

knowledge. A great many of these soldiers tell me that they would not wear these artificial limbs except for the appearance of the thing; that when they get away from the crowd they go without them. But we propose to say to these soldiers, "You must either take what is of no use to you or you shall have nothing."

Now, Mr. Speaker, does the Government suffer at all by allowing money commutation instead of the artificial limb? No, sir; the cost to the Government by the commutation is not so much, because under the law when you have furnished the limb you must provide for having the soldier go to the place where it is to be furnished in order to have it fitted. You save this expense by allowing him a commutation in money.

I hope that this amendment will be rejected.

Mr. MARTIN. I yield three minutes to the gentleman from Georgia, [Mr. YOUNG.]

Mr. YOUNG, of Georgia. Mr. Speaker, I am in favor of this amendment. No man in this House can sympathize more than I do with the soldiers of this country, no matter what may have been the color of their uniform. No man on the other side of the House will go further than myself to do all that is possible for the soldiers of the Union Army, and especially those poor men who have been maimed for life. Upon that point it is not necessary for me to say anything further.

While upon the floor, I wish to remark that one thing which has amazed me very much is the magnanimity of my friend from Indiana, [Mr. HOLMAN.] I can attribute it to but a single cause. I have investigated the matter since I came upon the floor this evening, and I am told that the softening of my friend's heart is connected with the tragedy which was enacted yesterday at this Capitol. I am glad that even this softened his heart. I am told that the man who yesterday leaped from the Dome was a Union soldier, and had a claim which had been referred to the Committee on War Claims, and by them referred to a sub-committee consisting of my friend from Ohio [Mr. LAWRENCE] and my friend from Indiana, [Mr. HOLMAN;] that immediately upon the receipt of the intelligence that this disposition had been made of his claim, this man went up to the Dome and leaped off!

Mr. MARTIN. I move the previous question.

Mr. HOLMAN. Before the previous question is called, I wish to modify my amendment by striking out the word "only" and inserting after the words "in kind" the words "or the value thereof in money."

Mr. MARTIN. I have no objection to that amendment. I now renew the call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment of Mr. HOLMAN 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. MARTIN. I move to amend the title of the bill by adding the words "and for other purposes."

The amendment was agreed to.

Mr. MARTIN 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. DANFORD. I move that the House adjourn.

The motion was agreed to; and accordingly (at ten o'clock 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 Fenton G. Wells and 45 others, of Washington, District of Columbia, asking that provision be made for the payment of employes and laborers under contractors in said city, to the Committee on the District of Columbia.

By Mr. ARMSTRONG: The petition of John L. Taylor, for a pension, to the Committee on Invalid Pensions.

By Mr. CESSNA: The remonstrance of citizens of Franklin County, Pennsylvania, against the restoration of the duty on tea and coffee, to the Committee on Ways and Means.

By Mr. KELLEY: The petition of citizens of Philadelphia, for the passage of the bill in aid of the Northern Pacific Railroad, to the Committee on the Pacific Railroad.

Also, the petition of citizens and corporations of Pennsylvania representing \$30,000,000 of capital, praying for the extension of the national credit to aid the completion of a great southern railroad line to the Pacific, to the same committee.

By Mr. LAMAR: The petition of O. R. Singleton, of Mississippi, for the removal of his political disabilities, to the Committee on the Judiciary.

By Mr. LOWNDES: The petition of Daniel Weisel, of Hagerstown, Maryland, for relief, to the Committee on the Judiciary.

By Mr. MYERS: Resolutions of the Commercial Exchange Association of Philadelphia, against the imposition of duties or taxes on imports or manufactures which have once paid duties or taxes and

have passed from the possession of the Government, also in opposition to the proposed increase of the tax on whisky, to the Committee on Ways and Means.

By Mr. MOORE: The petition of citizens of Washington County, Pennsylvania, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the same committee.

By Mr. O'BRIEN: The petition of Lewis Jones, of Baltimore, for relief, to the Committee on Claims.

By Mr. PACKARD: The petition of members of the Woman's National Christian Temperance Union, of Henry County, Indiana, for restrictive legislation in regard to alcoholic liquors, to the Committee on the Judiciary.

By Mr. PACKER: The petition of artisans, manufacturers, and workers in iron and coal, citizens of Harrisburgh, Pennsylvania, that the national credit be extended to aid in the completion of a great southern line of railroad to the Pacific, to the Committee on the Pacific Railroad.

Also, two other petitions of citizens of Harrisburgh, Pennsylvania, of similar import, to the same committee.

By Mr. PHILLIPS: The petition of the mayor and other citizens of Leavenworth, Kansas, for the passage of the bill to incorporate the Eastern and Western Transportation Company, to the Committee on Railways and Canals.

By Mr. PIERCE: The petition of William M. Barrett, of Boston, Massachusetts, for a pension, to the Committee on Invalid Pensions.

By Mr. POLAND: The petition of Wells Richardson and others, for the repeal of the stamp tax on drugs, perfumery, proprietary medicines, &c., to the Committee on Ways and Means.

By Mr. SAYLER, of Indiana: The petition of 24 citizens of Saint Francis County, Arkansas, for the passage of a law to authorize the manufacture, use, and sale of patent-right articles by others than owners of patent-rights, upon payment of reasonable royalty thereon, to the Committee on Patents.

Also, the petition of 11 citizens of Saline County, Kansas, of similar import, to the same committee.

Also, the petition of 18 citizens of Orleans County, Vermont, of similar import, to the same committee.

Also, the petition of 23 citizens of Wisconsin, of similar import, to the same committee.

Also, the petition of 14 citizens of Grant County, Wisconsin, of similar import, to the same committee.

Also, the petition of 9 citizens of Lancaster County, Nebraska, of similar import, to the same committee.

By Mr. SHOEMAKER, of Pennsylvania: The petition of Calvin Pardee and 75 others, of Luzerne County, Pennsylvania, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. STONE: Resolutions of the General Assembly of the State of Missouri, relative to the establishment of a branch mint in Saint Louis, to the Committee on Coinage, Weights, and Measures.

By Mr. WELLS: Resolutions of the Saint Louis Board of Trade, approving the bill for the establishment of a branch mint at Saint Louis, to the same committee.

By Mr. WOODWORTH: The petition of 32 citizens of Youngstown, Ohio, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee, to the Committee on Ways and Means.

By Mr. ———: Memorial of settlers on the military reservation at Camp Independence, California, that they be permitted to acquire title to their homes under the homestead and pre-emption laws, to the Committee on the Public Lands.

IN SENATE.

FRIDAY, February 19, 1875.

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

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

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a report of the Secretary of War, transmitting, in obedience to law, a copy of the report of Major F. U. Farquhar of the survey of a part of the subdivision of the Mississippi 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 report of the Acting Secretary of the Interior, in answer to a resolution of February 2, 1875, transmitting information in relation to services rendered by William P. Adair and C. N. Vann to the Osage Indians; which was referred to the Committee on Indian Affairs, and ordered to be printed.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of Hon. Angus Cameron, chosen by the Legislature of Wisconsin a Senator from that State for the term beginning March 4, 1875; which were read and ordered to be filed.

Mr. PRATT presented the credentials of Hon. Joseph E. McDonald, chosen by the Legislature of Indiana a Senator from that State for the term beginning March 4, 1875; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Woman's Temperance Union of the city of Wilmington, Delaware, signed by a large number of the women of Wilmington, asking for such legislation as will prohibit the importation, manufacture, and sale of intoxicating liquors as a beverage; which was referred to the Committee on Finance.

Mr. CAMERON. I present a resolution of the Legislature of Pennsylvania, in favor of an appropriation for the improvement of the harbor of Erie in that State; and as it is short I will ask the Clerk to read it.

The resolution was read, as follows:

Resolved by the senate and house of representatives of the Commonwealth of Pennsylvania in General Assembly met. That our Senators be instructed, and members of the House of Representatives in Congress be requested, to vote for and use all proper means of securing from Congress an appropriation for the improvement of the harbor of Erie in this Commonwealth, and that the governor be requested to transmit copies of this resolution to our Senators and Members of Congress.

Attest:

ELBRIDGE MCCONKEY,
Resident Clerk of the House of Representatives.
THOMAS B. COCHRAN,
Journal Clerk of the Senate.

Mr. SCOTT. I move that the resolution presented by my colleague—I see that he has left the Chamber—be referred to the Committee on Commerce and printed.

The motion was agreed to.

Mr. MORRILL, of Vermont, presented a memorial of the president and secretary of the Vermont State Medical Society, representing about five hundred physicians of the State of Vermont, praying for such legislation as will the better promote the efficiency of the Medical Corps of the Army; which was referred to the Committee on Military Affairs.

He also presented the petition of W. C. A. Berkey, of Grand Rapids, Michigan, asking Congress to give each Union soldier, from a new issue, \$200 in United States legal-tender notes, not bearing interest, coined by the Government, that will be equal to gold; which was referred to the Committee on Military Affairs.

Mr. SCOTT. I present a memorial of merchants, ship-owners, and others interested in the commerce of the city of Philadelphia, protesting against the passage of the bill providing for a reorganization of the Light-House Board. I move its reference to the Committee on Commerce.

Mr. SARGENT. On the question of reference I wish to be heard one moment. By instruction of the Senate the Committee on Appropriations were required to examine into the expediency of a reorganization of the Light-House Board, whether the responsibility of the Secretary of the Treasury was sufficient for the interests of the public service in the operations of the board. A report of a sub-committee has been printed and sent back to the committee. This matter has been somewhat discussed in the papers and very much opposed by certain interests; I think, however, under great misapprehension. The report of the sub-committee shows clearly by figures that the present light-house system is costing about \$400,000 more than it ought for unnecessary expenses; for instance, by keeping up several fleets to perform much the same service, when one single fleet well officered would perform the same thing. The report further showed that the improvements which are made in Europe, in France, England, and other leading countries, in this particular, are not adopted by the present Light-House Board. Some of them are of the most striking character, leading to economy and making still further improvement. The Committee on Commerce I believe to be a committee that can very well investigate these matters, and if they have a bill before them I will withdraw any objection to the reference of this memorial to them; but I call their attention to that report, and I also call the attention of newspapers and others disposed to treat this subject fairly to the important considerations which are laid down in that report, and to the fact that the recommendations spring entirely from a regard for the interest of the public service and are not in the interest of the Navy, of the Army, of the Engineer Corps, or of any other corps whatever.

Mr. SCOTT. I observe that the petition refers to a House bill by number, and I would ask the Senator from California whether that bill is now before the Committee on Commerce?

Mr. SARGENT. I am not aware of any House bill of that number, but I introduced a bill myself some months ago which was sent to the Committee on Commerce and they are considering it, and in connection therewith the memorial may go to that committee.

Mr. SCOTT. I only desire that the memorial shall have the proper reference.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Commerce, if there be no objection.

Mr. SCOTT presented a resolution of the Commercial Exchange Association of Philadelphia, protesting against the proposed increase of tax on whisky from fifty cents to one dollar per gallon, and against

the imposition of duties or taxation upon property which has already been subject to duty or taxation; which was referred to the Committee on Finance.

He also presented a petition of members of the Soldiers and Sailors' Union of Philadelphia, praying for the passage of the bill (H. R. No. 3341) giving bounty to all soldiers, sailors, and marines who served in the war of 1861; which was referred to the Committee on Military Affairs.

He also presented five petitions of citizens of Montour County, Allegheny County, and Philadelphia, Pennsylvania, praying that the aid of the national credit be extended to the completion of a great southern line of railroad to the Pacific; which were referred to the Committee on Railroads.

He also presented two memorials of citizens of Franklin County and Luzerne County, Pennsylvania, remonstrating against the restoration of the duty on tea and coffee or any revival of internal taxes and praying for the repeal of the 10 per cent. tariff reduction of 1872; which were referred to the Committee on Finance.

Mr. CAMERON presented petitions of citizens of Raven Run and Saint Nicholas, Schuylkill County, and two petitions of citizens of Philadelphia, Pennsylvania, praying that the aid of the national credit be extended to the completion of a great southern line to the Pacific; which were referred to the Committee on Railroads.

Mr. PATTERSON presented a memorial of physicians of South Carolina, praying for such legislation as will the better promote the efficiency of the Medical Corps of the Army; which was referred to the Committee on Military Affairs.

He also presented a concurrent resolution of the Legislature of South Carolina, instructing the Senators and Representatives from that State to give earnest and united support to any measure that seeks to extend aid to the Texas Pacific Railway; which was referred to the Committee on Railroads.

Mr. DAVIS presented a memorial of citizens of Brooke County, West Virginia, remonstrating against the restoration of duties on tea and coffee and praying the repeal of the 10 per cent. reduction of duties on foreign goods made by the act of 1872; which was referred to the Committee on Finance.

Mr. LEWIS presented a petition of James A. J. Waites and other invalid pensioners, praying the passage of such a bill that their pension may date from their discharge from the United States service; which was referred to the Committee on Pensions.

Mr. FERRY, of Michigan, presented the petition of Alvan N. Sabin, late second lieutenant of the Fifth Michigan Cavalry, praying to be allowed arrearages of pay; which was referred to the Committee on Military Affairs.

He also presented the petition of A. W. Leggett, of Michigan, father of Percy S. Leggett, who was killed in the late war, praying that the arrearages of pay due his son may be paid to him; which was referred to the Committee on Military Affairs.

Mr. BOGY presented a resolution of the Legislature of Missouri, in favor of the establishment of a branch mint at Saint Louis; which was referred to the Committee on Finance, and ordered to be printed.

Mr. SPENCER presented a memorial of Mrs. Lavinia Mize, widow of James R. Mize, late private Company E, First Regiment Alabama Cavalry Volunteers, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

He also presented a petition of Louisa Kitchens, praying a pension for the service of her husband in the war of 1812; which was referred to the Committee on Pensions.

He also presented a petition of Lavinia Mize, widow of James R. Mize, praying that the bounty due her husband may be paid her; which was referred to the Committee on Pensions.

Mr. STEVENSON presented the petition of R. W. Johnson, of Arkansas, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. JOHNSTON presented a resolution adopted at a meeting of the tobacco association at Richmond, protesting against any increase of the tax on manufactured tobacco; which was referred to the Committee on Finance.

He also presented a memorial of the Cotton Exchange of Norfolk and Portsmouth, Virginia, in favor of Government aid to the inland navigation opened up by the Dismal Swamp Canal and Albemarle and Chesapeake Canal Companies from Chesapeake Bay to Albemarle and Pamlico Sounds, North Carolina; which was referred to the Committee on Commerce.

Mr. HAMLIN presented a petition of Asa Cushman and other citizens of Auburn, Maine, praying for the prohibition of the manufacture, importation, and sale of all alcoholic beverages in the Territories of the United States and in the District of Columbia; which was referred to the Committee on Finance.

Mr. HARVEY presented several memorials of physicians of Kansas, praying for such legislation as will the better promote the efficiency of the Medical Corps of the Army; which were referred to the Committee on Military Affairs.

Mr. CONOVER presented two memorials of physicians of Florida, praying for such legislation as will the better promote the efficiency of the Medical Corps of the Army; which were referred to the Committee on Military Affairs.

Mr. ANTHONY presented a memorial of members of the Medical

Society of Rhode Island, praying for such legislation as will the better promote the efficiency of the Medical Corps of the Army; which was referred to the Committee on Military Affairs.

Mr. MITCHELL. I present a petition of citizens of Oregon, praying the passage of an act providing for a scientific survey of Eastern Oregon, and of portions of the Territory of Idaho and State of Nevada; and as it is very brief, I will ask permission to read it:

The undersigned, citizens of Oregon, most respectfully represent that a great extent of territory in Oregon, Idaho, and Nevada—rich in auriferous deposits and in pastoral and agricultural resources—is destitute of the necessary water for the various wants of man; that the water of Snake River, from its high elevation, can be carried through canals at reasonable expense to supply this vast region in question, and for this purpose we ask that an act may be passed decreeing that a scientific survey may be made of this country referred to, to determine the feasibility of this object, and also to ascertain the richness of an "extinct river," supposed to run southerly through Eastern Oregon, Western Nevada, and Eastern California—believed to be the ancient channel of the Columbia; and if the "gravel lead" in Eastern Oregon and the "Big Blue River lead" in California are one and the same river channel. For which we will ever pray.

This petition is numerously signed. I move that it be referred to the Committee on Mines and Mining.

The motion was agreed to.

Mr. MORRILL, of Maine, presented a petition of citizens of Fairfield, Maine, praying for the prohibition of the manufacture, importation, and sale of all alcoholic beverages in the Territories of the United States and in the District of Columbia; which was referred to the Committee on Finance.

Mr. ALCORN presented the memorial of John Cleary, of Hinds County, Mississippi, praying for compensation for certain of his goods, wares, and merchandise taken from him for the use of the United States Government, and for a store-house destroyed by the military forces of the United States, under Major-General W. T. Sherman, during the war of the rebellion; or that his claim for said taking and destruction be referred to the commissioners of claims, or the Court of Claims; which was referred to the Committee on Claims.

Mr. BOUTWELL presented a petition of the Methodist Episcopal church of Ballardale, Massachusetts, praying for the prohibition of the manufacture, importation, and sale of all alcoholic beverages in the Territories of the United States and in the District of Columbia; which was referred to the Committee on Finance.

He also presented the petition of Lucius R. Eastman, a citizen of Massachusetts, and a loyal subject of the American Union, in favor of universal peace; which was referred to the Committee on Foreign Relations.

He also presented a petition of citizens of Massachusetts, in favor of the admission of P. B. S. Pinchback, Senator-elect from the State of Louisiana, to a seat in the Senate; which was ordered to lie on the table.

Mr. GOLDTHWAITE presented two memorials of physicians of Florida, praying for such legislation as will the better promote the efficiency of the Medical Corps of the Army; which were referred to the Committee on Military Affairs.

He also presented the petition of James R. Porter, praying remuneration for the value of one hundred and twenty-two oxen and two mules captured and driven away by hostile Indians while he was engaged in the performance of a contract to furnish cattle to the Government; which was referred to the Committee on Claims.

Mr. FLANAGAN presented a joint resolution of the Legislature of the State of Texas, instructing and requesting the congressional delegation from that State to urge upon Congress the early and favorable consideration of the claims upon the people's gratitude of those who rendered service in the Army and Navy of the United States in the late war with Mexico; which was referred to the Committee on Military Affairs.

Mr. FENTON presented a petition of John Mills and other citizens of Warren County, New York, praying for the prohibition of the manufacture, importation, and sale of all alcoholic beverages in the Territories of the United States and in the District of Columbia; which was referred to the Committee on Finance.

He also presented memorials of soldiers in the volunteer forces of the United States of Livingston and Ontario Counties, New York; of New York City; of Schenectady County, New York; of Otsego County, New York; of Orange County, New York; of Ulster County, New York; and of Allegany County, New York, praying the passage of the bill now pending before Congress for granting bounties to disabled soldiers; which were referred to the Committee on Military Affairs.

