, fiery, intractable men who would now overthrow the results that have been wrought out and who are determined to do so peaceably if they can—forcibly if they must.

Notwithstanding these adverse circumstances, notwithstanding the opposition of the democracy, we succeeded in framing a constitution that we are indeed proud of. It will compare favorably with the organic law of any State in any country, and there is one feature particularly to which I will allude. In the constitutional convention a proposition was offered by a republican, an adventurer, as they are called by way of opprobrium, that the credit of the State should never be loaned to any corporation, and that was opposed by the democratic members of that convention. In 1869 under the resubmission act of Congress, when the question came up as to whether we would retain that clause in our constitution, the leading democratic paper in that State, the paper that to-day is howling about the plundering and robbery and the terrible condition of the South brought about by misrule under republicans, advocated voting that clause of the constitution out. But the loyal, patriotic republicans of Mississippi voted in its favor, and to-day as a consequence our debt is only nominal, is a mere bagatelle.

After we had framed and adopted our constitution we continued the work of reconstructing our State. We found its treasury empty, not a dollar in it. The democracy had robbed the State of all its trust fund. We commenced the work of repairing our public buildings. We found the capitol ready to fall to the ground; we found our asylums for the blind, the deaf and dumb, and for the insane, in ruins; we have repaired and rebuilt these public buildings; we have established a school system equal to that of any State in this Union, and to-day in Mississippi under republican rule one hundred thousand children are drinking from the fountains of knowledge; we have built up our jails and our court-houses; we have rebuilt the bridges that were burned during the devastation of war. We have accomplished all these things under republican rule, and to-day the State is not in debt to exceed a million dollars, and she owes most of her debt to her own trust fund. We can pay every dollar we owe, and will in less than two years. We have swept out the abominable "black code" that disgraced the statute-books of Mississippi; we have substituted an equitable system of taxation in the place of the unjust and oppressive revenue laws formerly in existence; we have constituted good courts and filled them with good judges; we have established universities and normal schools for both white and black citizens. Our government has been enlightened and progressive. No distinction has ever been made between citizens and no spirit of intolerance or proscription has ever prevailed against any class of men. One of the first things we did was to remove all restriction upon the right of suffrage and to instruct our Senators and Representatives to favor universal amnesty in the national Legislature. Up to the time of the Vicksburgh election last summer universal peace and good-will reigned throughout the State. That it does not now is due entirely to the democratic White League.

The expenditures of our State government are less by a number of thousands of dollars this year than they ever have been any year since the war, and the present feeling and tendency of the republican party is in favor of the utmost economy in our State. And I may say that I believe this is true of every republican State South. What is the present political status of Louisiana and South Carolina in this respect? Is it not a fact that they are improving and reforming? Is it not true that the State of South Carolina is better governed to-day, that there is more economy, that they are on the road to reform? And what is true of South Carolina is especially true of Louisiana. Under Governor Kellogg's administration they have reduced and limited the indebtedness of the State, and lessened taxation almost one-third. There has been a system of economy and reform inaugurated; and yet the democracy have the audacity to say that the tendency of things South under republican administration is destruction and the people are therefore justified in these revolutions. You would think, to hear them talk, that there had never been anything but virtue in the South until the advent of the "carpet-baggers;" but that since the establishment of republican rule, virtue, patriotism, and honesty are unknown. We have had bad men, Mr. President, I do not deny it, but most of them have been driven out from our ranks and are in the democratic party to-day.

One word, Mr. President, if the Senate will bear with me, on this question of "carpet-baggers." Sir, we are a nation of "carpet-baggers." "Carpet-baggers" landed upon Plymouth Rock in 1620; "carpet-baggers" founded the first colony on the James; and "carpet-baggers" have pioneered and settled every State and Territory of this Union. Wherever civilization makes an advance it is the carpet-bagger that makes it. Why, sir, out of twenty governors of Mississippi prior to the war only one was a native of the State, and out of fifty-nine members of Congress and Senators who represented Mississippi in this Capitol before the war only three or four were "to the manner born." I doubt not this is true of all our Western States. It is the feature of our civilization. Here is a list of carpet-baggers in the present Congress:

Statement showing the native and non-native representation in the present Congress.

[NOTE.—The word "native," signifies that the member is a native of the State, and "foreigner," that he is a non-native or foreigner; the few unknown being classed as non-native.]

States.		Senators.	Representatives.	Republican.	Democrat.
Alabama	native	.....	5	3	2
	foreigner	2	3	3	2
Arkansas	native	.....	1	.....	1
	foreigner	2	3	5	.....
California	native	.....	.....	.....	.....
	foreigner	2	4	4	2
Connecticut	native	2	2	3	1
	foreigner	.....	2	2	.....
Delaware	native	.....	1	1	2
	foreigner	2	.....	.....	.....
Florida	native	.....	.....	.....	.....
	foreigner	2	2	4	.....
Georgia	native	2	6	1	7
	foreigner	.....	3	1	2
Illinois	native	1	3	1	3
	foreigner	1	16	15	2
Indiana	native	1	7	5	3
	foreigner	1	6	7	.....
Iowa	native	.....	.....	.....	.....
	foreigner	2	9	11	.....
Kansas	native	.....	.....	.....	.....
	foreigner	2	3	5	.....
New Hampshire	native	1	2	2	1
	foreigner	1	1	2	.....
New Jersey	native	2	6	6	2
	foreigner	.....	1	.....	1
New York	native	2	22	20	4
	foreigner	.....	14	5	6
North Carolina	native	2	8	3	7
	foreigner	.....	.....	.....	.....
Ohio	native	1	14	11	4
	foreigner	1	6	3	4
Oregon	native	.....	.....	.....	.....
	foreigner	2	1	.....	3
Pennsylvania	native	2	24	21	5
	foreigner	.....	3	3	.....
Rhode Island	native	2	.....	2	.....
	foreigner	.....	2	2	.....
Kentucky	native	1	8	.....	9
	foreigner	1	2	.....	3
Louisiana	native	1	.....	1	.....
	foreigner	.....	5	5	.....
Maine	native	2	4	6	.....
	foreigner	.....	1	1	.....
Maryland	native	2	4	1	5
	foreigner	.....	2	1	1
Massachusetts	native	2	8	10	.....
	foreigner	.....	3	3	.....
Michigan	native	1	1	2	.....
	foreigner	1	8	9	.....
Minnesota	native	.....	.....	.....	.....
	foreigner	2	3	5	.....
Mississippi	native	.....	.....	.....	.....
	foreigner	2	6	7	1
Missouri	native	1	1	.....	2
	foreigner	1	12	4	9
Nebraska	native	.....	.....	.....	.....
	foreigner	2	1	2	

Statement showing the native and non-native representation, &c.—Continued.

States.		Senators.	Representatives.	Republican.	Democrat.
Nevada	native	.....	.....	.....	.....
	foreigner	2	1	2	1
South Carolina	native	1	3	4	.....
	foreigner	1	1	2	.....
Tennessee	native	1	7	4	4
	foreigner	1	3	4	.....
Texas	native	.....	.....	.....	.....
	foreigner	2	6	2	6
Vermont	native	2	3	5	.....
	foreigner	.....	.....	.....	.....
Virginia	native	2	7	4	5
	foreigner	.....	2	2	.....
West Virginia	native	.....	2	1	1
	foreigner	2	1	1	2
Wisconsin	native	.....	.....	.....	.....
	foreigner	2	8	8	2
Total native		36	149	117	68
Total non-native		37	141	130	48

Why, sir, how did you expect to carry out your reconstruction except by the "carpet-bagger?" You adopted the thirteenth, fourteenth, and fifteenth amendments, and put on paper some very wise legislation in regard to the rights of American citizens. But, sir, legislation don't carry itself into effect. It was the "carpet-bagger" that carried out your legislation, and at the risk of his life put the ballot practically in the hands of those to whom you had given it as a right. Without the "carpet-bagger" your amendments and your legislation would have been a dead letter, and unless he is sustained the work already accomplished will come to naught.

Mr. President, I have endeavored in my humble way to show to the Senate in the first place that this great clamor that has been raised in this country over Louisiana was perfectly groundless. I have endeavored to show that the President of the United States, in his action in Louisiana, has done nothing more and nothing less than he was required to do under his oath, to uphold and sustain the Constitution.

I have shown that the military officers in command of the Army in the State of Louisiana have simply obeyed the law. I have shown that all this outcry about "military usurpation" and the "terrible blow struck at liberty" in the removal of five men from the legislative hall in New Orleans is groundless and for a purpose. I have endeavored to show that so far from a legislature being invaded, it was nothing but a mob; and that the five men who were ejected from the hall had no right to be there participating in its organization. I have endeavored to show that there was such a condition of things in Louisiana that the governor of that State was authorized and required to do what he did; and had he done anything less he would have been derelict of his duty. When he had the evidence that the law was being trampled under foot, that a mob had entered the very legislative halls, he called upon the *posse comitatus* to preserve the peace and protect the majority of that Legislature from mob violence. I say he called the *posse comitatus*, and I have endeavored to show that in calling upon the military he was justified under the laws of the country; that it is a well-established principle of common law both in England and this country that the posse includes all citizens, not excepting persons in the military service.

I cited to sustain this position the opinion of a most distinguished lawyer, the Hon. Caleb Cushing, to the effect, that a conservator of the peace has a right to call upon the military of any denomination or character as a *posse comitatus;* and therefore, the chief conservator of the peace in Louisiana was justified in calling upon General De Trobriand and his troops to assist him to preserve the peace.

I have endeavored further to show that this hue and cry about the condition of affairs in the South, the plundering of the people by "adventurers" and "strangers," is for the most part gotten up for political effect, and is not founded on facts. I have endeavored to show that outrages, murders, and assassinations have been prevalent in the South, and that organizations of men, led on by a vile "banditti" for the purpose of overthrowing the southern governments, exist there; and the fallacy and absurdity of the attempt made by the opposition to make it appear that these statements are only for partisan effect.

In closing, I desire to say to my democratic friends, I desire to say to the distinguished Senator from Ohio, [Mr. THURMAN,] that instead of palliating he ought to denounce these things. I have great confidence in his patriotism; I admire his ability as a statesman; and I do not believe that if he understood the facts as I understand them, if he knew the real condition of affairs in the South, he would hesitate to give them his censure. I call upon him to investigate this matter and carefully weigh the facts that have been presented, and I say to him that if he as the leader of his party in the Senate would stand in his place and denounce these outrages and say to these miserable murderers at the South, "Stop your murder, stop your assassination, and if there is not force and power enough in your State governments to punish you, we will see that the strong arm of the National Government will reach to you;" if the Senator will make that announcement, and it shall be known that that is the policy of his party, we shall hear no more cries about outrages in the South. Every base Ku-Klux and white-leaguer will disappear; we will have peace and quiet in that country. But so long as these murderers and their inhuman and diabolical crimes find a kind of apology in the very Halls of the national Capitol, so long we shall suffer violence and outrage and revolution, and in the end, in my humble judgment, if continued it will result in the overthrow of our republican institutions.

Mr. THURMAN. Mr. President——

Mr. SARGENT. Does the Senator desire to proceed to-night, or will he yield now?

Mr. THURMAN. I will yield in a moment, as I should prefer to go on to-morrow; but I wish now to notice one thing that was last said by the Senator who has just spoken. He attributes to me an influence that I really do not suppose myself to possess; in fact it is quite true that I do not possess it if his narration of the condition of society in the South is correct. He says that if I raise my voice here and denounce the Ku-Klux outrages of which he speaks, they will cease. I have but little encouragement to hope that my voice is so potential, for it so happens that on the 18th day of January, 1871, I said to the Senate:

> Mr. President, I have never uttered one word in defense of Ku-Klux organizations. The Senate will bear me witness that no one spoke more strongly against them than I did at the last session. If I were looking at the subject simply in a partisan point of view, I am not so stupid as not to know that every outbreak of that kind only injures the party to which I belong, only furnishes the material for our opponents to excite the passions of the people and to excite the passions of Congress. I know it full well; and if my voice could reach every man who violates the law in the South, and could have potential influence with him, it would be addressed to him in three simple words, "Obey the laws." Such are my feelings; such are my natural instincts; and such is my interest and the interest of the party to which I belong. There is nothing to be gained by us by outrages, which only furnish our adversaries with pretexts for passing acts of legislation that but a few years ago would have shocked every sense of liberty, of freedom, and of constitutional law that had an abiding place in the American heart.—*Congressional Globe*, part 1, third session Forty-first Congress, 1870—'71, page 378.

That is what I said four years ago, and for which the then Senator from Alabama [Mr. Warner] expressed on the floor of the Senate his thanks, characterizing my words as "brave and useful words" for which he honored me. Sir, if my declarations, or if similar declarations by other democratic Senators on this floor could have the effect which the Senator from Mississippi attributes to them, there would be no such state of society as he has depicted. If there are outrages there, if there is a state of society there that is to be deplored, it is not the fault of the democratic party on this floor or in the other House. But I must be permitted to say that the picture of southern society is not to be drawn by clipping from newspaper after newspaper *ad nauseam* accounts of murders, violence, and deeds of wrong. I say that there might be a picture of northern society constructed in that way, by clipping from the daily press accounts of crimes in the North, which would make every man living north of the Potomac shudder and blush for his country if that picture were true. That is not the way in which history is to be written; these are not the materials out of which a picture of society is to be made; and it is the poorest service any man can do his country to thus be the compiler and the herald of all those acts that find recital on hearsay in the daily press of the land. Sir, it will not do. This Senate, the CONGRESSIONAL RECORD which we print, is not to be made the great police gazette of the nation, and the whole American people held up to the civilized world as a set of murderers and assassins because the law is violated sometimes at the North, sometimes at the South, sometimes at the East, sometimes at the West. That will not do, sir. Nor can the great theme which now engages the American Senate, that great question of constitutional law, whether constitutional government shall be preserved in this land or military despotism take its place, be obscured by all the clippings from newspapers that industry can possibly collect.

But, sir, I have said more than I wished to say to-night, and now I will yield to any one who wishes to move either to go into executive session or to adjourn, retaining my right to the floor to-morrow.

Mr. SARGENT. I rose to move that the Senate adjourn; but the Senator from Mississippi [Mr. ALCORN] informs me that he desires to offer a resolution.

OFFICERS IN MISSISSIPPI.

Mr. ALCORN. I offer the following resolution:

> *Resolved*, That the Attorney-General be requested to submit to the Senate the report of Clinton Rice, esq., who was commissioned by him under letter of authority dated February 24, 1874, to proceed to the State of Mississippi and investigate certain charges preferred against Mr. Felix Brannigan, United States attorney for the southern district of that State, and also against Mr. Leroy S. Brown, United States marshal for the same district; and that the said Attorney-General be requested to submit also a copy of all correspondence touching said investigation and report with his opinion thereon.

Mr. BOUTWELL. I should like to have that lie over until to-morrow.

The PRESIDENT *pro tempore*. The resolution will lie over.

HOUSE BILLS REFERRED.

Mr. SARGENT. On the suggestion of several Senators I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Before putting that question, the Chair will lay before the Senate certain bills from the House of Representatives for reference.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 3880) amendatory of the act of June 22, 1874, relating to bankruptcy;

A bill (H. R. No. 1342) declaratory of the rights of such Mexican citizens as were established in territories acquired from Mexico by the treaty of Guadalupe Hidalgo and the Gadsden treaty, and who have since continued to reside within the limits of the United States; and

A bill (H. R. No. 4530) further supplemental to the various acts prescribing the mode of obtaining evidence in cases of contested elections.

The bill (H. R. No. 4528) amendatory of the act approved March 3, 1873, entitled "An act authorizing the construction of a bridge across the Mississippi River at Saint Louis, in the State of Missouri," was read twice by its title, and referred to the Committee on Commerce

The bill (H. R. No. 4531) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, was read twice by its title, and referred to the Committee on Printing.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. It is moved 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 eight minutes spent in executive session the doors were reopened, and (at four o'clock and fifty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 26, 1875.

The House met at twelve o'clock m. Prayer by Rev. O. H. TIFFANY, of the Metropolitan Methodist Episcopal church of Washington, District of Columbia.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. MAYNARD. I call for the regular order of business.

The SPEAKER. The regular order of business being called for, the morning hour commences at thirteen minutes past twelve o'clock, and reports are in order from the select committee to inquire into the condition of affairs in the State of Arkansas.

No report being made from that committee, the Speaker proceeded with the call until the Committee on Elections was reached.

Mr. TODD rose.

Mr. SMITH, of New York. I ask liberty for my colleague on the Committee on Elections from Tennessee [Mr. HARRISON] to make a report when he comes into the House.

The SPEAKER. The House meets at twelve o'clock, and the Chair does not think that any further privilege should be asked for members of committees, as much of the time of the committees has been dispensed with during this session by motions to suspend the rules and special orders. The House meets daily at twelve o'clock and the first business in order after the reading of the Journal is the call of committees for reports.

TESTIMONY IN CONTESTED-ELECTION CASES.

Mr. TODD, from the Committee on Elections, reported a bill (H. R. No. 4530) further supplemental to the various acts prescribing the mode of obtaining evidence in cases of contested election; which was read a first and second time.

The bill, which was read, provides that so much of section 127 of the Revised Statutes as requires the Clerk of the House of Representatives to open, upon the written request of either party, any deposition in a case of contested election, after he shall have received the same, and prior to the meeting of Congress, be repealed.

Mr. TODD. I will state to the House that this bill proposes simply to repeal the last sentence of the fourth section of an act approved on the 10th of January, 1873, which is now the one hundred and twenty-seventh section of the revised code. The law as it now stands allows either party in a contested-election case to have a package of testimony opened in the absence of the opposite party and without notice to the other side. This practice has led during the present session to charges of improper tampering with the evidence. The law on this subject as it originally passed the House did not contain this sentence. It was attached to it in the Senate without due reflection and forecasting of the evil that might result from it.

The practice heretofore had been that when testimony was received by the Clerk it should be retained unopen and unbroken and handed over to the Committee on Elections. We think it better that the old practice should be restored, and that the Clerk should be relieved from the responsibility of allowing a package of testimony to be opened at the request of one party in the absence of the other, and that the parties themselves should not be subjected to charges of improper conduct in tampering with testimony opened in the absence of the opposing party. No harm can result from the repeal of this provision of the law, because both parties have abundant opportunity to have copies of all the testimony at the time it is taken, and after it is submitted to the Committee on Elections, and therefore the committee was unanimously of the opinion that this bill should pass.

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. TODD 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.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

Mr. HARRISON, from the Committee on Elections, submitted a report in writing upon a joint resolution (H. R. No. 116) proposing an amendment to the Constitution in respect of the election of President and Vice-President.

Mr. SMITH, of New York. For the purpose of obviating the danger and difficulty of a large accumulation of contested-election cases in the electoral districts proposed, and to prevent the gerrymandering of States by partisan majorities in the construction of election districts, and to dispense with the cumbersome machinery of electoral districts, while preserving the autonomy of the States in the election of President and Vice-President, I ask permission to report a substitute for the joint resolution recommended by the majority of the committee.

Mr. HARRISON. I move that the reports be printed and laid upon the table.

Mr. SMITH, of New York. I ask that the joint resolution in each case be printed in the RECORD.

No objection was made, and it was so ordered.

Mr. HARRISON. I have also a resolution which I am instructed to report by the Committee on Elections, providing for printing of five thousand extra copies of the report upon this subject.

The SPEAKER. That resolution will be referred to the Committee on Printing under the law.

Mr. SMITH, of New York. I desire to make a parliamentary inquiry. The Committee on Elections, by special order, have liberty to report this joint resolution at any time. If these reports are laid upon the table, will it be in order for the committee to call up this subject at any time?

The SPEAKER. They had better be recommitted to the committee.

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

The motion was agreed to; and accordingly the reports were ordered to be printed and recommitted.

The joint resolution reported by the majority of the committee is as follows:

Joint resolution proposing an amendment of the Constitution in respect of the election of President and Vice-President.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following article is hereby proposed as an amendment to the Constitution of the United States, and, when ratified by the Legislatures of three-fourths of the several States, shall be valid, to all intents and purposes, as a part of the Constitution to wit:

ARTICLE —.

SECTION 1. The President and Vice-President shall be elected by the direct vote of the people in the manner following: Each State shall be divided into districts, equal in number to the number of Representatives to which the State may be entitled in the Congress, to be composed of contiguous territory, and to be as nearly equal in population as may be; and the person having the highest number of votes in each district for President shall receive the vote of that district, which shall count one presidential vote: but no voter in any State shall vote for candidates for President and Vice-President who are both citizens in the same State with himself.

SEC. 2. The person having the highest number of votes for President in a State shall receive two presidential votes from the State at large.

SEC. 3. The person having the highest number of presidential votes in the United States shall be President.

SEC. 4. If two persons have the same number of votes in any State, it being the highest number, they shall receive each one presidential vote from the State at large; and if more than two persons shall have each the same number of votes in any State, it being the highest number, no presidential vote shall be counted from the State at large. If more persons than one shall have the same number of votes, it being the highest number in any district, no presidential vote shall be counted from that district.

SEC. 5. The foregoing provisions shall apply to the election of Vice-President.

SEC. 6. The Congress shall have power to provide for holding and conducting the elections of President and Vice-President. The returns of such elections shall be made to the Supreme Court of the United States within thirty days after the election. Said court shall, under such rules as may be prescribed by law, or by the court in the absence of law, determine any contest in respect of such returns, canvass the same, and declare, within ninety days after such election, by public proclamation, who is elected President and who is elected Vice-President.

SEC. 7. The States shall be divided into districts by the Legislatures thereof, but the Congress may at any time by law make or alter the same.

SEC. 8. No person who has been a justice of the Supreme Court shall be eligible to the office of President or Vice-President.

The substitute reported by Mr. SMITH, of New York, is as follows:

Joint resolution proposing an amendment of the Constitution in respect of the election of President and Vice-President.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following article is hereby proposed as an amendment to the Constitution of the United States, and, when ratified by the Legislatures of three-fourths of the several States, shall be valid, to all intents and purposes, as a part of the Constitution, to wit:

ARTICLE —.

SECTION 1. The President and Vice-President shall be elected by the direct vote of the people in the manner following, but no voter in any State shall vote for candidates for President and Vice-President who are both citizens in the same State with himself:

SEC. 2. In counting the votes the aggregate popular vote in each State for President and Vice-President shall be respectively divided by the number of Representatives apportioned to such State in the House of Representatives, and twice the result or quotient shall be added to the vote of the candidate having the highest number of the popular vote in such State for President, as and for the State vote for such candidate. The person having the highest number of votes in all the States, including the popular vote and the State vote, shall be President, and the person having the highest number of votes in all the States, including the popular vote and the State vote for Vice-President, shall be Vice-President.