He also presented a resolution of the Legislature of New York, in favor of the improvement of East River from the southern end of Blackwell's Island to a point off Corlear's Hook; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. FENTON. I present a memorial of the New York Board of Trade, remonstrating against the cancellation of the contract for the China mail service, and a like memorial of New York merchants and manufacturers, quite extensively signed, opposing the withdrawal of the China mail service. My colleague, who is not now in his seat, presented a like memorial from the importers and merchants engaged in the China trade and bankers in the city of New York yesterday, and supposing that the subject to which it referred had been reported by a committee to the Senate, he asked that the memorial might be laid on the table and printed. I now move that that

memorial, together with these which I now present, be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. CLAYTON presented a memorial of citizens of Arkansas, settlers on the Hot Springs reservation in that State, praying for such legislation as will secure them in their rights and quiet the titles to certain claims thereon; which was referred to the Committee on the Judiciary.

Mr. PRATT presented the petition of the Universalist church congregation, of Auburn, Maine, praying for the prohibition of the manufacture, importation, and sale of all alcoholic beverages in the Territories of the United States and in the District of Columbia; which was referred to the Committee on Finance.

Mr. HOWE presented a memorial of physicians of Wisconsin, praying for such legislation as will the better promote the efficiency of the Medical Corps of the Army; which was referred to the Committee on Military Affairs.

Mr. WRIGHT presented a memorial of late soldiers of the United States residing in Ringgold County, Iowa, and a memorial of late soldiers of the United States residing in Marion County, Iowa, praying for bounty to disabled soldiers; which were referred to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS.

On motion of Mr. NORWOOD, it was

Ordered, That Charles L. Bradwell have leave to withdraw his petition and papers from the files of the Senate.

W. G. FORD.

On motion of Mr. GOLDTHWAITE, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the petition of W. G. Ford, of Memphis, Tennessee, for cotton taken and sold by the United States Government during the war, and that it be referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. LEWIS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1181) to amend the act entitled "An act to provide a government for the District of Columbia, and for other purposes," reported it with amendments.

Mr. KELLY, from the Committee on Public Lands, to whom was referred the bill (S. No. 1310) providing for the extension of the time for completing the survey and location of the Portland, Dalles and Salt Lake Railroad, reported it without amendment.

Mr. THURMAN, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 1186) for the relief of S. P. Jackson and others, submitted a report thereon, and asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands.

The bill was referred to the Committee on Public Lands, and the report was ordered to be printed.

Mr. THURMAN also, from the Committee on Private Land Claims, to whom was referred a resolution of the Legislature of California, in favor of the formation of a commission to adjust losses sustained by A. P. Jackson and others by being ejected from certain lands covered by a Mexican grant, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

Mr. ALCORN. When the committees were called, the Committee on Mines and Mining was informally passed over. I hold in my hand a bill that was reported at the last session of Congress, which proposes to grant a charter to a company to construct a tunnel through the White Pine Mountain. That mountain is in the State of Nevada, and lies in its vast proportions, not having been worked at all, nor is there any probability that it will be worked. This company propose an experiment in the way of constructing a tunnel. I have not seen any one who has any direct opposition to the bill. I consulted with the Senator from Nevada not now in his seat, [Mr. JONES,] and he says that he has no objection to it whatever. From the fact that it has been so long in my hands and that on account of the modesty that is a part of my nature I have refrained up to this time from troubling the Senate to consider this bill, I ask that it may be now taken up and passed upon. If there is objection to it, let the bill be defeated; if there is no objection, I ask that the Senate will permit the parties to construct this tunnel. I think they are entitled to it. The committee were unanimously of the opinion that no harm could ensue from it and that great good might be the result. I ask the Senate to pass upon it. It is the bill (S. No. 720) conferring the right to construct a tunnel through the White Pine Mountain, State of Nevada, and to purchase public lands contiguous thereto.

Mr. WRIGHT. I have a report from the Committee on Civil Service and Retrenchment that I desire to submit at this time.

Mr. ALCORN. Do I understand the Senator to object to the consideration of this bill?

Mr. WRIGHT. I do not object to the bill, but I ask to present a report at this time. I believe reports are in order.

Mr. ALCORN. Very well.

REORGANIZATION OF THE DEPARTMENTS.

Mr. WRIGHT. There was referred on the 17th of this month to the Committee on Civil Service and Retrenchment a bill (H. R. No. 2978) to provide for the reorganization of the Treasury Department

of the United States, and for other purposes. The committee have had this bill under consideration and have been unable to agree in a recommendation that the bill shall pass. They have made several amendments to the bill, however, and instruct me to report it back with amendments. I ask that the bill may go upon the Calendar with a view to have it considered to-morrow, if the Senate may deem it advisable to do so. I may be pardoned for saying, in this connection, that one thing which controlled the committee not a little was the fact that this bill proposed a reorganization of the Treasury Department alone, whereas the committee were of opinion that if reorganization was entered upon at all it ought to be of the several branches of the civil service, and that at this time it was hardly advisable that we should enter upon the reorganization of this Department alone. This and other considerations influenced us in the recommendation that we make upon this bill at this time. I report the bill back therefore, as instructed by the committee, without a recommendation, and ask that it go upon the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar.

Mr. WRIGHT. In this same connection I am instructed by the Committee on Civil Service and Retrenchment to report a resolution which I ask may be read; and I will say now to the Senate that I shall ask the consideration of the resolution to-morrow morning in connection with the bill which I have just reported, if the preference is to take up this resolution with the view indicated in the resolution. I ask that the resolution may be read.

The resolution was read, as follows:

Resolved, That a committee of five members of the Senate be appointed, whose duty it shall be to examine and thoroughly investigate the several branches of the civil service with a view to the reorganization of the several Departments thereof, the reduction of expenditures, and to promote the efficiency of such service, and to report thereon at the next session of Congress by bill or otherwise.

Mr. WRIGHT. I ask that this resolution may be printed, and to-morrow morning when the Committee on Civil Service and Retrenchment is called I shall call up the resolution.

The VICE-PRESIDENT. The order to print will be made.

BILLS INTRODUCED.

Mr. DENNIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1327) to incorporate the Butchers' Drove-yard Company of the District of Columbia, and for other purposes; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CAMERON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1328) to amend sections 1675, 1676, 1681, and 1682, of the Revised Statutes of the United States; which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. JOHNSTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1329) to make West Point, in the State of Virginia, a port of entry; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. STEWART asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1330) to establish a post-route in California; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1331) to remove the political disabilities of Robert W. Johnson, formerly of Arkansas; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

RAILROADS IN THE TERRITORIES.

Mr. STEWART. I am instructed by the Committee on Railroads to ask for a conference committee on the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States, and granting to railroads the right of way through the public lands. The House passed a substitute simply granting the right of way, which requires some modifications. The gentlemen who secured its passage now desire and the committee have instructed me to report it back and ask for a conference with the House. I move that the Senate non-concur in the amendment of the House and ask for a conference.

The motion was agreed to.

The VICE-PRESIDENT was authorized by unanimous consent to appoint the conferees on the part of the Senate, and Messrs. STEWART, HOWE, and HAGER were appointed.

BUSINESS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. LOGAN. Some time ago, under the order of the Senate, there was an hour given to each one of the committees to consider and pass upon such bills as they wished to have considered. At the time when this Military Committee should have occupied the floor it lacked but fifteen minutes of one o'clock, and we occupied the floor but fifteen or twenty minutes. Probably the time was extended five minutes; it was, however, a very short time, and the committee disposed of but one bill. There is quite a number of bills on the Calendar of military character that are of considerable importance, which I should like to have disposed of, and I ask the Senate that a day next week be agreed upon to be given to that committee. We should only occupy a portion of the day. I give notice at the same time that one of the reasons why we desire the time given to us is for the purpose of considering the bill for the equalization of bounties. That bill has passed the

House of Representatives four different times. For the last six years I believe it has been before Congress and has four times passed the House; but it has never been considered by the Senate. It has been reported from the Committee on Military Affairs favorably some two or three times, and it was reported at the last session of Congress. A bill of the same character has also passed the House at this session and been referred to the Military Committee, and is now before it. I desire that that question shall be disposed of, and I hope that no Senator will object to it. I will ask that Wednesday of next week, if there is no objection on the part of any Senator, be set apart for the consideration of that and other bills reported from the Military Committee. If the Senate shall be of the opinion that we have occupied too much time when that bill has been considered, we will then give way; but I want that bill considered—either voted for or against.

Mr. SARGENT. Will my friend from Illinois allow me to ask him a question?

Mr. LOGAN. Certainly.

Mr. SARGENT. Is not this the bill of which an allegation is made that it will cost the Government \$180,000,000—at any rate a great many millions?

Mr. LOGAN. I do not understand the Senator.

Mr. SARGENT. Is not this bill for the equalization of bounties the bill which it is alleged will cost the Government \$180,000,000? I wish to identify the bill. That allegation is made. It may be an exaggeration; it may be merely \$100,000,000; but I inquire if this is not the bill of which this remark has been made?

Mr. LOGAN. I will say to the Senator from California that that is rather a strange way of identification; but I will answer his proposition. If his desire is to get it before the country that the bill is objected to because it will cost a great amount of money, I will say this: If any parties allege it will cost \$180,000,000, they do not know anything about it. I know there has been an attempt by a certain gentleman—I do not mean any gentleman on the floor of the Senate, but a gentleman connected with the Army, not mentioning his name—to defeat this bill for several years by representing its immense cost. The bill that passed the House the other day, in my judgment, would require the Auditors six or seven years to go through with and dispose of the various claims, and when they should be fully disposed of I do not believe the cost would be \$20,000,000. I think I can demonstrate that there is no reason for apprehension as to the cost of this measure.

I will say further, in answer to the Senator, that when claims are being passed through Congress of doubtful character, taking money out of the Treasury every day, it is a very poor answer to a bill for the equalization of bounties to poor soldiers who deserve it to say that it is going to cost a great deal of money. It is their due; it is just to them; it is that money which they have been deprived of, while they served in the Army, by unfairness; and I will state what the unfairness is. When bounties were allowed by law, for instance, that two-years volunteers should be allowed so much, three-years volunteers so much, or veterans, as they may be termed—many of them were mustered out perhaps one day before the two or three years expired, perhaps a week, and advantage was taken of these soldiers by their muster-out just a short time before the time expired to prevent them from obtaining the bounty. They are entitled to it. The law authorized it, contemplated they should receive it, and their deprivation of it is an outrage upon their rights, in my judgment. I think it is about time this matter should be considered by the Senate of the United States; and if the Senate will give me—I do not say give me, but give the committee—an opportunity, I will try to demonstrate not only the justice of this bill, but that it is not going to plunder the Treasury of the United States. All I ask is a fair consideration of the measure. We have been attempting for six years to have it considered. I think it about time at least that the Senate should give an hour to it any how. I ask for next Wednesday.

The VICE-PRESIDENT. The Senator from Illinois asks that the Senate assign Wednesday next for the consideration of the bill for the equalization of bounties and other bills from the Committee on Military Affairs.

Mr. SARGENT. Does that require unanimous consent, or can a majority assign a special order?

The VICE-PRESIDENT. It requires a two-thirds vote to make a special order.

Mr. SHERMAN. It can be done only by unanimous consent. By the rule under which we are acting some committee has the floor this morning.

The VICE-PRESIDENT. No committee has the floor at this time.

Mr. SHERMAN. Some committee is entitled to the floor.

The VICE-PRESIDENT. The Chair is of opinion that it is in the keeping of the Senate to direct its own business. At the time the motion was made there was no one on the floor, and no one had any special business to present.

Mr. SCOTT. I shall make no objection to the request which the Senator from Illinois has made. That objection shall not come from me unless it comes from other quarters, but I have been patiently waiting for the call of committees in the morning hour under the order which we have made, hoping we would have another hour during the session for the consideration of bills from the Committee on Claims. I only wish to say that if we cannot do that I shall ask

to have equal consideration for that committee which shall be accorded to any other committee in fixing a special day, and I shall deem it my duty as chairman of that committee to ask that time be allowed for the consideration of bills from the Committee on Claims. I shall not object to the request of the Senator from Illinois.

Mr. LOGAN. I stated when I rose first that the hour which was allotted to the Committee on Military Affairs was taken up with other business and we really had no time. The Senator will remember the only bill that was acted upon from the Military Committee was a bill in reference to one of his constituents in which he felt an interest. I took that bill up out of its course to accommodate the Senator. That was the only bill acted on by the Senate coming from the Military Committee. I only ask for some time to be fixed for the consideration of this question. I do not care whether it is night, morning, or noon, or any time; it does not make much difference. I will come here at twelve o'clock at night if that is satisfactory to Senators. I only want to have it considered. I know we have had petitions before our committee counting up to hundreds of thousands really, on this very question, and I have never been able to get it considered in the Senate since I have been here. When I was in the House I had it considered, and it was passed twice there while I was a member of the House. I have tried to get a consideration of it in the Senate, and now all I ask is that the Senate may consider it and dispose of it. I think it is deserving at least of consideration, and I am willing that the Senate may fix the hour; whether in the morning, or afternoon, or at night, is immaterial to me.

Mr. WRIGHT. I suggest to the Senator from Illinois that the Senator from Maine having the appropriation bills in charge is probably opposed to fixing any time in view of his bills in a day session. I suggest that he ask for the evening of Wednesday next, beginning at half past seven o'clock.

Mr. LOGAN. I am willing to do that.

Mr. HAMILTON, of Maryland. What was the suggestion of the Senator from Iowa?

The VICE-PRESIDENT. That the evening of Wednesday next be set apart for the consideration of bills reported by the Committee on Military Affairs.

Mr. HAMILTON, of Maryland. A session for the consideration of such a bill as has been indicated, a bill that asks \$100,000,000 if not \$150,000,000, when the people are clamoring about taxes! I am opposed to it night or day, but I am opposed particularly to our sitting on a bill of so much importance as that after night.

Mr. MORRILL, of Maine. What is the motion?

The VICE-PRESIDENT. The motion before the Senate is that Wednesday evening of next week be specially assigned for the consideration of bills reported by the Committee on Military Affairs, and the Chair is of opinion that it requires a two-thirds vote.

Mr. MORRILL, of Maine. At this late period in the session to make a special assignment for any committee is not usual. Under the circumstances in which we find ourselves to-day I suggest to my honorable friend that it would be really a great peril to that part of the public business which I know he regards and which we all regard as a matter of necessity, that is the appropriation bills, to make such an order as he proposes.

Mr. LOGAN. If the Senator will allow me, I will relieve him. I have not been very persistent in thrusting business from the committee of which I am chairman before the Senate, as everybody will bear witness. At the last session many of our bills went over because I did not wish to crowd out other business on their account. I will say to the Senator from Maine that if appropriation bills or matters more important than this are before the Senate at the time named I will give way and take another time.

Mr. MORRILL, of Maine. Will it not answer the Senator's purpose if he gives notice that he will seek an opportunity to call up the business in his charge when appropriation bills are not engrossing the attention of the Senate?

Mr. LOGAN. I would rather not do that, but I will give way for the appropriation bills. I say to the Senator, in the presence of the Senate, that I will give way to them, so that there may be no collision.

Mr. MORRILL, of Maine. I have no especial relation to anything of importance except the appropriation bills.

Mr. LOGAN. I do not propose to interfere with action on any appropriation bill. I only ask that a time be fixed, so that then I can have a right for the Committee on Military Affairs to be heard.

Mr. EDMUNDS. I wish to call the attention of the Senate to the fact that some days since the Judiciary Committee reported the House civil-rights bill, which has been in its substance thoroughly discussed in this body already, and therefore it probably need not, so far as any fair debate is concerned, take more than a very short time to dispose of it. I feel it to be my duty to say that as soon as the appropriation bill which is now pending is disposed of, I must move to take it up; and I hope my friend from Illinois will not insist upon any special order which may jeopardize the opportunity of the Senate to dispose of the civil-rights bill.

Mr. LOGAN. I will not jeopardize the civil-rights bill, I will say to the Senator, for I am as much in favor of that bill as he is or any other Senator, and a good deal more in favor of it than some Senators here; but I desire at least to have consideration given to the committee that I represent, because I think it is due to them. They

have had no consideration this session. I will get out of the way for anything more important. Senators need not fear that.

Mr. SARGENT. The Senator from Illinois in reply to a question of mine stated that there were claims passing every day, and he implied by the word "claims" that they were improper claims. I will go with him and as far as any Senator in resisting all improper claims, and the bias of my mind is rather against claims anyhow, and in nine cases out of ten I vote against them. I do it in every case where I have not the clearest proof to satisfy me that it ought to pass. This Congress has been peculiarly free from the passage of claims. We have passed very few claims. We have passed no subsidies, and I hope we shall pass none.

So far as the soldiers are concerned, I believe for the last twelve years whenever I have had a seat in Congress I have been in favor of doing them justice, and I have that disposition at the present time; but when a bill is brought forward that I am assured at the Treasury Department will cost \$500,000 to go over all the work in the Second Auditor's Office since the war closed, and that after that labor shall be completed under it at least \$100,000,000 will be taken out of the Treasury—for I have had that information direct from the Treasury Department—I want a great deal of time to consider it.

I would further make the suggestion that these things are pressed on the attention of Congress not so much by soldiers, though they feel an interest in them, as they are by claim agents all over the country, men who examine the legislation of Congress and all the circumstances to see if there is not something which can be got for the class whom they represent, and they have very powerful influence in such legislation in Congress and make an appearance of a public sentiment which I think is often delusive.

But there are matters as important as this bill. For instance, I should like to have my friend from Indiana call up again the question of the admission of Mr. Pinchback. I think the question of war or peace, the future safety of the country, depends upon the settlement of that matter at this session of Congress. I will say, in fact, that I think it is better to decide the question wrong than not to do it at all. I cannot anticipate what the decision of the Senate will be, but after thirty hours of continuous debate on it so recently, it seems to me that debate must be nearly exhausted, and I feel that our democratic friends as well as our own friends are prepared to decide that question one way or the other. But to make special orders destroys any opportunity of taking up the civil-rights bill or the resolution for the admission of Mr. Pinchback, or any remedial legislation which the wisdom of Congress might devise in order to produce tranquillity in the South. For these reasons I shall most strenuously object to making a special order for any purpose.

Mr. HITCHCOCK. I desire to give notice that so soon as the Indian appropriation bill is disposed of I shall feel it my duty to call up the bill to enable the people of Colorado to form a State government and shall antagonize that bill against any other bill, except appropriation bills, until action shall have been had.

The VICE-PRESIDENT. The morning hour having expired, the Chair calls up the unfinished business of yesterday, being the Indian appropriation bill.

Mr. HOWE. I ask to what committee the morning hour this morning was due?

The VICE-PRESIDENT. The Committee on Printing.

Mr. ANTHONY. Then that committee goes over to the next morning hour, I suppose Monday, to-morrow having been given to the committee of which the Senator from Iowa [Mr. WRIGHT] is chairman.

Mr. HOWE. It has been usual when the morning hour was frittered away to extend the hour so that some committee might come in and be disposed of. I have been waiting very patiently for the Committee on the Library to be called. That committee has reported a bill which should be considered, and there is an immense public interest requiring it to be considered and acted upon. I believe that committee will be called when the Committee on Printing is disposed of, and I ask the Senator from Maine if he cannot yield an hour this morning? We have spent half an hour here in discussing what we will do next Wednesday.

Mr. SHERMAN. If the Senator had simply insisted on the enforcement of the rule he could have accomplished his purpose.

Mr. HOWE. I suppose if any Senator had done that the debate would have had to stop, but I never did insist on a rule in my life.