SEC. 3. The Congress shall have power to provide for holding and conducting the elections of President and Vice-President. The returns of such elections shall be made to the Supreme Court of the United States within thirty days after the election. Said court shall, under such rules as may be prescribed by law, or by the court in the absence of law, determine any contest in respect of such returns, canvass the same, and declare, within ninety days after such election, by public proclamation, who is elected President and who is elected Vice-President.

SEC. 4. No person who has been a justice of the Supreme Court shall be eligible to the office of President or Vice-President.

WHEELER'S EXPLORING EXPEDITION.

Mr. GARFIELD, from the Committee on Appropriations, reported a bill (H. R. No. 4531) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1873; which was read a first and second time.

The bill provides that the act referred to in the title shall be amended by adding to the clause relating to the engraving and printing of the plates illustrating the report of the geographical and geological explorations and surveys west of the one hundredth meridian the words, "and that two thousand copies shall be printed by the Congressional Printer," after substituting the word "dollars" in lieu of the concluding word of said clause.

Mr. GARFIELD. The clause of the act referred to appropriates $25,000 for publishing the report of Lieutenant Wheeler's expedition. After the bill had passed both Houses, by some blunder in enrollment it went to the State Department with the clause reading "twenty-five thousand thousand;" the word "dollars" being left out and the word "thousand" substituted in its place. Of course nothing can be drawn from the Treasury for this purpose unless the correction is made. The committee report this bill in order to correct that error of enrollment. The only other change which is made is to name the number of copies of the report to be printed, the number not being named in the original bill.

Mr. RANDALL. What is the estimated cost of these two thousand copies, taken in conjunction with the preparation of the engraved plates? I want to get at the aggregate cost of the publication of this work, so that we may be able to see how much these books cost the Government, books which in very many instances, by reason of the want of proper facilities to get through the mails—that is, free transmission—are treated as old lumber and waste paper.

Mr. ALBRIGHT. I desire to say that we have had under consideration in our committee this morning this work of Lieutenant Wheeler. It is a geographical survey, and of great importance to the country.

Mr. RANDALL. I quite agree with the gentleman that these reports are most valuable. But still, while we are considering this subject it is proper that we should ascertain what they cost.

Mr. GARFIELD. I submit a letter with an accompanying estimate from the Congressional Printer, which will show the estimated cost of this work.

The letter and estimate are as follows:

OFFICE OF THE CONGRESSIONAL PRINTER,
Washington, January 14, 1875.

DEAR SIR: In reply to your note of January 7, I have the honor to transmit herewith an estimate for printing and binding an edition of two thousand copies (six volumes, quarto) of Lieutenant Wheeler's expedition. I have not included the wood-cuts, for the reason that, until I am correctly informed of the number, size, and character of the wood-cuts required, that I may obtain estimates from the engravers of their cost, it is not possible for me to include that item of expense.

I am, very respectfully,

A. M. CLAPP,
Congressional Printer.

Hon. J. A. GARFIELD,
Chairman of Committee on Appropriations.

Estimate (approximate) for printing and binding 2,000 copies (six volumes quarto) of report of Lieutenant Wheeler's expedition.

Volume 1—say 440 pages, 55 signatures:		
Composition, &c., 440 pages, 1,460 ems each, at 87½ cents per page	$385 00	
Press-work, 440 tokens, at 75 cents per token	330 00	
Total cost of printing, &c	715 00	
Paper, 113 9/20 reams, at $12.42½ per ream	1,407 74	
Binding 2,000 volumes, at 50 cents per volume	1,000 00	
Total cost of volume 1		$3,122 74
Volume 2—say 376 pages, 47 signatures:		
Composition, &c., 376 pages, at 87½ cents per page	329 00	
Press-work, 376 tokens, at 75 cents per token	282 00	
Total cost of printing, &c	611 00	
Paper, 96 16/20 reams, at $12.42½ per ream	1,202 74	
Binding 2,000 volumes, at 50 cents per volume	1,000 00	
Total cost of volume 2		2,813 74
Volume 3—say 64 pages, 8 signatures:		
Composition, &c., 64 pages, at 87½ cents per page	56 00	
Press-work, 64 tokens, at 75 cents per token	48 00	
Total cost of printing, &c	104 00	
Paper, 16 10/20 reams, at $12.42½ per ream	205 01	
Binding 2,000 volumes, at 50 cents per volume	1,000 00	
Total cost of volume 3		1,309 01
Volume 4—say 496 pages, 62 signatures:		
Composition, &c., 496 pages, at 87½ cents per page	434 00	
Press-work, 496 tokens, at 75 cents per token	372 00	
Total cost of printing, &c	806 00	
Paper, 127 14/20 reams, at $12.42½ per ream	1,586 67	
Binding 2,000 volumes, at 50 cents per volume	1,000 00	
Total cost of volume 4		3,392 67
Volume 5—say 128 pages, 16 signatures:		
Composition, &c., 128 pages, at 87½ cents per page	112 00	
Press-work, 128 tokens, at 75 cents per token	96 00	
Total cost of printing, &c	$208 00	
Paper, 33 reams, at $12.42½ per ream	410 03	
Binding 2,000 volumes, at 50 cents per volume	1,000 00	
Total cost of volume 5		$1,618 03
Volume 6—say 496 pages, 62 signatures:		
Composition, &c., 496 pages, at 87½ cents per page	434 00	
Press-work, 496 tokens, at 75 cents per token	372 00	
Total cost of printing, &c	806 00	
Paper, 127 14/20 reams, at $12.42½ per ream	1,586 67	
Binding 2,000 volumes, at 50 cents per volume	1,000 00	
Total cost of volume 6		3,392 67
Total cost of 6 volumes, 2,000 copies		15,648 86

RECAPITULATION.

Cost of printing, &c	$3,250 00
Cost of paper	6,398 86
Cost of binding	6,000 00
Total	15,648 86

Mr. ALBRIGHT. How many of Hayden's Reports are printed?

Mr. GARFIELD. I do not know.

Mr. ALBRIGHT. It seems to me that there should be as many of this report as of Hayden's. They are sent out for the same purpose, and the information which they furnish ought to be equally attainable by the people.

Mr. GARFIELD. This bill is merely to correct an error of enrollment in the law of last year, not for new legislation.

Mr. HOLMAN. How are these two thousand copies to be distributed?

Mr. GARFIELD. They will be placed under the control of the Secretary of War, unless Congress shall direct otherwise. Does the gentleman desire any other distribution of them?

Mr. HOLMAN. I think the same mode of distribution should be adopted in regard to this report as was adopted in regard to the other in order to get them over the entire country.

Mr. GARFIELD. Does the gentleman want to move an amendment to have them distributed by Congress?

Mr. HOLMAN. I think they should be distributed by Congress in the usual proportion between the House and the Senate.

Mr. GARFIELD. One-half of the entire number to the two Houses in the usual proportion.

Mr. RANDALL. That is not enough for Congress; let the Department have three hundred copies, and Congress the rest.

Mr. GARFIELD. I will move to amend so that five hundred copies shall be for the Department and the remainder, fifteen hundred copies, for distribution by Congress in the usual proportion between the two Houses. I call the previous question on the bill and amendments.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment was agreed to.

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

Mr. GARFIELD 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.

THE 3.65 DISTRICT BONDS.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to report back with an amendment the bill (H. R. No. 4463) for the payment of interest on the 3.65 bonds of the District of Columbia. The amendment of the committee strikes out the words "in coin" after the words "$182,500."

The bill, as amended by the committee, was read. It provides that $182,500, or so much thereof as may be necessary, be appropriated for the payment of the interest on the bonds of the District of Columbia known as the 3.65 bonds, due February 1, 1875, issued under the act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, said interest

to be paid by the Treasurer of the United States or the assistant treasurer in New York, on surrender of the proper coupons; provided that the sum hereby appropriated shall be considered and adjusted as a part of the proper proportional sum to be paid by the United States for the expenses of the government of the District of Columbia, and of the interest on its funded debt.

Mr. RANDALL. Is there any report accompanying this bill?

Mr. GARFIELD. I send to the desk to be read a communication from the commissioners of the District of Columbia.

Mr. RANDALL. I wish to reserve a point of order on this bill.

Mr. GARFIELD. Let the report be read.

Mr. HOLMAN. It should be understood that the point of order on this bill is not waived.

The SPEAKER. The point of order will be reserved till the communication has been read.

The Clerk read as follows:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
January 11, 1875.

To the Speaker of the House of Representatives:

The commissioners of the District respectfully request that the attention of Congress may be called to the necessity of legislative provision for the payment of the interest on the bonds authorized to be issued by the act of Congress approved June 20, 1874, entitled "An act for the government of the District of Columbia, and for other purposes." These bonds are generally known as "3.65 bonds." The act of Congress above cited pledges the faith of the United States to the payment (by proper proportional appropriation and by taxation on property within the District) of the interest on said bonds as well as to the creation of a sinking fund for payment of the principal thereof at maturity.

The same act of Congress contemplates the ascertainment, through future legislation, of the proper proportion of the expense of the government of the District of Columbia, including interest on its funded debt, which should be borne by the District and by the United States respectively. This proportion has not yet been determined by the requisite legislation. Upon the funded debt of the District of Columbia, other than the 3.65 bonds, the interest, including that due January 1, 1875, has been paid, or is in process of payment, out of the revenues from taxes on property in the District.

At its last session Congress authorized an advance from the United States Treasury for the payment of interest on the funded debt of said District, due July 1, 1874, (the 3.65 bonds not then having been issued,) but it was required that the sum thus advanced should be reimbursed to the Treasury of the United States from the treasury of the District, and this reimbursement has been made in full. The 3.65 bonds result in principal part from the funding of floating indebtedness of the late board of public works, which was created by an act of Congress, and whose operations were subject to congressional control, and to some extent were independent of interposition on the part of the municipal government of the District.

After payment from the treasury of the District of the current expense of the municipal government, and of the interest on the funded debt of the District other than the 3.65 bonds, taxes on private property will not afford sufficent revenue to pay any part of the interest on the 3.65 bonds which falls due on February 1, 1875. It results, therefore, that either congressional appropriation for this interest must be made, or that there must be default in the payment of interest to which the faith of the United States is pledged. If the requisite sum be appropriated by Congress, it is advisable that the interest should be paid in the Treasury of the United States and the coupons canceled there. According to law, these bonds are registered in the office of the Register of the United States Treasury. It might also be provided that such sum as may be appropriated for this purpose shall be considered and adjusted hereafter as a part of the proper proportional sum to be paid by the United States toward the expenses of the government of the District of Columbia and of the interest on its funded debt.

The commissioners are advised by the board of audit that, in the opinion of that board, "provision should be made for the February interest on $10,000,000 of the 3.65 bonds." The facts upon which this opinion is based are stated in a communication from the board of audit, hereto annexed.

For the semi-annual interest on $10,000,000 of these bonds there would be required $182,500.

The commissioners of the District therefore recommend the appropriation by Congress of $182,500, or so much thereof as may be necessary for the payment of interest on such bonds, due on February 1, 1875, the interest to be paid on surrender of the coupons to the Treasurer of the United States; and the sum thus paid to be considered and adjusted as a part of the proper proportional sum to be paid by the United States toward the expenses of the government of the District of Columbia, and toward the payment of the interest on the funded debt of the District.

We venture to call the attention of Congress to the suggestion in our report of the 5th ultimo, for the payment of the interest on the 3.65 bonds in gold, and to the report of the commissioners of the sinking fund, which accompanied our report, on the same subject.

Respectfully, &c.,

WM. DENNISON,
J. H. KETCHAM,
Commissioners District of Columbia.

OFFICE BOARD OF AUDIT,
COLUMBIA BUILDING, FOUR-AND-A-HALF STREET,
Washington, January 8, 1875.

GENTLEMEN: In answer to your letter of this date, we have to say that, in our opinion, provision should be made for the February interest on $10,000,000 of the 3.65 bonds.

Our report of December 7 showed the issue of auditor's certificates to the amount of $6,858,727.18, and claims pending $3,147,787.48. Total, $10,006,514.66.

Other claims have been presented and allowed, and, although the amount of $10,000,000 has not yet been certified, when certified the owners of those based on old claims will be entitled to interest.

Very respectfully, your obedient servants,

R. W. TAYLER,
First Comptroller.
J. M. BRODHEAD,
Second Comptroller, Board of Audit.

Hon. COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C.

Mr. GARFIELD. If gentlemen will allow me, I desire to say simply this: The commissioners of the District have no power to distrain for taxes until March. They cannot sell property for taxes.

Mr. FORT. I submit whether the chairman of the Committee on Appropriations can go on and discuss this bill and thus cut out the point of order.

The SPEAKER. The Chair desires to know whether the point of order is insisted on.

Mr. RANDALL and Mr. HOLMAN. It is.

The SPEAKER. Then the bill goes to the Committee of the Whole on the state of the Union.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. DURHAM, from the Committee on Banking and Currency, reported back, with amendments, the bill (H. R. No. 4322) amending the charter of the Freedman's Savings and Trust Company, and for other purposes.

Mr. BROMBERG. Mr. Speaker, how does this bill come before the House?

The SPEAKER. It is reported on the regular call by the Committee on Banking and Currency.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the seventh section of the act entitled "An act amending the charter of the Freedman's Savings and Trust Company, and for other purposes," approved June 20, 1874, as authorizes the selection and appointment of three commissioners to wind up the affairs of said institution be, and the same is hereby, repealed.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to appoint one commissioner, who shall execute a bond to the United States, with good sureties, in the penal sum of $100,000, conditioned for the faithful discharge of his duties as commissioner aforesaid, and take an oath to faithfully perform his duties as such, which bond shall be executed in the presence of said Secretary and approved by him and by him safely kept; and when said bond shall have been executed, and oath taken, then said commissioner shall be invested with the legal title to all the property of said company for the purposes of this act, and the said act of June 20, 1874, and shall have all the rights, prerogatives, and privileges, and perform all the duties, that were conferred and enjoined upon the three commissioners mentioned in said act of June 20, 1874.

SEC. 3. That said commissioner shall have the right and authority to compound and compromise debts due to and liabilities of the company, subject to the approval of the Secretary of the Treasury.

SEC. 4. That said commissioner shall have the right and authority to sell any of the property of said company at public or private sale, as in his judgment he may deem best, and to buy in for the benefit of the company any property which may be offered for sale to pay debts and liabilities to said company, if in his judgment said property is being sacrificed by said sale. He shall make to the purchasers of property sold by him deeds of conveyance to their respective purchases.

SEC. 5. That said commissioner shall not engage in any other business pursuits while winding up the affairs of said company, and shall, by the tenth day of each session of Congress, make a written report to Congress of his actings and doings up to the first day of said session; and for his services as commissioner aforesaid he shall receive an annual salary of $5,000, to be paid out of the funds of said institution.

SEC. 6. That whenever said commissioner is prepared to make a dividend to the depositors, he is authorized and directed, through the United States Treasurer, to place in the various depository banks of the United States which are convenient to said depositors an amount sufficient to pay them; and the officers of said banks shall pay the depositors, or their assignees, and take receipts from them in such way and manner as shall be prescribed by said commissioner and the Secretary of the Treasury; and said evidences of payment shall be returned by said officers to the commissioner, and by him preserved: *Provided*, That where there are no depository banks of the United States, then said commissioner may, with the advice and consent of the Secretary of the Treasury, pay the depositors in said localities in such way as he may deem best.

SEC. 7. That said commissioner may prescribe such form as he may deem right and proper for the depositors to transfer their claims, provided every such transfer shall state the amount of his claim transferred and the amount he receives for the same.

SEC. 8. That said commissioner shall make payments to those depositors only whose pass-books have been properly verified and balanced, unless said pass-books have been lost or destroyed; then, upon satisfactory proof of said loss or destruction, and the amount due them, he may pay as though they had pass-books.

SEC. 9. That said commissioner is hereby authorized and directed, by consent of the Secretary of the Treasury, to employ some suitable and proper attorney at law to look into and investigate the manner in which said company has been managed by its trustees and others having control of the same; and if, in the judgment of said attorney, the affairs of said company have been mismanaged or managed fraudulently and corruptly, then, with the advice of the Secretary of the Treasury, he shall cause such civil and criminal proceedings to be instituted in the courts against those participating in said mismanagement or fraudulent and corrupt management as he deems right and proper to attain the ends of justice. He shall pay fees and costs of suits out of the funds in his hands as commissioner aforesaid.

SEC. 10. That if from any cause there shall be any considerable delay in making a dividend to the depositors, then said commissioner may, under the direction of the Secretary of the Treasury, invest the funds on hand in United States bonds, until such time as he may be prepared to make a dividend, as directed under the act of June 20, 1874.

Mr. DURHAM. I ask now that the amendments reported by the committee be read.

Mr. FORT. I desire to raise a point of order on this bill.

Mr. HOLMAN. I believe the bill is subject to a point of order.

Mr. FORT. The second section of the bill provides for the creation of a new office.

Mr. DURHAM. The gentleman's point of order cannot stand upon this bill, because the fees of this officer are to be paid out of the funds of the institution.

Mr. MAYNARD. I do not see how any point of order can lie upon a bill which has no connection with the public Treasury.

Mr. BUTLER, of Massachusetts. The bill creates a new office.

Mr. MAYNARD. But the officer is not to be paid out of the Treasury.

Mr. BUTLER, of Massachusetts. He will have to be.

Mr. MAYNARD. No, sir.

Mr. FORT. He must be in the first instance.

Mr. MAYNARD. No, sir; there is no such provision.

Mr. DAWES. What authority have we to take money out of the funds of the institution to pay the salary of a new office that we create?

Mr. MAYNARD. We have such right in pursuance of the authority reserved in the creation of the corporation to change, regulate, or modify the law governing the corporation.

The SPEAKER. The gentleman from Illinois [Mr. FORT] will please state specifically his point of order.

Mr. FORT. I see that in the second section of the bill it is provided that the Secretary of the Treasury shall appoint a commissioner; and I suppose it will necessarily follow as a matter of law that this commissioner must be paid; and in the first instance he will have to be paid out of the Treasury.

Mr. HUBBELL. He is to be paid out of the funds of the bank.

Mr. FORT. If it is claimed that he is to be paid out of the funds of the bank, then of course, if those funds are not sufficient——

Mr. MAYNARD. Then he will get no pay.

Mr. FORT. If the funds in the bank are not sufficient to pay him, the Government will not be reimbursed.

The SPEAKER. That is a very remote consideration on which to rest a point of order. The gentleman will observe that the point of order, if good, must lie against a specific provision to take money out of the Treasury of the United States. This bill contains no provision for taking one dollar out of the Treasury.

Mr. DURHAM. I wish it to be understood that I do not yield the floor.

The SPEAKER. Of course the discussion of a point of order does not take the gentleman off the floor.

Mr. BUTLER, of Massachusetts. I was about to make a point of order when my friend from Illinois [Mr. FORT] rose.

Mr. MAYNARD. I desire to suggest that the original act creating this corporation reserved to Congress full and complete power at any time to alter, regulate, or modify the law governing the corporation.

Mr. BROMBERG. Will the gentleman put his finger on any such provision in the law?

Mr. MAYNARD. This bill is simply a measure proposed to be passed in conformity with that reserved power.

Mr. BROMBERG. The gentleman has not stated correctly the law.

Mr. BUTLER, of Massachusetts. My point of order is that this bill provides for an officer to be appointed under the law of the United States by the Secretary of the Treasury of the United States. You must pay—the United States has no right to appropriate anybody else's funds to pay.

Mr. BROMBERG. I wish to correct a statement of the gentleman from Tennessee.

The SPEAKER. The gentleman from Massachusetts knows officers are often designated to do certain things without pay—without any whatever. Does the gentleman from Massachusetts maintain if the bill is passed in its present form the Secretary of the Treasury would be authorized to pay the man?

Mr. BUTLER, of Massachusetts. The man would have a right to go to the Court of Claims.

The SPEAKER. Precisely; he would have the right to go to the Court of Claims, but that does not constitute a point of order that money is appropriated here.

Mr. BUTLER, of Massachusetts. But it takes the money of the United States.

The SPEAKER. The gentleman will observe the point of order does not lie against this bill, because there is nothing in it which takes one dollar of money out of the Treasury of the United States.

Mr. BUTLER, of Massachusetts. He has the right to go to the Court of Claims to get it.

The SPEAKER. He cannot go into the Court of Claims unless Congress authorizes him to do so. The point of order does not lie against the bill.

Mr. BROMBERG. I wish to ask a question of the gentleman from Tennessee.

Mr. DURHAM. I do not yield.

The SPEAKER. If the gentleman has a point of order the Chair will hear it.

Mr. BROMBERG. The gentleman from Tennessee has made a statement, and I wish to ask him what section of the charter authorizes Congress to amend it. I have looked at the charter and cannot find it.

Mr. MAYNARD. You will find it on page 88.

The SPEAKER. That is not a parliamentary point. That Congress transcends its power is not a parliamentary point.

Mr. BROMBERG. I ask for a moment's time so we may understand exactly about this matter. The gentleman from Tennessee made the statement, and I wish to know what foundation he has for it.

Mr. DURHAM. The gentleman will have full opportunity to understand the whole matter. I ask that the amendments reported from the committee be now read.

The Clerk read the amendments, as follows:

In section 4, line 1, after the word "commissioner" insert these words, "with the advice and consent of the Secretary;" so it will read:

SEC. 4. That said commissioner, with the advice and consent of the Secretary, shall have the right and authority to sell any of the property of said company, at public or private sale, as in his judgment he may deem best, and to buy in, for the benefit of the company, any property which may be offered for sale to pay debts and liabilities to said company, if in his judgment said property is being sacrificed by said sale. He shall make to the purchasers of property sold by him deeds of conveyance to their respective purchases.

In section 7, line 1, after the word "commissioner" insert the words "and the Secretary;" so it will read:

SEC. 7. That said commissioner and the Secretary may prescribe such form as he may deem right and proper for the depositors to transfer their claims, provided every such transfer shall state the amount of his claim transferred, and the amount he receives for the same.

At the end of section 9 add the following:

Provided, the aggregate paid to attorneys shall not exceed the sum of $5,000 per annum.

Add the following new section:

SEC. 11. When the commissioner shall have executed the bond and taken the oath as prescribed in section 2 hereof, then the present commissioners shall turn over and transfer to the new commissioner all the assets and securities of every kind now in their hands as commissioners aforesaid, and when said transfer shall have been made, then the present commissioners shall be released from all future liability on their present bond.

The SPEAKER. If there be no objection, the amendments will be considered as agreed to.

There was no objection, and it was ordered accordingly.

The SPEAKER. The pending question now is, Shall the bill be ordered to be engrossed and read a third time?

Mr. FORT. I ask the gentleman from Kentucky to yield to me to move an amendment.

Mr. DURHAM. Wait a moment. I know there was some difference of opinion in the committee in regard to one section of the bill, and I have been asked by quite a number of gentlemen to allow them to submit amendments to it. This matter is of sufficiently grave importance to be fully understood and discussed before the whole country, and consequently as much time as can be given to its discussion by the House I have no objection to, nor to listen to any amendments which may be suggested by the friends or opponents of the bill. I am instructed by the committee to take this course, and if gentlemen have amendments they desire to offer, I have no objection to their coming in to be voted on.

It will state further, Mr. Speaker, that there is a great deal of opposition to putting the power of winding up this concern into the hands of one man, although he may be under the supervision and control of the Secretary of the Treasury. The object of the committee in coming to that conclusion was that this institution, which has been so miserably managed, shall be saved all unnecessary future expense, and therefore we have reported in favor of one commissioner at a salary of $5,000, rather than three commissioners with salaries aggregating $9,000. Therefore it is I have reported the bill in its present form.

Mr. KELLEY. Will the gentleman from Kentucky yield to me at that point?

Mr. DURHAM. Certainly.

Mr. KELLEY. Mr. Speaker, I see a very grave objection in the provision of the bill by which an individual is to be charged with this trust, representing the interests of seventy-two thousand *cestui que trusts* in eleven States of this Union. They are chiefly colored men—almost exclusively so. The business is now in the hands of three men of integrity and character, I believe all of them; one of them being Robert Purvis, who is recognized by the colored people of this country as their representative man on all occasions in which he appears. The idea of effecting a saving——

Mr. DURHAM. Mr. Speaker, I thought I was yielding to the gentleman to make an inquiry. I do not yield to him for an argument until the proper time comes. If he has a question to propound to me, I will answer it; but I have the floor now.

Mr. KELLEY. The gentleman said he would allow discussion or an amendment. As my remarks will not apply to any amendment——

Mr. DURHAM. I do not want to be taken off my feet.

Mr. KELLEY. I do not mean to take the gentleman off his feet.

Mr. DURHAM. I will yield to the gentleman for an inquiry or to offer an amendment

Mr. KELLEY. I do not propose to offer an amendment or make an inquiry. I have simply a suggestion—that the saving of $4,000 would be a small economy if your one trustee in bonds for $100,000 to administrate an estate of millions should become a defaulter.

Mr. DURHAM. I ask the Chair how much time can be allowed for a discussion of this question? I am willing to allow for its discussion all the time the House will give to it.

Mr. RANDALL. I am one of the respectable minority of the committee on this bill, and would like to have a little time to speak on it.

Mr. DURHAM. Gentlemen shall have the time they want if the House will say how much time it is willing to devote to the bill.

Mr. RANDALL. I would like to have five or ten minutes.

Mr. FORT. I desire to offer the amendment which I send to the desk to be read.

The Clerk read as follows:

Add these words:

The United States shall not be liable to pay any expense under the provisions of this act or by reason of closing up the affairs of the said bank.

Mr. RAINEY. I desire to ask what authority the United States have to appropriate other people's money for the purpose of closing up this bank, unless they propose to assume the responsibility of the indebtedness of the bank as an entirety?

Mr. DURHAM. I should like the House to indicate what time will be allowed for the consideration of this bill.

The SPEAKER. Unless some arrangement is made, the bill will hold its position in the morning hour until it is disposed of.

Mr. DURHAM. I yield five minutes to my friend on the committee, the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. I do not see that the object of this bill is to change any existing law in regard to the management of this bank. The real controversy is whether there shall be three commissioners at $3,000 each, or whether there shall be but one at $5,000. Now, the parties who are most interested in this matter are the colored people of the various States in which this institution and its branches are located; and so far as I am able to learn, the colored population are unanimously adverse to a change in this respect. In other words, to meet the question fairly, they desire that persons of their own color shall be represented in the board of commissioners.

Now, the fact of the matter is that these colored people have been dealt with very outrageously, and the white people connected with this institution, so far as I have been able to learn, have only been engaged in lending the colored people's money to white people who have abused the confidence placed in them, and for once I am entirely free to say that I think the demand made by the colored people in respect to this bill is a reasonable one and should be granted to them.

Now, sir, as regards the character of the men employed as commissioners. I have but little experience as to their conduct, but of one of them I can speak with great certainty, because I have known him all my life nearly, and a purer man and more upright man, white or black, than that colored man does not live. I speak of Robert Purvis. He stands among the business men of Philadelphia as high as any man in that community; and for one I should violate the judgment of my constituents in respect to that man if I gave any vote here which in the slightest degree cast a reproach on him directly or indirectly.

Mr. BUTLER, of Massachusetts. The hour of one o'clock having arrived, I call the regular order.

Mr. MERRIAM. I wish to ask the gentleman from Pennsylvania whether he would propose to make Purvis one of the commissioners in this bill?

Mr. RANDALL. I would, sir. I am not hostile to many of the features of this bill; but I am entirely opposed to taking the control from the hands of the people who ought to have it, to wit, the colored people of the South.

Mr. MERRIAM. So am I.

Mr. BUTLER, of Massachusetts. It is the white men who have cheated, and not the colored men.

Mr. RANDALL. That is what I have said. The white men have done nothing but take the money out of the banks and keep it. These are the reasons why I shall advocate and vote for an amendment not to reduce the number of commissioners. The rest of the bill, if that amendment is adopted, I approve of and will cordially vote for.

Mr. BUTLER, of Massachusetts. I call for the regular order of business.

The SPEAKER. At the hour of one o'clock this day, by a suspension of the rules or by unanimous consent, the Committee on the Judiciary is entitled to the floor.

Mr. DURHAM. Does this bill go over until to-morrow?

The SPEAKER. It does. The leave given to the Judiciary Committee is subject only to the motion of the gentleman from Connecticut [Mr. KELLOGG] to go into Committee of the Whole on the state of the Union on the bill providing for the reorganization of the Treasury Department.

Mr. DURHAM. After these privileged motions are exhausted will the bill in relation to the Freedman's Savings Bank be called?

The SPEAKER. It will be called in the morning hour, unless the gentleman chooses to try and get the House to fix some special time for its consideration.

Mr. DURHAM. I tried to get that consent the other day, but it was refused.

The SPEAKER. It is now the pending business in the morning hour.

Mr. DURHAM. Well, let it stay there.

Mr. MAYNARD. I stated a few moments since that in the original charter of this bank the right to amend or alter it was reserved. I find that I was mistaken. It was not in the original charter, but was incorporated into an amendment which was subsequently adopted.

ORDER OF BUSINESS.

The SPEAKER. The hour of one o'clock having arrived, the Committee on the Judiciary is entitled to the floor, subject to the motion of the gentleman from Connecticut to go into Committee of the Whole on the state of the Union.

Mr. KELLOGG. I now propose to make the motion that the House resolve itself into Committee of the Whole on the state of the Union on the special order, being the bill providing for the reorganization of the Treasury Department. During the last session that bill was kept off from consideration by the appropriation bills, with the distinct understanding with the Committee on Appropriations that it should come in before the appropriation bills at this session. It is important that this matter should be settled now if it is to be settled at all, and all have conceded that this Department ought to be reorganized, for at present nine-tenths of it is a mere foot-ball in appropriation bills, not organized by law. If the House will agree to go into Committee of the Whole on the state of the Union I will ask only five minutes for general debate, and will take up only so much time as may be necessary to pass the bill.

Mr. BUTLER, of Massachusetts. I rise to a parliamentary inquiry. If the House goes into Committee of the Whole on this bill, will the Judiciary Committee come in for a day after it shall be disposed of? If we do not, it is a very serious matter.

Mr. KELLOGG. The committee having charge of this bill were postponed by the Appropriation Committee for four months. That committee has now stepped down for one day, and I hope the Judiciary Committee will not take their place.

Mr. BUTLER, of Massachusetts. I think that mine was an order made by unanimous consent, and is therefore a higher order than this.

The SPEAKER. The gentleman from Massachusetts yielded to reserve the right to make this motion to the gentleman from Connecticut.

Mr. KELLOGG. I made that a condition for agreeing to the gentleman's motion.

Mr. BUTLER, of Massachusetts. I yield then only that the sense of the House may be tested on the motion of the gentleman from Connecticut.

The SPEAKER. When the gentleman from Massachusetts asked for the privilege that his committee should have a day to report, the gentleman from Connecticut made it a condition that his motion should be admitted.

Mr. KELLOGG. And the House agreed to that.

Mr. BUTLER, of Massachusetts. On condition the House should go on with the gentleman's bill if they chose to do so.

The SPEAKER. If they chose, of course; it is for the House to determine the question. If the House goes into Committee of the Whole on the state of the Union, they do it upon the general Calendar, and the Chair is compelled to remind gentlemen that there is no such motion as a motion to go into Committee of the Whole on a particular bill. The gentleman from Connecticut moves to go into Committee of the Whole. If he finds that his bill is preceded on the Calendar by other bills, it will not be the fault of the Chair, but the fault of the Calendar.

Mr. KELLOGG. This bill having been made a special order, cannot I move to go into Committee of the Whole on the state of the Union upon it?

The SPEAKER. There is no such motion known to the rules strictly as going into Committee of the Whole on the state of the Union to take up anything. The House goes into two committees, the Committee of the Whole on the state of the Union and the Committee of the Whole, which is the Committee on the Private Calendar. After going into Committee of the Whole on the state of the Union, it is the duty of whoever presides to take up whatever is first upon the Calendar. Special orders come before other business, and the appropriation bills have precedence.

Mr. KELLOGG. There is no appropriation bill ahead of this bill, and this bill is a special order.

The SPEAKER. But the gentleman will observe by the rules that an appropriation bill is preferred to other business. The Chair does not want the gentleman to fall into any trap.

Mr. KELLOGG. But the Committee on Appropriations have agreed to give me this day, and I hope the House will stand by me in my motion.

The SPEAKER. The Indian appropriation bill stands ahead of the gentleman's bill.

Mr. KELLOGG. But I understand that the Committee on Appropriations are willing to postpone that bill until to-morrow.

The SPEAKER. It would require a majority vote of the Committee of the Whole to do that. The Committee on Appropriations have no right to make any such disposition of the business on the Calendar.

Mr. KELLOGG. Then I move simply that the House resolve itself into Committee of the Whole on the state of the Union.

The question was taken; and on a division there were—ayes 43, noes 61; no quorum voting.

Tellers were ordered; and Mr. KELLOGG, and Mr. BUTLER of Massachusetts, were appointed.

The House again divided; and the tellers reported—ayes 56, noes 94.

So the motion was not agreed to.

The SPEAKER. The vote just taken by the House leaves the Committee on the Judiciary entitled to the floor for reports.

ENROLLED BILLS SIGNED.

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

An act (H. R. No. 3006) authorizing the President to nominate Holmes Wikoff an assistant surgeon in the Navy;

An act (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes; and

An act (H. R. No. 4462) for the relief of Alexander Burtch.

APPOINTMENTS ON COMMITTEES.

The SPEAKER announced the following appointments to fill vacancies:

Committee on Revolutionary Pensions and War of 1812—ANDREW SLOAN, of Georgia.

Committee on Expenditures in the Interior Department—ANDREW SLOAN, of Georgia.

Committee on the District of Columbia—JOHN M. THOMPSON, of Pennsylvania.

GOVERNMENT EMPLOYÉS—RIGHT OF FRANCHISE.

Mr. FINCK, from the Committee on the Judiciary, reported back the petition of Captain W. B. Brown and fifty-four others, asking legislation protecting employés of the Government in their right of franchise; and moved that the committee be discharged from the further consideration of the same, and that it be laid on the table.

The motion was agreed to.

MEXICAN CITIZENS.

Mr. FINCK also, from the same committee, reported back with amendments, the bill (H. R. No. 1342) declaratory of the rights of such Mexican citizens as were established in territories acquired from Mexico by the treaty of Guadalupe Hidalgo and the Gadsden treaty, and who have since continued to reside within the limits of the United States.

The bill provides that all those Mexican citizens and residents who, at the dates of the treaty of Guadalupe Hidalgo and the Gadsden treaty, respectively, were established as such citizens and residents in any territories acquired by the United States from Mexico through the said treaties, and who have since continued to reside in good faith within the limits of the United States, are, and shall be, entitled to have, possess, exercise, and enjoy all such rights, powers, and privileges under the law as belong and are accorded to citizens of the United States.

The second section provides that every such Mexican citizen and resident, having continued to reside as aforesaid, has, and shall continue to have, the right to sue and be sued, to acquire, possess, hold, enjoy, and dispose of property, whether real, personal, or mixed, as fully as any citizen of the United States.

The third section provides that any such Mexican citizen and resident, having continued to reside as aforesaid, and being desirous of actual naturalization under the Constitution and the laws of the United States, shall be entitled to the same on proof of such residence and the other legal requisites in any competent court, without a previous declaration of intention.

The first amendment reported from the committee was to strike out of sections 1 and 2 the following:

And who have since continued to reside in good faith within the limits of the United States, are, and shall be, entitled to have, possess, exercise, and enjoy all such rights, powers, and privileges under the law as belong and are accorded to citizens of the United States.

Sec. 2. That every such Mexican citizen and resident, having continued to reside as aforesaid, has, and shall continue to have.

And to insert in lieu thereof the following:

And who elected to retain their Mexican citizenship under the provisions of said treaties, and have since continued in good faith to reside within the limits of the United States, shall have.

So that the section will read as follows:

That all those Mexican citizens and residents who, at the dates of the treaty of Guadalupe Hidalgo and the Gadsden treaty, respectively, were established as such citizens and residents in any territories acquired by the United States from Mexico through the said treaties, and who elected to retain their Mexican citizenship under the provisions of said treaties, and have since continued in good faith to reside within the limits of the United States, shall have the right to sue and be sued, to acquire, possess, hold, enjoy, and dispose of property, whether real, personal, or mixed, as fully as any citizen of the United States.

The second amendment was to change the number of section 3 to "2."

Mr. FINCK. I will state very briefly for the information of the House that this question originates under the treaty of Guadalupe Hidalgo, the ratifications of which were exchanged between this Government and Mexico in May, 1848. That treaty is to be found in the ninth volume of the Statutes at Large. Article 8 of that treaty refers to the condition of citizens who were in the territory acquired by this Government from Mexico. That article provides that—

Those who prefer to remain in said Territory may either retain the title and right of Mexican citizens or acquire those of citizens of the United States; but they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in said territory, after the expiration of that year, without having declared their intention to retain the character of Mexicans shall be considered to have elected to become citizens of the United States.

It turns out that quite a number of Mexicans who were residents of the Territory when it was acquired under this treaty elected in some manner, within the year, to retain their Mexican citizenship. But it has since been held by one of the courts of New Mexico that that election was irregular in that Territory and Arizona, and confusion has ensued. Sometimes these people are summoned to serve upon juries in the courts; sometimes they present themselves for the purpose of voting at the polls. The question as to their right under this treaty has become a matter of dispute. The governor of New Mexico called the attention of the Legislature of that Territory to this question some years since, and suggested that the Legislature should call upon the Congress of the United States to define the rights of these people. It is represented to the committee that they comprise some of the best citizens of the Territory. As a matter of law under the law of nations, by the acquisition of this Territory, which included Arizona, by the United States, these Mexican citizens would have become citizens of the United States. As they now many of them desire to become citizens of the United States notwithstanding their declaration, it is proposed by this bill to give them the right to make a declaration on oath before a court competent to naturalize, if they have the other qualifications to become citizens, and become naturalized without having first made a declaration of intention. I think this appeals so strongly to Congress that the necessity ought at once to be relieved by the passage of this bill.

Mr. HALE, of New York. Will the gentleman permit an inquiry?

Mr. FINCK. Undoubtedly.

Mr. HALE, of New York. With a brief preliminary statement?

Mr. FINCK. Certainly.

Mr. HALE, of New York. There is, as is well known, a commission now in existence and in session, I think in this city, to adjudicate upon claims of American citizens against Mexico, and of Mexican citizens against the United States. I wish to inquire whether this bill is drawn with a view of changing the status of any Mexican citizens under the present provision of the treaty, so as to enable them to have a standing as American citizens against Mexico before that commission?

Mr. FINCK. The bill contains nothing of that kind, sir.

Mr. HALE, of New York. I am inclined to think that the bill ought to be guarded by inserting a provision that it shall not operate to give such a standing before that commission.

Mr. FINCK. That question is not involved in this bill at all.

Mr. HALE, of New York. It seems to me that it is involved. I do not know that such a case exists; but as I know how many questions of a similar character have arisen before that commission, it seems to me very probable that this bill will cover cases of persons hitherto Mexican citizens, making them citizens of the United States perhaps for the very purpose of giving them a standing before that commission. Of course I do not impute any such motive to the committee.

Mr. FINCK. I reply to the gentleman that this bill includes only the Mexicans who at the time of the exchange of the ratifications of this treaty between our Government and Mexico were within the boundaries of acquired territory and who have constantly since that time continued in good faith to reside within these boundaries.

Mr. HALE, of New York. But they elected to remain Mexican citizens.

Mr. FINCK. They did so elect, but it has been declared by one of the territorial courts that that election was irregular, and that such persons hold an uncertain and undefined position. I ask the Clerk to read a portion of the message of the governor of New Mexico in 1866.

Mr. HALE, of New York. Will the gentleman allow me a single suggestion before that extract is read?

Mr. FINCK. I wish to have this read first.

The Clerk read as follows:

That class of the population of this Territory who have retained the title and rights of Mexican citizens, and who, by a late opinion of the judiciary of this Territory, have been disfranchised, should be incorporated and regarded as a part and portion of the political community of New Mexico. Many of this class of persons were misled and precipitated into the acts which seem to have been an election to retain the character of Mexican citizens. But it is not believed that that legal formality has been observed in the supposed election which should deprive this class of our population of the rights and privileges which pertain to those who were not misled. The Congress of the United States only can remedy this matter. We all know that many of the most intelligent, virtuous, and wealthy residents of New Mexico regret the excitement and circumstances of the time when they were hastily placed in a false position in the land of their birth and that of their ancestors.

Mr. FINCK. I now yield for a moment to the gentleman from Arizona, [Mr. MCCORMICK.]

Mr. MCCORMICK. I simply desire to say that I introduced this bill for the reason that, however clear and explicit the provisions of the treaty, some of the rights of these Mexican citizens have at times been called in question in the courts and elsewhere. One or more of the United States judges in Arizona have written me upon the subject, and suggested a declaratory enactment of this character as desirable, and, indeed, necessary. The last clause of the bill confers a privilege that may with propriety be given to persons who have so long in good faith lived under and respected our national flag and laws.

Mr. FINCK. I call for the previous question.

Mr. HALE, of New York. Before the gentleman does that I wish to submit an amendment, providing in substance that this act shall not be construed to give to any person a standing before the American and Mexican joint commission who is not now by law entitled to such standing.

Mr. FINCK. I am perfectly willing to admit such an amendment. I call the previous question upon the bill and amendments.

The amendment reported by the Committee on the Judiciary was read, as follows:

At the end of the first and the beginning of the second section, strike out the following:

And who have since continued to reside in good faith within the limits of the

United States, are, and shall be, entitled to have, possess, exercise, and enjoy all such rights, powers, and privileges under the law as belong and are accorded to citizens of the United States.

SEC. 2. That every such Mexican citizen and resident, having continued to reside as aforesaid, has and shall continue to have.

And insert the following:

And who elected to retain their Mexican citizenship under the provisions of said treaties, but have since continued in good faith to reside within the limits of the United States, shall have.

Change the number of section 3 to section 2.

Mr. FINCK. The amendment of the gentleman from New York [Mr. HALE] can be added to the first amendment.

The SPEAKER. The amendment of the gentleman from New York, as reduced to writing, will be read.

The Clerk read as follows:

Add to the first section the following:

Provided, That nothing in this act shall be construed to give to any person a standing before the United States and Mexican commission as a citizen of the United States who is not by existing law or treaty entitled to such standing.

The amendment of Mr. HALE, of New York, to the amendment of the committee was agreed to.

The amendment, as amended, was adopted.

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

Mr. FINCK 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.

SURETIES OF GREEN W. CALDWELL, OF NORTH CAROLINA.

Mr. ELDREDGE. I am instructed by the Committee on the Judiciary to report back the bill (H. R. No. 2576) for the relief of the principal and sureties on the official bond of Green W. Caldwell, late superintendent of the branch mint at Charlotte, North Carolina, with the recommendation that it do lie upon the table. The parties who petitioned for this a long time ago are all dead, and it is not now asked for.

The bill was laid on the table.

NEW STATE OUT OF LOUISIANA AND TEXAS.

Mr. ELDREDGE also, from the same committee, reported back a bill (H. R. No. 3776) to create a new State out of the States of Louisiana and Texas, with the recommendation that it do lie on the table.

The bill was laid on the table.

CLAIMS OF SOLDIERS AND SAILORS.

Mr. ELDREDGE. I am directed by the Committee on the Judiciary to report a bill, which is based on numerous petitions, with the recommendation that it do pass. It is a bill (H. R. No. 4532) extending the time within which certain cases may be prosecuted in the Court of Claims.

The bill, which was read a first and second time, provides that the time within which claims for back pay, bounties, extra pay, and pensions, accruing to persons in the military or naval service of the United States during the war of the rebellion, may be presented to the Court of Claims, shall be extended, so that such claims may be prosecuted in said court at any time within three years from the passage of this act, and the provision of section 1069 of an act entitled "An act to revise and consolidate the statutes of the United States in force on the 1st day of December, 1873," approved June 22, 1874, is hereby modified in accordance with the provisions of this act.

Mr. ELDREDGE. I ask the clerk to read the memorial I send up, to show precisely what that provision is and what remedy this bill is intended to furnish.

The Clerk read as follows:

To the United States Senate and House of Representatives:

Your memorialists respectfully represent that some of them were in the Army and some in the Navy during the war of the rebellion; that in the final settlement of their claims against the Government for back pay, bounties, extra pay, pensions, &c., adverse decisions have been rendered and denials of their claims made, which your memorialists believe unjust and erroneous; that the laws of Congress which provide for such cases being carried to the Court of Claims limit the time within which suits can be instituted to six years from the dates when the claims accrued; that in many of this class of cases that time had elapsed when the adverse decisions of the Departments were rendered, and thus your memorialists have no benefit of a resort to the courts. They therefore pray that the Court of Claims be authorized to hear and determine, subject to appeal to the Supreme Court, all such cases at any time within three years after the passage of the act.

Mr. ELDREDGE. The only point in the bill, Mr. Speaker, is whether the United States shall insist upon the statute of limitation or not.

Mr. WILLARD, of Vermont. I made the point of order on this bill some time ago.

Mr. ELDREDGE. The only point in the bill is whether the United States intends to plead the statute of limitations against the honest claims of soldiers and sailors who served during the late war. That is the whole question. The bill provides the statute shall not apply and these parties shall have the right to prosecute their claims in the Court of Claims.

Mr. HALE, of New York. It is only used against dishonest claims.