The VICE-PRESIDENT. The Indian appropriation bill is before the Senate unless a motion is made to postpone it.

Mr. HOWE. I ask the Senator from Maine if he will consent to do what has been done heretofore, postpone this subject an hour to allow the committees to be called.

Mr. MORRILL, of Maine. Under similar circumstances to those where it has been done before I certainly would give unanimous consent to do that thing, but under the circumstances in which I brought this bill to the attention of the Senate yesterday I feel extremely reluctant to allow any delay. The Senator from Illinois is also pressing.

The VICE-PRESIDENT. The Senator from Maine declines to yield.

Mr. LOGAN. I merely wish to reply to one remark of the Senator from California. When he speaks of claim agents, I think it is a very unfair thing to say here in the Senate when a Senator is asking to have a bill taken up by the Senate. I am no claim agent and

these petitioners are no claim agents. They are soldiers, honorable and honest men, only asking for their just rights that the law gave them when they were serving their country and of which they have been deprived, I will not say by trick but by an unfair muster out of the service.

Now, I give notice to the Senate that I will during the next week, without mentioning the day, for I may commence on Monday, persist in pressing this bill to which I have referred before the Senate until I get a vote on it in some way.

Mr. LEWIS. I appeal to the Senate—

The VICE-PRESIDENT. All this debate is out of order; and unless a motion is made to postpone the Indian appropriation bill and take up other matters, the Chair will direct the Secretary to proceed with the reading of the bill.

Mr. LOGAN. I call for the regular order.

Mr. ANTHONY. I suppose the Senator having charge of the bill will give way for strictly morning business, which has not been completed.

Mr. WINDOM. With the consent of the Senate, I will yield to strictly morning business.

Mr. ANTHONY. I desire to make a report.

Mr. LOGAN. I object. I call for the regular order.

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:

- A bill (S. No. 625) for the relief of Lemuel D. Evans, late collector of internal revenue for the fourth district of Texas;
- A bill (S. No. 836) granting a pension to William Ira Mayfield;
- A bill (S. No. 862) granting a pension to Margaret S. Hastings;
- A bill (S. No. 1070) granting a pension to Margaret C. Wells;
- A bill (S. No. 1080) granting a pension to J. W. Caldwell, of Marshall County, Indiana;
- A bill (S. No. 1154) granting a pension to William Williams;
- A bill (S. No. 1205) restoring to the pension-roll the name of Lydia A. Church, minor daughter of Nathaniel G. Church; and
- A bill (S. No. 1213) granting a pension to Nathan Upham.

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

- A bill (H. R. No. 4714) for the improvement of the mouth of the Mississippi River;
- A bill (H. R. No. 4753) removing the political disabilities of O. R. Singleton, of Mississippi; and
- A joint resolution (H. R. No. 157) authorizing the acceptance by Captain C. H. Wells, of the United States Navy, of the cross of the Legion of Honor, conferred upon him by the President of the French Republic.

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

- A bill (H. R. No. 3700) granting a pension to Teter Wolfong;
- A bill (H. R. No. 3708) granting a pension to Eunice Wilson, mother of John C. Wilson, late a private in Company D, Forty-ninth Regiment Illinois Volunteers; and
- A bill (H. R. No. 3717) granting a pension to Sarah McAdams.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. R. No. 135) appointing managers of the National Home for Disabled Volunteer Soldiers; and it was thereupon signed by the Vice-President.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had, on the 18th instant, approved and signed the following enrolled bill and joint resolution:

- An act (S. No. 1012) for the relief of the district judge of Vermont; and
- A joint resolution (S. R. No. 15) authorizing Thomas W. Fitch, engineer United States Navy, to accept a wedding present to his wife, Mrs. Minnie Sherman Fitch.

PENSION BILLS.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; and they were severally read twice by their titles, and referred to the Committee on Pensions:

- A bill (H. R. No. 518) granting a pension to Thomas Allcock, of Rochester, New York;
- A bill (H. R. No. 965) granting a pension to Samuel Purcell;
- A bill (H. R. No. 2586) granting a pension to Woodson Powers;
- A bill (H. R. No. 2763) granting a pension to Mrs. Sophia Green;
- A bill (H. R. No. 3116) granting a pension to Fannie M. Herron, widow of James Herron, deceased;
- A bill (H. R. No. 3660) granting a pension to Sallie T. Lee;
- A bill (H. R. No. 4257) granting a pension to Francisco Quesada, of New York;
- A bill (H. R. No. 4540) for the relief of Elisha B. Knapp, of Wellsburgh, New York;
- A bill (H. R. No. 4754) granting a pension to Betsey A. Eaton;
- A bill (H. R. No. 4755) granting a pension to William Lyon;

- A bill (H. R. No. 4756) granting a pension to Emmet Langston;
- A bill (H. R. No. 4757) granting a pension to Freemorton Young;
- A bill (H. R. No. 4758) granting a pension to George W. La Pointe;
- A bill (H. R. No. 4759) granting a pension to Herman Nettlefield;
- A bill (H. R. No. 4760) granting a pension to James Wilkinson;
- A bill (H. R. No. 4761) granting a pension to John C. Cox, acting ensign United States steamer Weehawken;

- A bill (H. R. No. 4762) granting a pension to Mrs. Sidney J. Wood;
- A bill (H. R. No. 4763) granting a pension to Lafayette Briggs;
- A bill (H. R. No. 4764) granting a pension to Sarah A. Woodworth;
- A bill (H. R. No. 4765) granting a pension to Emilia O. Black;
- A bill (H. R. No. 4766) granting a pension to Ruth Isabella Naylor;
- A bill (H. R. No. 4767) granting a pension to Ferdinand Monti;
- A bill (H. R. No. 4768) granting a pension to Annie Farley;
- A bill (H. R. No. 4769) granting a pension to Abraanna L. Dunn;
- A bill (H. R. No. 4770) granting a pension to Elizabeth Thomas;
- A bill (H. R. No. 4771) granting a pension to Charles A. Draher;
- A bill (H. R. No. 4772) granting a pension to Richard G. Mobley;
- A bill (H. R. No. 4773) granting a pension to Dwight A. Barrett;
- A bill (H. R. No. 4774) granting a pension to Mary Ann McDonald;
- A bill (H. R. No. 4775) granting a pension to Margaret Pattison;
- A bill (H. R. No. 4776) granting a pension to Elizabeth Lanning;
- A bill (H. R. No. 4777) granting a pension to James A. Forgey;
- A bill (H. R. No. 4778) granting a pension to Heila A. Cooksey;
- A bill (H. R. No. 4779) granting a pension to Ruth Ellen Greland;
- A bill (H. R. No. 4780) granting a pension to Patrick Glackin;
- A bill (H. R. No. 4781) granting a pension to Barbara Patti;
- A bill (H. R. No. 4782) granting a pension to Ansel Thayer, of Braintree, Massachusetts;

- A bill (H. R. No. 4783) granting a pension to Robert Cavanaugh;
- A bill (H. R. No. 4784) granting a pension to Henry H. Kaiser, late private in Company H of Eighth Regiment United States Veteran Volunteers;

- A bill (H. R. No. 4785) granting a pension to Alva W. Hicks, of Cincinnati, Ohio;
- A bill (H. R. No. 4786) granting a pension to Mrs. Sarah B. Howe and Mrs. Mary Cranston;

- A bill (H. R. No. 4787) granting a pension to Charles H. Bugbee;
- A bill (H. R. No. 4792) granting a pension to Elizabeth A. Neibling;
- A bill (H. R. No. 4793) granting a pension to Mercy E. Scattergood;
- A bill (H. R. No. 4794) granting a pension to John McKinley;
- A bill (H. R. No. 4795) granting a pension to Ann Jones;
- A bill (H. R. No. 4796) granting a pension to Catherine Knierim;
- A bill (H. R. No. 4797) granting a pension to J. Lyle McCullough;
- A bill (H. R. No. 4798) granting a pension to Mariah W. Sanders;
- A bill (H. R. No. 4799) granting a pension to George W. Leamy, late second lieutenant Company B, Ninth Regiment Pennsylvania Cavalry;

- A bill (H. R. No. 4800) granting a pension to John H. Loby;
- A bill (H. R. No. 4801) granting a pension to Micajah Stout;
- A bill (H. R. No. 4802) granting a pension to Nancy Tipton;
- A bill (H. R. No. 4806) granting a pension to William C. Edmondson;

- A bill (H. R. No. 4807) granting a pension to George W. Trueheart;
- A bill (H. R. No. 4791) granting a pension to Samuel Sheaffer;
- A bill (H. R. No. 4790) granting a pension to David Salsbury;
- A bill (H. R. No. 4788) granting a pension to Catherine Ferry;
- A bill (H. R. No. 4789) granting a pension to Kezia Zoller;
- A bill (H. R. No. 4804) granting a pension to Levina Berrall;
- A bill (H. R. No. 4805) granting a pension to Mrs. Ellen Morrow;
- A bill (H. R. No. 3884) granting a pension to Mary C. Toy;
- A bill (H. R. No. 4332) granting a pension to Fannie E. Records, widow of Albert B. Records;

- A bill (H. R. No. 4334) granting a pension to William T. Simms;
- A bill (H. R. No. 4325) granting a pension to William R. Duncan;
- A bill (H. R. No. 4326) granting a pension to Samuel P. Evans;
- A bill (H. R. No. 4327) granting a pension to Bridget Leafy;
- A bill (H. R. No. 4329) granting a pension to William H. Small;
- A bill (H. R. No. 4330) granting a pension to Cyphert P. Gillett;
- A bill (H. R. No. 4331) granting a pension to Sarah Ann Crosby;
- A bill (H. R. No. 4333) granting a pension to James Rounsell, a private in Company K of the One hundredth New York Infantry Volunteers; and
- A bill (H. R. No. 4803) granting a pension to Susan C. Clark.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3821) making appropriation for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes; the pending question being on the amendment reported by the Committee on Appropriations, after the word "dollars," in line 191, in the appropriation for the Arickarees, Gros Ventres, and Mandans, to insert the following proviso:

Provided, That \$10,000 of said amount be available immediately: Provided further, That the Secretary of the Interior be, and he is hereby, authorized to use so much of this appropriation, not exceeding \$775, as he shall deem just and proper, to reimburse L. B. Sperry and William Courtenay for the losses sustained by them by the destruction of certain personal property by fire at the Fort Berthold agency, Dakota, on the 12th day of October, 1874.

Mr. HAMILTON, of Texas. I think the objection raised to this appropriation yesterday ought to be considered by the Senate. Here is an appropriation of \$10,000 in addition to what the Department thought was necessary, the greater portion or all of it to meet a claim set up by traders out there on the ground that they lost their property by fire. Suppose they did lose it by fire. I do not suppose there is a man in business on the plains anywhere in any Territory of the United States, or a man driving teams across the plains to feed those Indians, that does not make his calculation to lose once in awhile. Their profits allow for a very large margin of loss.

The Senator from Minnesota [Mr. WINDOM] stated yesterday that he thought it was a very meritorious claim; that these men had abandoned their own property in order to take care of the public property, and saved a very large amount of public property by letting their own go to destruction. I have great respect for the Senator from Minnesota and for any statement he may make; but I beg to say that if these men did neglect and abandon their own property for the purpose of protecting the public property, they are the first men in the history of this country that ever did such a thing. I never heard of such a case before, and I do not believe a word of it. I believe that they make such a showing here, and I do not doubt but that claimants can make a showing in any case.

I recollect a few years ago, when I was on the Indian Committee myself, a claim coming in of about \$90,000 for buildings which had become useless to the owner because the post had been abandoned and the owner conceived the notion of turning the buildings over to the Government of the United States, and had very strong indorsers. He had the governor of the Territory and a number of men who insisted that it was a necessary thing, and I believe afterward, perhaps a year or two afterward, he got his bill through and got the money. I have a case in my drawer now where another appropriation of about \$10,000 is asked from the Government of the United States to pay men for buildings because one of the agencies in one of the Territories had been removed; the buildings had become useless, they were no longer of any account to these merchants, and they wanted pay for them out of the Treasury of the United States. If the Government undertakes to pay all these claims, in other words, to insure the men against loss in any contingency, I do not know what is going to become of the Treasury. This bill to which I now refer provides:

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$6,500, or so much thereof as may be necessary, to enable the Commissioner of Indian Affairs to purchase, in his official capacity, for the use and benefit of the Nez Percé tribe of Indians, with their consent, certain improvements within the limits of the Nez Percé reservation in the Territory of Idaho, made by or belonging to D. B. Randall and W. A. Caldwell respectively: *Provided*, That the sum herein appropriated shall be reimbursed to the United States from the amount of the last of twenty installments to be appropriated in fulfillment of the provisions of the fifth article of the treaty with the Nez Percés, concluded June 11, 1855, &c.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. SCOTT. My attention is arrested by this provision. I supposed upon first reading it that the \$775 was the only amount appropriated to pay persons for property destroyed by fire; but if I gather correctly the statement made by the Senator who has the bill in charge, the whole of this \$10,000 is intended for that purpose. Even as to the smaller amount I say my attention is arrested for the reason that this does involve a very important inquiry as to the circumstances which ought to take it out of the general rule. The Committee on Claims have had before them claims for reimbursement of losses by fire, cases in which soldiers had their property in forts that were burned, where it was alleged the fires originated from carelessness upon the part of the officers of the Government. We have rejected such claims upon the ground that the Government was not an insurer. We have now pending before us the case of the widow of one of the generals of the Army, who claimed \$12,000 for property destroyed on a steamer going from New York to San Francisco, on the ground that the Government was negligent in supplying that steamer, and that it was in consequence of that negligence that the household furniture and other property of that officer was lost. I do not know wherein these Indian agents differ from the other employés of the Government; and before I should be willing to recognize the principle which would bind the Government to pay for these losses, I should be glad to hear from the Senator having the bill in charge some explanation of the circumstances which justify this appropriation.

Mr. WINDOM. This amendment is misunderstood, I observe, by several Senators who have spoken of it, apparently with the understanding that \$10,000 was added over and above the amounts required by the treaties or recommended by the Department. I am not now alluding to the Senator from Pennsylvania, but to a Senator sitting behind me, [Mr. HAMILTON, of Texas.] The fact is the amount appropriated for these Indians—Arikarees, Gros Ventres, and Mandans—is a discretionary amount, and it is appropriated under the general idea on which we appropriate money to a large number of Indian tribes; that is, to feed them, take care of them, and keep the peace in that way. Instead of adding anything to the recommendations of the Department, the amount desired was \$125,000; the amount appropriated last year was \$85,000. The House committee made it \$75,000 this year, and the Appropriation Committee of the Senate merely raised the amount to what it was last year, thus making it \$85,000 instead of \$75,000; and one reason for increasing the amount \$10,000 was that

the Indians had suffered the loss of their buildings and a considerable amount of supplies by fire, and we thought the amount ought to be the same as it was last year.

The Indians to whom this appropriation relates are our friends in that country; they are the neighbors of the Sioux Indians. The Sioux Indians occasionally, under a sort of limited treaty of peace, come into the camps of these Indians and tell them, "You see how much better we are treated than you are; you furnish men to help fight the battles of the white men, and we demand food from them and fight them if they do not give it, and we get appropriations by the million and you are starved." And yet these Indians have maintained the peace; they have sent fifty to one hundred soldiers to our forts to help maintain the peace in that country; they are the hereditary enemies of the Sioux, and I do think that we ought to make reasonable appropriations for them. The amount ought to be doubled instead of being what is proposed, only \$85,000.

Now, a single word as to this claim. I myself am opposed to any claims upon this bill or any other appropriation bill except under peculiar circumstances. I think this is intimately connected with the bill and belongs here, for the reason that it is to be taken out of this appropriation, which is made on account of that fire. These men saved the Government, as the Commissioner of Indian Affairs tells us, a great many thousand dollars by neglecting their own property to take care of and save the property of the Government.

I have no feeling about this matter. If the Senate prefer not to encourage that sort of action on the part of agents who have control of Government property; if they prefer to say to them, "Save your own property, \$100 or \$200 or \$500 or \$700, and let thousands of dollars worth of Government property go to ruin because we will not reimburse you," then I say advertise it to the country by striking out this provision.

In addition to that, this man Sperry, as we are informed by the Department, is the best agent now in charge of Indians in any part of the country, and the Commissioner says that through his good management we have been able to cut down the appropriation to these Indians, and yet to keep the peace among them, some fifty to seventy-five thousand dollars below what we ever did until this agent went there. I am in favor of encouraging such an agent as that. You pay him \$1,500 to go out upon the frontier with his family. He stays there and takes good care of the Indians, and hence his reputation for honesty and good management. He takes care of the Government property to the loss of his own, and then we propose to turn around and advertise him, "We will not reimburse you; hereafter save your own property and let the Government property go to ruin."

With that submission of the question, I am willing that the Senate shall vote as they like.

Mr. INGALLS. It is unmistakably true, Mr. President, that this is a private claim. It is the individual claim of L. B. Sperry and William Courtenay, who are not described in the bill as Indian agents, but who are named as such by the Senator from Minnesota in his remarks. This being a case where the parties are private citizens, and this being a private claim, against whom does the obligation to pay it subsist? Against the United States? Certainly not. There can be no principle of law upon which the United States can be called upon to pay this claim. Are the Indians then liable, or are the Indian funds of the Government liable? Nothing can be clearer under the statement of the Senator from Minnesota than the fact that in no sense whatever is this or can this be a claim on the Indian funds or the Indian Department of this Government.

The only argument made by the Senator from Minnesota is that Mr. Sperry was a good Indian agent, and that therefore his claim should be paid. If that is to be acknowledged in making appropriations as an argument or as a ground upon which money should be taken from the Treasury, then our whole system of appropriations had better be changed at once.

This is a vicious proviso. It is wrong in principle; it is wrong as a matter of fact. I desire to call the attention of the President to the fact that it is also directly in violation of one of the standing rules of the Senate and cannot be entertained. Rule 30, referring to amendments to appropriation bills, declares in the first place—

No amendment proposing additional appropriations shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing or select committee of the Senate, or in pursuance of an estimate from the head of some of the Departments—

And the rule goes on—

and no amendment shall be received whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law or a treaty stipulation.

This is confessedly a private claim. The amendment is not to carry out the provisions of an existing law or a treaty stipulation. I therefore make the point of order that under the rules of the Senate it cannot be received, whether reported from a committee or not.

Mr. WINDOM. I ask the Chair whether it is not moved by a standing committee of the Senate?

Mr. INGALLS. That is very true. If the Chair will allow me one moment further, I will say that the provision in the rule that no amendment shall be received whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law or treaty stipulation, is entirely independent of the provision of the rule in regard to recommendations made or reports made by a standing

committee. It is an express provision that no amendment, whether reported by a committee or not, shall be received for the payment of a private claim, unless it be to carry out the provisions of an existing law or treaty stipulations.

The VICE-PRESIDENT. The Senator from Kansas raises a point of order. The Chair is of the opinion that the point of order is well taken, and he will so decide, but will submit the question to the Senate if that be desired.

Mr. ALLISON. That relates to the second proviso.

Mr. INGALLS. The second proviso.

Mr. WINDOM. I shall not appeal from the decision of the Chair. I ask, however, to what portion of the amendment the point of order relates? I suppose only to the second proviso.

Mr. INGALLS. I only raised the point of order with reference to the appropriation for the payment of Sperry and Courtenay.

Mr. WINDOM. I shall not appeal from the decision of the Chair.

Mr. SCOTT. Let me make an inquiry. Under this provision can any portion of the \$10,000 be applied to other parties who have suffered as they did by the fire?

Mr. WINDOM. No, sir. It simply makes \$10,000 of the whole amount appropriated available immediately, in order that out of the general fund of the Indians the Department can go to work and replace their losses. It does not apply to anybody else. We simply make the amount what it was last year and make \$10,000 of it available immediately on account of these losses.

The VICE-PRESIDENT. The amendment as modified by the ruling of the Chair will be read.

The CHIEF CLERK. The amendment as it stands now is to insert the first proviso:

Provided, That \$10,000 of said amount be available immediately.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was in lines 204 and 205, to increase the appropriation to subsist and properly care for the Apaches of Arizona, from \$200,000 to \$375,000.

Mr. SHERMAN. I do not know upon what basis the Committee on Appropriations offer amendments of this character to increase a definite appropriation. It is almost impossible for the Committee on Appropriations or any committee to estimate the amount of money that should be expended in the way money is now expended in the Indian service. Therefore in my judgment the Committee on Appropriations, unless they have a clear, satisfactory showing that an amount greater than is proposed by the House of Representatives ought to be expended for a given purpose of this kind, ought not to propose it, and we ought not to agree to it. I ask the Senator having charge of this bill upon what basis they propose to increase by these very large sums appropriations of a specific character for the Indian service?

Mr. WINDOM. It is one of the most difficult branches of the public service to know precisely what is the right thing to do. There is no question about that. This appropriation is made for the purpose of carrying out what is denominated the peace policy with the Indians; that is, that it is much cheaper to feed them than fight them. The amount recommended by the House committee for these Indians in Arizona is too small to enable the Government to carry out that policy with them. The recommendations of the Department were \$750,000 as the amount necessary to keep the peace with these Indians in Arizona and New Mexico. We appropriated last year \$500,000, and it has been with the utmost difficulty they have been able to carry on the service with that amount. The House cut that down to \$400,000. Acting upon their discretion and carefully investigating this subject as to the number of Indians, as to the amount required to feed them, as to the difficulties encountered in supplying them, our committee believed that \$500,000 was the very smallest amount with which the Department could possibly get along and carry out this policy. It may be that we could save \$100,000 now by voting only \$400,000 for these Indians; but possibly instead of saving \$100,000 we might be required to send a regiment there which would cost perhaps two millions a year.

Thus far I believe the peace policy has worked well; but if we are to maintain it we must exercise the best judgment we can upon the amount necessary to feed these Indians. We have cut down wherever we could. The Indian bill is \$1,700,000 less than it was last year; and the committee honestly believe, after a full, careful, and thorough investigation of this question, that we cannot go below what we have done and carry out this policy. I have no mathematical calculations to submit, no reasons perhaps that will be entirely conclusive upon this point; but I submit to the Senator and to the Senate whether it is not better to make appropriations large enough to maintain our policy with the Indians rather than to risk a war with them. That is the only reason I have to give. The Senator from California [Mr. SARGENT] is better acquainted with the details of this matter than I am, and will submit any further suggestions that may be needed.

Mr. SHERMAN. The Senator has said enough to answer my purpose. He can give no reason for the increase, and I can give no reason why the appropriation should not be increased. In other words, in appropriating money for what is called the peace policy with the Indians, we are doing it as blindly as bats in the brightness of day.

The Senator cannot give us a computation, or the mathematical reasons, as he would call them, for increasing the amounts in this paragraph of the bill \$75,000 in one case and \$25,000 in another. I cannot answer the argument of course without having all the facts.

Mr. President, it seems to me that a policy of this kind, which absorbs three-fourths of the whole of our appropriations in the expense of transportation, agencies, and expenditures of that kind which neither reach the backs nor mouths of the Indians, is an ill-defined policy which ought not to be carried out. These Indians ought to live by work, just as other people do, or they ought to be gathered where they could be compelled to earn their own living. I always supposed our Indian policy was to gather the Indians in reservations and require them to work; to expend our money, not in feeding them, but in enabling them to feed themselves; to buy them implements, build them school-houses, furnish them blacksmith-shops, furnish them mills. I thought this was the peace policy; in other words, to compel them to earn their living, just as the white people or black people do. But a policy which gives to these Indians food and clothing and does not require them to work never will redeem them into civilization, in my judgment. I do not believe in it. For the last seven or eight years I have voted steadily against every Indian appropriation bill. If I had the power I would defeat this bill now and compel the adoption by Congress of some other policy; but I have not. I simply call the attention of the Senate to it. I do not find fault with the Committee on Appropriations, because once when I served in the same capacity and had charge of Indian appropriation bills, I was filled with the most profound disgust; I could not answer a plain question, because I had not the materials with which to answer it. The Indian appropriation bills have swollen from about two and a half million dollars, which I believe was the amount of the last one I had charge of, until they have reached seven millions a year, and this bill has been reduced to between five and six million dollars.

Mr. WINDOM. A single word in reply to the Senator from Ohio. I said I could not make a mathematical computation of the amount necessary. Perhaps I stated that a little too broadly. We have not guessed at this matter wholly. We know the number of Indians there; we know what is the smallest amount that rations can be furnished for, and I have made a sort of mathematical calculation, which is before me. The cost of a hundred rations, exclusive of transportation, in that country is \$15.48 by the estimate of the Department. One hundred rations, costing \$15.48, for seventy-two hundred and seventy-six Indians—and by the way the number is known—2,655,740 rations will be required for a year, and the cost amounts to \$411,108.55 exclusive of transportation, and for transportation to Arizona the amount in the bill will not more than leave enough to cover the deficiency.

The Senator says he would defeat this bill entirely; that when he was a member of the Committee on Appropriations he always looked on Indian appropriation bills with disgust. I think that the committee fully sympathize with the Senator from Ohio on that subject. He speaks of the large increase of the Indian appropriation bills, but I will say to him that the expenses of wars with the Indians have largely decreased. Some years ago I had occasion to make an examination and received a report from the War Department as to the cost of fighting one single band of Indians during the two years, 1862 and 1863, and it came to over \$30,000,000, and the report was that there were not over five or six Indians killed in the expedition. So that in that case it cost about \$6,000,000 each to kill those Indians. I believe a recent report of General Sheridan or General Sherman—I have forgotten which it is—shows that it costs on an average a million dollars to kill an Indian on the plains by the military.

The Senator from Ohio proposes to throw away this Indian bill with which he feels disgust because of its uncertainty, and put the Indians on reservations. That sounds very well here in the Senate. In the cool deliberations of this body it has a very pleasant sound; but when you come to catch these Indians at the rate of a million dollars apiece—and it is just as hard to catch them as to shoot them; for if you can get the military near enough to catch them, you can get them near enough to shoot them—it will not be very strictly in the line of economy for which I know the Senator is an earnest and honest advocate.

I wish we could adopt some policy which would enable us to get along better with our Indian affairs; but until we can devise some policy better than the old one of fighting them, I say let us stick to the present one of feeding them; and if we do that, let us honestly feed those that we agreed to feed and keep them upon the reservations rather than take the risk of fighting them and killing them at the cost of a million a head.

Mr. STEWART. It is a mistake to say that anybody who wants to regulate this matter is in favor of fighting the Indians. We have had the experience of one Army officer who has done more good in settling the Indian question and wasted less money, I venture to say, than all other men in the United States during the same period of time, and accomplished more good with less money. That was General Crook. He was first sent to Idaho, to Indians there whom it was said nothing could be done with unless they were bought off at great expense. They were raiding into Nevada and nearly up to Oregon. There was a large region of country there which was being devastated by In-

dians. He was sent there, and it was but a year or two before he established peace. He caught the ringleaders and punished them. There was less cruelty in it than in any other course. He did it vigorously, in person, and he got peace. He was then sent up to Oregon and from there sent down to Arizona, and in Arizona he has secured peace. He is a strong executive officer. Where it was said it was hopeless, where it was said you had to buy off the Indians, he has secured peace without any great slaughter or without any great violation of humanity. He has only punished the wicked, the notorious murderers. He has taken the trouble to catch them and punish them; he has the others on reservations, and he is so careful in his management that the Indians know him and they believe he can see through them and understand them, and they respect him; and he can do more with ten dollars than any Indian agent you have can do with ten hundred.

If you had a few more men like General Crook you need not be afraid of Indian wars, because they would know how to manage Indians. It is necessary that a person should know something about them in order to manage them. I believe that more can be done through the Army officers without the shedding of blood, because it has not been shed in Arizona, and those were the worst Indians of the country. For two hundred years they had robbed and murdered in all directions, and it was said nothing could be done with them. We have them now on reservations, and they think General Crook sees through them, and we have peace. You can travel all over that country. That shows what may be done by a man of war who has a little judgment in his management.

Mr. SARGENT. I do full justice to the merits of General Crook in Arizona. It is unquestionable that his vigilance and activity assembled the Indians on reservations, and the Indians were induced to go there without very much bloodshed, by the promise that they going upon those reservations, the Government would fulfill what was called the peace policy, and furnish them, until they could maintain themselves, with the means of staying there. The Government keeping that promise has made a state of peace there the last two years, a state of peace so refreshing to the people there that their papers come to me loaded with thanks to the Government and congratulations to themselves that no longer there are two murders a day on the average in the Territory; the people can go to work on their farms, they can drive their herds without danger of losing their scalps. The Territory has been redeemed from a most horrible barbarism, largely redeemed through the energy of General Crook, but just as largely through the appropriations year by year by which the Indians going on barren reservations (and no other kind can be found there) are fed and kept in a comparative state of contentment.

Now withdraw your appropriations, and General Crook's promise cannot be kept. Withdraw your appropriations, and you have men upon desert tracts who must starve or break out and go upon the highways, who must rob, who will murder. That is the alternative. That is the complement of the speech of my friend from Nevada.

Now these Indians are made to work. There is not a ration issued to feed an Indian who is able to work, that is to say who is not sick, or an infant; or who is able to work. He is required to make in return an equivalent in his labor, which is used in digging ditches from the accessible rivers or streams on to the reservation to prepare the way by which irrigation can be supplied to those desert lands. I admit that the labor is not always valuable or efficient; but nevertheless it teaches the Indian to labor; nevertheless it redeems him so far from his barbarous habits and makes it easier hereafter to maintain him.

Year by year the appropriations have decreased. Last year we appropriated this amount and there was a large deficiency; the year before a larger amount and a deficiency still larger. This year the deficiency will be quite small; and the Commissioner assured the Committee on Appropriations that if the amount was appropriated this year which was appropriated last year he believed he could bring the service within the amount; and why? Because there is a possibility now for the people to raise cattle, because there is an opportunity for them to cultivate their lands, to raise wheat, and by this means instead of long transportation in passing across the articles which the Government needs to feed the Indians they may be bought more and more in the country itself.

We have reversed the old policy. Not only is it cheaper to feed Indians than to fight them in point of money, but it is cheaper on the ground of humanity to our own people. Do you want these harrowing accounts, these wails coming up from the Indian frontier? Do you want the news to come here, flashed by the telegraph, that this day this citizen was killed on his way from Tucson to Prescott, or that citizen and his wife were killed on the way to the Pima reservation? Nevertheless this is what you had three years ago. Senators' ears ought not to be dulled to cries like these; and I predict, as I predicted last year when I stood on the floor of the Senate and insisted that these appropriations should be made and the Senate made the appropriations, that if you withdraw the appropriations or cut them down so that the Indians cannot be kept contented during the year, the result will be an Indian war in that Territory, by which our people will lose their lives and the business interests of the Territory will be destroyed. For such a purpose what is \$500,000? If you talk about the comparative cost of feeding and fighting them,

then I cite the report made by the brother of the eminent Senator from Ohio, wherein in an elaborate report on this very question he said the Government had expended \$30,000,000 on the plains to fight the Sioux and the result was that the troops had killed thirty Indians; that is to say, at a cost of \$1,000,000 apiece. Although an Army man and well versed in all these matters and illustrious in the military service, he said in most pregnant language, italicizing it in his report, that it was cheaper as well as more humane for the Government to feed the Indians rather than fight them. Acting on that advice, we have appropriated since that time from a million to a million and a half annually for rations, and we have had to keep no military force and there have been no more such ravages as there were in the State of the Senator who has charge of this bill, where men, women, and children were murdered, where women were ravished, and where scenes were enacted as if the devils in hell had broke loose and come down upon Minnesota. Those scenes stopped. This has cost a million and a quarter a year. Adopt the other policy and the cost is \$30,000,000 a year, and still your people are not protected. Therefore I insist that it is the part of wisdom and the part of humanity toward our own people to adhere to this policy.

The Senator from Ohio says years ago when he had charge of Indian appropriation bills we used to appropriate two and a half millions a year. At that time we did not have to deal with the Sioux. At that time we did not deal with the Apaches or with the Cheyennes or the Arapahoes, and with few except a few civilized Indians within the Indian Territory. Our people had not pressed out into all these different Territories. We did not have railroad communication across the continent enticing emigrants to spread out through the mountain valleys. We were not reaching out our fingers of civilization, sensitive with nerves to the lip, in every direction where mischief and murder might assail American citizens and destroy their interests. We could let the Indians roam at large upon the plains and chase their buffaloes, because they did not come in contact with civilization. But since the time the Senator had charge of Indian appropriation bills civilization has been extended over this region, and this is the cheapest and best and most humane mode of protecting them.

Mr. STEWART. It would be a great deal cheaper to carry out the Indian policy if you had honesty rather than dishonesty. I have no doubt that in Arizona, if General Crook and the Army had had the disbursement of the money, it would not have taken more than 50 per cent. of it to accomplish the result. I have seen something of these agents and something of their performances, and if those who have been sent into my State are specimens, at least three-fourths of your money is stolen.

Mr. SARGENT. The Senator knows the Utes, the Diggers, are not the Comanches, and the Apaches? They are simply low, degraded creatures. The question is whether anything can be done for them. They are not quarrelsome. Some of them of the better class do a little work; but what will become of our people in Arizona and that vicinity if something is not done for these Indians. There has been only \$15,000 appropriated to the Senator's State, and he was not in favor of that.

Mr. STEWART. I prevented that because it would be stolen.

Mr. SARGENT. I do not know that it would be safe to send any money to the Senator's State. I am not insisting that any should be sent there; it might be stolen. [Laughter.]

Mr. STEWART. The people there would take care of it; but if you send thieves to steal it, it will be of no use to send it. I will tell you what they did in my State as a specimen of the Indian policy. There were a few Indians scattered in the southern part of the State. They lived in the little places where there were water and grass. When people came there they would work for them and herd stock. They were a peaceful, docile set of Indians. The Indian Department set apart a section of country about the size of Connecticut to make up a grand reservation. They came in here with a proposition to buy out all the settlers there were around there for thirty or forty thousand dollars and to appropriate fifty or sixty thousand dollars to get the Indians to go on that reservation, a thing that anybody knowing anything of that country would laugh at. I opposed any such appropriation; and when I did I was told "O, you want to kill the Indians." I am a friend of these Indians. The Indians heard that they were going to be brought on this reservation, and they sent word to me and I saw some of them. They protested against it. They want to stay about their homes; they are quiet and willing to work. Here was a grand scheme got up. The character of it did not appear to excite any indignation in the Interior Department. When I told them of it, they rather justified it. It was a mining country with patches of arable land here and there, and we wanted settlers to go there so that they could give the Indians something to do. The Indians wanted white people to come in. I have always said get the Indians together that are willing to go upon a particular place and have a few farms; that would be well enough. But the idea of setting apart nearly one-third of that State for an Indian reservation and having a large appropriation and a great parade was properly resisted. It could not possibly benefit the Indians or anybody else. I opposed it because it was nonsense from beginning to end. If that is a specimen of the want of intelligence, not to say want of honesty, which guides the Indian policy, what must be the Indian service elsewhere?

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Senator's time has expired.

Mr. INGALLS. Mr. President, one of the cheapest and commonest catch-words of the present philanthropic Indian policy of the Administration is that it is cheaper to feed Indians than it is to fight them. That sounds very well and perhaps might be useful as an argument were it not for the fact that the Government not only fights Indians but feeds them also.

In regard to these Apaches of Arizona and New Mexico, there was an appropriation last year made to feed them, including original and deficiency, of \$969,000—very nearly a million; and in addition to that there were kept in those two Territories two regiments of infantry and two of cavalry to fight them at an expense of nearly four millions more. They are driven as far as possible on to their reservations in the winter and fattened up at the expense of the Government to enable them during the summer to carry on their depredations against the white settlers; and then the military is called in to drive them back again upon their reservations during the winter.

I protest, sir, against this method of treating the Indian question as being not only in violation of sense and in violation of the first principle of government, but as being criminally extravagant and profligate. The great trouble about these Apaches of Arizona and New Mexico lies in this, that, as the Senator from Ohio has well said, there are no data upon which we can vote these appropriations. It rests entirely in the caprice or the cupidity, if you please to call it so, of the Indian commissioners. They come in here and recommend an appropriation of hundreds of thousands of dollars for the purpose of feeding and subsisting the Apaches of Arizona and New Mexico, and then, regardless of the amount appropriated, they proceed to expend whatever they see fit to expend and come in at the commencement of the next session with an appropriation for a deficiency reaching to the amount of hundreds of thousands of dollars. It is the most amazing, the most astonishing instance of profligacy in civil expenditure that this Government affords. It is entirely immaterial whether one single dollar is appropriated in this Indian appropriation bill at this season, for the authorities will proceed to make whatever expenditures they see fit to make and come in at the close of the year or the commencement of the next fiscal year for a deficiency appropriation that will cover the whole amount. Therefore, sir, unless the Senator from Minnesota having this bill in charge can furnish to the Senate some authentic data upon which to base this most extraordinary amount that is here asked for these Indians, I trust at least the item will be kept down to the amount originally named in the bill as it came from the House of Representatives.

Mr. WINDOM. I think the Senator from Kansas could not have been in his seat when I did furnish some data a few moments ago. It is not entirely guess-work as to the amount required. There is a roll kept of the Indians that are fed, and the number is reported to us from the Department. When up before the whole number was seventy-two hundred and twenty-six, according to the account, in Arizona and New Mexico, I was understood to state, but I should have stated in Arizona alone. It is well known what rations cost in that country. Footing up the total cost of these rations for the number of Indians which are reasonably known to exist there—I take the authority of the Department for this as all other questions when I have no other—it amounts to \$411,185.55 for the Indians in Arizona alone; and yet the bill which we report even with the amendment appropriates but \$375,000 for them, without the transportation. We fall far below the amount that is required absolutely to feed these Indians even with the amendment which we have offered.

But the Senator from Kansas arraigns the Indian Department for exceeding the appropriation. To some extent I presume that criticism may be justified. I think that if I had control of Indian affairs myself, if Congress appropriated \$100,000 for the Indian service, I would use that and not another dollar more even if I had asked for more and even if a war came; and I know they do try to avoid it. They do sometimes exceed the appropriations in order to save us from much greater expenses. If it were true that Congress appropriated the amount which the Department upon full investigation decided to be necessary, and then they exceeded it, there would be more ground for criticism; but we never do that. In this bill they asked for \$750,000 as the amount which is really necessary for this particular service. We have cut it down to \$500,000, and we hope to be able to get along with that amount. The Senator would have some ground for his criticism if we appropriated the whole amount and then they did not keep within it; but I think the Senator himself will admit that it is better that a little discretion should be exercised by the Secretary of the Interior where greater expense can be avoided and greater trouble, even if occasionally there is a little excess. I hope, however, in view of the criticisms which are always made in reference to this bill, that hereafter the Department will not expend one dollar more than is appropriated, come what will, no matter if the whole western plains become involved in an Indian war. I would not if I had charge of that Department, for I would not take the responsibility.