Mr. ELDREDGE. These are honest claims. It does not add to or renew any claim, but simply provides these soldiers and sailors, who may have lost, by lapse of time, the privilege of going to the Court of Claims with their claims, may still have three years within which to present them before the Court of Claims.

Mr. POLAND. I think it is clear the point of order does not lie against this bill, as it simply regulates the time within which these persons may bring suit.

Mr. HALE, of New York. And thereby money be taken out of the Treasury.

The SPEAKER. It is occasionally well to have the rule read on this subject, because it is very sweeping and comprehensive. The Clerk will read the rule under which the gentleman from Vermont makes his point of order.

The Clerk read as follows:

All proceedings touching appropriations of money, and all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first discussed in Committee of the Whole House.

The SPEAKER. The question is whether this bill would require an appropriation of money. The Chair thinks it would. The rule is sweeping. The bill will be referred to the Committee of the Whole, and ordered to be printed.

Mr. ELDREDGE. If the gentleman from Vermont insists on such a proposition, of course I cannot help it; he must take the responsibility.

The bill was referred to the Committee of the Whole, and ordered to be printed.

ARREST AND DELIVERY OF DOMESTIC FUGITIVES.

Mr. TREMAIN, from the Committee on the Judiciary, reported back adversely a bill (H. R. No. 3888) to make further provisions for the arrest, detention, and delivery of domestic fugitives from justice; and the same was laid on the table.

AMENDMENT TO NATURALIZATION LAWS.

Mr. TREMAIN also, from the same committee, reported back adversely the petition of citizens of New York, to amend the naturalization laws; and the same was laid on the table.

AMENDMENT TO THE CONSTITUTION.

Mr. TREMAIN also, from the Committee on the Judiciary, reported back, with the recommendation that it do not pass, the joint resolution (H. R. No. 122) proposing an amendment to the Constitution of the United States; and moved that the committee be discharged from the further consideration of the same, and that it be laid on the table.

Mr. COX. Let the proposed amendment be read.

The Clerk read as follows:

Congress shall not make anything but gold and silver coin a tender in payment of individual debts. Congress shall pass no law impairing the obligation of contracts.

Mr. POTTER. I want to say that I dissent from the report of the committee.

The motion was agreed to; and the joint resolution was laid on the table.

BANKRUPTCY.

Mr. TREMAIN also, from the Committee on the Judiciary, reported back, with the recommendation that it do pass, with amendments, the bill (H. R. No. 3880) amendatory of the act of June 22, 1874, relating to bankruptcy.

The bill was read. It provides that so much of section 9 of the act approved June 22, 1874, entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March 2, 1867, and for other purposes," as relates to cases of discharge in involuntary or compulsory bankruptcy, shall be deemed and taken to apply to all proceedings in involuntary or compulsory bankruptcy, whether the same were commenced before or after the passage of said act.

The amendments reported by the committee were read, as follows:

Amend by inserting after the word "proceedings," in line 10, the word "pending."

And add at the end of the bill the following proviso:

Provided, The bankrupt shall be entitled to a discharge according to the other provisions of said act.

Mr. TREMAIN. This bill simply states a question about which there have been conflicting decisions of the courts; and its purpose is to bring all cases under a uniform rule such as was established by the act as it was amended at the last session of Congress, so that all cases which were pending when that act passed or have since been commenced shall be governed by the rule provided by that act, so far as it relates to the amount of percentage necessary to be realized from the assets of involuntary bankrupts in order to entitle them to their discharge. I call the previous question on the bill and amendments.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments were agreed to.

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

Mr. TREMAIN 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.

TEXAS INDEMNITY BONDS.

Mr. TREMAIN also, from the Committee on the Judiciary, reported back with the recommendation that it do pass, with an amendment, the bill (H. R. No. 4001) to provide for the redemption of overdue bonds of the United States known as Texas indemnity bonds.

The bill was read. It directs the Secretary of the Treasury to pay to the governor of the State of Texas, for the use of that State, the par value of one hundred and fifty-one bonds of the United States, and the coupons due thereon, numbered 4544 to 4604, consecutively and both inclusive, of the series of bonds issued under the act of September 9, 1850, known as Texas indemnity bonds, and to enter the same on the books of the Treasury as redeemed.

The amendment reported by the committee was as follows:

Add at the end of the bill these words:

On the execution to the United States by the State of Texas of a bond to indemnify the United States for any losses they may sustain in consequence of such payment in the penal sum of $250,000, such bond to be duly authorized by the Legislature of the State of Texas and to be approved by the Attorney-General of the United States.

Mr. TREMAIN. I will send to the reporters and have printed as a part of my remarks without asking it to be read, unless some gentleman desires it, the petition of the State of Texas relating to this matter.

Mr. WILSON, of Iowa. I raise the point of order on the bill.

Mr. TREMAIN. It will be perceived that the State of Texas is to indemnify the Government of the United States for any losses that may be sustained under this bill which is intended to provide for the redemption of these bonds under a decree of the Supreme Court decreeing the title to be in the State, but which cannot be made effectual on account of the absence from the country of the parties who hold the bonds.

Mr. E. R. HOAR. I would like to inquire of the gentleman who has charge of the bill whether these are bonds that are in litigation between the State of Texas and other parties?

Mr. TREMAIN. They have been in litigation only so far as a suit has been decided in favor of the State of Texas.

Mr. E. R. HOAR. There are no other suits?

Mr. TREMAIN. Not that I am aware of. There was a suit brought by the State of Texas against the parties holding these bonds, and a decree of the Supreme Court has been entered in favor of the State of Texas as having the title, but the parties being out of the jurisdiction of the court cannot be compelled to produce them here. There is no litigation now pending. There has been an absolute decree, found in 7 Wallace. I have here the petition of the State, through the governor of Texas, and shall print it as part of my remarks.

The petition is as follows:

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

The petition of the State of Texas respectfully represents—

That by virtue of the authority contained in the act of Congress of September 9, 1850, the Secretary of the Treasury issued to the State of Texas $5,000,000 of bonds, denominated "Texan indemnity stock," bearing date January 1, 1851, and redeemable after the 31st day of December, 1864, and made payable to the State of Texas or bearer.

That at the time of receiving said bonds the State of Texas, by act of her Legislature of December 16, 1851, provided as follows: "That no bond issued as aforesaid, as a portion of said five millions of stock payable to bearer, shall be available in the hands of any holder until the same shall have been indorsed in the city of Austin by the governor of Texas."

That of the bonds so issued to the State those numbered from 1 to 4218 inclusive had been indorsed by a governor of Texas, in accordance with the provisions of the aforegoing act, and disposed of before active rebellion in that State, and had been redeemed at the Treasury of the United States.

There were left in the treasury of the State at the breaking out of the rebellion seven hundred and eighty-two of said bonds, numbered from 4218 to 5000 inclusive.

On the 16th of March, 1861, the insurgent convention of Texas, having previously declared the adoption of the secession ordinance, and that Texas had withdrawn from the Union of the States under the Federal Constitution, passed an ordinance declaring that Sam Houston, governor of the State, and E. W. Cave, secretary of state, had refused or omitted to take the oath prescribed, and that their offices were vacant; that the lieutenant-governor should exercise the authority and perform the duties appertaining to the office of governor, and that the deposed officers should deliver and turn over to their successors in office the great seal of the State and all papers, archives, and property in their possession belonging or appertaining to the State.

By virtue of this ordinance, and under the direction and by the orders of the convention, the duly qualified officers of the State were deposed, and its property, including the bonds above referred to as in its treasury at the inauguration of the rebellion, were seized by the insurgents.

Of said bonds so seized, as above set forth, six hundred and thirty-four, numbered from 4219 to 4694 inclusive, and from 4843 to 5000 inclusive, passed into the possession and under the control of an organization known as the "military board," established in the State under the authority of the following acts of the insurgent Legislature, to be disposed of by said board in execution of the trust and duty imposed upon it by said acts:

CHAPTER LVI.

An act to provide arms and ammunition, and for the manufacture of arms and ordnance for the military defense of the State.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That $500,000 of the bonds authorized to be issued by "An act authorizing a loan and imposing a specific tax to meet the principal and interest thereof, under the provisions of the thirty-third section of the seventh article of the constitution of the State," approved April 8, 1861, is hereby appropriated for the purpose of procuring arms and ammunition, and for the manufacture of arms and ordnance for the military defense of the State.

SEC. 2. The governor, comptroller, and treasurer are hereby created a military board, any two of whom may act, for the purpose of disposing of said bonds, in any manner they may see proper, in order to accomplish the objects mentioned in the preceding section. Said board may sell the bonds for money, and then buy the arms and ammunition, or for anything else in order to carry out the provisions of the first section of this act.

SEC. 3. That said military board shall have the power to appoint one or more agents to negotiate said bonds, and to purchase said arms and ammunition, and to superintend the manufacture of arms and ordnance. Such agent or agents shall be governed in his or their negotiations by the instructions of said military board.

SEC. 4. Such agent or agents shall be entitled to such reasonable compensation for his or their services as shall be agreed upon between him or them and said military board.

SEC. 5. That said military board may, in their discretion, establish a foundery for the manufacture of ordnance and one or more manufactories of small-arms to be located at such place or places as said board may select.

SEC. 6. That the sum of $500,000, or so much thereof as may be necessary, is hereby appropriated for the purpose of carrying out the provisions of this act.

SEC. 7. That this act shall take effect and be in force from and after its passage.

Approved January 11, 1862.

CHAPTER LXXXI.

An act to provide funds for military purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the governor, comptroller, and treasurer shall constitute a military board, and a majority of said board shall have the power to provide for the defense of the State by means of any bonds and coupons which may be in the treasury on any account, and may so use such funds or their proceeds, and therefore may sell, hypothecate, or barter such bonds and coupons, provided such disposals shall not exceed the amount of $100,000,000 of such bonds and coupons, and that they shall not be disposed of at any discount greater than 20 per cent. of their face amounts.

SEC. 2. Any bonds which may be disposed of under the provisions of this act shall be substituted by equal amounts of any bonds of the Confederate States of America that may be obtained by this State, and the bonds so substituted, respectively, in all respects shall be in place of the funds disposed of as aforesaid.

SEC. 3. That this act be in force from and after its passage.

Approved January 11, 1862.

On the same day, and in connection with the above recited acts, namely, the 11th of January, 1862, the insurgent Legislature passed an act repealing the act of the 16th of December, 1851, prohibiting alienation of the indemnity bonds without the indorsement of the governor of Texas. Said repealing act is as follows:

CHAPTER LXV.

An act to repeal a certain act herein mentioned.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That an act to provide for the reception and deposit of a portion of the indemnity due the State of Texas by the United States for the sale of a portion of her northwestern territory, under the provisions of an act of Congress approved September 9, 1850, which act of the Legislature was approved December 16, 1851, is hereby repealed, but without prejudice to any vested rights that may have arisen from said act; and this act shall take effect and be in force from its passage.

Approved January 11, 1862.

This repealing act was designed to facilitate the negotiation of the bonds in question by the military board, and therefore in aid of the execution of the trust and agency of the board to raise funds for military purposes and in support of the insurgent cause. Had the bonds borne the indorsement of the governor of the insurgent organization of Texas, they would have been comparatively without value in the market. Under the authority of the aforegoing acts the said military board delivered to one John M. Swisher, as its agent, three hundred of said bonds, numbered from 4395 to 4694, inclusive, to be by him taken to England and there negotiated, for the purpose of raising means to carry on the war against the United States. Of said bonds so delivered to Swisher, one hundred and forty-nine, numbered from 4395 to 4543, were sold to George Peabody & Co., and have been redeemed at the Treasury of the United States. The remaining one hundred and fifty-one, numbered from 4544 to 4694, inclusive, were deposited by said Swisher with the firm of Droege & Co., of Manchester, England, for and on account of the State of Texas, and to this one hundred and fifty-one bonds this memorial has special reference.

The State of Texas has repeatedly demanded of said Droege & Co. the delivery of said bonds, but her demand has been refused or evaded on various pretenses. Droege & Co. set up no claim, title, or right in themselves to said bonds, but now pretend to hold them by reason of a notice served on them by one John Chiles, averring a claim of title thereto in himself.

On the 12th day of January, 1865, the military board of Texas executed a certain contract with said Chiles and one George W. White, purporting to convey to them certain of said indemnity bonds then in the treasury of the insurgent State, and also seventy-six of said bonds so "on deposit with Droege & Co., England."

On the 15th of February, 1867, the reconstructed State of Texas filed a bill in equity in the Supreme Court of the United States to set aside and vacate said contract with White and Chiles, and asking that she might be deemed to be the lawful owner of said bonds mentioned in said contract, and entitled to receive and collect the same. At the December term of the Supreme Court, 1868, a decree was passed in accordance with the prayer of the said bill, adjudging and decreeing the title to be in the State, and enjoining the said White and Chiles from setting up a claim to any of said bonds. (See case State of Texas *vs.* White and Chiles, 7 Wallace, 701, 742.) But this decree was not respected by said Droege & Co., of England, who, notwithstanding, refused to deliver said bonds to your memorialist, but still hold the same, pretending that they do so for their own protection against the alleged claim of the said Chiles. And the said Chiles now pretends, as your memorialist is informed, that he claims said bonds under some other and different contract with the military board, executed subsequent to the date of the contract above referred to, to wit, on or about the 4th of March, 1865, and in which said White has no interest. The archives of the State have been carefully examined, and no copy, memorandum, or reference to any such alleged contract can be found, and your memorialist believes that none such ever existed, and charges that if any such does exist, it is void and of no effect by reason of the application of the principles pronounced in said case of Texas *vs.* White and Chiles.

Your memorialist further represents that said Chiles and the said Droege & Co. have fraudulently confederated and combined for the purpose of forcing the State of Texas to institute proceedings in the courts of England, where it is hoped and expected that a decision may be obtained in favor of the said Chiles or Droege & Co. against the said State on certain of the war bonds issued by the insurgent government of Texas, and which have been bought up by one or both of said parties, as openly avowed by said Chiles since the close of the war, and by force of which decision the said indemnity bonds in the hands of Droege & Co. may be subjected to the payment of any judgment that may be obtained against the State in any court of Great Britian to whose jurisdiction she may subject herself by instituting proceedings therein. To accomplish this purpose, the said Droege & Co. not only refuse to deliver said bonds to the State of Texas, though admitting them to be held for said State, and asserting in themselves no claim of title thereto, but carefully and persistently avoid bringing said bonds to the United States, where they might become subject to the jurisdiction of the courts of this country, and have not ventured to present them at the treasury for redemption, though they have been overdue since the 31st day of December, 1864, and consequently have been bearing no interest since that time.

The State of Texas has repudiated said war bonds, as having been issued by an insurgent and unlawful government for the purpose of prosecuting the war against the Federal Government, and as she was required to do by the fourth section of the fourteenth article of the amendments to the Constitution of the United States, by which it is provided that "neither the United States nor any State shall assume

or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States."

The State of Texas, therefore, to the end that her rights may be fully protected by the lawful authorities of this country, and that she may not be compelled to humiliate herself by becoming a suitor in the courts of a foreign country, and thereby submit to their jurisdiction the most important and delicate questions of American polity and constitutional law, prays the Congress of the United States to inquire into the subject of this memorial and by law direct the Secretary of the Treasury to pay to her the full amount of the said one hundred and fifty-one indemnity bonds due by the United States, numbered from 4544 to 4694, inclusive, with coupons thereto attached, now on deposit as the property of said State with said Droege & Co., of Manchester, England, and to enter said bonds on the records or books of the Treasury as discharged and redeemed.

RICHARD COKE,
Governor of the State of Texas,
By THOMAS J. DURANT,
R. T. MERRICK,
His Attorneys in Fact.

Mr. WILSON, of Iowa. I think this bill should go to the Committee of the Whole as well as bills making appropriations reported by other committees.

Mr. BUTLER, of Massachusetts. In my judgment this bill is not open to the point of order. If the Speaker will allow me to state the facts, it will be seen that the United States owes to the State of Texas certain bonds. During the war some of those bonds were taken and carried to Europe and sold. The United States owes them either to the party in Europe or the party in Texas. The Supreme Court of the United States have decided that these bonds were illegally taken; and therefore they are the property of the State of Texas. The State of Texas has attempted to get them back out of the hands of those parties in Europe, but they keep out of the jurisdiction where they can be sued, and will not bring them back.

Now, this bill only provides that the United States may pay the State of Texas, who own these bonds, and it does not impose any new liability on the United States; and if the man in Europe who has possession of these bonds comes and presents them hereafter, the State of Texas is required by this bill to indemnify the United States by a bond sufficient to pay all payments that the United States may be required to make, and in addition to that to give security on other bonds of a like kind in the Treasury of the United States; so that this bill takes no money out of the Treasury that by existing law would not go out of the Treasury, because it only calls on the United States to pay this money to an honest creditor, and not to a dishonest man who has stolen these bonds and gone off to Europe. In other words, it simply provides to whom this money shall be paid. It makes no appropriation.

Mr. GIDDINGS rose.

The SPEAKER. The merits of the case are not under discussion yet. If the gentleman has any remarks to make upon the point of order, the Chair will hear them.

Mr. GIDDINGS. I do not think the point of order applies to this case. This is for the payment of overdue bonds, and an appropriation has already been made to pay the bonds, but the party who holds them refuses to present them for payment. They are part of a lot of three hundred bonds taken by the military forces in Texas in 1862, and sent to Europe and placed in the hands of parties there as brokers. One hundred and forty-nine of those three hundred bonds were sold to Peabody & Co., and a part of the purchase-money was paid. Before all the purchase-money due upon the sale of the one hundred and forty-nine bonds was paid by Peabody & Co., it was ascertained that the Treasurer of the United States refused to pay these bonds, because the State of Texas had passed a statute requiring that such bonds held by the State should be indorsed by the governor of the State. They had not that indorsement, because the loyal governor of the State had been removed, and it was not thought proper to send the name of the governor-elect to the Treasury of the United States. Afterward Peabody & Co. enjoined the funds arising from the sale of the one hundred and forty-nine bonds. There is no doubt that they, the holders in England, were merely brokers for a private individual, and that no consideration ever passed to the State of Texas.

The SPEAKER. The gentleman from Texas is not in order in discussing the merits of the bill. The only question before the House now is the parliamentary point made by the gentleman from Iowa, [Mr. WILSON.] He makes the point that this bill appropriates money from the Treasury of the United States, and therefore should have its first consideration in Committee of the Whole.

Mr. GIDDINGS. Upon that point my answer is that these bonds are overdue, that an appropriation has already been made to pay them, and they have not been paid because the party who holds them will not present them, and he holds them fraudulently.

The SPEAKER. That is a point on the merits of the question. The only question is, does this bill take money out of the Treasury of the United States which would not go out of the Treasury if the bill were not passed?

Mr. GIDDINGS. The bill provides that the State of Texas shall give an indemnifying bond to the United States.

The SPEAKER. That is not the point. Does the bill take out of the Treasury money which would not go out if it were not passed?

Mr. BUTLER, of Massachusetts. If this bill were not passed the money would have to go to the other party.

The SPEAKER. If this bill does not take money out of the Treasury, there is no use in passing it. The Chair knows nothing about the merits of this claim, and it would not be proper for him to express any opinion about it if he did; but the Chair thinks that it directs the payment out of the Treasury of the United States of $151,000 in a certain mode, and therefore that it is strictly liable to the point of order that it must have its first consideration in Committee of the Whole. The Chair therefore sustains the point of order.

Under the ruling of the Chair the bill was referred to the Committee of the Whole on the state of the Union.

DISTRICT JUDGE OF TENNESSEE.

Mr. WHITE, from the Committee on the Judiciary, reported back, with the recommendation that it do pass, the bill (H. R. No. 2777) providing for a judge for the western district of Tennessee, &c.

Mr. SENER. That bill is liable to a point of order.

Mr. WHITE. Let the bill be read.

The Clerk proceeded to read the bill, and read the first five sections.

Mr. HALE, of New York. I make the point of order on that bill that it creates a new officer and provides for the paymant of a salary to the officer to be appointed.

The SPEAKER. The gentleman had better wait until the Clerk has read the sixth section of the bill.

Mr. HALE, of New York. The first section provides for the appointment of this officer, and I think we may presume that he is to be paid.

Mr. COX. There is another point which I desire to make, which is a political one, upon that bill.

Mr. WHITE. If the gentleman from New York [Mr. HALE] understood the merits of the case, I am sure he would not object to the bill.

Mr. COX. Some one is to be appointed as judge, and I object to the appointment of anybody by the present Executive.

The SPEAKER. That is not a point of order.

Mr. COX. No, sir; but it is a moral point.

ADVERSE REPORTS.

Mr. CESSNA, from the Committee on the Judiciary, reported adversely upon the following bills; which were laid upon the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 3956) for the relief of the Southern States by the compromise and settlement of their debts; and

A bill (H. R. No. 3846) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes," approved June 16, 1874.

MILEAGE AND TRAVELING EXPENSES.

Mr. CESSNA, from the same committee, reported a substitute for the bill (H. R. No. 3899) explanatory of an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1874;" which was read a first and second time.

The first section of the bill provides that the proviso in the sixth paragraph of the act referred to shall only be held and considered as applying to officers of the Army and clerks and employés of officers of the Army and of the War Department, and that all accounts of attorneys, marshals, clerks, and all officers except officers of the Army and clerks and employés of officers of the Army and of the War Department for mileage and for expenses incurred subsequent to the 1st day of July, 1874, shall be audited, allowed, and paid at the Treasury Department in the same manner as if said act had not been passed.

The second section provides that for services hereafter rendered no constructive mileage shall be allowed or paid to marshals of the United States, and that in auditing, settling, and paying such officers for services allowance shall only be made for the number of miles actually and necessarily traveled by them in the service of process or performance of official duty.

Mr. SPEER. I raise the point of order that this bill increases the compensation now authorized by law.

Mr. CESSNA. It does not; it simply declares the true intent and meaning of the proviso of the Army appropriation bill of last year.

The SPEAKER. The Chair understands the point involved here to be that by a proviso in the Army appropriation bill of last year a certain rate of mileage was established by law and that the construction of that proviso included a certain class of officers. This bill is intended to relieve a portion of those officers from that construction.

Mr. CESSNA. That is true.

The SPEAKER. Then of course this bill will necessitate an appropriation and the taking of money out of the Treasury.

Mr. CESSNA. The second section will save more money to the Treasury, by reducing the accounts for mileage.

The SPEAKER. Parliamentary rules do not recognize offsets. The bill is subject to the point of order.

The bill was accordingly referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

POTOMAC RAILROAD COMPANY.

Mr. CESSNA, from the Committee on the Judiciary, reported back a joint resolution (H. R. No. 117) relative to the Potomac Railroad.

Mr. BUTLER, of Massachusetts. I think a point of order will lie against this joint resolution.

Mr. CESSNA. There is no question of that, if it is raised. But I think there will be so much advantage to the Government that it ought not to be raised.

Mr. HALE, of New York. Let it go to the Committee of the Whole, where we can examine and discuss it.

Mr. CESSNA. That is, let it go "where the woodbine twineth."

The SPEAKER. The point of order is well taken.

The joint resolution was accordingly referred to the Committee of the Whole on the state of the Union.

TERMS OF PRESIDENT AND VICE-PRESIDENT.

Mr. POTTER. I am instructed by the Committee on the Judiciary to report back, as a substitute for House joint resolution No. 98, a joint resolution (H. R. No. 147) to fix the term of the presidential office at six years, and to make the President ineligible for more than six years in any term of twelve years after the next presidential election.

The SPEAKER. The substitute only will be read.

The substitute was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as a part of the Constitution, namely:

ARTICLE XVI.

1. From and after the next election for a President of the United States the President shall hold his office during the term of six years, and, together with the Vice-President chosen for the same term, be elected in the manner as now provided or may hereafter be provided; but neither the President nor the Vice-President, when the office of President has devolved upon him, shall be eligible for re-election as President.

Mr. HOLMAN. I ask that the original resolution may be reported.

Mr. POTTER. The substitute reported from the committee is substantially the same as the original resolution, except that the ineligibility which it imposes is made permanent, and is extended to the Vice-President whenever the presidential office may devolve upon him.

Whatever question, Mr. Speaker, there may have been upon this subject in the public mind years ago, your committee think that now, with the vastly increased Federal patronage which has grown up of late years, the time has arrived for such a change in the Constitution as is proposed by this resolution. At any rate it is a question which has been much discussed, and probably every gentleman in the House has fully made up his own mind upon the subject, and so I think nearly every thoughtful citizen of the United States must have done. I shall therefore proceed at once to call the previous question upon this resolution, only saying that if the proposed amendment to the Constitution shall become operative, it will in nowise affect the eligibility of the present incumbent for re-election at the next presidential election. With that statement I call the previous question.

Mr. HALE, of New York. May I ask my colleague [Mr. POTTER] whether this will extend the term of the present Executive?

Mr. POTTER. It does not extend the term of the present Executive.

Mr. COX. Does my colleague [Mr. HALE] want the term of the present Executive extended?

Mr. POTTER. My colleague [Mr. HALE] can himself propose such an amendment if he desires to do so.

Mr. HALE, of New York. I merely asked the question that it might assist us in deciding how to vote.

The previous question was seconded and the main question ordered.

The SPEAKER. The Chair thinks it has been usual to order the yeas and nays on the adoption of a constitutional amendment.

Mr. POTTER. Of course that is proper.

Several MEMBERS called for the reading of the joint resolution; and it was again read.

Mr. E. R. HOAR. I ask the gentleman from New York [Mr. POTTER] whether he thinks it proper that a constitutional amendment should be put through without any opportunity to discuss it.

Mr. POTTER. Mr. Speaker, that is a matter entirely within the discretion of the House. I supposed that if there was any question which had been discussed and rediscussed until every person within and without this House was informed about it, it was this very question.

Mr. GARFIELD. I desire to make a suggestion to the gentleman to see whether I understand this proposition, for I am in favor of it. Suppose that after the adoption of this constitutional amendment a President should die one week before his term of six years had expired and the Vice-President should be sworn in and hold the presidential office for a week; under this provision, would not the Vice-President, serving as President for that one week, be thereby rendered forever ineligible to the office of President? I ask this question as a matter of construction.

Mr. POTTER. It is a perfectly proper question. As I understand this proposition, it would have precisely the effect suggested by the gentleman. How else are you going to prevent the Vice-President from being again eligible when by accident the office of President devolves upon him?

Mr. GARFIELD. I do not know that we could do it in any other way. I should be in favor myself of abolishing the office of Vice-President, and it seems to me this is a good time to do it.

Mr. POTTER. It has been often suggested that the Vice-President ought never to be eligible at all to the office of President; but if he is so unfortunate as to have the office of President devolved upon him, he should take it with all its restrictions and burdens.

Mr. GARFIELD. I only wished to suggest the propriety of dispensing altogether with the office of Vice-President.

Mr. POTTER. I shall be ready to discuss any such amendment whenever the gentleman from Ohio [Mr. GARFIELD] can bring it before the House. I am now, however, instructed to report the amendment I have brought before the House in its present form.

Mr. BUTLER, of Massachusetts. I call for the regular order.

The SPEAKER. The gentleman from New York [Mr. POTTER] is entitled to one hour.

Mr. HOLMAN. I wish to inquire of my friend from New York whether he will not allow an amendment, providing that no citizen shall be eligible to the office of President of the United States for a longer term than eight years?

Mr. BUTLER, of Massachusetts. It is too late to amend; the previous question has been ordered.

The SPEAKER. To receive an amendment would require a reconsideration of the vote by which the main question was ordered. Does the gentleman from New York [Mr. POTTER] yield for that?

Mr. POTTER. No, sir. This proposition limits the eligibility of any person after the next election to a term of six years.

Mr. HOLMAN. I would have the limitation operate from this period.

Mr. POTTER. If anybody proposes to reach that end, there are other methods more feasible for attaining the object than a constitutional amendment, which requires the approval of two-thirds of each House of Congress and three-fourths of the State Legislatures, and which ought never be determined on personal grounds.

Mr. E. R. HOAR. I wish to inquire whether the previous question has been ordered?

The SPEAKER. It has been. There was no objection to it. It is open to reconsideration.

Mr. E. R. HOAR. I move then to reconsider the vote by which the main question was ordered.

Mr. POTTER. The only gentleman in the House who has applied to me to speak on this question is the gentleman from Massachusetts, [Mr. E. R. HOAR,] who wants a few moments. I think the House will give this to him without the necessity of reconsidering the main question.

The SPEAKER. The gentleman from New York [Mr. POTTER] is entitled to one hour and can yield to the gentleman from Massachusetts.

Mr. POTTER. How much time does the gentleman from Massachusetts want?

Mr. E. R. HOAR. I want to say perhaps only a single sentence.

Mr. POTTER. I yield to the gentleman from Massachusetts.

Mr. E. R. HOAR. Mr. Speaker, I do not wish to ask any privilege that every other member of the House shall not have; but it was a surprise to me that a constitutional amendment should be presented to be put through under instructions under the previous question. There is enough objection to the operation of the previous question in ordinary transactions, as it has seemed to me, without applying it to so grave a subject as this. But if this question is not to be debated, all I wish to say on my own behalf is that while I am not of opinion that there is likely to be any occasion on which I should favor, or on which I believe the people of the country would favor the continuance of any person in the presidential office beyond two terms, I do not believe the argument in regard to the corruption of the people by executive power as one upon the strength of which the people should confess that they need such protection against such influences that they will deliberately deprive themselves of the power of selecting whom they please for their Chief Magistrate.

I remember a conversation which I had with an eminent gentleman, standing high in office in the country, in regard to the re-election of the late President Lincoln during the war. He was very much opposed to Mr. Lincoln's renomination and re-election, and did what was in his power to prevent it. I said to him then that I believed the majority of the American people intended to re-elect Mr. Lincoln, if necessary, during the rest of his life, until he was recognized in every part of this country as the President of the United States. I do not for one propose to aid in depriving the American people of the right of determining in any exigency or emergency whom they will keep in the presidential chair.

That we ever shall keep a man beyond the time Washington's example sanctioned, which is one of the traditions of the Republic, I do not believe. But the question whether we shall deprive ourselves by constitutional amendment of the right to do so, of the power to do so, is a very grave and serious one, which I think merits the consideration of this House before they adopt it.

Mr. KASSON. Before the gentleman from New York replies, if he does reply, I wish to ask him for information on two points. One is the force of the expression "from and after the next election." To my mind I did not think it was plain in the first instance, and it does not grow more plain on reflection, unless by unanimous consent of the House it means to apply to the next term; for election is one thing and the term of office is another thing.

Mr. POTTER. "After the next election the term of office shall be" is the language which is used.

Mr. KASSON. Consequently it does apply to the next President. Then the other point is——

Mr. POTTER. It applies to the President elected at the next election.

Mr. KASSON. Then the person elected at the next election President of the United States will continue for six years and be ineligible for re-election.

Mr. POTTER. I so understand it.

Mr. KASSON. The other point is this: This ineligibility is made perpetual. It has been a serious question with all popular governments, with whose history I am acquainted, whether the ineligibility ought not to apply exclusively to the next succeeding term, reserving to the people the right after the intervention of one President to re-elect a former one if they should desire to do so. It is on that account I regret the previous question, because I would like to have some expression of the feeling of the House on that particular point.

Mr. MAYNARD. Let me ask a single question. Suppose this amendment should be submitted to the people or the Legislatures for their action, and it should not be ratified by a sufficient number of Legislatures prior to the next presidential election, after that time would it or not be in the power of a sufficient number of Legislatures to ratify it and keep the President then elected in six years, or if they chose not to ratify it, would his term of itself expire at the end of four years? In other words, if we propose this constitutional amendment now and leave it unratified until after the next presidential election, would not it be in the power of the several Legislatures of the States to ratify it and continue the term for six years?

Mr. BUTLER, of Massachusetts. It would not begin to operate until after it had passed.

Mr. POTTER. And that is a complete answer to the suggestion of the gentleman from Massachusetts, [Mr. E. R. HOAR,] that this resolution tends to inhibit the people from doing as they think best. We cannot inhibit the people. All we can do is to submit it to them to say by three-fourths of their Legislatures whether they do or do not prefer this power of rechoice of President should be inhibited? About that I am of opinion, if there be anything in the world settled in the public mind, that is settled. It will be best determined when the people come to vote on this constitutional amendment whether I am right in my judgment. But whether I am or no, the people should at least have an opportunity of declaring their will in this respect.

Mr. DAWES. The construction put by the gentleman from New York may be the correct one, but in making a constitutional amendment it had better be clear beyond all doubt. It seems to me it will be better to say "from and after this becomes a part of the Constitution," or some words to that effect. His construction may be correct, but the matter should be put beyond all peradventure.

Mr. MAYNARD. If my friend from New York should be elected the next President, and he is quite as likely to be as any one of his party, he then of course would look at the subject from a different point of view from what most of us would look at it.

Mr. POTTER. If lightning should strike in that direction, I hope I will continue to look on this question of presidential re-eligibility as I do now——

Mr. DAWES. The gentleman should put the matter in the plainest words.

Mr. KELLOGG. Is it possible to get the action of three-fourths of the Legislatures of the States in season for the next presidential election?

Mr. POTTER. I presume it would be.

Mr. KASSON. There ought to be some change of expression as to when this resolution will become operative.

Mr. POTTER. Let the gentleman from Iowa frame such words as he thinks are necessary to carry out the object I understand he has in view, and I will probably assent to them.

Mr. E. R. HOAR. I insist on my motion to reconsider the vote by which the previous question was seconded.

The House divided; and there were—ayes 95, noes 55.

So the motion was agreed to; and the seconding of the previous question was reconsidered.

Mr. BUTLER, of Massachusetts. I ask my friend to yield to me for a moment. I simply desire to say a word in regard to the implied censure of the Committee on the Judiciary by my colleague's remarks, that we desire to put through under the previous question a constitutional amendment. I do not think the committee is open to that objection. The only vote on the previous question was asking for unanimous consent. There was no vote. The proposition was open to debate as long as any one chose to debate it. When my colleague asked for the previous question no one objected to it, it being done, as the Chair stated, by unanimous consent. Of course, if we supposed anybody desired to debate it——

Mr. E. R. HOAR. There were two noes here. I was one; the gentleman in front of me was another. Unanimous consent was not given.

Mr. BUTLER, of Massachusetts. I can only say what was the intention of the committee and of my colleague, as I understand it.

Now, I want to say a word upon this question. I do not understand that Congress can control the American people on the matter of constitutional amendments except in one way. If we practically refuse to submit an amendment to them to vote upon, then they cannot have a constitutional amendment except by a convention of all the people of the States, for that is open to them under the Constitution. Therefore, when we offer a constitutional amendment to the whole people of the country, I do not think it a correct statement of the proposition to say that we attempt to bind the American people. We offer to them a proposition for them to dispose of in the States after full consideration without any previous question. But if we say we will not offer them an amendment, then I do not know any way in which they can secure its passage, and we can stand here in the way of constitutional amendments, but we cannot bind the people in any other way. Therefore I should be pretty liberal in voting propositions for constitutional amendments to be sent to the people. For if they want them they ought to have them; and if they do not want them, they will take good care not to pass them in the several States.

Mr. HAZELTON, of Wisconsin. Will the gentleman yield to me for a question?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. HAZELTON, of Wisconsin. Let me ask the gentleman if there have been petitions from the people or from the Legislatures of the different States in favor of this amendment?

Mr. BUTLER, of Massachusetts. There has been for a long series of years an agitation and a petitioning of Congress for this amendment. It has been urged all over the country; and it comes up now without any possibility of a personal relation in it. Nobody, so far as I know, has an idea of any possible personal relations of this amendment to the present Executive.

Now, for one I agree that the people ought to have the right to elect a man just so many times as they choose to do it, and nobody ought to interfere with that right. But then the people ought to have a correlative right, the right of saying that they will not elect a man but once.

Therefore I think it might be well enough to submit this amendment to the people, and not to set up our judgment that the people shall not have an opportunity to pass upon this subject. So far from attempting to bind the people upon that question by offering them the amendment, we bind them on the question when we refuse to offer them the amendment.

Now, almost any reasonable proposition in which a large portion of the people seem to be interested for an amendment of the Constitution I should be in favor of submitting to them, in order that the people might have the opportunity to say in their primary capacity as people of the States, by three-fourths of their representatives in Legislatures chosen with reference to that proposition, if they chose to make it part of a political issue—to say whether they will or will not have a constitutional amendment.

Again, sir, I do not think that this looks to the corruption of the Executive. I think it looks rather, it strikes my mind, to the effect upon Congress as regards its political action. The first Congress comes in with the President under our present system, and the second Congress goes out with the President. Now, it has been said—I do not mean to repeat the saying offensively, but simply to give it as an illustration—it has been said that the first Congress is engaged in getting offices under the new President, and the second is always engaged in seeing how to make a new President, so as to get the offices. It would be well to have one session of Congress intervening to do business without having such a temptation before them. That is one of the arguments before the country on this subject; that is one of the arguments produced before us on the question of six years.

Then, again, it is said that why we have been so unsuccessful in Vice-Presidents when they come to be Presidents—I suppose there will be a general agreement with me in the House on this subject—is that they have always looked to re-election; and, as men are very much alike all over the world, that it would be best to have the temptation of re-election taken away from the Vice-President as well as from the President.

Now, I can conceive, and there I differ from my colleague, [Mr. E. R. HOAR,] a condition of things under which I would vote for a President three, four, five, six, or nine or ten times over.

Mr. E. R. HOAR. How does my colleague differ from me in saying that?

Mr. BUTLER, of Massachusetts. If I do not differ from my colleague, I am glad once in my life to agree with him. I am for this proposition whether I agree or differ with him in regard to it. I believe that one of the sayings of our late President, Mr. Lincoln, which was characterized at once by good sense and good wit, was that it was not worth while to swap horses in crossing a stream. When George Washington set the example he had got across and all was peace and all was quiet. And that example might be followed in times of peace and quiet. But the time that will call for the re-election of a man as President is when a man, a strong man, has hold of the Government, and when the whole people in a time of commotion, in a time of rebellion, in times when thousands upon thousands are murdered in one section of the country without any punishment of the murderers—when the people of the country under such circumstances feel a doubt as to what will be the future of the country without a re-election, then I can conceive of the possibility of the people coming up as one man to re-elect a strong man who shall administer the executive power in the future as he has administered it in the past. Why, they will cry out in the language of the poet laureate of Great Britain—

> O God! for a man with head, heart, and hand,
> Like one of the strong ones long gone by—
> Aristocrat, democrat, autocrat,
> Whatever they call him, what care I—
> One who can rule, and dare not lie.

Now, sir, I can conceive of this as the only thing which can ever make a movement for the third presidential term successful; and I warn my friends on the other side of the House, who are looking me in the face, of it; it will be to keep one section of this country disturbed, at war with itself. If we had peace and quiet throughout the country the question of an election for a third term of a President could not have been possible under our traditions, and it is only the upturning that you threw upon us that made it possible; and if it be possible it will have been made so by you.

Mr. E. R. HOAR. I have no desire or wish to discuss this question further. My sole object in interposing was to draw the attention of the House to what seemed to me a course of proceeding that was not commendable on a question of this grave importance, and that it ought to be discussed if any member of the House desired to discuss it. I do not know that any member does desire to discuss it. But, Mr. Speaker, I wish to say in regard to the remarks of my colleague, that, with his usual facility for misunderstanding the remarks which I make, he was entirely mistaken if he supposed that I suggested that we were binding the American people. I spoke of the wisdom in my opinion of the American people undertaking to bind themselves or their successors upon such a point. And, sir, I would like to ask where the evidence that my colleague has of this strong desire of the American people to bind themselves is found? Are there petitions on your table, and, sir, have any of us been charged with petitions or any urgency for a constitutional amendment like this? It may be so, but I am not aware of it. None have come to me from my district; whether they have come to my colleague from his district he knows. Is it from these same newspapers to which my colleague so frequently adverts that he derives his information? On the contrary, Mr. Speaker, I am willing to trust the American people on all occasions. I believe that there is not half so much danger of corruption in the election of a President as there is in the election of a great many officers inferior in dignity to him which are the subject of personal ambition and desire. The President of the United States is elected by a great wave of public sentiment. The people are always aroused on that occasion, and manifest their will. And why the people of to-day should undertake by constitutional restriction to prevent the people of this country at any future day from expressing their choice of a Chief Magistrate, under the then existing public exigencies, I cannot imagine.

Now, sir, what is the duty of this House? When my colleague says that we prevent the people, whom he supposes to have this desire, from passing on this question through their Legislatures, and voting on such an amendment, I say to him that we are the representatives of the American people here to-day, and our voice is to express what we believe to be their interest and their desire. It is therefore for us to say—no man has a right to say that in giving his vote to send out a constitutional amendment to the people he is willing to send out any amendment that anybody might offer; but his right is to give his vote whether he thinks an amendment is important on this subject, so that it ought to be brought before the people. I have not for one come to the conclusion that it is; and I propose to act in behalf of the people who sent me here, by giving them the benefit of my best judgment and opinion so long as I remain here. I have no desire to take time in the discussion of this matter, and I will yield to the gentleman from New York [Mr. POTTER] whatever parliamentary rights remain to me.

Mr. POTTER rose.

Mr. KASSON. Will the gentleman from New York allow me to offer the amendment which I suggested some moments ago in relation to the expression in the first part of the resolution?

Mr. POTTER. I will yield for that purpose.

Mr. KASSON. In line 9 I move to strike out the word "next" and to insert in line 10, after the word "States," the words "next following the ratification of this article."

Will the gentleman also allow me to say that I desire to test the sense of the House, with his permission, upon adding these words to the resolution: "within six years from the expiration of his previous term." I desire to see if it is the sense of the House to confer upon the people the right to elect the same person after the intervention of one term.

Mr. POTTER. The gentleman from Massachusetts has yielded to me the residue of his time. I desire to know how much time remains?

The SPEAKER. Nearly forty minutes.

Mr. POTTER. You will observe that when the gentleman rose I yielded to him once in order to allow him to speak. He now yields to me, and I yield five minutes of my time to my colleage, [Mr. ELLIS H. ROBERTS.]

Mr. ELLIS H. ROBERTS. Mr. Speaker, I yield to no man on this floor in my confidence in the American people. This is not a question of trust in the people, as of course it in no way relates to our present Executive. It is a question whether or not a great principle had better be settled in time of calm; whether or not a great principle had better be laid down independently of personal considerations.

And it does seem to me that it is well for the American Congress to consider whether the Republic can afford to elect its Chief Magistrate twice, thrice, continuously, as has been suggested by the gentleman from Massachusetts, [Mr. E. R. HOAR.] As I read history, republics are overthrown by the plea of necessity and in times of great excitement. And I desire that in cold blood the American people shall have the opportunity to say whether or not they are willing in any emergency to re-elect a President for the third time. As I read history, dangers to republics come not as the gentleman from Massachusetts [Mr. BUTLER] suggests from below, but always from above. Always the pretense is that the country needs a strong man, always the pretense is that there is disturbance somewhere, that there is need of an army and a military chieftain. Dictators come through the plea of necessity. Tell me one republic that has ever been overthrown in any way other than that. Now, I want the American people to have at least the opportunity to see how they read history, and whether they do not believe that in that way lies murder to the Republic.

For one, I desire now to say, that even in the case which the gentleman from Massachusetts has suggested, the re-election of Mr. Lincoln, it would have been better to have nominated and elected another rather than to have established the principle of a continuous Executive. For one, I am willing to say here that I cannot conceive the contingency in which I would be willing to vote for a continuous Executive in this Republic. And I ask gentlemen upon this side of the House to consider whether or not they will now be put upon the record as willing to invite a contingency in the future when we shall be called upon to meet the alternative of disturbance and excitement or a continuous Executive, of a strong man in a strong Government? My faith is not in strong men; my faith is in the American people.

Constitutions are made in times of deliberation, if they are to be good constitutions. I want the American people to have the privilege of saying what their constitution shall be. And I deem that as infinitely more important than the privilege at any time of being able to call upon any man, however strong or however great. All constitutions are limitations upon the action of the people. This provision is no more open to that objection as made by my friend from Massachusetts [Mr. E. R. HOAR] than any other clause. Written constitutions are designed to establish principles, and these restrict the passions of the hour. Their purpose is to set up defenses and barriers. Surely this is a case where constitutional defenses ought to be erected. I think it is essential to the Republic that an amendment like this shall be put into the Constitution of the United States.

Mr. WARD, of Illinois. I ask my colleague on the committee [Mr. POTTER] to yield to me for a moment.

Mr. POTTER. I will do so.

Mr. WARD, of Illinois. I desire first to state that this morning was the first that I had ever heard of this joint resolution. Not understanding it, not having been present when it was considered in committee, not knowing it was to be introduced here, and not hearing it read, I made no objection at the time.

I cannot understand the arguments made by some gentlemen on this side of the House in favor of this joint resolution, nor can I quite understand some of the objections made against it. Members talk as though, if this amendment was not adopted, some great outrage would be committed in the future; as though the people were not as capable as members here to determine in the future who shall be President; as though we could determine to-day who shall or shall not be eligible to that office better than those who may come after us.

In my examination of this subject, and with the thought I have been able to bestow upon it, I can find no reason sufficient to justify me in saying that the American people shall set up a statute so high that it cannot be readily reached; that we shall say to the people in the future, "You shall elect only this or that man," as if we dreaded lest some man should be elected whom we might not be willing to have elected. Members have addressed themselves to the subject here on the idea that there is a call for this proposition from the people. Now that I deny. I have heard no clamor for it; there is none that has reached my ears to justify the assertion here at least that it is a thing demanded by the American people.