Mr. SHERMAN. I would like to ask my friend a question. I wish to know how they get money except in pursuance of an appropriation. I have always wondered how it was possible for them to get the money to expend.

Mr. WINDOM. They do not get it, but sometimes they make contracts, as I understand, in order to supply the Indians, trusting that the amount will be furnished by Congress; and those contracts always

cost a great deal more than if the money were originally appropriated. Of course they cannot use money without an appropriation.

Mr. SHERMAN. I want to know by what authority any officer of the Government contracts for the expenditure of money in advance of an appropriation.

Mr. WINDOM. I presume there is authority—

Mr. SARGENT. I will answer the question, if I may be allowed to do so. We appropriated less than the estimates last year. The Indian Commissioner informed the Committee on Appropriations that his money lasts up to this time and will last until after the adjournment of Congress, but that it is not sufficient to go through the year. Warning of this was made on the floor of the Senate at the time. Now he says, "I have not exceeded my appropriations; I do not intend to exceed them; I intend that Congress shall understand just what the results will be provided a sufficient deficiency is not appropriated; if the deficiency appropriation is not made, I have no authority to spend money; and if war comes my hands are clear." This is the position of the Commissioner at this very moment. He says, however, in reference to this appropriation, "I can get through, I think, the coming fiscal year without the necessity for a deficiency; things are getting into better shape by the existence of this policy; I can get supplies cheaper; the Indians are beginning to help themselves by bringing in water by irrigation; I will try to get through with this amount, and I think I can." Last year he said he could not get through. He has not yet violated any law, and does not intend to do so, even if war comes.

Mr. SHERMAN. That is right. I have always wondered how they got money beyond the appropriation, if they did. The Constitution of the United States, which we generally swear to support, declares that no money shall be drawn from the Treasury except in pursuance of an appropriation made by law; and the law is equally definite that an officer of the Government cannot contract so as to bind the Government in anticipation of appropriations; otherwise any officer of the Government might defeat the Constitutional provision. I say that if there is any deficiency here the appeal ought to be to Congress, and no executive officer in the Interior Department or any other ought to make a contract involving this Government except in pursuance of an appropriation made by law.

Mr. ALLISON. If the Senator from Ohio will turn to page 80 of this bill he will find a section which is intended to avoid deficiencies in the future with reference to Indian appropriations. It provides that all contracts be made so as to distribute the supplies over the entire year.

Mr. SHERMAN. That is right.

Mr. DAVIS. The provision here called for has been in each appropriation bill for a number of years. The fault is I think that the Indian Department as well as many other Departments of the Government commence too early to spend the money. When they know that they have to run over twelve months, they should divide their appropriation into twelve parts, and distribute it over the months; but they commence perhaps on a scale which disposes of it all in six months, depending on making it up when Congress meets. That has been the case more than once. I think the practice ought to be broken up; it ought not to continue. I think the sooner the Departments understand that their appropriations are to go over twelve months and not six months, the better. I believe the present Commissioner is trying to do his duty toward the Indians and toward the people and the Government. I see no fault in him. He has been before the Committee on Appropriations and explained everything asked of him by the committee. It is true, in many instances, I cannot agree with what he has done nor can I with all that the committee thought it was best to do. It was probably owing to my short service on the committee and not knowing as much about the Indian service as the other members do. I would state, however, that when I went on the Committee on Appropriations only a year ago my prejudice was very much against this Indian Department. I believed and think now the country believes generally that half the money which is appropriated for this Department by Congress is stolen or used in such a way that it never gets to its legitimate objects—the Indians. My mind has somewhat undergone a change by inquiry. I have given two days' continuous study to this question within the last thirty days, hoping to find something wrong and to be able to put my finger on somebody who had cheated the Government.

Mr. MORRILL, of Maine. Not "hoping" but "expecting."

Mr. DAVIS. No, I was hoping to find the man who had been doing it. I believe it has been done and I believe in this Department there is each day that passes before us a robbery of the Government. I mean just what I say; I believe it to-day; and I hope to find the man. I went to the Department and talked with the Indian Commissioner. He believes himself that there is money stolen which does not get to its legitimate object, but he cannot find the person who does it. It cannot all pass through his hands. It has to be sent to agents. This bill provides for seventy agents. Some of them disburse one-half the money that others do, and we have in some cases the least difficulty as to those who disburse the least. Take the very man who was named here this morning, and a provision for whom was struck out. The Indian Department says that he is feeding and controlling his Indians for one-half what it cost last year and one-half what it costs other Indian agents surrounding him now. This shows that the money goes not to the proper destination in many

instances. I believe that the remedy is that the Indian Department should divide its money into twelve parts and not into six parts as has been done in many cases, depending on Congress to supply the deficiency. It should remember that there are twelve months in the year.

Mr. STEWART. I should like to ask one question, because I do not want to interfere with anything that is necessary for the peace of the Indians. I ask if this becomes necessary under the promise made by General Crook to these Indians? If that is a fact ascertained, there is a basis which would justify action.

Mr. WINDOM. I am not aware that it is under any promises of General Crook. It is under the general policy; it is to carry out the promises of the Government; I do not know whether General Crook made them or somebody else. As General Crook's name has been mentioned, I wish to say that General Crook has been more successful in driving a portion of these Indians in reservations than some others, but he has not gone with the sword alone; he has gone with the sword and beef and bread together.

Mr. STEWART. He has gone with brains and honesty.

Mr. WINDOM. He has had all of them, I have no doubt. It is the easiest thing in the world to get up and say one-half the money appropriated for the Indian service is stolen. My honorable friend from Nevada has gone beyond that. I think usually he has confined himself to halving it, but to-day he thinks 75 per cent. is stolen. If he continues to improve in his estimates, at the next Congress the whole amount appropriated in the Indian bill will be stolen. Now, for gentlemen to charge that a certain percentage, as if there was some investigation from which they knew the fact, had been stolen from the Indians, with perhaps not one single fact before them to justify it, is, it seems to me, hardly fair treatment of the Department or of the Government. My honorable friend from West Virginia says he wanted to find somebody who had been guilty of rascality and he hunted for him, but he has not been able to find him and he is on this committee. I have no doubt money is stolen that is appropriated in the Indian bill, but I do not think it is nearly in such proportion as is named, and I do not believe you can carry on any great service of the Government or any great business scattered over such a vast extent of Territory, paying such salaries as you pay the men who do it, and have every dollar honestly administered.

Mr. STEWART. Mr. President—

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

Mr. STEWART. I want to have my question answered if anybody knows—

Mr. SARGENT. Mr. President—

The PRESIDING OFFICER. The time of the Senator from Nevada has expired, and so has the time of the Senator from California.

Mr. STEWART. Let him answer the question I asked.

Mr. MORRILL, of Maine. Let anybody answer the question who has time.

Mr. SARGENT. Allow me?

Mr. MORRILL, of Maine. Yes, sir. I will yield to my friend from California.

Mr. SARGENT. I say the promises made by the Government through General Crook to these Indians were that they should be treated in the manner we have been treating them for the past two years. The Indians have behaved well because these promises have been made. They will be under no obligations to keep them if the promises be violated.

Mr. MORRILL, of Maine. I do not rise to discuss this proposition, but to say to Senators that there is nothing new in it. It follows as a necessity from the Indian system within which we are working. These Indians were forced upon these reservations and are there now. We have refused to allow them to roam and hunt and plunder and feed themselves, have confined them on these reservations. Now it is as well an ascertained fact as anything can be that it costs the Department so many hundreds of thousands of dollars annually to feed these Indians. That is known as well as anything can be in this service, and ascertained by actual experience. That is precisely this proposition. Unless you choose to change the entire Indian service, and allow these Indians to roam and hunt and plunder and murder and support themselves in that way, you must keep them where they are and you must feed them. That is the upshot of the whole thing, and that is exactly this proposition. It is not new and not peculiar to this year. We had it last year and the year before, and it will continue to be until you change the policy, and you cannot change the policy and go back to the old policy without its costing you more than four times what it costs now. From a very careful examination of this whole subject I am satisfied that we have saved more than \$3,000,000 in the last four years by our change to the present policy. I think there ought to be no question about this.

Mr. HAGER. Mr. President, it seems to me a question of policy how the Indians should be managed; that is to say, the proposition contained in this bill is the pursuit of a policy inaugurated heretofore which is a departure from what had been hitherto the policy of the country in regard to the Indians. Hitherto we have had wars with the Indians; and in that respect it looks like extermination. The other policy is to put them upon reservations and take care of them at Government expense by feeding them there. If the money is expended through the Army, in behalf of the Army, for the support of the Army, we understand it; but if appropriations are made here of

money to be distributed through agents for the benefit of the Indians, it is a very difficult matter for the Senate or any person to understand where that finally lodges. It is a well-ascertained fact, I believe, that it becomes dissolved or melts away before it ever reaches the Indians, through the hands of those who may manipulate it or otherwise.

Now, sir, I am disposed to do what is just to the Indian and what is best for the Indian, but I am not disposed to increase this appropriation beyond the amount contained in the House bill, and therefore shall not support the amendments that have been offered by the committee, for the reason that I have no confidence in the policy which it is intended to inaugurate. I do not believe that this money will go to the benefit of the Indians. We may pen them up in reservations, but if you do not feed them there will be starvation there; and between the two—extermination by war or starvation upon reservations—I do not care to discuss the question which is preferable; and that is really what is upon us. I have heard it said, as the Senator from Kansas has intimated, that the policy amounts to this, that you fatten the Indians during the winter in order that they may be better prepared to slay during the summer; but from what I have heard on the other side in regard to these reservations I do not believe there is much fattening of the Indians. It is rather starvation in consequence of a deficiency of food, and they break out in search of the necessities of life from these reservations in consequence of the inefficiency of the supply. That has been the history.

Mr. SARGENT. Will my colleague—

Mr. HAGER. I will be through in a moment.

Sir, we had a policy once. We had Indian commissioners appointed to whom was intrusted the care of the Indians, so far as they were an advisory board; they have resigned, and I had a conversation with one of these commissioners some time ago, a very intelligent gentleman, in which he said that they had no authority to inaugurate reforms and no power to correct abuses, and for that reason they gave up what to them was a fruitless task. Sir, it is the policy of the Government, the error in the administration of these Indian affairs, the plunder of the money on the way, that is mostly complained of; and I am not prepared to vote appropriations in this way unless I have some satisfactory guarantee that the money will reach the purpose and the object for which it is designed.

Mr. SARGENT. Mr. President—

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

Mr. SARGENT. I move to amend the amendment.

Mr. WEST. I should like to have the amendment reported that we may understand what it is. I want to know what the pending question is.

The PRESIDING OFFICER. The pending question is the amendment of the committee in print, and the Senator from California [Mr. SARGENT] moves an amendment to the amendment.

Mr. SARGENT. I move to strike out "seventy-five" and insert "eighty," and I do it for the purpose of making some remarks on this question.

Mr. President, I desire conscientiously to avoid the difficulty pointed out by my colleague. He says that the Indians are nearly starved on reservations. Is that a reason for making a less appropriation? He knows as well as I do—

Mr. HAGER. I want to correct a mistake.

Mr. SARGENT. "I will be through in a moment."

The PRESIDING OFFICER. The Senator from California declines to yield.

Mr. SARGENT. My honorable colleague made that remark to me when I asked him to yield.

Mr. HAGER. I said I would give you the floor in a minute as I had but a word more to say.

Mr. SARGENT. My colleague, as well as I, knows that two or three years ago Arizona was a scene of blood from one end to the other; that there was a terrible condition of things there, and the papers of San Francisco day by day dinned in his ears as they did in mine that the Government should do something to remedy that condition of things. I have no more interest in Arizona than he has. I was never within its boundaries. I do not know one hundred people in it. I do not know that I know ten. I only know by these very San Francisco papers and by other sources of information that that condition of things has ended. I know the policy which ended that condition of things. Here comes a proposition from the House of Representatives which starves that policy, breaks it up because the Indians cannot be kept on the reservations and cannot be kept in peace. If one year from now, with this meager appropriation and with a stringent provision of law accompanying it that the Commissioner of Indian Affairs shall not expend a dollar more than the amount we give him, war breaks loose in that country and American citizens are killed, women are ravished, and children's brains are dashed out against the rocks, I call the attention of the people of San Francisco and of Arizona and of the State of California and of these newspapers that I am not responsible. I wash my hands of it. I predict it as inevitably the result; and I say that here is a measure of peace necessary for that coast, and let my colleague vote it down if he desires.

Mr. HAGER. My colleague misunderstood me in declining to yield him the floor. It was not through discourtesy at all, but merely to say that I intended to say only a very few words more and that then I

would yield. It was not with the intention of depriving him of the privilege of being heard. That did not occur to me at all. I had no such intention.

I merely wish now to correct a mistake that my colleague has made, that I undertook to say of my own knowledge that these Indians were starving. I meant to represent what I had heard on the other side by some person's remarks that the policy was to fatten them during the winter that they might be enabled to slay during the summer. Others told me that they were kept there in a starving condition for want of supplies, kept penned in by the Army. I did not say this of my own knowledge, but such information as came to me was what I wished to present. At the same time I have no intention at all to reflect on the action of this committee. I have no doubt they did what they thought was best for the country. I am speaking to the question, not as to the committee.

Mr. INGALLS. Is the amendment of the Senator from California [Mr. SARGENT] withdrawn?

Mr. SARGENT. I withdraw it. As my colleague would not allow me to speak in his time, and as I had none of my own, I was forced to take that expedient to say a word. I withdraw the amendment to the amendment.

Mr. INGALLS. I move to postpone the consideration of the amendment until to-morrow at twelve o'clock; and upon that motion I will remark, in response to the Senator from Minnesota, that his estimate of the number of the Apaches is entirely erroneous; it is absolutely incorrect. If I understood him, he declared that the Apaches of New Mexico alone were about seven thousand. I have before me the report of the Commissioner of Indian Affairs, and upon pages 106 and 107 he will find an estimate of the entire number of Indians of all tribes in the Territories both of Arizona and New Mexico. I have taken the trouble to add the numbers both of males and females, adults and children, and the entire number of Apaches in both these Territories, including infants and adults, is seventy-seven hundred and eighty-four. Of those it is estimated that not more than one-half are at the present time upon reservations. The Senator makes his estimate of the amount necessary for the support of the Indians upon the entire number, men, women, and children, at fifteen cents per day, which is the amount that is allowed for a soldier's ration. He computes in that estimate the entire number of Indians at seven thousand; then at fifteen cents per day, or fifteen dollars per hundred rations, an amount exceeding \$400,000 would be required to feed them alone. That is based upon an entire inaccuracy. It includes double the number of Indians that are upon the reservations and it estimates a full adult ration to every child among those tribes. It is grossly extravagant; it is grossly incorrect; and I for one desire some further information as to what is done with this extraordinary amount of money that is expended in Arizona and New Mexico. I say, sir, it is entirely incomprehensible upon any theory that is given us here either by the Committee on Appropriations or the Commissioner of Indian Affairs. There is no estimate whatever either as to the number of these Indians upon the reservations or the amount required to subsist them that will account for one-half of the money that is here named in this bill; and I trust that the Senator from Minnesota before we are called upon to vote on this proposition will explain the inaccuracy he has made in his statement; and if that is the ground upon which this appropriation is asked, that then he will amend his request and reduce it to correspond with the figures contained in the report of the Commissioner of Indian Affairs. I now withdraw my motion.

Mr. WINDOM. Mr. President—

Mr. SHERMAN. I trust my friend will give way to me for a moment. At the suggestion of the Senator from Connecticut [Mr. FERRY] who is not now in his seat, I wish to make an announcement. It was understood that to-morrow he would make the formal announcement of the death of his late colleague. He now says that the condition of his health is not such as to allow him to make the announcement to-morrow.

Mr. INGALLS. At what hour to-morrow?

Mr. SHERMAN. Mr. FERRY sends me word that he will not be able on account of his health to make the announcement to-morrow, but he will take occasion to do it on some other day at the convenience of the Senate. He wished me to make this statement to the Senate so that it might arrange its business without reference to the announcement which it was understood would be made to-morrow.

Mr. WASHBURN. While what the Senator from Ohio has stated is true, I wish to inform the Senate that announcements will come from the House to-morrow of the deaths of members of that body.

Mr. SHERMAN. Yes; I understand several announcements will come to us from the House of Representatives at a very late hour probably, so as not to interfere with our session to-morrow.

Mr. WASHBURN. They may be late, but they will be announced to the Senate.

Mr. SHERMAN. They will come before the adjournment. I have done all I desired in making the announcement.

Mr. HAMLIN. Let me say a word. I think the understanding in the House is that the announcement of the deaths there will commence at three o'clock, and it is apprehended that that will give ample time for the messages to be sent here and the appropriate attention paid here.

Mr. WINDOM. In view of the announcements that have been

made and of the pressing business before the Senate, I want to give notice now that I will request the Senate to remain in session until we complete this bill to-day; and having given that notice, I want to say in answer to my friend from Kansas, who suggests that there has been a great inaccuracy in my statement of the number of Indians, that my statement was that which was furnished me by the Commissioner on Indian Affairs; and since he commenced his remarks I have sent for the book containing the estimates, and they will be presented by my friend and colleague on the committee, the Senator from Louisiana, [Mr. WEST.] I have not the book before me, but I have no doubt the number is correctly stated as I reported it before.

Mr. INGALLS. I can furnish the Senator with the book.

Mr. WINDOM. The Senator from Louisiana has the figures.

Mr. SAULSBURY. In reference to the amendment of the committee, I have been listening with some attention to learn from gentlemen familiar with this question whether it is a proper amendment or not, and I confess now, after the debate has been had, I am unable to determine the necessity of the amendment. I am prepared to vote for any amendment to the House bill which, in the judgment of gentlemen familiar with the subject, is necessary for the Indian service; but after listening to this debate I confess that I am unable to say whether this amendment is necessary or not.

In reference to the general expenditure for Indian purposes, my impression is that until within a very few years, perhaps ten or twelve, the appropriations for Indian expenditures have not exceeded about \$3,000,000. This bill I believe appropriates over \$5,000,000, and it is a reduction from some Indian appropriation bills, which some years I believe have amounted to \$7,000,000. I cannot fully understand why the Indian service now requires so much more expenditure than it did some years ago. There is a less number of Indians to feed and clothe. It is true that by the extension of our borders our frontiers have been brought more in contact with some of the Indians, and that may in part account for the increased expenditure of this service.

Mr. MORRILL, of Maine. It accounts for it wholly, I will say to my friend.

Mr. SAULSBURY. I am not prepared to say from any personal examination of the subject that there has been a lavish expenditure of money; but when I find the general result to be what it is as between past years and the present, I am not satisfied that such is not the case.