As a proposition standing by itself, the portion extending the term of office of President to six years might be well. But I am willing for one to trust myself in the vote which I may deposit for the next presidential candidate, and I am willing that those who follow me may trust themselves for all time. This attempt to limit the right of the people in that regard is but an evidence of a lack of confidence which gentlemen have in those who may follow them, and an assertion of their superior ability to determine who shall hereafter serve as President in this country.

Having said this, I had proposed to move to lay this joint resolution upon the table. I have stated my objections to it and the reason why at this moment I am opposed to it. I do not desire to cut off debate; I do not know that it is the wish of the House to so dispose of this matter. But in order to test the sense of the House, if the gentleman from New York [Mr. POTTER] will allow me, I will make the motion to lay this joint resolution on the table.

Several MEMBERS. No! No!

Mr. WARD, of Illinois. I will withdraw the motion if there is a desire to debate the resolution further.

Mr. POTTER. I will yield to allow the gentleman from Illinois [Mr. WARD] to make that motion.

Mr. WARD, of Illinois. Then I move that this resolution be laid on the table.

The question was taken upon the motion to lay on the table; and upon a division there were—ayes 71, noes 74.

Before the result of this vote was announced,

Mr. BECK, Mr. HOLMAN, and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 98, nays 139, not voting 51; as follows:

YEAS—Messrs. Averill, Barber, Barrere, Barry, Biery, Bradley, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Cason, Amos Clark, jr., Freeman Clarke, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Cotton, Crutchfield, Dobbins, Donnan, Eames, Farwell, Fort, Hagans, Robert S. Hale, Harmer, Benjamin W. Harris, John B. Hawley, Gerry W. Hazelton, E. Rockwood Hoar, Hodges, Hooper, Houghton, Howe, Hubbell, Hurlbut, Hyde, Kelley, Lofland, Lowe, Lynch, Martin, Maynard, James W. McDill, Moore, Myers, Negley, Nunn, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Pelham, Pendleton, Thomas C. Platt, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, Sprague, Starkweather, St. John, Strait, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Todd, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wilber, Charles G. Williams, William Williams, and James Wilson—98.

NAYS—Messrs. Adams, Albert, Albright, Archer, Arthur, Ashe, Atkins, Banning, Bass, Beck, Begole, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Bundy, Caldwell, Cannon, Cessna, Chittenden, John B. Clark, jr., Clayton, Clymer, Comingo, Conger, Cook, Cox, Creamer, Crittenden, Crossland, Crounse, Davis, Dawes, Dunnell, Durham, Eldredge, Field, Finck, Foster, Garfield, Giddings, Glover, Gooch, Gunckel, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, Joseph R. Hawley, Hereford, Herndon, Holman, Hoskins, Hunter, Hunton, Kasson, Kellogg, Killinger, Knapp, Lamison, Lawrence, Lawson, Leach, Lowndes, Luttrell, Magee, McCrary, McLean, Merriam, Milliken, Mills, Monroe, Morey, Morrison, Neal, Nesmith, Niblack, Niles, O'Brien, Hosea W. Parker, Perry, Phillips, Pierce, Poland, Potter, Randall, Read, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Milton Sayler, Schell, John G. Schumaker, Sloss, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Southard, Speer, Stanard, Standiford, Stone, Storm, Strawbridge, Swann, Sypher, Thornburgh, Tremain, Vance, Waddell, Wells, White, Whitehead, Whiteley, Whitthorne, Charles W. Willard, George Willard, John M. S. Williams, William B. Williams, Willie, Jeremiah M. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—139.

NOT VOTING—Messrs. Barnum, Corwin, Crooke, Curtis, Danford, Darrall, DeWitt, Duell, Eden, Freeman, Frye, Eugene Hale, Hays, John W. Hazelton, Hendee, Hersey, George F. Hoar, Hynes, Kendall, Lamar, Lamport, Lansing, Lewis, Loughridge, Marshall, Alexander S. McDill, MacDougall, McKee, McNulta, Mitchell, Packer, Parsons, Phelps, Pike, James H. Platt, jr., Purman, William R. Roberts, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, Sener, George L. Smith, William A. Smith, Stephens, Stowell, Walls, Wheeler, Whitehouse, Ephraim K. Wilson, and Woodworth—51.

So the joint resolution was not laid on the table.

Mr. POLAND. I move that this resolution be recommitted to the Judiciary Committee.

Mr. HOLMAN. On that I call for the yeas and nays.

Mr. POLAND. Then I withdraw the motion.

Mr. TREMAIN. Will not my colleague [Mr. POTTER] consent that the taking of the vote (which if taken now must occupy so much of the time we want to give to other reports) shall be postponed for a week?

Mr. POTTER. That will be entirely agreeable to me.

Mr. DAWES. I hope that it will not be postponed, for a mere postponement for a week, without making it a special order, would jeopardize any action upon it.

Mr. TREMAIN. Then fix it as a special order, with the understanding that the question shall be taken without debate.

Mr. ELDREDGE. I object.

Mr. TREMAIN. I hope the gentleman will not object. We want the balance of to-day for other business of our committee.

Mr. ELDREDGE. It is best not to amend the Constitution unless we can take the necessary time to do it.

Mr. TREMAIN. That is just what I am asking.

Mr. ELDREDGE. And that is precisely what I want.

The SPEAKER. The gentleman from New York [Mr. TREMAIN] proposes that this question be postponed for one week, and that the vote be then taken without debate. The Chair desires to suggest that inasmuch as this resolution requires a two-thirds vote for its adoption, it might just as well come up on Monday afternoon, upon a motion to suspend the rules, as to assign an hour on some other day for taking the question without debate. Nothing will be gained by asking unanimous consent for the latter arrangement.

Mr. TREMAIN. I am willing that the proposition be postponed, and that if anybody desires to debate it when it comes up again, it should be debated.

Mr. LAWRENCE. We had better have some debate.

Mr. TREMAIN. Say one hour's debate.

Mr. LAWRENCE. Say two hours' debate.

Mr. WARD, of Illinois. Is it in order to move to recommit the resolution?

The SPEAKER. It is, if the gentleman from New York [Mr. POTTER] yields.

Mr. WARD, of Illinois. I move that the resolution be recommitted to the Committee on the Judiciary.

Mr. TREMAIN. The gentleman cannot take me off the floor.

Mr. WILBER. I think that the resolution ought to be recommitted, and that we should go on with other business. It is time we did some business.

Mr. POTTER. We must either vote now or on some other day, and if we cannot agree to another day, let us vote now.

Mr. TREMAIN. Does it require two-thirds to fix another day for the taking of the vote?

The SPEAKER. The House is competent by a majority vote to postpone the resolution and take the risk of reaching it. It is not competent to assign this measure to a particular day, exclusive of all other orders, except by unanimous consent.

Mr. TREMAIN. Then I move to postpone it for one week from to-day at one o'clock.

The SPEAKER. The Chair had recognized the motion of the gentleman from Illinois, [Mr. WARD,] which was to recommit the bill; but the gentleman from New York [Mr. TREMAIN] moves to postpone until one week from to-day, which motion takes precedence.

Mr. DAWES. I would like to inquire of the Chair whether, if we agree to the motion to postpone, that will certainly bring this measure to a vote on this day week?

The SPEAKER. The Chair thinks the chances are about one in a thousand that it may do so.

Mr. DAWES. I hope, then, the House will understand that agreeing to a motion to postpone to a day certain, without making a special assignment for that day, will give the measure only one chance in a thousand of coming up.

Mr. HAWLEY, of Connecticut, and Mr. LAWRENCE. Make it a special order.

Mr. BUTLER, of Massachusetts. We all agree to that.

The SPEAKER. To make it a special order requires unanimous consent.

Mr. DAWES. I would like to inquire of the gentleman from Illinois [Mr. WARD] what would be gained by recommitting the resolution?

Mr. CESSNA. Mr. Speaker, I rise to a parliamentary inquiry. Is there any motion pending except the motion to postpone? Is the motion to recommit pending?

The SPEAKER. It is.

Mr. CESSNA. If I should call the previous question and it should be sustained by a majority of the House, will it operate upon the motion to postpone and also the motion to recommit?

The SPEAKER. No, sir; the previous question will exhaust itself upon the motion to postpone.

Mr. TREMAIN. In view of the statement of the Chair, I withdraw the motion to postpone.

Mr. CESSNA. I ask the previous question on the motion to recommit and on the joint resolution. We may as well vote now. We all know what we are going to do, and there is no use of wasting another day upon the subject.

Mr. ELDREDGE. The gentleman from Massachusetts [Mr. DAWES] inquired of the Chair a few moments ago what were the chances of this measure being reached if it should be postponed for one week.

The SPEAKER. And the Chair answered about one in a thousand.

Mr. ELDREDGE. I would like the Chair to inform the House what are its chances now.

The SPEAKER. That is a question of voting, which it is for the House to determine.

Mr. CESSNA. I beg to answer the gentleman. The chances are that we shall dispose of the measure one way or another.

The previous question was seconded and the main question ordered.

The question being taken on the motion to recommit, there were—ayes 85, noes 79.

The yeas and nays were demanded, and were ordered.

The question was taken; and it was decided in the negative—yeas 109, nays 123, not voting 56; as follows:

YEAS—Messrs. Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Carpenter, Cason, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Cotton, Crutchfield, Donnan, Dunnel, Eames, Farwell, Fort, Gooch, Hagans, Robert S. Hale, Harmer, Benjamin W. Harris, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hurlbut, Hyde, Kelley, Lewis, Lofland, Loughridge, Lowe, Lynch, Martin, Maynard, McCrary, James W. McDill, McNulta, Moore, Myers, Negley, Nunn, O'Neill, Orr, Orth, Packard, Pendleton, Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ross, Rusk, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sherwood, Sloan, Small, Smart, A. Herr Smith, St. John, Strait, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, and James Wilson—109.

NAYS—Messrs. Adams, Albert, Albright, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Caldwell, Cannon, Cessna, Chittenden, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crounse, Davis, Dawes, Durham, Eldredge, Field, Finck, Foster, Freeman, Glover, Gunckel, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, Herndon, Holman, Hunter, Hunton, Kasson, Kellogg, Killinger, Knapp, Lamison, Lawrence, Lawson, Leach, Lowndes, Luttrell, Magee, McKee, McLean, Merriam, Milliken, Mills, Monroe, Morrison, Neal, Nesmith, Niblack, Niles, O'Brien, Hosea W. Parker, Perry, Phelps, Phillips, Pierce, Potter, Randall, Read, Robbins, Ellis H. Roberts, James W. Robinson, Sawyer, Milton Sayler, Schell, John G. Schumaker, Lazarus D. Shoemaker, Sloss, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Southard, Speer, Sprague, Stanard, Standiford, Stephens, Stone, Storm, Strawbridge, Swann, Tremain, Vance, Waddell, Wells, White, Whitehead, Whitthorne, Charles W. Willard, George Willard, Willie, Jeremiah M. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—123.

NOT VOTING—Messrs. Barnum, Barry, Bundy, Cain, Corwin, Crooke, Curtis, Danford, Darrall, DeWitt, Dobbins, Duell, Eden, Frye, Garfield, Giddings, Eugene Hale, Hays, John W. Hazelton, Hendee, Hersey, George F. Hoar, Hubbell, Hynes, Kendall, Lamar, Lamport, Lansing, Marshall, Alexander S. McDill, MacDougall, Mitchell, Morey, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pike, James H. Platt, jr., Purman, William R. Roberts, James C. Robinson, Henry B. Sayler, Sheldon, George L. Smith, William A. Smith, Snyder, Starkweather, Stowell, Sypher, Walls, Wheeler, Whitehouse, Ephraim K. Wilson, and Woodworth—56.

So the House refused to recommit to the Judiciary Committee.

During the vote,

Mr. ORTH stated that his colleague, Mr. SAYLER, was absent on account of illness in his family.

The vote was then announced as above recorded.

The SPEAKER. The question now recurs on the amendment of the gentleman from Iowa, [Mr. KASSON.]

Mr. BUTLER, of Massachussetts. That was agreed to.

Mr. POTTER. I only agreed to admit one amendment.

The Clerk read as follows:

Strike out "next" and insert in line 10, after the word "States," the words "next following the ratification of this article."

Mr. POTTER. I agreed to that amendment, and it was adopted.

Mr. KASSON. Now read the other amendment I proposed.

The Clerk read as follows:

Add to the resolution "within six years from the expiration of his previous term of office;" so it will read:

From and after the election for President of the United States next following the ratification of this article the President shall hold his office during the term of six years, and, together with the Vice-President chosen for the same term, be elected in the manner as now provided or may hereafter be provided; but neither the President nor Vice-President, when the office of President is devolved upon him, shall be eligible for re-election as President.

Mr. POTTER. I did not allow that amendment to come in.

Mr. FORT. Will the gentleman yield to me to move an amendment?

Mr. CESSNA. I object to any more debate or any further amendment.

Mr. FORT. I wish to strike out six and insert four years.

Mr. CESSNA. I object to anybody further debating the question or submitting any amendment.

The question then recurred on ordering the joint resolution to be engrossed and read a third time.

The House divided; and there were—ayes 86, noes 72.

Mr. MAYNARD. Two-thirds have not voted in the affirmative.

The SPEAKER. Two-thirds are not required except on the passage.

So the joint resolution was ordered to be engrossed, and read a third time.

Mr. FORT. Is the resolution engrossed?

The SPEAKER. It is not, but it has been ordered to be read a third time, and the gentleman's point comes too late.

Mr. CESSNA. I demand the previous question on the passage of the joint resolution.

The previous question was seconded and the main question ordered.

Mr. POTTER demanded the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Constitution requires on this question a two-thirds vote to pass the resolution.

The question was taken; and it was decided in the negative—yeas 134, nays 104, not voting 50; as follows:

YEAS—Messrs. Albert, Albright, Archer, Arthur, Ashe, Atkins, Banning, Beck, Begole, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Bullinton, Bundy, Caldwell, Cannon, Cessna, Chittenden, John B. Clark, jr., Clayton, Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crounse, Darrall, Davis, Dawes, Dunnell, Durham, Eldredge, Field, Finck, Foster, Garfield, Giddings, Glover, Gooch, Gunckel, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, Joseph R. Hawley, John W. Hazelton, Hereford, Herndon, Holman, Hoskins, Hunter, Hunton, Kasson, Kellogg, Killinger, Knapp, Lamison, Lawrence, Lawson, Leach, Lowndes, Luttrell, Magee, McCrary, Merriam, Milliken, Mills, Monroe, Morrison, Neal, Nesmith, Niblack, Niles, O'Brien, Hosea W. Parker, Perry, Phelps, Phillips, Pierce, Poland, Potter, Randall, Read, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Milton Sayler, Schell, John G. Schumaker, Henry J. Scudder, Sloss, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Southard, Speer, Stanard, Standiford, Stephens, Stone, Storm, Strait, Strawbridge, Thornburgh, Tremain, Vance, Waddell, Wells, Whitehead, Whitthorne, Charles W. Willard, George Willard, John M. S. Williams, William B. Williams, Willie, Jeremiah M. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—134.

NAYS—Messrs. Averill, Barber, Barry, Biery, Bradley, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Cason, Amos Clark, jr., Freeman Clarke, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Cotton, Crutchfield, Dobbins, Donnan, Eames, Farwell, Fort, Hagans, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Hathorn, John B. Hawley, Gerry W. Hazelton, E. Rockwood Hoar, Hodges, Houghton, Howe, Hubbell, Hurlbut, Hyde, Kelley, Lewis, Lofland, Loughridge, Lowe, Lynch, Martin, Maynard, James W. McDill, McKee, McNulta, Moore, Myers, Negley, Nunn, O'Neill, Orth, Packard, Page, Isaac C. Parker, Pelham, Pendleton, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Rusk, Scofield, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, Snyder, Sprague, Starkweather, St. John, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Todd, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Whiteley, Wilber, Charles G. Williams, William Williams, and James Wilson—104.

NOT VOTING—Messrs. Adams, Barnum, Barrere, Bass, Berry, Corwin, Crooke, Curtis, Danford, DeWitt, Duell, Eden, Freeman, Frye, Hays, Hendee, Hersey, George F. Hoar, Hooper, Hynes, Kendall, Lamar, Lamport, Lansing, Marshall, Alexander S. McDill, MacDougall, McLean, Mitchell, Morey, Orr, Packer, Parsons, Pike, Purman, William R. Roberts, James C. Robinson, Henry B. Sayler, Sheldon, George L. Smith, William A. Smith, Stowell, Swann, Sypher, Walls, Wheeler, White, Whitehouse, Ephraim K. Wilson, and Woodworth—50.

So (two-thirds not having voted in the affirmative) the joint resolution was not passed.

During the call of the roll,

Mr. GUNCKEL stated that his colleague, Mr. DANFORD, of Ohio, was detained at his room by sickness.

The result of the vote was then announced, as above recorded.

Mr. BECK. I move that the House adjourn.

Mr. BUTLER, of Massachusetts. O, no; let us finish our reports.

Mr. BECK. Very well. I withdraw the motion.

JUDICIAL DISTRICT OF OKLAHOMA.

Mr. BUTLER, of Massachusetts. I am also instructed by the Committee on the Judiciary to report back, with the recommendation that it do pass, the bill (H. R. No. 4041) to establish the judicial district of Oklahoma. As the bill establishes a new court, it is open to the point of order, and it may go to the Committee of the Whole without being read.

Mr. SHANKS. I wish to offer an amendment to that bill.

The bill was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

SOUTHERN IOWA UNITED STATES DISTRICT COURT.

Mr. POTTER, from the Committee on the Judiciary, reported back, with the recommendation that it do not pass, the bill (H. R. No. 3906) providing for holding the terms of the United States district court for the southern district of Iowa at Burlington, in said division; and the same was laid on the table, and the accompanying report ordered to be printed.

DISTRICT JUDGE OF VERMONT.

Mr. POTTER also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 3920) for the relief of the district judge of Vermont.

The bill was read. The preamble recites that the present incumbent of the office of district judge for the district of Vermont is incapacitated by sickness and paralysis from performing the duties of his office, which incapacity is believed to be permanent. The bill therefore provides that the resignation of the district judge for the district of Vermont being tendered and accepted by the President of the United states, the salary now received by said judge shall be continued to him during his natural life, payable in the same manner and form as if he actually performed the duties of his office.

Mr. HOLMAN. I should desire to hear some explanation of the occasion for this bill, but meanwhile do not waive the point of order.

Mr. POTTER. I think nobody will insist on the point of order on this bill. The law now allows the Federal judges who reach the age of seventy years, and who have served ten years, to retire from their duties, retaining their salaries. In this case Judge Smalley has not quite reached the age of seventy years; I believe he is about sixty-seven years of age. He has been in the judicial service for seventeen or eighteen years continuously. He has been afflicted by an incurable disease, and is absolutely paralyzed and entirely unable to discharge the duties of his office. The interests of the public business require some other person to be put in his place to discharge those duties. This is one of those cases coming within the spirit of the statute relating to judges over seventy years of age, and the relief it affords ought to be extended to him also. I may state further that he is a man utterly without means, having failed, in consequence of his devotion to the duties of his office, to acquire any.

Mr. HOLMAN. I must insist on the point of order. I am opposed to this whole civil pension list. It is against the genius of our institutions.

Mr. ELDREDGE. I hope the gentleman from Indiana will not insist on the point of order. Here is a case in which you cannot compel this judge to resign, and unless this is done he will not resign, but will hold on to the office, and the public business will suffer in consequence.

The SPEAKER. The gentleman from Indiana makes the point of order that this bill takes money from the Treasury of the United States not now authorized by law.

Mr. WILSON, of Indiana. I hope my colleague will withdraw the point of order in the interest of the public service, if for no other reason.

Mr. HOLMAN. I do not withdraw it.

The SPEAKER. The Chair sustains the point of order, and the bill goes to the Committee of the Whole on the state of the Union.

OVERCHARGE OF TONNAGE AND IMPORT DUTIES.

Mr. BUTLER, of Massachusetts, also, from the Committee on the Judiciary, reported back, with the recommendation that it do pass, the bill (H. R. No. 4451) to provide judicial remedies for overcharge of duties on tonnage and imports.

The Clerk proceeded to read the bill.

Mr. KASSON. It may save time to make the point of order on this bill before the reading is completed. There is a provision in it to pay money out of the Treasury.

Mr. BUTLER, of Massachusetts. There is no provision for paying money out of the Treasury the payment of which is not now authorized by law. Its object is only to provide judicial remedies to determine how much that sum shall be; that is all.

Mr. MERRIAM. If in order I would move that the bill be referred to the Committee on Ways and Means. It seems to me that that is the proper place where it should be considered.

Mr. BUTLER, of Massachusetts. This has nothing to do with the raising of revenue. I asked two or three gentlemen on the Committee on Ways and Means to examine if it did, and they came to the conclusion that it did not. The bill only provides judicial remedies—a method of ascertaining the rights of importers through the court. A report on this subject has been printed, (No. 95,) and if gentlemen would do their duty to their constituents and study the report they would know much more about it.

Mr. MERRIAM. They would do nothing else if they read all the reports.

Mr. DAWES. I would suggest that the bill might be referrred to

the Committee on Ways and Means with power to report it back at any time.

Mr. BUTLER, of Massachusetts. If the bill can be committed to the Committee on Ways and Means with authority to that committee to report it back at any time, I have no objection.

Mr. DAWES. I have not had an opportunity to examine the bill. The purport of it I think to be to secure a very desirable end, but still it is a change in the mode of collecting the revenue, and I think the Committee on Ways and Means ought to have the privilege of examining it.

The SPEAKER. The gentleman from Iowa [Mr. KASSON] made a point of order on the bill.

Mr. KASSON. I withdraw the point of order if the bill can be referred to the Committee on Ways and Means.

Mr. BUTLER, of Massachusetts. I will agree to that reference with great pleasure if the committee can have leave to report it back at any time.

Mr. DAWES. I ask the House, then, to let it be referred to the Committee on Ways and Means, with the privilege of reporting it back at any time; and if there be nothing objectionable in it, we will surrender it, when reported back, to the custody of my colleague from Massachusetts.

The SPEAKER. Does the gentleman ask leave that it be reported back for consideration in the House?

Mr. DAWES. For consideration in the House.

No objection was made; and the bill was referredto the Committee on Ways and Means, with leave to report it back at any time for consideration in the House.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the order was made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MILLS. I move that the House do now adjourn.

Mr. BUTLER, of Massachusetts. O, no; let us do a little public business. We have been fooling here all afternoon.

SESSION FOR DEBATE.

Mr. DAWES. Before the House adjourns I wish to say that several gentlemen have asked me to request of the House that they may have the privilege of coming up and making speeches to-night.

Mr. SPEER. O, no; I object.

Mr. BUTLER, of Massachusetts. We are all coming here to make speeches to-night.

Mr. DAWES. On their behalf I ask that they may have the privilege of coming here to-morrow night and making speeches in Committee of the Whole.

Mr. WARD, of Illinois. Does that require unanimous consent?

The SPEAKER. Certainly it does.

Mr. WARD, of Illinois. That cannot be granted.

WRITS OF ERROR IN CRIMINAL CAUSES.

Mr. BUTLER, of Massachusetts, also, from the Committee on the Judiciary, reported back, with an amendment, the bill (S. No. 935) to provide for writs of error in certain criminal causes.

The bill was read.

The first section provides that on the trial of any criminal cause in any circuit or district court of the United States, or in any court of any Territory of the United States or in the District of Columbia, the defendant or defendants shall be entitled to a bill of exceptions, which may be settled on the trial or within ten days thereafter, and the same shall be signed by the presiding judge or justice of such court, and shall be deemed to be a part of the record in such cause.

The second section provides that in any criminal cause in any circuit or district court of the United States in which any defendant or defendants shall be sentenced to death, the court shall fix a day, not less than thirty nor more than ninety days after such sentence shall be pronounced, for the said sentence to be carried into execution; and any defendant or defendants sentenced to death as aforesaid may remove said cause, by writ of error, to the Supreme Court of the United States, as matter of right, and without giving bond or security; said writ to be issued and served as in civil causes; and after the service of such writ the execution of said sentence shall be stayed, and the Supreme Court shall proceed to hear and determine said writ of error according to law; and if the day fixed by the sentence in the court below shall have passed before the Supreme Court shall render judgment on said writ of error, and the judgment in the court below shall be affirmed, the Supreme Court shall fix the day, not less than thirty nor more than ninety days after such affirmance, when said sentence shall be carried into execution, and issue a warrant to the proper officer therefor.

The third section provides that in every criminal cause tried in any court of any Territory of the United States or of the District of Columbia, in which any defendant or defendants shall be sentenced to death, the court shall fix a day, not less than thirty nor more than ninety days after such sentence shall be pronounced, for the said sentence to be carried into execution; and any defendant or defendants sentenced to death as aforesaid may remove said cause by writ of error to the supreme court of the said Territory or the District of Columbia, as the case may be, as matter of right; and after said writ of error shall be served, all proceedings in said judgment in the court below shall be stayed, and said supreme court shall proceed to hear and determine said writ of error according to law; and if said supreme court shall affirm said judgment, and the day fixed by the court below for the execution of said sentence shall have passed before said judgment of affirmance shall be rendered, said supreme court shall fix a day not less than thirty nor more than ninety days after such affirmance, upon which said sentence shall be executed; and after such affirmance said defendant or defendants may, by writ of error, and as matter of right, and without giving any bond or security, remove said cause to the Supreme Court of the United States, said writ to be issued and served as in civil causes; and after the service of said writ the execution of said sentence shall be stayed, and the Supreme Court of the United States shall proceed to hear and determine said writ of error according to law; and if the said judgment shall be affirmed by the Supreme Court of the United States, and the day fixed by the said supreme court of such Territory or of the District of Columbia, as the case may be, shall have passed before such affirmance in the Supreme Court of the United States, the last-named court shall fix a day, not less than thirty nor more than ninety days after such affirmance by said court, for the said sentence to be carried into execution, and shall issue a warrant to the proper officer therefor.

The fourth section provides that in all criminal prosecutions, penal actions, or proceedings to enforce a penalty prescribed by law in any circuit or district court of the United States, in which any defendant or defendants shall be sentenced to imprisonment for one year or upward or to a fine of $1,000 or upward; or in which there shall be a recovery for $2,000 or upward; or in any criminal prosecution, penal action, or proceeding to enforce a penalty prescribed by law in any court of any Territory of the United States or of the District of Columbia, in which any defendant or defendants shall be sentenced to imprisonment for one year or upward or to a fine of $1,000 or upward, or in which there shall be a recovery for $1,000 or upward, and the said judgment, sentence, or recovery shall be affirmed by the supreme court of such Territory or the District of Columbia, as the case may be, in which criminal prosecution, action, or proceeding the said defendant or defendants set up or relied upon the Constitution or laws of the United States, or treaties made or which shall be made under their authority, in defense, the defendant or defendants therein may apply to any justice of the Supreme Court of the United States for a writ of error to remove such prosecution, action, or proceeding to the Supreme Court of the United States within one year from the time when final judgment was entered therein by said circuit or district court, or by the supreme court of said Territory or of the District of Columbia, as the case may be; and if the justice so applied to shall be satisfied that such defense was interposed in good faith, or that the Constitution, laws, or treaties of the United States were fairly involved in the said judgment, and that the said defendant or defendants so applying has or have been substantially prejudiced by said judgment, he shall allow a writ of error; and after service thereof, as in civil causes, all proceedings on such judgment shall be stayed, and the Supreme Court of the United States shall proceed to hear and determine said writ of error according to law.

The fifth section provides that at the time said writ of error shall be allowed in the cases mentioned in the next preceding section, or at any time thereafter, the Supreme Court of the United States, or any justice thereof, may admit the said defendant or defendants to bail, in such sum as shall appear to be just, to answer and abide by such judgment therein; and upon giving such new bail, all bail required prior to granting said writ of error shall be discharged; or if said defendant or defendants be in actual custody, he or they shall be discharged upon giving such new bail; but if the defendant or defendants are at large on bail when said writ of error shall be allowed, said bail shall not be discharged by the allowance of said writ.

The amendment reported by the Committee on the Judiciary was to add as an additional section the following:

SEC. 6. That writs of error issued to and allowed as hereinbefore provided shall be entered upon the docket of the Supreme Court forthwith, and the argument of such cases and cases of *habeas corpus* shall have precedence of all other cases in said court.

Mr. BUTLER, of Massachusetts. I will state that this bill was very carefully considered by the Senate and is unanimously reported by the Committee on the Judiciary. I demand the previous question.

The previous question was seconded and the main question ordered, being first upon the amendment reported from the Committee on the Judiciary.

The question was taken and the amendment was agreed to.

The bill, as amended, was then ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BUTLER, of Massachusetts, 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.

Mr. BUTLER, of Massachusetts. I move that the title of the bill be amended by adding to it the following:

For hearing therein and in cases of *habeas corpus*.

The amendment to the title was agreed to.

JUDICIAL DISTRICTS IN MICHIGAN.

Mr. BUTLER, of Massachusetts, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R.

No. 4093) to divide the State of Michigan into three judicial districts, and to establish the northern district of Michigan.

Mr. BUTLER, of Massachusetts. That bill is liable to the point of order, and must be referred to the Committee of the Whole on the state of the Union.

The bill was referred to the Committee of the Whole on the state of the Union.

CHESAPEAKE AND OHIO RAILROAD COMPANY OF VIRGINIA.

On motion of Mr. BUTLER, of Massachusetts, the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. No. 4438) for the relief of the Chesapeake and Ohio Railroad Company of Virginia; and the same was referred to the Committee on the Post-Office and Post-Roads.

DESIGNATED DEPOSITARIES.

On motion of Mr. BUTLER, of Massachusetts, the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. No. 4357) to amend an act to construe the act of March 2, 1853, to allow all depositaries designated under the act of August 6, 1846, &c.; and the same was referred to the Committee on Banking and Currency.

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

The latter motion was agreed to.

UNITED STATES COURTS IN UTAH.

On motion of Mr. BUTLER, of Massachusetts, the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. No. 4269) providing for the payment of certain expenses for holding the United States courts in the Territory of Utah; and the same was referred to the Committee on Expenditures in the Department of Justice.

JURISDICTION OF COURT OF CLAIMS.

Mr. BUTLER, of Massachusetts, also, from the same committee, reported back the bill (H. R. No. 4404) to confer certain jurisdiction on the Court of Claims; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Claims.

The motion was agreed to.

MRS. JOHN F. PECK.

Mr. BUTLER, of Massachusetts, also, from the same committee, reported back the petition of Mrs. John F. Peck, of Burlington, Vermont, for relief on account of the imprisonment of her husband during the rebellion in the Capitol prison; and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Claims.

The motion was agreed to.

Mr. BUTLER, of Massachusetts, moved to reconsider the various votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, with amendments, in which the concurrence of the House was requested, bills of the House of the following titles:

A bill (H. R. No. 1593) relating to the punishment of the crime of manslaughter;

A bill (H. R. No. 1938) to extend the provisions of the act approved March 3, 1871, entitled "An act to provide for the collection of debts due from southern railroads, and for other purposes;"

A bill (H. R. No. 2080) to provide for deducting any debt due the United States from any judgment recovered against the United States by such debtor; and

A bill (H. R. No. 3623) to amend the twenty-third paragraph of section 3 of the act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853.

The message further announced that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. No. 1012) for the relief of the district judge of Vermont;

A bill (S. No. 1076) to facilitate the disposition of cases in the Supreme Court of the United States, and for other purposes; and

A bill (S. No. 1147) for the relief of Courtland Parker, as administrator of George W. Andrews, deceased.

NEW IDRIA MINING COMPANY.

Mr. BUTLER, of Massachusetts. I have been instructed by the Committee on the Judiciary to report a preamble and resolutions, which I send to the Clerk's desk.

The Clerk read as follows:

Whereas the title to the tract of land situated in the counties of Monterey and Fresno, California, known as the Rancho Panoche Grande, and described as follows, northerly, by the lands of Don Julian Ursua; southerly, by the Serralne or Santa Anna River; easterly, by the valley of Tulares; and westerly, by the lands of Don Francisco Arias, is in dispute; and whereas it is alleged that the New Idria Quicksilver Mining Company is in the illegal and wrongful possession of a large part thereof; and whereas the said wrongful possession is alleged to have existed for some seventeen years; and whereas it is also alleged that the same New Idria Mining Company has taken from said land some $7,000,000, and that they are now and for the past year believed to have taken therefrom about $100,000 per month; and whereas, if not the property of any individual claimant, it is the property of the United States: Therefore,

Resolved by the House of Representatives of the United States of America in Congress assembled, That the Commissioner of the General Land Office be, and is hereby, requested to immediately employ special counsel, whose duty it shall be to institute legal proceedings in the name of the Government of the United States against the said New Idria Mining Company in the circuit court of the United States for California to restrain the further waste of the property, and for the appointment of a receiver and the recovery of the possession thereof, and also for the recovery of the $7,000,000 in gold alleged to have been illegally and wrongfully taken therefrom by the said New Idria Company, and such other action as the Commissioner may deem proper.

SEC. 2. That all persons who may have claim of title to the aforesaid property shall be permitted to appear and be heard by counsel in the aforesaid proceedings in establishing their title thereto.

SEC. 3. That the Secretary of the Interior be, and he is hereby, directed and instructed to withhold the issuing of any patent, and to allow no proceedings in his Department for the purpose of issuing patents to the said New Idria Mining Company on their alleged claim; and also that no proceedings be taken in the said Department of the Interior to be had on the quicksilver-mining claims now on file in the General Land Office, and known as the "Cerro Bonita," "Andy Johnson," "Fourth of July," and "Boston," until the legal proceedings heretofore referred to shall have been finally determined.

Mr. BUTLER, of Massachusetts. This resolution is for the purpose of directing the proper officer of the Government, having charge of the public lands, to determine the title of the United States in the valuable quicksilver mines known as the New Idria Company mines, or sometimes as the McGarrahan claim.

Mr. KASSON. Is this a joint resolution or a House resolution? If it is a House resolution, can we give it the effect of law?

Mr. BUTLER, of Massachusetts. It is quite possible for one House by resolution, to direct one of the heads of Departments.

Mr. KASSON. This provides for legal proceedings.

Mr. BUTLER, of Massachusetts. One House can direct any head of Department to do that which it is his duty to do.

Mr. KASSON. I wish to reserve the point of order on this resolution. I think it should be a joint resolution.

Mr. BUTLER, of Massachusetts. I have no objection to making it a joint resolution, if necessary.

Mr. HOUGHTON. I raise the point of order that this necessarily requires the expenditure of money, and should be first considered in Committee of the Whole.

Mr. BUTLER, of Massachusetts. That point is too late.

The SPEAKER. This resolution as presented is simply a House resolution.

Mr. KASSON. So I thought.

Mr. BUTLER, of Massachusetts. And so I said. If the official will not obey the order of the House, then it is for the House to take care of its own rights and privileges.

The SPEAKER. The gentleman from California [Mr. HOUGHTON] makes the point of order that this is a proposition to authorize the Commissioner of the General Land Office to do sundry and divers things which will involve the expenditure of money. If it were a joint resolution, the point would be pertinent. But the Chair cannot believe that, being a House resolution, it will have any force at all, and therefore does not rule upon the point of order.

Mr. BUTLER, of Massachusetts. It is a direction to the Commissioner of the General Land Office to do his duty.

Mr. KELLOGG. Will he not do his duty without this?

Mr. BUTLER, of Massachusetts. No, because he is waiting for some action of the House, or of somebody, to set him going; that is the trouble. I call the previous question, unless some gentleman desires to do something more than to quarrel about forms.

Mr. GARFIELD. I wish to make an inquiry of the gentleman. Does not this resolution awaken again into life and bring up for a rehearing the McGarrahan claim, on which this House, after a very long debate, pronounced a few years ago in the most decisive manner? Many members of the House believed that the McGarrahan claim was a fraud of about as marked a character as any that ever had been before the House. Of course there was a difference of opinion on that subject, but the majority of the House took that view.

Mr. BUTLER, of Massachusetts. To that I answer, in the first place, that the House has over and over again sustained the McGarrahan claim, and my friend is utterly mistaken in that. Secondly, this resolution does not revive the claim of anybody, except the claim of that much-suffering individual, the United States. The United States has here four, or five, or eight, or ten, or twelve, or fifteen million dollars—nobody knows how much—of quicksilver, and a company has intruded upon it, and has been using it day by day, at the rate of a million or two of dollars a year, for the last seventeen years. And the majority of the persons composing that company are by law excluded from any mining rights because they reside out of the country—because they are foreigners.

Now, all that we ask by this resolution—and I believe the committee are unanimous in reporting it—is that the Secretary of the Interior shall have admonition from the House that he should take steps to vindicate the title of the United States against whoever may oppose it, fraudulently or otherwise; and if the Secretary of the Interior will not be admonished in this way, there will be found, I have no doubt, a way by which to admonish him.

Mr. GARFIELD. If I were the Secretary of the Interior I would be admonished by the law only.

Mr. BUTLER, of Massachusetts. You would not be Secretary of the Interior very long if you did not respect the admonitions of this House.

Mr. GARFIELD. The House cannot make any man Secretary of the Interior.

Mr. BUTLER, of Massachusetts. But it unmakes a great many.

Mr. KASSON. This resolution was offered originally as a joint resolution, being divided into sections. It is now presented, I believe, explicitly as a House resolution,

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. KASSON. It reads, "Resolved by the House of Representatives of the United States of America in Congress assembled;" and then it goes on with various enactments in the form of sections. It appears therefore that it was originally intended to be passed in the form in which the House has always acted upon matters of this kind. I presume therefore that in its present form the gentleman cannot expect the House to pass it.

Mr. BUTLER, of Massachusetts. Pardon me; that is exactly what I do expect. Are not we "assembled in Congress?" If not, where are we assembled? I thought we were here in Congress.

Mr. GARFIELD. Nothing but the two Houses can be "in Congress assembled," I believe. This House is no doubt a very important body; but it is not Congress.

Mr. HOUGHTON. This resolution ought not to pass in any form. There is litigation now pending before the courts of the country in relation to this property. Two private parties are asserting their rights to it. This resolution seems to be intended to favor one of those parties who for years has been attempting to assert a fraudulent claim to this property—a claim which has been rejected and pronounced a fraud by the courts of the country. It seems to me that the purpose of this resolution is simply to help out that man in his attempt to possess himself of this property. I think it ought not to pass; and I know something of the subject.

A MEMBER. Are you a stockholder in the New Idria Mining Company?

Mr. HOUGHTON. No, sir; I have no stock in that company or any other mining company.

Mr. BUTLER, of Massachusetts. I answer, in the first place, that this resolution does not favor anybody but the United States. It directs suit to be brought to determine the title, and provides that the United States shall be properly represented in that suit. This company are now holding some seven or eight thousand acres of land; and the only title under heaven that they claim to this land is under the mining laws of the country, under which they cannot possibly hold more than three thousand square feet. Yet they have spread themselves all over that country; and they have been able thus far, I am sorry to say, to control action everywhere. The object of this resolution now is simply to direct the proper officers of the United States to vindicate the title of the United States.

Mr. E. R. HOAR. I will ask my colleague whether he thinks that the House of Representatives should undertake executive duties?

Mr. BUTLER, of Massachusetts. No, sir.

Mr. E. R. HOAR. Where the executive officers of the Government fail to do any part of their duty, it may be the province of Congress to make laws requiring the proper performance of such duty; but I have yet to learn that the House of Representatives has any right, except where there is some interference with its own action, to give any direction to an executive officer.

Mr. BUTLER, of Massachusetts. To that I answer that the House of Representatives has a right by resolve to make its wishes and directions known to any executive officer whatever; and in doing this we are not undertaking to perform executive duties. This resolution does not require any executive officer to do anything but——

Mr. E. R. HOAR. Suppose the Senate should pass a resolution instructing this executive officer to do the contrary?

Mr. BUTLER, of Massachusetts. Pardon me; I will answer that. That is exactly what we did in a former House. The Secretary of the Interior was trying to issue patents to this very New Idria Mining Company, and the House of Representatives passed a resolution asking him to do nothing in the matter until we had legislated upon the subject and until certain acts were done. This very resolution called upon the Secretary not to give up the public domain until the question had been tried in court. It is the hardest thing in the world for "Uncle Sam" to keep any property.

Mr. GARFIELD. I remember very distinctly when the Secretary of the Interior to whom the gentleman refers performed his duty by ordering a record made declaring that a certain patent had not issued, had not been completed, had not been signed, although its form had been prepared. An attempt was made in this House to condemn him for doing that duty and to require him to undo the mere recording work he had ordered to be done in his office. That was attempted in the name and on behalf of William McGarrahan—as fraudulent a claimant as ever appeared before this House. But the Secretary of the Interior, nevertheless, did his duty; he did make the record as I have stated. And now, with these matters in controversy before the courts, with the executive officers of the country waiting for the decrees of the courts, it is proposed that the House—not Congress—shall come in and use its influence to require the Secretary of the Interior to do something that the law either already requires him to do or does not require him to do. Now, if the law does not require him to do it, and the gentleman from Massachusetts wants to make a new law on the subject, let him introduce a bill and ask the House to pass it. If the laws at present require this to be done, then why should we undertake to intermeddle by resolution between the law and the duty of the Secretary of the Interior?

I remember to have defended to the best of my ability the then Secretary of the Interior against the attempt to interfere between him and his duties; and I had supposed that the action of Congress at that time had put a quietus upon this attempt to carry through the Interior Department something in the interest of some particular party. I cannot see any pertinency in a mere resolution of this nondescript sort. If the object is to change the law of the land, let the proposition be offered as such, and let us debate it as such.

Mr. BUTLER, of Massachusetts. If this resolution has no force, then it cannot do any harm; and why does the gentleman fight it so hard?

Mr. GARFIELD. Because it is impertinent to pass a resolution on a matter of this sort.

Mr. BUTLER, of Massachusetts. I think you are mistaken in that.

Mr. GARFIELD. And because in a covert way, as it seems to me, this resolution attempts to revive the exploded claim of McGarrahan to a piece of property to which I do not believe he ever had the slightest right.

The SPEAKER. The Chair recognizes the gentleman from Connecticut, [Mr. HAWLEY.]

Mr. BUTLER, of Massachusetts. This is not the revival of a claim at all. The resolution simply provides for enforcing the claim of the United States.

Mr. HAWLEY, of Connecticut. I believe I have the floor.

Mr. BUTLER, of Massachusetts. I understand that I still have the floor.

Mr. HAWLEY, of Connecticut. Did not the Speaker recognize me?

Mr. BUTLER, of Massachusetts. I will yield to the gentleman for a few moments.

Mr. HAWLEY, of Connecticut. I do not wish to occupy the floor as yielded to me by the gentleman. The moment the gentleman from Ohio [Mr. GARFIELD] took his seat I was recognized, and I have the floor according to the Speaker's decision.

Mr. BUTLER, of Massachusetts. Mr. Speaker, when did I lose the floor?

The SPEAKER. The Chair supposed the gentleman surrendered the floor to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. BUTLER, of Massachusetts. I did not. I could not stop him from speaking, though I tried two or three times. I have not yielded the floor. I am advocating this resolution. I desire now to answer further the gentleman from Ohio.

I say that during eight years I have stood here asking over and over again that the title of the United States to this land should be maintained. I have never asked anything else. This much is due to the United States. But the moment anybody asks anything on behalf of the United States there are men here who spring to their feet with the utmost alacrity to resist it. This company has been taking $2,000,000 a year out of these mines; and, in the language of my colleague, [Mr. E. R. HOAR,] there is always great delicacy where there is a great amount of money involved.

Mr. HOUGHTON. Is there any reason why there should be any discrimination made against these parties who are working quicksilver mines that is not made against those who are working mines of gold and silver? Now, it is very important to all the silver-mining interests of the Pacific coast that this quicksilver should be extracted. It is a material necessary for the working of those mines. The price of the article is very high in the market now; and the stopping of these mines will only have a tendency to still further increase the price.

Mr. BUTLER, of Massachusetts. Nobody desires to stop them.

Mr. HOUGHTON. I wish to ask the gentleman whether he does not know it to be a fact that the persons now working and who have been for years working this quicksilver mine have an application pending before the proper Department of this Government to acquire title to the property under existing laws?

Mr. BUTLER, of Massachusetts. I will answer the gentleman.

Mr. HOUGHTON. Is not that a fact?

Mr. BUTLER, of Massachusetts. It is a fact; and they got through this House (one of the Senators from California coming over here to urge the measure) a bill, of which I have a copy on my desk, allowing foreigners to do in regard to quicksilver mines what they cannot do in regard to any other mines.

I say again there is no intention to stop the working of these mines. The intention is to stop this immense revenue from going to private parties and to put it into the hands of the Government. And when I see men peddling about the question of a clerk here or a clerk there and cutting off some black woman's salary, and then coming in and insisting at the same time the United States should be robbed year after year of millions of dollars, I do not understand their consistency.

Mr. GARFIELD. If the gentleman alludes to me, he will remember the old fight on the McGarrahan claim, and understand why I defend now the Secretary of the Interior from being assaulted as one was assaulted before.

Mr. BUTLER, of Massachusetts. No one is assaulting the Secretary of the Interior. I demand the previous question.

Mr. HAWLEY, of Connecticut. Will the gentleman allow me to say a word?

Mr. BUTLER, of Massachusetts. Certainly; how long do you want?