Against this increase of appropriation I shall vote, because I am not satisfied from the discussion that has taken place on the part of gentlemen who are familiar with the subject that it is necessary, and gentlemen in the other House entirely familiar have thought the amount appropriated in the House bill is proper.

Mr. WEST. There is a principle before the Senate and a very simple one as to whether it is cheaper to feed Indians than to fight them. Having in the course of my military experience spent eighteen months precisely in the locality of these Indians and controlling them absolutely by military power, I think I have some reason to give my experience to the Senate.

With something over fifteen hundred men I was actually engaged about eighteen months in controlling this body of Indians now in these reservations. To do it effectually might require no more than one thousand men, because it was done with considerable ease with fifteen hundred; but in my judgment the smallest limit of the military force necessary to control them on these reservations is one thousand men. It is very well known that the cost of one thousand soldiers is, according to the military disbursements of this Government, \$1,000,000 on an average throughout the country. I think I might double that amount for the necessary disbursements in the Territories of Arizona and New Mexico. In case a thousand men were required to be kept there it would more likely cost you \$2,000,000 than it would \$1,000,000.

Then the mere question is whether we shall feed or fight them. To fight them will cost you \$2,000,000. To feed them will cost you \$525,000. The question simply is, is \$525,000 too much, or is it not enough? Let me say that I have figured just this moment how many Apache Indians there are on the reservations in New Mexico and Arizona. There are seventy-eight hundred and twenty. The difficulty the Senator from Kansas finds is that he confounds other Indians with the Apaches. The Apaches have various names, I think some seven or eight, for the various tribes according to the manner in which they stain their arrows. I could always tell when I was fighting in an Indian fight by their arrows as we picked them up afterward.

So we have according to the Commissioner's statement seventy-eight hundred and twenty of these Indians upon the reservation. The estimate is that they can be fed for twenty cents a day, giving you \$1,564 a day and \$570,860 a year, and this bill calls for \$500,000.

That in brief has been my experience and that is the result as stated by the Commissioner, and it is economy of the most judicious kind. I have no love for these Indians; if I had any use for them they would not be where they are, considering the treatment that men under my command met at their hands; but it is an absolute economy and it is an economy within a judicious limitation and within a numerical limitation that cannot be controverted.

Mr. INGALLS. Have I any time left?

The PRESIDING OFFICER. One minute.

Mr. INGALLS. I move, then, a postponement of the consideration of this amendment until to-morrow at one o'clock.

The Senator from Louisiana assumes that I have made a mistake

in my enumeration and have confounded different tribes of Indians in Arizona and New Mexico, who as he says are distinguished by the way in which they color their arrows. I do not profess to have a very profound knowledge upon this subject, but I am unwilling to rest under the imputation of having made an insufficient or an inaccurate count, and I will therefore call the attention of the Senate to pages 106 and 108 of the report of the Commissioner of Indian Affairs, in which the entire number of Apaches is estimated not only by their tribal name as Apaches but by their different designations as Aribapa Apaches, Pinal Apaches, White Mountain or Coyetero Apaches, Apache Yumas, Apache Mohaves, &c., and having added up the entire number of Indians that are named under the different designations the whole amount is exactly what I stated in my remarks before, seventy-seven hundred and eighty-four, and I say again that the enumeration which estimates the entire number at seventy-seven or seventy-eight hundred in New Mexico alone is therefore entirely incorrect; and the Senator having charge of this bill having declared that the amount that is here asked for is based upon the cost of rations for every one of these Indians at fifteen cents per head or fifteen dollars per hundred, he is entirely at fault, and unless the committee can give some further estimate of the objects and purposes for which this money is to be appropriated, certainly this amendment ought not to prevail.

In addition to the amount here appropriated, in addition to the statement made by the Senator in regard to the expenditure of this money for subsistence, I desire to call the attention of the Senate to the fact that the report of the Commissioner of Indian Affairs shows that a very large portion of these Indians now upon the reservations, amounting perhaps to about three thousand or thirty-five hundred, are self-sustaining. Upon various pages of his report will be found statements that at one point and another they have raised thousands of pounds of corn and a great many bushels of wheat and vegetables of various descriptions, that they are pursuing largely and contentedly the arts of civilized life. So the estimate upon which these enormous demands are asked appears to be wholly without foundation, and I trust before the Senate passes upon it the committee will give us some further idea of what this money is to be expended for.

One thing further, Mr. President. What I principally complain of, and what I think the Senate and the country have a right to complain of in the administration of Indian affairs, is that that Department habitually disregard the requirements of law. They entirely disregard appropriations that are made, and proceed to spend money and make contracts largely in excess of the amount which they are authorized to spend under the laws providing for the expenditures of the Indian Department.

Last year with regard to these Indians alone we had a deficiency appropriation of more than \$400,000, and I have no doubt that when the deficiency appropriation bill comes in this year we shall have another appropriation asked, in order to make up the deficient expenditure in connection with these Indians. The Indian Department, like all other Departments of this Government, ought to be controlled by law. They have no right to spend a dollar or make a contract for a dollar in excess of the appropriations allowed by law; and that is one reason why I think that as a Senate we have a right to complain of the conduct of affairs in the Indian Department.

I withdraw my motion.

Mr. WEST. The Senator from Kansas takes occasion, and not improperly in my judgment, to call into question the management of certain affairs in the Indian Department. The management of those affairs is being gradually and efficiently corrected and in such correction he and other members of the Senate are strongly co-operated with by the present Commissioner of Indian Affairs. But as an illustration of some of the abuses which have come to his notice he cites the fact that there was a large deficiency required last year to maintain these very Indians, and that the Department incurred those expenses unwarrantably, and that Congress is surprised by being requested to make an appropriation that had not heretofore been estimated for. The facts are these, and the occasion of that large deficiency is explained in this way: General Crook was at that time carrying on an active warfare with these Indians; he was endeavoring by persuasion and by constraint to place them upon these reservations; and he was succeeding gradually up to that time with a certain amount of success. The Commissioner estimated for a certain amount of money. General Crook's effort exceeded his most sanguine expectation, as we have heard another Department officer express it, and he got in more Indians than he had money; but it was good economy to give him the money; it is good economy to give the Commissioner the money. So in reference to that, there is the explanation of it. There will be no deficiency of that kind this year. Now we come to dealing absolutely with the fact, "how many Indians have we there," "how much does it cost to feed them," and once having satisfactorily conceded the policy of feeding before fighting, then we have, according to the statement of the Commissioner, nine thousand Apaches in New Mexico and Arizona, according to his main statement on page 1 of his report nine thousand and fifty-seven. Of those I figured—and the Senator's figures nearly agree with mine—seventy-eight hundred and twenty Indians upon these reservations. True they are to some extent self-sustaining; true they are making some progress in agricultural arts and the arts of peace; true we may expect from time to time that the expense devolving on the Government to support them

will diminish. But the question is to-day how many Indians have we there and how necessary is it to support them? We have seventy-eight hundred and twenty. I overstated the amount at twenty cents a ration, but the Commissioner estimates that for so much per diem he can keep them from starving. If you do not keep them from starving you are not keeping faith with them. You have put them in that locality and required them to stay there, and you have drawn a dead line around them, and if they go over it you shoot them. Consequently it is but right to feed them, and it is a mere question whether we have the absolute number there or not, and I plead the book in justification of the appropriation. There it is, so many Indians. I speak of it because at the very time this question was up in committee my attention was called to it, and I required the Senator having charge of the bill to justify the fact. He did it to our satisfaction and I think it is done to the satisfaction of the Senate, and I believe the appropriation will stand.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in line 206, to increase the appropriation for the Apaches of New Mexico from \$100,000 to \$125,000.

The amendment was agreed to.

The next amendment was in line 206, to increase the aggregate appropriation for the Apaches of Arizona and New Mexico from \$400,000 to \$500,000.

Mr. SARGENT. The words "in all" should be inserted before "\$500,000."

The PRESIDING OFFICER. That verbal correction of the amendment will be made.

The amendment, as amended, was agreed to.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was in line 278, after the word "authorized" to strike out "and required;" so as to read:

That the Secretary of the Interior be authorized to withhold, from any tribe of Indians who may hold any captives other than Indians, any moneys due them from the United States until said captives shall be surrendered to the lawful authorities of the United States.

The amendment was agreed to.

The next amendment was from lines 321 to 333, inclusive, to strike out the appropriation for the Chippewas of Lake Superior in the following words:

For nineteenth of twenty installments, for the seventh smith and assistant, and support of shops, per second and fifth articles of treaty of September 30, 1854, \$1,060.

For support of smith and shop, during the pleasure of the President, as per seventh and twelfth articles of treaty of April 7, 1866, \$600.

For the support of two farmers, during the pleasure of the President, as per twelfth article of treaty of September 30, 1854, and seventh article of treaty of April 7, 1866, \$1,200.

And in lieu thereof to insert:

For this amount, or so much thereof as may be necessary, for the support and civilization of the Chippewas of Lake Superior, to be expended for agricultural and educational purposes; pay of clerk and necessary employés, purchase of goods and provisions, and for transporting the same; and for such other purposes as may be deemed for the best interests of said Indians, \$30,000.

That the Secretary of the Interior be, and he is hereby, authorized to issue to the Missionary Society of the Methodist Episcopal Church a patent for the southeast quarter of section 9, in township 14 north, of range 4 west, situate in the State of Michigan, as per fourth article of treaty of October 18, 1864.

Mr. BOGY. I should like to obtain some information in relation to the latter part of this amendment, which I will read:

That the Secretary of the Interior be, and he is hereby, authorized to issue to the Missionary Society of the Methodist Episcopal Church a patent for the southeast quarter of section 9, in township 14 north, of range 4 west, situate in the State of Michigan, as per fourth article of treaty of October 18, 1864.

I do not think this bill is the proper place for a provision of this kind. It has no business in an appropriation bill. It is to carry out a treaty obligation, as I presume. If so, it should come in a separate form and not as a part of an appropriation bill. It has nothing to do with the appropriation bill. The bill is for the appropriation of money for the Indian service, and here is authority to issue a patent for a piece of land which is said to be due under treaty stipulations. If that be so, let a bill be presented in the Senate in proper form and receive consideration in the proper way. It certainly should not be in this appropriation bill. I therefore move to amend the amendment by striking out that clause.

Mr. WINDOM. The clause to which the Senator refers is I think strictly germane to the bill. It provides for carrying out the provisions of a treaty. The treaty provides that under certain conditions this society should receive a quarter-section of land. This bill is to make appropriations for current and continued expenses, and "for fulfilling treaty stipulations." This is a treaty stipulation, and consequently I think it is entirely proper in this bill.

Mr. BOGY. This treaty was made upward of ten years ago, and I am at a loss to know how the thing has been permitted to lie over for ten years without the parties who claim this land having asked for a patent for it. I think the subject ought to come up in a different way, so that the Senate may be enlightened in regard to this claim. It may be altogether proper; I do not deny it; but I, as a member of the Committee on Indian Affairs, know nothing about it.

It is a subject that certainly ought to pass before the Indian Committee. If it is to carry out a treaty obligation, the Indian Committee ought to have it under consideration and report on the subject in a bill. It never has been submitted to that committee. The committee is entirely ignorant of the subject; and how is it that the matter has lain over for the last ten or twelve years?

Mr. WINDOM. I believe there were certain treaty stipulations as to certain conditions which have been substantially complied with by the society, and consequently they present their request to have the Government comply with its conditions. I believe that accounts for the delay.

Mr. BOGY. The Indian Committee is the proper committee to pass on a subject of this nature, and the Indian Committee have never had the matter referred to them. I therefore move to strike out this portion of the amendment—the latter clause.

Mr. FERRY, of Michigan. As this applies to the State of Michigan, I will state to the Senator from Missouri that the Methodist Episcopal Church were required to expend \$3,000 in the education of the Indians upon this reservation. Instead of \$3,000 they have expended \$10,000, and the amendment comes here with the consent and under the advisement of the Secretary of the Interior. I think there is a letter directly from him, or indirectly through the head of the Indian Bureau, now before the Committee on Appropriations. It is not at my hand now, but I have seen the letter and the committee have it, advising that this be done, that the Secretary of the Interior be authorized to issue the patent in conformity with the stipulations of the treaty. Certainly it is germane to the bill, for the bill provides for carrying out treaty stipulations, and it is carrying out one of the provisions of the treaty to authorize the Secretary of the Interior to issue the patent. Certainly I think there can be no objection to it.

Mr. BOGY. I ask the Senator from Michigan why has not the subject been referred to the Committee on Indian Affairs? That certainly is the proper committee to pass on a matter of this kind, and not the Committee on Appropriations, because this is not an appropriation. It is a matter of Indian legislation; it is not an appropriation.

I do not agree with the Senator that because the heading of the bill is that it is to carry out treaty stipulations this amendment is proper here. That means treaty stipulations requiring the payment of money, and not entire legislation on the subject of Indian affairs. Upon this bill you cannot lay out a reservation for Indians. You can only provide for that which sounds in money. It means to carry out treaty stipulations that are to be carried out by the appropriation of money; that is, if by treaty you stipulate to pay to an Indian tribe a given sum of money, it shall find a place in a bill of this character; but that you shall include in a bill of this character the entire system of Indian legislation is certainly not correct.

I repeat what I said before, that this is a matter particularly belonging to the Indian Committee; and I dare say, if the matter is well investigated, this proposition is wrong. Without knowing anything about it, but judging from my own experience, I say that when this matter is investigated it will be found that this patent should not be issued, and that these men are not entitled to it.

Mr. WINDOM. Upon that point let me say that this case has been investigated, and the chairman of the Committee on Public Lands can say what the result was.

Mr. SPRAGUE. The Committee on Public Lands had under consideration a bill granting this quarter section of land, and they ascertained the facts from the Commissioner of Indian Affairs, and I ask that his letter be read, if it is the desire of my friend from Missouri. I have before me a bill proposing to make this grant recommended by the Committee on Public Lands, and the information of the committee comes from the Commissioner of Indian Affairs.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 5, 1875.

SIR: I have the honor to acknowledge the receipt, by reference from the Commissioner of the General Land-Office, of Senate bill No. 1146, providing for the issue of a patent for a quarter section of land in the State of Michigan to the Missionary Society of the Methodist Episcopal Church.

By reference to the fourth article of the treaty between the United States and the Chippewa Indians of Saginaw, Swan Creek, and Black River, concluded October 18, 1864, (14 United States Statutes, 657,) provision is made for the issue of a patent for the land described in said bill to said society upon a compliance on its part with certain requisites set forth in said article of said treaty.

The requirements relating to a school have not been complied with by the society nor has any money been paid by the Government to the society on that account, but the society has made valuable improvements on the land, and has furnished constant missionary service since the establishment of the reservation, by which such aid has been rendered to the Indians as has proved of great value in improving their condition in all respects. In return for this service the Indians desire that this society should have the land in question; and I therefore respectfully recommend the passage of said bill.

The bill is herewith returned.

Very respectfully, your obedient servant,

EDWIN P. SMITH,
Commissioner.

Hon. CHAIRMAN COMMITTEE PUBLIC LANDS,
United States Senate.

Mr. SPRAGUE. The treaty provides:

At the expiration of ten years after the establishment of said school, if said missionary society shall have conducted said school and farm in a manner acceptable to the board of visitors during said ten years, the United States will convey to said society the land before mentioned by patent in fee-simple.

I hope the amendment of the committee will prevail.

Mr. BOGY. I could not hear the reading of the letter very distinctly, but if I heard correctly the conditions imposed by the treaty have not been complied with. I guessed there was something of the kind. The treaty has not been complied with, and the subject should be investigated.

Mr. FERRY, of Michigan. I will answer the Senator. As the letter states, strictly the conditions have not been complied with, because the stipulation was that they should expend \$3,000 for educational purposes; they have expended, instead of \$3,000, \$10,000 as stated by the Indian agent. While I am speaking I hope the letter will reach us from the room of the Committee on Appropriations; it is directly from the Secretary of the Interior, I think, corroborative of the one which comes from the Commissioner of Indian Affairs, and the Secretary recommends it as carrying out the stipulation of the treaty.

The design of the Government was to erect a school building. The Indians themselves preferred erecting their own school buildings, and instead of one erected six. Therefore it was entirely useless to expend more money for school purposes, and they expended it in the erection of a church, the Indians inviting it, and the amount of \$10,000 was expended. The Indians join in the request to the Government that this be done, stating that this was a full compliance with the treaty so far as they are concerned; and as the Government is satisfied through its officers that there has been a compliance with the treaty, it is now asked that the treaty stipulation be carried out on the part of the Government.

Mr. BOGY. To use the language of my distinguished friend from Ohio, [Mr. THURMAN,] "this won't do." I said at the outset, without knowing anything about it, that there was something wrong in this, and the statement of the Senator from Michigan justifies my statement. The treaty has not been complied with. The school-houses have not been built; but these men have built a church for their own purposes and have not complied with the treaty stipulation. It will not do to say that the treaty has been complied with because they have expended \$10,000 and not \$3,000. The greater includes the less. If they expended \$10,000 for school purposes they complied with the treaty requiring \$3,000. But if the matter is investigated, I am prepared to say these men will not get this patent. It will not do. The statement of the Senator justifies my remark. The treaty has not been complied with. These men had no more right to build a church than a bake-house or anything else. They were required to put up buildings for a school. They may have built a very handsome church or other buildings; but the letter of the Commissioner of Indian Affairs says that the treaty has not been complied with, and that is sufficient for us. Let the matter be investigated.

Mr. FERRY, of Michigan. I do not know how the Senator can say that this has not been done for the benefit of the Indians, as would be implied by his remark.

Mr. BOGY. I do not say that. It may be for the benefit of the Indians. That is not the question. That is evading the question. The treaty says the money shall be expended for a school-house. It might have been for the benefit of the Indians to have fed and clothed them if it was a cold winter and they had no clothes and if they were hungry. That might have been better for them for the time being; but that is not the contract. The agreement was that the money should be expended for a school-house, and it has not been done.

Mr. FERRY, of Michigan. It is very well known that there are more ways than one to educate the Indians. The Senator's words as they fell upon my ear would imply that this is for individual interests. I stated I think in the hearing of the Senator that it was done at the request of the Indians. This expenditure was at the request of the Indians. The society were ready to put up a building worth \$3,000 for school purposes; but when the Indians themselves had built six buildings with all the capacity that was needed for their educational purposes, and then requested that this expenditure should be made in the erection of a church for religious education, was it not proper? It was for the benefit of the Indians entirely, upon the very tract of ground described in the treaty which was designed to be given by the Government to the Indians for educational purposes; and it was done upon the request of the Indians and not at the dictation or initiation of the society. It would seem as though this was a full compliance with the treaty in the judgment of the Secretary of the Interior and of the Commissioner of Indian Affairs and both the committees that have investigated the subject.

If this was given to an individual, if this was given to a society outside, if this was given in the interest of any but the Indians, I should accord with what has been stated by the Senator from Missouri; but as it is given for the sole purpose of benefiting the Indians and at their request—I am reminded by the President that my time has expired, and I will close my sentence by saying that inasmuch as it is given entirely for their interest and in compliance with the treaty in that respect, it seems as though the Senator from Missouri cannot object to the amendment.

Mr. BOGY. The Senator will pardon me. There is another mistake. This church has been built on what is said to be Indian land. The Indian has only a temporary possession there. He is bound to leave there, and leave there very soon; and when he does go he will not carry that church with him; but if he had been educated he might carry his education with him. He has no fee to the land there. He has only a temporary possessory right. He may be gone to-morrow; he may be gone already; and I would not be surprised if he

had already left. There may be no reservation there now; but if there be one he has no fee to it. It will not benefit him hereafter; it will only benefit the church. I have no objection to the church; but I want the treaty carried out; I want the agreement fulfilled, although this might have been greatly for the benefit of the Indian and might have been a great deal more valuable in this way than in his education. I dare say there would have been more benefit from it, because I know they could not have been educated in the school except in worldly wisdom; but that is neither here nor there. The contract was that the money should be spent for a certain purpose, and that purpose has not been complied with; and that is the reason the matter was not sent to the Committee on Indian Affairs. They were afraid that committee would report against it. Let the committee examine the matter, and if it is right they will report for it.

Mr. FERRY, of Michigan. The Senator from Missouri has moved to strike out the paragraph. I move to amend by striking out of the paragraph the words "township 14 north."

I know nothing of this matter except as revealed by the Indian agent, who is here, and by the Secretary of the Interior and the Commissioner of Indian Affairs. This money has been expended, not for the interest of the Methodist Episcopal Church, but for the interest of the Indians in their development and education. I repeat what I said before, that education can be religiously as well as otherwise, and this has been done at the instance of the Indians. When they had school capacity, school facilities sufficient to meet all their necessities, it does not seem to me as though they should be required, in order to fulfill this treaty stipulation, to expend more needlessly, against their protest. What the church has done in this case has been to furnish them teachers for their schools, strictly in the line of education, in the judgment of the Senator from Missouri, and also to erect a church and give them religious education. Furnishing teachers was a part of this expenditure and so was furnishing them church facilities and all the education that grows out of Christianity, which I think the Senator from Missouri's experience has taught him is in the line of the education and development of the Indian. This is upon a reservation that exists now in Michigan, and it was done at the request of the whole tribe, who ask that this title should be given to the society. This being so, it seems to me that the Senator from Missouri is pressing the objection very strongly and making a very nice point in order to throw them out of the title to this property which they certainly are entitled to. The \$3,000 could better have been expended than the \$10,000. The \$3,000 might have been expended in the erection of a school building; but there were six others, and the Indians asked that no more should be built upon the ground which they hoped to own. Certainly on the part of the society it was but a question of intelligent prudence that they should divert their expenditure toward the education of the Indians in the development of Christian influences and habits rather than in expending more money in educating them under the teachers that they then employed.

So far as the question put by the Senator from Missouri was rather an intimation that this could have come up on a separate bill, we know at this stage of proceedings in Congress it would be utterly futile to attempt to offer such a bill and pass it. It would simply pass this House and go to the other. The proposition receives the commendation and urgent appeal of the Secretary of the Interior and the Indian Department, and is relevant to the bill, inasmuch as it fulfills a treaty stipulation. It seems, then, to be properly before the Senate on this bill.

I withdraw my amendment.

Mr. INGALLS. I have listened with much interest to the explanation of this clause afforded by the statements of the Senator from Minnesota and the Senator from Michigan, and also by the reading of the letter of the Commissioner at the desk; but there appear to my mind to be two objections to the adoption of this clause as an amendment to this bill. The title of the act is "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1876, and for other purposes." This is in no sense an appropriation, and to that extent therefore it is not germane to the bill now under consideration.

In the second place, I have given what hasty examination was in my power to the various treaties between the United States and the Chippewa Indians and I am unable to find the treaty and the section of the treaty upon which this clause is ostensibly based. I therefore trust before we are called upon to vote, that the Senator having the bill in charge will report the section of the treaty so that we may be able to vote understandingly and ascertain whether this is to carry out treaty stipulations or not. But even if it is in accordance with the stipulations of the treaty, it is entirely inconsistent with the object and theory of this bill. It does not propose to appropriate money and it should have emanated either from the Committee on Public Lands or from the Committee on Indian Affairs.

I need not say that so far as a sectarian argument has been pressed here, I have no share in any such feeling. It is immaterial to me whether the patent is to issue to a Methodist Episcopal church, or a Mormon church, or a Catholic church. If either is entitled to it they ought to have it, and I can see no reason why a question of this character should be determined on an Indian appropriation bill.

The PRESIDING OFFICER, (Mr. ALLISON in the chair.) The Senator from Michigan withdraws his amendment, and the question

is on the amendment proposed by the Senator from Missouri striking out the last paragraph of the amendment of the Committee on Appropriations.

Mr. THURMAN. Mr. President, I concur entirely in what has been stated by the Senator who last spoke, that this provision has no place on an appropriation bill, and I confess surprise that the Committee on Appropriations should introduce a matter of legislation in an appropriation bill. I thought that it always resisted all attempts made by outsiders to introduce any such matter into an appropriation bill; but the committee has itself set the example. It is very true this has some connection with Indians, because it is a matter provided for in a treaty with Indians, but that does not make it any the less a private claim which is provided for by legislation in this bill. I would like to know whether the gentlemen of the Committee on Appropriations intend to admit general legislation in their bills, nay, not only to admit it but to invite it; for this does look to me like an invitation. Do we intend to legislate on this bill, to make appropriation bills carry legislation, as was formerly sometimes done? I thought we had all condemned that practice so much that it was not likely to be resumed. If that is to be done let it be so understood, and any one who has a pet measure here and cannot get it through standing by itself can offer it to an appropriation bill. We once had a rule which prohibited that. That rule, I believe, was allowed to die with the session. Whether we are now to act upon the old plan of years ago and let an appropriation bill be loaded down with independent and general legislation that has nothing to do with the appropriations in the bill, it seems to me would be very well worthy the consideration of the Senate.

As to the merits of this particular thing, if I understood the Senator from Michigan, the school-houses had been built, all for which there is any necessity, and the Indians themselves preferred properly the use of the means of the society in the erection of a church. If that is the case I should not feel myself disposed to stick in the bark about the technical performance of the condition in the treaty if there has been a substantial performance, and even a more beneficial performance.

And here I wish to say a word in respect to a remark that fell from the Senator from Kansas. He said something about the sectarian argument. I must say I have heard nothing of the sort. I have heard no Senator object to this amendment on account of any sectarian feature in this society whatever. I think there is nothing of that kind. If there is, it has escaped my attention.

Mr. BOGY. I will read for the information of the Senator from the fourth article of the treaty with these Indians, which is as follows:

The United States agrees to expend the sum of \$30,000 for the support and maintenance of a manual-labor school upon said reservation: *Provided*, That the Missionary Society of the Methodist Episcopal Church shall, within three years after the ratification of this treaty, at its own expense, erect suitable buildings for school and boarding-house purposes, of a value of not less than \$3,000, upon the southeast quarter of section 9, township 14 north, of range 4 west, which is hereby set apart for that purpose.

At the expiration of ten years after the establishment of said school, if said missionary society shall have conducted said school and farm in a manner acceptable to the board of visitors during said ten years, the United States will convey to said society the land before mentioned by patent in fee-simple.

That is the treaty. That treaty has not been complied with in any one particular. The letter of the Commissioner of Indian Affairs says so in so many words.

Mr. FERRY, of Michigan. Will the Senator allow me a moment? He says the treaty has not been complied with in any one particular. I think I have stated that so far as the school-buildings are concerned the Indians erected them. So far as that is concerned, they did not comply with the letter of the stipulation; but, as stated, the same society have expended not only \$3,000 but \$10,000 upon the same property described in that paragraph of the treaty.

Mr. BOGY. The sum of \$20,000 doubtless was paid to them:

The United States agrees to expend the sum of \$20,000.

Doubtless they received the \$20,000; but it was stipulated that if they would erect a building at their own cost upon this land and maintain a school for ten years, at the expiration of ten years the land would be patented to them. The condition was that they should put up the building themselves at their own expense. They did not do it, and therefore they have no right to this land.

Mr. FERRY, of Michigan. Let me answer the Senator right there. He has made another point that they have not complied with the treaty in that respect. They have kept the school, as stated in the letter, for ten years.

Mr. BOGY. It may be that they have kept the school, but they have not expended the money required by this treaty, which was at their own expense to provide a building for a school-house upon that land.

Mr. FERRY, of Michigan. I think I have sufficiently answered that.

Mr. BOGY. The Senator has not done so. It may be true that these Indians have been taken care of, that these men are entirely worthy, that they may have received many advantages from their teaching and their care in their education; that may be all true, but the agreement was that if they should expend \$3,000 on this land, at the expiration of ten years it should belong to them. Now, the contract has not been complied with. What harm can there be in

striking out this clause? If this thing is all right, as my friend from Michigan contends it is, and it may be, why not refer this question to the Committee on Indian Affairs? It is true it is too late for this session, but it will be in time for next session. If these men claim this land according to the treaty stipulation, and if they have complied virtually although not technically with that treaty, the Senate and the House will have no hesitation in giving them the land, but I am perfectly satisfied enough has been elicited in this debate to show that these men are not entitled to this land at all. The more we talk about it the less they appear to be entitled to it.

Mr. WINDOM. The treaty just read provided that the United States should expend \$20,000 for the purposes named upon this land, and they have not done so. The buildings now upon the land were owned by the Indians. They removed upon the land, as I understand the case. But whether that be true or not, this society carried on the schools, furnished the teachers, and with the consent and at the request of the Indians put up a church and other buildings which they preferred and desired, not needing school buildings, and by the assistance this society has given the Indians \$20,000 has been saved by the Government. I think it makes a very strong case in equity that this land should be given to the society. I hope we may have a vote. It is a small matter. Let us vote it either up or down.

Mr. INGALLS. The section of the treaty which was read by the Senator from Missouri convinced me that this clause is entirely superfluous. As I understand it, a treaty is a contract of the very highest obligation. If the parties who are named in this clause as beneficiaries of this tract have complied with their obligations, the Secretary of the Interior is bound upon that fact appearing to issue to them the patent.

Mr. FERRY, of Michigan. I hope the Senator will allow me a word right there, inasmuch as my time is exhausted and I do not desire to resort to a *pro forma* method of occupying the attention of the Senate. The Secretary of the Interior does not feel himself justified in doing it; but he says the Indians have complied with all that was required, not in letter but in spirit, and he asks that he be authorized to carry out the stipulation of the treaty; and that is the purport of the letter.

Mr. INGALLS. Then, as I understand the Senator from Michigan to say, the reason why this legislation is necessary is because the treaty stipulations have not been complied with.

Mr. FERRY, of Michigan. I think I have explained that and the Senator has heard it. So far as expending the \$3,000 for a school building is concerned, that has not been complied with because there were other buildings erected. I think I have stated that two or three times. The Indians asked that the money which the society were to expend should not be expended in erecting more school buildings, but should be expended in erecting a church and in the payment of teachers. For the whole length of ten years this society has furnished the teachers, has erected a church building, and in these two methods, in these two channels of education, has certainly in spirit fulfilled the stipulation of the treaty, but in letter it has not erected a school building; and therefore the Secretary of the Interior, confined strictly to the treaty, does not feel authorized to issue the patent, but asks that he be authorized to carry it out inasmuch as the society have performed their part.

Mr. INGALLS. I do not wish to prolong this debate, and will content myself with saying that the clause has a very suspicious appearance. The fact that it has passed through the entire session without ever being reported from the Committee on Public Lands or the Committee on Indian Affairs, and now in the last days of this session appears as a rider to an appropriation bill, gives it an appearance that is not favorable. Regarding it as establishing a very dangerous precedent, and as being not entitled to consideration, I will content myself with saying that I hope it will not be adopted.

The PRESIDING OFFICER. (Mr. ALLISON in the chair.) The question is on the amendment of the Senator from Missouri [Mr. BOGY] to the amendment of the Committee on Appropriations.

The question being put, there were on a division—ayes 6, noes 18; no quorum voting.

Mr. INGALLS. I hope the Senator from Missouri will withdraw his request for a division. This question can be just as well determined by reservation in the Senate.

The PRESIDING OFFICER. Does the Senator from Missouri withdraw his call for a division?

Mr. BOGY. I wish to make this point, and I give the Senate notice that it is perfectly idle to waste my time and the time of the Senate in making objections to any of these appropriations. If Senators will neither listen nor vote, I give notice now that I shall not waste time in making any such motion ever hereafter.

The PRESIDING OFFICER. Does the Senator withdraw his call for a division?

Mr. BOGY. No, sir; I want a division.

Mr. THURMAN. The last vote disclosing that there was no quorum, nothing can be done unless the President counts the Senate. I suggest that the Chair count the Senate.

Mr. WINDOM. Can we not divide again? That will show.

Mr. THURMAN. Either one or the other will show.

The PRESIDING OFFICER. On a count of the Senate more than a quorum is present. The Chair will again put the question.

Mr. THURMAN. In listening to this debate it seems to me that in equity this society could well have its patent, although it has not

literally complied with the conditions precedent to a grant of the land; but I shall vote for the amendment of the Senator from Missouri, because I think the provision has no place in an appropriation bill. As a separate and distinct bill I should vote for the provision.

The question being again put, the amendment to the amendment was rejected; there being on a division—ayes 15, noes 24.

The PRESIDING OFFICER. The question recurs on the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in the appropriation for the Chippewa, Pillager, and Winnebagoish bands, in line 439, to increase the appropriation for purpose of education, per third article of treaty of February 22, 1855, and per third article of treaty of 1864, first of ten installments, from \$1,500 to \$2,500.

The amendment was agreed to.

The next amendment was in line 518, after the words "Choctaw Nation," in the appropriation for the Choctaws, to insert the following additional proviso:

Provided further, That from the amount hereby appropriated the sum of \$299.10, paid out of the civilization fund of the Indian Bureau for board and medical treatment of Louisa Haskins, a Choctaw Indian, at the Government Hospital for the Insane, near Washington, District of Columbia, and to defray the expenses of J. B. Jackson, a Choctaw Indian youth, en route to his home in the Indian Territory, shall be used to reimburse said civilization fund; and that the Secretary of the Interior be, and he is hereby, authorized to cause to be paid, out of Choctaw funds, the expenses incurred at said insane asylum for board and medical treatment of said Louisa Haskins so long as she shall remain in said asylum.

The amendment was agreed to.

The next amendment was in line 593, after "flannel" to strike out "shirt" and insert "skirt."

The amendment was agreed to.

The next amendment was after the word "dollars," in line 628, in the appropriation of \$100,000 to furnish flour and meat to the Creeks, to insert the following proviso:

Provided, That of this amount a sum not exceeding \$15,000 may be used for removal of the agency to a more suitable location within the reservation.

The amendment was agreed to.

The next amendment was in the items for the Dwamish and other allied tribes in Washington Territory, to reduce, in line 661, the appropriation for sixteenth of twenty installments, for the employment of a blacksmith, carpenter, farmer, and physician, per fourteenth article of treaty of January 22, 1855, from \$4,600 to \$4,200.

The amendment was agreed to.

Mr. THURMAN. I do not know whether the chairman of the committee wishes any interruption of the reading of this bill except to consider the amendments of the committee, but if he is willing that inquiries should be made as we go along, I should like to ask him or the chairman of the Committee on Indian Affairs whether any such schools as are mentioned in the provision on page 35, under the head of "Molels," are kept up or ever have been at all.

For pay of teachers and for manual-labor schools and for all necessary materials therefor, and for the subsistence of the pupils, per fourth article of treaty of December 21, 1855, \$3,000.

If the committee wish me to defer my inquiry until the amendments are through, I will do so.

Mr. WINDOM. I will furnish the information directly; it is not at hand at this moment.

Mr. THURMAN. Very well.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in lines 871 and 872, after the words "provided that," in the appropriation for the Navajoes, to strike out the words "this appropriation may be available upon the passage of this act, and that;" and in line 875, after the word "tribe" to insert "and may be available upon the passage of this act;" so that the proviso will read:

Provided, That with the consent of the tribe, \$25,000 of the same shall be expended in the purchase of stock, cattle, and sheep for the tribe, and may be available upon the passage of this act.

The amendment was agreed to.

Mr. WINDOM. With the permission of the Senate, I will recur to the question asked by the Senator from Ohio. The school is at the Grande Ronde agency in Oregon; the number of the Indians is eight hundred; the number of school buildings, one; the number of schools, two; number of teachers, three. There are twenty-one males and twenty-six females, according to the report of the Commissioner of Indian Affairs. It is represented as a very good school. It is under the charge of the Catholics. It is a well-conducted school, as I am informed by the Commissioner.

Mr. THURMAN. Those are the pupils.

Mr. WINDOM. Yes, sir; the pupils—twenty-one males and twenty-six females.

Mr. THURMAN. How long has that school been open?

Mr. WINDOM. I believe it was organized when the Senator from Missouri [Mr. BOGY] was Commissioner of Indian Affairs.

Mr. THURMAN. I certainly have no objection to an appropriation where a school actually exists such as has been described, for I think we cannot appropriate money much better than for that purpose.

The PRESIDING OFFICER. The reading of the bill will be continued.

The reading of the bill was proceeded with. The next amendment

of the Committee on Appropriations was in line 953, after the word "shall," in the appropriations for the Northern Cheyennes and Arapahoes, to insert the words "if required by the Secretary of the Interior;" so that the provision will read:

Provided, That said Northern Cheyennes and Arapahoes shall, if required by the Secretary of the Interior, remove to their reservation in the Indian Territory before the delivery of said supplies appropriated for by the foregoing clause.

The amendment was agreed to.

The next amendment was after line 995, in the appropriations for the Osages, to insert the following:

For this amount, to be paid to the Osage Indians in accordance with section 12 of the act approved July 15, 1870, being interest from November 1, 1874, to November 1, 1875, at 5 per cent. on \$775,543.50, the net avails of Osage trust and diminished-reserve lands sold by the United States prior to November 1, 1874, \$38,777.18.

The amendment was agreed to.

The next amendment was after line 1189, in the appropriations for the Seminoles, to insert the following:

That the Secretary of the Interior shall cause to be made an accurate computation of the area of that portion of the Creek reservation lying between the north fork of the Canadian River and the main Canadian River, and between the west boundary of the Creek reservation and a north and south line between said rivers that shall include the main improvements now occupied by the Seminoles; that the Secretary of the Interior be authorized to transfer from the moneys belonging to the Seminole Indians, now in the Treasury of the United States, the sum of \$150,000, or so much thereof as may be found necessary to pay for said tract of country at the rate of fifty cents an acre, to the credit of the Creek tribe of Indians; that the Secretary of the Interior be authorized to sell stocks belonging to the Creeks, equal in value to the amount of money required to purchase said tract of country, and to pay over the same, *per capita*, to the members of said Creek tribe of Indians; *Provided*, That this action shall be with the consent of both the Creek and the Seminole tribes of Indians.

Mr. WINDOM. In order to save time, as I understand the Committee on Indian Affairs have looked into this matter and express some doubts as to the expediency of adopting the amendment, I, with the consent of the Committee on Appropriations, will not press the amendment. I ask leave to withdraw it.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. MORRILL, of Maine. I move that the Senate take a recess from five o'clock until half past seven o'clock this evening.

Mr. ALLISON. I suggest to the chairman of the Committee on Appropriations that we go right on till half past six rather than take a recess. We can perhaps finish this bill by five or half past five o'clock.