Mr. HAWLEY, of Connecticut. Two or three minutes—say three minutes.

Mr. BUTLER, of Massachusetts. All right.

Mr. HAWLEY, of Connecticut. Mr. Speaker, this resolution was originally offered as a joint resolution, and if it be passed at all should be passed as a joint resolution. I do not believe it is proper, whatever may be strictly technical or legal in the matter, for this House "in Congress assembled," as the resolution reads, to instruct any one of the Department officers in his executive duties. In the next place, whether either House of Congress has any authority whatever to instruct an executive officer of this character to do or not to do a particular thing, I wish to say that in this very case at one time the Attorney-General of the United States (who does not happen to sit far from me) gave an opinion that one House of Congress could not instruct or command him one way or the other in the performance of a strictly executive duty. I knew nothing of this matter. I had forgotten McGarrahan was here now in litigation with the New Idria Company; but as soon as the Clerk began to read the resolution it struck me as suspicious. I do not say it appeared to me as fraudulent upon its face, but that there was something which needed explanation, because it begins in the preamble to decide what is in question in the case, and talks of "the illegal and wrongful possession of that property," "which has existed for seventeen years," and "that $7,000,000 is believed to have been taken therefrom." I believe this is substantially in the interest of private persons—more for their interest than for the interest of the Government. I so believe because McGarrahan has been pushing and advocating it. I say it needs explanation why this was offered originally as a joint resolution and now comes back here with the "joint" crossed off with ink and is attempted to be passed as a simple resolution, and only by this House. Before I vote on the question I wish to know all about it.

Mr. McCRARY. Mr. Speaker, as I offered the original resolution, I desire to say a word about it. The gentleman from Connecticut is mistaken in supposing it was originally a joint resolution. It seems to have been printed as such, but it was not originally drawn with that view.

I have no doubt any Secretary will heed the request of the House of Representatives upon a matter of this kind.

I wish to say further that, during nearly six years I have been in this House, the controversy between McGarrahan and the New Idria Mining Company has been going on in the two Houses of Congress, and gentlemen have urged upon the one side the rights of one private claimant and on the other the rights of another. I have learned in the course of the controversy that some of the best lawyers in the Union believe the title to that very valuable property resides in the United States. Yet nobody has, until this day, brought in any bill or resolution to test the rights of the United States to that property. That is the object of that resolution. I believe, sir, it is the duty of the proper Department to test that without any action by either House of Congress, but I suppose it is perfectly proper for us to request it to be done; for if this vast property belongs to the United States, it is high time the United States should derive some revenue from it, because vast sums of money are being taken from these mines every month.

I believe nobody has ever claimed the New Idria Mining Company has any title at all. A good many people believe the title is in McGarrahan, and honestly think so, and that these other parties are mere squatters seeking, it is true, to perfect their claim to enter these mines under some law of the United States. But I believe under the law it cannot be claimed any mining company can enter more than three thousand feet of mining lands. If, I say again, this property belongs to the United States, it is high time the proper authority should institute the proper proceedings in the courts of the country where such questions should be settled to have the question settled. If it belongs to any private claimant, as a matter of course that private claimant should be heard in the course of the litigation. But let it go out of Congress; let it go into the courts of the country to be settled according to law, and let us know who is the owner of these lands.

Mr. KASSON. Will my colleague allow me to call his attention to section 2, which provides that all persons who may have claim of title to the aforesaid property shall be permitted to appear and be heard by the counsel in the aforesaid proceedings in establishing their title thereto. It also provides for other proceedings. I ask my colleague if he supposes that will be effected simply as a House resolution regulating the rights of parties in courts, or whether it is not indispensable to make it a joint resolution?

Mr. McCRARY. I will answer my colleague. It will not be effected as a rule for the proceeding in court. The law makes all the provision that is necessary for that purpose. When a chancery proceeding is instituted, all the parties would have a right, independent of any legislation, to appear and assert their claims; all the parties can be heard, the Government as well as private claimants.

Mr. WILSON, of Indiana. In connection with what the gentleman from Iowa has stated, I wish to offer another consideration. It is stated by the gentleman from Ohio that there are cases now pending, and the gentleman from California [Mr. HOUGHTON] also says that there are cases now pending wherein this matter is being litigated between private individuals; but none of these gentlemen have ventured to say here that there is anything being done by any officer of this Government to protect the interest of the United States in this valuable property, or that there is any case now pending for that purpose. If these cases are pending, it may perchance be the fact that the United States might come forward and ask to be made a party to these proceedings. Is there any officer of this Government who is stepping forward to have the Government made a party to these proceedings for the purpose of protecting its interest? No, sir. And that these things are not being done by the officers of this Government is one of the very best reasons why this House should say to these gentlemen that they ought to be doing their duty in the premises.

Mr. BUTLER, of Massachusetts. I now call the previous question.

Mr. DAWES. I wish to make an inquiry of my colleague.

Mr. KELLOGG. I move that the House adjourn.

Mr. RANDALL. I ask the gentleman from Massachusetts [Mr. BUTLER] to yield to me for a moment.

Several MEMBERS called for the regular order.

Mr. WILSON, of Indiana. I wish to say a word more. There is nothing unusual in this resolution. I remember very well in the last Congress——

Mr. HALE, of New York. I rise to a question of order.

Mr. MAYNARD. I call for the regular order.

The SPEAKER. The regular order is progressing strictly according to the rules.

Mr. HALE, of New York. Has not the motion to adjourn been made, and is not that motion now pending?

Mr. KELLOGG. I do not wish to press the motion to adjourn against other reports which the committee may desire to make.

The SPEAKER. The gentleman from Massachusetts [Mr. BUTLER] misapprehended the gentleman from Indiana, [Mr. WILSON.] The gentleman from Indiana has not yielded the floor and is entitled to proceed.

Mr. WILSON, of Indiana. I was simply going to add, that there is nothing unusual in this resolution, if I may so characterize it, of instruction to the Department of the Interior to proceed in this matter. Why, sir, I remember very well that in the Forty-second Congress the question arose here with reference to the issuance of patents to large quantities of land as between certain contending railroad companies—the chairman and other gentlemen of the committee will remember about it—and there was a resolution of instruction to the Secretary of the Interior. And I remember that in the last Congress also there were instructions given by this House to the Attorney-General of the United States to institute proceedings against the Pacific Railroad Companies, for the purpose of recovering interest due to the United States; and I further think that my friend from Pennsylvania offered that resolution.

Mr. KELLOGG. Will the gentleman allow me to say right there——

Mr. WILSON, of Indiana. Allow me to proceed. And if this great interest does rest in the United States, notwithstanding what was stated by the gentleman from California, [Mr. HOUGHTON,] that quicksilver was dear—if this great interest does rest in the United States, we ought to be taking care of it. That was a most remarkable argument made by my friend from California, that because quicksilver is dear and necessary for the purposes of the mining interests, this New Idria Mining Company ought to have this thing. That is no argument why this Government should not have its interests protected.

Mr. BUTLER, of Massachusetts. I yield for a few minutes to the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. I remember very well that about this question there was a three-cornered contest in this House some years ago, and I took some part in it. I voted against the New Idria Company. I then voted against McGarrahan, and on the third vote I voted in favor of the Government obtaining by every proceeding possible the ownership of this land; and I voted with the gentleman from Massachusetts [Mr. BUTLER] in that respect. Now, if I understand the object of this resolution, it is simply this: That upon one occasion the Attorney-General of the United States has appeared against the Government in behalf of the New Idria Company, and it is therefore indelicate at least that that same officer should now sue for the possession by the Government of this land; and this resolution, in its object and in its scope, simply secures the employment of some other lawyer, who shall appear for the Government and endeavor that the Government shall own this land, as I think they have the right to do.

Mr. BUTLER, of Massachusetts. I desire to say that was before Mr. Williams became Attorney-General.

Mr. RANDALL. I am correct. Before Mr. Williams became Attorney-General of the United States he had appeared in this suit against the Government, and therefore there is an indelicacy in the same man in a new capacity appearing on the opposite side. The scope of this resolution is simply to allow the Government every advantage possible in procuring this land which belongs to it.

Mr. DAWES. I desire to inquire if it has that effect?

Mr. BUTLER, of Massachusetts. I object to debate, and call the previous question.

Mr. RANDALL. I am willing to do everything to make this Government possess what it owns.

Mr. BUTLER, of Massachusetts. I insist on the previous question.

Mr. KELLOGG. Pending that motion, I move that the House do now adjourn.

The question was taken; and the House refused to adjourn.

The SPEAKER. The question recurs on the adoption of the resolution.

The SPEAKER put the question, and announced that the ayes had it.

Mr. PAGE and Mr. HOUGHTON called for the yeas and nays.

The yeas and nays were not ordered; only twelve members voting therefor.

Mr. KASSON. I ask now that before the vote the resolution be read.

Mr. BUTLER, of Massachusetts. I object.

The SPEAKER. The Chair had put the question on agreeing to the resolution, and it is too late for the resolution to be read.

Mr. KASSON. I misapprehended the vote, supposing it to be upon seconding the previous question.

The SPEAKER. The Chair supposed that further debate was not desired, and put the question on the resolution without any formal vote being taken upon the previous question. As the gentleman acted under a misapprehension, the resolution will again be read.

The Clerk again read the resolution.

Mr. KELLOGG. If the House adjourns, will not this come up the first thing to-morrow morning as unfinished business?

Several MEMBERS. O, no; do not let us adjourn.

Mr. BUTLER, of Massachusetts. I ask unanimous consent that the words "in Congress assembled" be stricken out and also the "sections," and that the word "resolved" be substituted.

There was no objection; and the modification was made.

The question was then put upon the resolution; and on a division there were—ayes 98, noes 32; no quorum voting.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. HOUGHTON were appointed.

The House again divided; and the tellers reported—ayes 128, noes 5.

Mr. ELDREDGE. The gentleman from Ohio [Mr. GARFIELD] is filibustering; he has not voted.

Mr. RANDALL. I do not think a majority of the House ought to give up to five members.

Mr. COBB, of Kansas. Will a motion for a call of the House be in order?

Mr. ELDREDGE. We shall have to have the yeas and nays, if gentlemen will not vote.

Mr. CESSNA. When the Chair put this question first, the Chair declared that the ayes appeared to have it. Before the determination of the question a call was made for the yeas and nays upon the adoption of the resolution. The Chair asked that all in favor of taking the question by yeas and nays should rise, and the Chair then announced that only twelve gentlemen had risen, and that the yeas and nays were not ordered. That was all done before the gentleman from Iowa [Mr. KASSON] called for the reading of the resolution.

The SPEAKER. There seems to have been a misapprehension on the part of the House in regard to what that particular vote was. The Chair presumed that no further desire for debate existed, and omitted the form of putting the previous question.

Mr. CESSNA. If the minority refuse to vote, then I shall move that there be a call of the House.

The SPEAKER. The Chair thinks there is a quorum in the Hall, and the rules make it the plain duty of members to vote.

Mr. POLAND. I suggest that that rule be read, as some gentlemen do not seem to be aware of its existence.

The SPEAKER. That is the rule, as is well known to members of the House.

Mr. SYPHER. Cannot we send out for soldiers to make members vote?

Mr. WILLARD, of Vermont. I rise to make an inquiry. If the House now adjourns, how would it leave this proposition?

The SPEAKER. It would be the first thing in order in the morning after the reading of the Journal; because, although the Committee on the Judiciary was limited to to-day, the previous question is pending upon this proposition.

The count of the House proceeded, and the tellers reported—ayes 136, noes 11.

So the resolution was adopted.

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

The latter motion was agreed to.

CENTENNIAL COMMISSION.

The SPEAKER laid before the House a message from the President of the United States, transmitting a report of the progress made to this date of the United States centennial commission, appointed in accordance with the requirements of the act approved June 1, 1873; which was referred to the Select Committee on the Centennial Celebration, and ordered to be printed.

STATE DEPARTMENT BUILDING.

The SPEAKER also laid before the House a letter from the Secretary of State, submitting an estimate of $1,500,000 for continuing the work on the building for the War, State, and Navy Departments; which was referred to the Committee on Appropriations, and ordered to be printed.

SMITHSONIAN INSTITUTION.

The SPEAKER also laid before the House a letter from Professor Joseph Henry, transmitting on behalf of the Board of Regents the annual report of the operations, expenditures, and condition of the Smithsonian Institution for the year 1874; which was referred to the Regents of the Smithsonian Institution, and ordered to be printed.

AUSTIN AND TOPOLOVAMPA PACIFIC ROUTE.

Mr. TOWNSEND, by unanimous consent, introduced a bill (H. R No. 4533) to survey the Austin and Topolovampa Pacific route; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

GEOLOGICAL AND GEOGRAPHICAL SURVEY.

Mr. TOWNSEND also, by unanimous consent, submitted the following resolution; which was read, and referred under the law to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed five thousand copies of Professor Hayden's annual report of the geological and geographical survey of the Territories for the year 1873, three thousand copies of which shall be for the use of the House of Representatives, one thousand for the use of the Senate, and one thousand for the Smithsonian Institution.

And then, on motion of Mr. KELLOGG, (at five o'clock and forty 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. ALBRIGHT: The petition of 65 citizens of Parryville, Carbon County, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee or revival of internal taxes, to the Committee on Ways and Means.

By Mr. BASS: The petition of the Methodist Episcopal church of Eden, New York, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. BUFFINTON: Two petitions of citizens of Massachusetts, of similar import, to the same committee.

By Mr. BURLEIGH: The petition of the Methodist Episcopal church of East Readfield, Maine, of similar import, to the same committee.

By Mr. BUTLER, of Massachusetts: The petition of Victoria C. Woodhull, Tennie C. Claflin, and James H. Blood, asking indemnity for false imprisonment by order of a United States court, to the Committee on Claims.

By Mr. CESSNA: The petition of the Supreme Council of the Temple of Honor and Temperance, representing 300 temples and 20,630 members, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. COTTON: The petition of citizens of Lyons, Iowa, that the western terminus of the proposed canal from Hennepin to the Mississippi River be located above the Rock Island Rapids, to the Committee on Railways and Canals.

By Mr. DAWES: Two petitions of citizens of Massachusetts, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. DURHAM: The petition of citizens of Kentucky, for a post-route from Monticello, Kentucky, to Travisville, Tennessee, to the Committee on the Post-Office and Post-Roads.

By Mr. GUNCKEL: The petition of Herman Flock, for a pension, to the Committee on Invalid Pensions.

By Mr. HALE, of Maine: The petition of the Methodist Episcopal Church of Belgrade Mills, Maine, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. HALE, of New York: The petition of Horace W. Peaslee, of Chatham, Columbia County, New York, for extension of letters-patent for an improvement in machinery for washing paper-stock, to the Committee on Patents.

Also, the petition of Charles Salisbury and others, of Movers, Clinton County, New York, for the restoration of the 10 per cent. reduction of duties made in 1872, and against the imposition of duties on tea and coffee or any revival of internal taxes, to the Committee on Ways and Means.

Also, the petition of C. F. Hull and others, of Plattsburgh, Clinton County, New York, of similar import, to the same committee.

Also, the petition of Palmer, Williams & Co., and others, of Altona, Clinton County, New York, of similar import, to the same committee.

By Mr. HATCHER: Memorial of the Legislature of Missouri, concerning certain claims of citizens of Missouri against the United States, to the Committee on War Claims.

By Mr. HAYS: Memorial of the Tuscaloosa Board of Industries, for an appropriation to improve Warrior River, to the Committee on Commerce.

By Mr. E. R. HOAR: The petition of the Methodist Episcopal church of South Lawrence, Massachusetts, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. HOOPER: The petition of the Methodist Episcopal church, Townsend, Massachusetts, of similar import, to the same committee.

By Mr. HAWLEY, of Connecticut: The petition of the Third Methodist Episcopal church of New Haven, Connecticut, of similar import, to the same committee.

By Mr. HAZELTON, of New Jersey: The petition of the High Street Presbyterian church of Newark, New Jersey, of similar import, to the same committee.

By Mr. KELLEY: The petition of mechanics of Philadelphia, for the restoration of the 10 per cent. reduction of duties made in 1872, and against a duty on tea and coffee or revival of internal taxes, to the Committee on Ways and Means.

By Mr. KILLINGER: The petition of citizens of Schuylkill County, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872, to the same committee.

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

By Mr. LOWNDES: The petition of citizens of Cumberland, Maryland, of similar import, to the same committee.

Also, the petition of Charles K. Remsburg, of Frederick City, Maryland, for relief, to the Committee on War Claims.

By Mr. LOFLAND: Several petitions of citizens of Delaware, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. LEWIS: Papers relating to the claim of B. J. D. Irwin, surgeon and brevet colonel United States Army, to be reimbursed for losses in the late war, to the Committee on Military Affairs.

By Mr. MONROE: The petition of the Woman's National Temperance Union, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. MYERS: The petition of Captain Henry T. Knox, United States Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. PIERCE: The petition of H. D. Cushing and others, of Massachusetts, for the passage of the Senate bill to provide for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. ELLIS H. ROBERTS: The petition of the Methodist Episcopal church of Volney, New York, of similar import, to the same committee.

Also, the petition of Captain B. F. Pope, for relief, to the Committee on Military Affairs.

By Mr. ROSS: The petition of 177 citizens of Centre County, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872, and against imposition of duty on tea and coffee and any revival of internal taxes, to the Committee on Ways and Means.

By Mr. SHOEMAKER, of Pennsylvania: The petition of 214 citizens of Luzerne County, Pennsylvania, of similar import, to the same committee.

By Mr. SCUDDER, of New York: The petition of the First Baptist church of Harlem, New York, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. SMITH, of New York: The petition of Thomas E. Lawson and others, for relief, to the Committee on Appropriations.

By Mr. SMITH, of Virginia: The petition of William P. Posey, to be paid for property taken for the use of the United States Army, to the Committee on War Claims.

By Mr. STORM: Four petitions of citizens of Pennsylvania, for an appropriation for the improvement of the Delaware River, to the Committee on Commerce.

Also, the petition of citizens of Easton, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872, and against any duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. THOMAS, of Virginia: The petition of Margaret A. Roland, widow of Alexander Roland, to be paid for supplies furnished United States Army, to the Committee on War Claims.

By Mr. THORNBURGH: The petition of citizens of Sevier County, Tennessee, for an amendment of the internal-revenue laws, to the Committee on Ways and Means.

By Mr. TOWNSEND: The petition of Clingan and Buckley and others, of Hopewell Furnace, Berks County, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872, to the same committee.

By Mr. WILLIAMS, of Massachusetts: The petition of the Grand Temple of Honor and Temperance, of the State of Massachusetts, for a commission of inquiry concerning the liquor traffic, to the Committee on the Judiciary.

IN SENATE.

WEDNESDAY, *January* 27, 1875.

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

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

CENTENNIAL COMMISSION.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, transmitting for the information of Congress a report of the progress made to this date by the United States centennial commission appointed in accordance with the requirements of the act approved June 1, 1872; which was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Rhode Island State Temperance Union, signed by W. F. Sayles, president, Rev. J. W. Willett, secretary, and other officers, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and in the Territories of the United States; which was referred to the Committee on Finance.

Mr. FERRY, of Michigan, presented the memorial of H. M. Bradley, and 114 others, citizens of Michigan, protesting against the ratification of the so-called reciprocity treaty with Canada; which was referred to the Committee on Foreign Relations.

Mr. INGALLS presented the petition of Mrs. Mary L. Woolsey, widow of the late Commodore W. B. Woolsey, United States Navy, asking for a pension; which was referred to the Committee on Pensions.

He also presented a memorial of late soldiers of the United States Volunteers, residing in Bourbon County, Kansas, praying for the grant of a bounty to disabled soldiers; which was referred to the Committee on Military Affairs.

Mr. MORRILL, of Vermont, presented a memorial of the Methodist Episcopal church of Pelham, Massachusetts, approved in open congregation and signed by the pastor, and also a memorial of the Third Methodist Episcopal church of New Haven, Connecticutt, signed by its pastor, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and in the Territories of the United States; which were referred to the Committee on Finance.

Mr. BAYARD. I present the petition and accompanying papers of John and Sarah Saring, of Wilmington, Delaware, praying to be allowed a pension on account of services rendered the United States by their son in the marine service, and I ask leave to say that the signers of the papers accompanying this petition are among the most respectable and worthy citizens of the State. I move the reference of the petition and papers to the Committee on Pensions.

The motion was agreed to.

Mr. BAYARD also presented the memorial of the First Day School of the Society of Friends of Wilmington, Delaware, signed by W. W. Hoopes, and Emma Worrell, superintendents, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and the Territories of the United States; which was referred to the Committee on Finance.

Mr. SCOTT presented a petition of the operatives in the factories and work-shops of John and James Dobson, of Philadelphia, Pennsylvania, praying for the repeal of so much of the act of June 6, 1872, as reduced the duties on certain imports 10 per cent; which was referred to the Committee on Finance.

He also presented the petitions of citizens of Philadelphia, of citizens of Brownsville, of employés in the rolling-mill of C. Winch, of the spring and steel makers of Frankford, of citizens of Hellertown, of citizens of Matilda Furnace, all in the State of Pennsylvania, remonstrating against the restoration of the duties on tea and coffee and the revival of internal taxes, and asking the repeal of the act of 1872 which reduced the duties on certain imports 10 per cent.; which were referred to the Committee on Finance.

Mr. MORRILL, of Maine, presented the memorial of Wilbur F. Berry and other citizens of the State of Maine, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and the Territories of the United States; which was referred to the Committee on Finance.

He also presented a memorial adopted at a meeting of citizens of the District of Columbia, remonstrating against the passage of what is known as the Morrill bill for the government of the District of Columbia; which was ordered to lie on the table.

Mr. PRATT presented the memorial of the Union Hill Methodist Episcopal church of Worcester, Massachusetts, signed by the pastor and officers, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and the Territories of the United States; which was referred to the Committee on Finance.

Mr. BOUTWELL presented a memorial of late soldiers in the United States volunteers, residing in Westminister, Massachusetts, praying for a bounty to disabled soldiers; which was referred to the Committee on Military Affairs.

He also presented a memorial of late soldiers in the United States volunteers, residents of Worcester County, Massachusetts, praying for a bounty to disabled soldiers; which was referred to the Committee on Military Affairs.

He also presented the memorial of Mrs. D. Sackett and other women, of Westfield, Massachusetts, and the memorial of the Methodist Episcopal church of South Lawrence, Massachusetts, signed by the officers, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and the Territories of the United States; which were referred to the Committee on Finance.

Mr. DORSEY presented a memorial of the Chamber of Commerce of the city of Memphis, Tennessee, praying Congress to pass the bill providing for the organization of the Territory of Oklahoma; which was referred to the Committee on Territories.

He also presented a petition of citizens of the Indian Territory, and a petition of citizens of Prairie County, Arkansas, asking for the