Mr. MORRILL, of Maine. This is not the only bill we have got. We have two or three other bills.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine that at five o'clock to-day the Senate take a recess until half past seven.

Mr. HAMILTON, of Maryland. I am constitutionally opposed to night sessions. I appeal to the Senator from Maine whether it would not be better for us to go on and let us see what progress we make in half an hour or so. The consequence will be then, in my judgment—

Mr. MORRILL, of Maine. Debate is not in order.

The VICE-PRESIDENT. The question is not debatable.

Mr. HAMILTON, of Maryland. I fear that in the evening we shall be left without a quorum; there will be a division called, and we shall have to adjourn.

Mr. MORRILL, of Maine. Debate is not in order.

Mr. MORRILL, of Vermont. I suppose nothing else will be in order this evening but to finish this bill and other appropriation bills from the Committee on Appropriations.

Mr. MORRILL, of Maine. No; we will take up nothing else.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine.

The motion was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was in lines 1302, 1303, and 1304, in the appropriation for the Shoshones and Bannacks, to strike out the following words:

(Estimated at eighteen hundred persons) at ten dollars each, (estimated as six hundred persons engaged in agriculture,) at twenty dollars each.

And in lieu thereof to insert:

For Indians roaming and engaged in agriculture, as per ninth article of treaty of July 3, 1868.

So as to make the clause read:

For fifth of ten installments, for the purchase of such articles as may be considered proper by the Secretary of the Interior, for Indians roaming and engaged in agriculture, as per ninth article of treaty of July 3, 1868, \$25,000.

The next amendment was after line 1517, in the appropriations for the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Utes, to insert the following item:

For this amount, to be expended under the direction of the President in supplying said Indians with beef, mutton, wheat, flour, beans, and potatoes, as per twelfth article of same treaty, \$25,000.

For this amount, or so much thereof as may be necessary, for the removal of the Los Pinos agency, in Colorado, from its present location and for the erection of proper buildings and establishment of an agency for the Weeminuche, Muache, and Capote bands of Ute Indians at some suitable point to be hereafter selected on the southern part of the Ute reservation, as provided in the agreement made by Felix R. Brunot, commissioner on the part of the United States, with certain Ute Indians in Colorado, and ratified by act of Congress approved April 29, 1874, \$20,000.

The amendment was agreed to.

The next amendment was after line 1660, in the appropriation for the general incidental expenses of the Indian service in California, to insert the following item:

For this amount, or so much thereof as may be necessary, to supply a deficiency in the proceeds of the lands in the Round Valley Indian reservation, applicable for the payment of the improvements of settlers on said reservation, appraised in accordance with the act of March 3, 1873, entitled "An act to restore a part of the Round Valley Indian reservation, in California, to the public lands, and for other purposes," and to liquidate such claims on said reservation as shall be found valid by virtue of pre-emption or homestead entry, \$30,000.

The amendment was agreed to.

The next amendment was in line 1721, to increase the appropriation for "the general incidental expenses of the Indian service in Oregon, including transportation of annuity goods and presents (where no special provision therefor is made by treaties) and for paying the expenses of the removal and subsistence of Indians in Oregon (not parties to any treaty) and for pay for necessary employees," from \$40,000 to \$50,000.

The amendment was agreed to.

The next amendment was in line 1751, before the word "transportation," to strike out the words "insurance and;" so as to read:

For transportation of annuities and the necessary expenses of the delivery of the annuities and provisions to the Indian tribes in Minnesota, Wisconsin, and Michigan, \$4,000.

The amendment was agreed to.

The next amendment was in line 1792, to increase the appropriation for the civilization and subsistence of Indians on the Malheur reservation from \$35,000 to \$40,000.

The amendment was agreed to.

The next amendment was in line 1811, to reduce the appropriation to defray the expenses of a general council of certain Indians in the Indian Territory from \$5,000 to \$3,000.

The amendment was agreed to.

The next amendment was in the appropriation for the third of ten installments to be paid under the direction of the President to the Flathead Indians removed from the Bitter Root Valley to the Jocko reservation, in the Territory of Montana, to strike out the words "paid to," in line 1841, and insert the words "expended for the benefit of;" so that the proviso will read:

Provided, That no part of said sum shall be expended for the benefit of any Indian of said tribe who shall not have settled upon the Jocko reservation.

The amendment was agreed to.

The next amendment was after line 1843 to insert:

For this amount, or so much thereof as may be necessary, to pay the expenses of the commission of citizens serving without compensation appointed by the President under the provisions of the fourth section of the act of April 10, 1869, \$15,000.

The amendment was agreed to.

The next amendment was in lines 1862 and 1863, in the clause appropriating \$5,000 for the construction of a hospital at Round Valley reservation, California, to strike out the following proviso:

Provided, That this amount shall be taken from the incidental fund of California.

The amendment was agreed to.

The next amendment was in section 2, line 3, after "Indians" to strike out "while" and insert "or;" before "band" to strike out "such" and insert "any;" and after "band," in line 4, to strike out "is" and insert "while;" so that the section will read:

SEC. 2. That none of the appropriations herein made, or of any appropriations made for the Indian service, shall be paid to any band of Indians or any portion of any band while at war with the United States or with the white citizens of any of the States or Territories.

The amendment was agreed to.

The next amendment was in section 3, line 2, before the words "provided that" to strike out "hereby;" and after the words "provided that" to insert "hereafter;" so as to read:

That for the purpose of inducing Indians to labor and become self-supporting, it is provided that hereafter, &c.

The amendment was agreed to.

The next amendment was in section 3, line 14, after the word "tribe" to insert the words "or portion of tribe;" so as to read:

Provided, That the Secretary of the Interior may, by written order, except any particular tribe, or portion of tribe, from the operation of this provision, &c.

The amendment was agreed to.

The next amendment was in section 4, line 1, after "that" to insert "hereafter;" so as to read:

That hereafter, for the purpose of properly distributing the supplies, &c.

The amendment was agreed to.

The next amendment was in section 5, line 1, after "that" to insert "hereafter;" so as to read:

That hereafter not more than \$6,000 shall be paid in any one year for salaries or compensation of employees at any one agency, &c.

The amendment was agreed to.

The next amendment was to add to section 5 the following words:

And the provisions of this section shall apply to the fiscal year ending June 30, 1875.

The amendment was agreed to.

Mr. SARGENT. I suggest that after the first word "that" of the sixth section the word "hereafter" should be inserted; so as to read:

That hereafter it shall be the duty of the Secretary of the Interior, &c.

Mr. WINDOM. That amendment should be made.

Mr. SARGENT. I move that amendment.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment was in section 7, line 12, before "dollars" to strike out "hundred" and insert "thousand;" so as to read:

And that no purchase of goods, supplies, or farming implements, or any other article whatsoever, the cost of which shall exceed \$3,000, shall be paid for from the money appropriated by this act, unless the same shall have been previously advertised and contracted for as heretofore provided by law.

The amendment was agreed to.

The next amendment was in section 8, line 1, after "that" to insert "hereafter;" so as to read:

That hereafter the Secretary of the Interior cause to be prepared and delivered to the Public Printer, on or before the 1st day of November in each year, a tabular statement of the items paid out up to that date of the appropriations made for the Indian Department for the fiscal year previously ending, &c.

The amendment was agreed to.

The next amendment was in section 10, line 1, after "that" to insert "hereafter;" so as to read:

That hereafter the security or securities, upon the bond required by the act of February 27, 1851, to be given by each Indian agent before entering upon the duties of his office, shall file a sworn statement with the Secretary of the Interior, &c.

The amendment was agreed to.

Mr. SARGENT. In section 7, after the first word "that," the word hereafter should be inserted; so as to read:

That hereafter all appropriations, &c.

I move that amendment.

The amendment was agreed to.

Mr. WINDOM. On line 53, after the word "employés," I move to insert the words "except teachers;" so as to make the clause read:

And no incidental expenses shall be allowed for this agency—Sac and Fox, of Iowa—and no employés except teachers.

There is a provision for teachers, and the clause at present would exclude them though provision was made.

The amendment was agreed to.

Mr. WINDOM. In the appropriation for the Navajoes I move to insert after the word "sheep," in line 875, the words "and to assist in putting in a crop of grain."

The amendment was agreed to.

Mr. WINDOM. In line 1800 I move to strike out the word "ten" and insert "thirty-five," making the appropriation \$35,000. The clause will then read:

For this amount, or so much thereof as may be necessary to carry on the work of aiding and instructing the Indians of the central superintendency in the arts of civilization, in providing clothing, food, and lodging for the children attending school, in caring for the orphans, the sick, and the helpless, and in assisting the Indians generally to locate themselves in permanent homes and sustain themselves by the pursuits of civilized life, \$35,000.

I offer this amendment by the direction of the Committee on Appropriations. It was reserved for consideration when the committee reported the bill. The amount now is for schools in the central superintendency, \$10,000. They had \$40,000 last year and a larger amount in previous years. The committee recommend \$35,000 for this year, and that will not entirely cover it.

Mr. INGALLS. I believe that amendment was submitted to the Committee on Indian Affairs for their consideration; and if I violate none of the proprieties of that committee, I believe I am authorized to state it was unanimously rejected.

Mr. WINDOM. The Senator will allow me to say that these letters came up from that committee; but was it not the proposition to divert or disburse certain funds under treaty?

Mr. INGALLS. I think not.

Mr. WINDOM. I so understood.

Mr. INGALLS. My impression is that the amendment was submitted to that committee, increasing the appropriation for these purposes from the sum of \$10,000 to \$40,000. The objects of this appropriation are of a very indefinite and general character, consisting of "aiding and instructing the Indians of the central superintendency in the arts of civilization, in providing clothing, food, and lodging for the children attending school, in caring for the orphans, the sick, and the helpless, and in assisting the Indians generally to locate themselves in permanent homes and sustain themselves by the pursuits of civilized life."

It is my impression that the sum of \$10,000 is as large an amount as the country can well afford to pay for these miscellaneous purposes. I hope the amendment proposed by the Senator from Minnesota will not prevail.

Mr. WINDOM. It is recommended by the Department. I will not discuss it.

Mr. BOGY. If in order, I move to strike out from line 1793 down to line 1800, inclusive, and I will explain very briefly why I do so.

I think it can be shown to the satisfaction of the Senate that the appropriations included here under the head of "miscellaneous" ought not to be made at all. Each tribe has a specific appropriation in this bill, either under treaty stipulations or by a voluntary amount appropriated for each tribe within the limits of the United States. In addition to these appropriations for each tribe of Indians, which amount to millions, here is another appropriation of the loosest kind imaginable:

For this amount, or so much thereof as may be necessary—

And remember the full amount will be found to be necessary—to carry on the work of aiding and instructing the Indians of the central superintendency in the arts of civilization, &c.

To aid in the arts of civilization! In addition to specific appropriations for each tribe of Indians, you put at the disposal of the officers of the Government this large sum of money without any definite application whatsoever.

Mr. MORRILL, of Vermont. Will the Senator from Missouri yield to me? I desire to make a motion before five o'clock.

Mr. BOGY. Certainly.

Mr. MORRILL, of Vermont. It is quite apparent, I think, that this bill may be finished in about half an hour, and it is also well understood that it is a very stormy day and we shall be quite unlikely to get a quorum here in the evening. I suggest therefore the propriety of rescinding the order by which a recess was ordered to be taken at five o'clock.

Mr. MORRILL, of Maine. There is not the slightest possibility that that can be done, and then we have other bills which we want to go on with.

Mr. SARGENT. We might postpone the recess until half past five and see if we can finish the bill by that time.

Mr. MORRILL, of Vermont. I will not insist on a motion if the chairman of the committee does not approve it.

Mr. MORRILL, of Maine. I hope the Senator will not press it.

Mr. MORRILL, of Vermont. Very well.

Mr. HAMILTON, of Maryland. Will the Senator from Missouri allow me one word?

Mr. BOGY. Of course.

Mr. HAMILTON, of Maryland. As I understood, it was the understanding of the Senate that after the recess we were to take up no other bill but this one.

Mr. MORRILL, of Maine. Appropriation bills.

Mr. HAMILTON, of Maryland. But no other appropriation bill.

Mr. MORRILL, of Maine. None but appropriation bills.

Mr. HAMILTON, of Maryland. I understood we were to take up no other appropriation bill but this one. That is the understanding of gentlemen who have gone out of the Chamber now.

Mr. MORRILL, of Maine. Is there any question before the Senate?

The VICE-PRESIDENT. The Senator from Missouri has the floor.

Mr. DAVIS. Will the Senator from Missouri give way to me a minute?

Mr. BOGY. Certainly.

Mr. DAVIS. I would like to have the attention of the Senator from Maine, the chairman of the committee. It is suggested by a number of Senators around me here that they are willing and desirous to keep the Senate in session until we finish this bill, if it takes till six o'clock or whatever the hour may be, and then adjourn until to-morrow at eleven o'clock. I hope that suggestion will meet the approbation of the chairman of the committee.

Mr. MORRILL, of Maine. There are certainly two other bills that might be passed without inconvenience to anybody if we get through with this bill. We ought to pass this bill and two other bills by all means. We can do it, but we cannot pass this bill before the hour for the recess or in any short time.

Mr. FRELINGHUYSEN. I hope we will all do just what the chairman of the Committee on Appropriations wants. That is the way to get through with these bills.

Mr. MORRILL, of Maine. I think we had better let the matter stand. There will be no disposition to press things unreasonably.

Mr. BOGY. I have moved to strike out the words in line 1793 down to line 1800, inclusive, because this appropriation is so vague, so indefinite, that the money cannot be judiciously applied. I would furthermore say that this practice of making a miscellaneous appropriation is of modern growth, as I understand. It will be remembered that there are specific appropriations for every tribe of Indians, as I said a moment ago, appropriations under treaty stipulation or as a gratuity by the Government. Each tribe has such appropriations. In addition to that, this clause would place in the hands of the Secretary of the Interior the sum of \$10,000, which I believe the Senator from Minnesota proposes to increase to a larger sum, to aid in civilizing Indians, providing clothing and food and lodging for the children attending school. Are we to clothe and to feed those Indians while they are attending school? Appropriations are made for school purposes, but it is not the intention of the Government to clothe the children.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. ALLISON. I desire to say a word in reference to the amendment.

Mr. BOGY. Mr. President—

The VICE-PRESIDENT. The Senator from Missouri has occupied his five minutes, including the time in which he was interrupted.

Mr. BOGY. I have occupied five minutes, counting in that way, but my friends have taken four out of my five minutes in replication. It has been five minutes since I got up.

The VICE-PRESIDENT. If there be no objection, the Senator from Missouri will be allowed to proceed.

Mr. BOGY. I move to strike out in line 1782 the word "civilization." I have no disposition to detain the Senate. My only object is to bring these views before the mind of the Senate. I am not hostile to the bill. I have no object to accomplish but one for the pub-

lie good, but I do know, I am perfectly satisfied, that this appropriation should not be made. It is not the intention of this Government to clothe and feed Indian children while they are attending school. There is no appropriation made for schools except under treaty stipulations, and the amount in every case is very large, much larger for Indian children than for white children. I therefore hope that this clause will be stricken out.

But not only is the money to be used in this way for children attending school, but also—

In caring for the orphans, the sick, and the helpless, and in assisting the Indians generally to locate themselves in permanent homes, &c.

The sum is too small by more than \$100,000. If you attempt to remove Indians from one place to another, you cannot do it for \$10,000. If you attempt to feed children where they attend school, you cannot do it with \$10,000, nor can you clothe them, and the whole thing is a perfect farce. I am opposed to any such measure.

Mr. ALLISON. I wish to prevent a misapprehension in reference to the action of the Committee on Indian Affairs with regard to this clause. The amount appropriated under this paragraph last year was nearly \$50,000, and the Commissioner of Indian Affairs and those having charge of the Indians in this superintendency desire the same sum this year. It was at first suggested that this sum should be taken out of the annuities of the Indians in this superintendency, and the Committee on Appropriations weighed the question whether that should be done unless with the sanction of the Committee on Indian Affairs. That question was referred to the Committee on Indian Affairs. In considering it, as a matter of course we had to consider the propriety of an additional appropriation, and, as suggested by the Senator from Kansas, the Committee on Indian Affairs I believe did decide that this sum ought not to be appropriated. But the Committee on Appropriations believe that this sum ought to be appropriated. It has been appropriated for several years. A number of schools are in existence in this superintendency and ought to be maintained. The whole business of taking care of Indians in this superintendency is under charge of the Society of Friends, which society I believe may be considered as especially friendly to the Indian tribes, and I have no doubt that whatever sum is appropriated here will be faithfully applied to the improvement of the Indians within that Territory to the amount of the appropriation.

Mr. CAMERON. Mr. President—

The PRESIDING OFFICER, (Mr. SARGENT in the chair.) Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. ALLISON. Yes, sir.

Mr. CAMERON. I ask the Senator to yield to me a moment to pass a little bill to put some head-stones in a soldiers' grave-yard. I ask the Senate to postpone this business for a moment until I present it. I have been trying a long while to do it. It is a bill of the House.

Mr. MORRILL, of Maine. Informally?

Mr. CAMERON. Informally.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read House bill No. 4631, in relation to a national cemetery at York, Pennsylvania.

Mr. EDMUNDS. I ask that may be read again for information.

Mr. CAMERON. I will tell the Senator what it is in a moment. The monument society at the town of York, in Pennsylvania, has built a house and made a fence around the graves of the soldiers of the United States there, and they ask only for the Government to put head-stones to each of these graves.

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. 4816) to authorize the consolidation of the Auburn City National Bank and the First National Bank of Auburn, New York;

A bill (H. R. No. 4385) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others, and for other purposes;

A bill (H. R. No. 4813) to authorize the removal of the bronze fountain by Rhinehart from the lobby of the city post-office; and

A bill (H. R. No. 4814) to relieve Charles H. Smith, M. D., of Richmond, Virginia, and James M. Hawes, of Covington, Kentucky, of all political disabilities.

ENROLLED BILLS SIGNED.

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

A bill (S. No. 625) for the relief of Lemuel D. Evans, late collector of internal revenue for the fourth district of Texas;

A bill (S. No. 836) granting a pension to William Ira Mayfield;

A bill (S. No. 862) granting a pension to Margaret S. Hastings;

A bill (S. No. 1070) granting a pension to Margaret C. Wells;

A bill (S. No. 1080) granting a pension to J. W. Caldwell, of Marshall County, Indiana;

A bill (S. No. 1154) granting a pension to William Williams;

A bill (S. No. 1205) restoring to the pension-roll the name of Lydia A. Church, minor daughter of Nathaniel G. Church; and

A bill (S. No. 1213) granting a pension to Nathan Upham.

The VICE-PRESIDENT. The hour of five having arrived, the Senate will, according to order, take a recess until half past seven o'clock.

EVENING SESSION.

The Senate reassembled at half past seven o'clock p. m.

HOUSE BILLS REFERRED.

The following bills and joint resolutions from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 4385) to regulate the issue of artificial limbs to disabled soldiers and others, and for other purposes—to the Committee on Military Affairs.

The bill (H. R. No. 4813) to authorize the removal of the bronze fountain by Rhinehart from the lobby of the city post-office—to the Committee on Public Buildings and Grounds.

The bill (H. R. No. 4816) to authorize the consolidation of the Auburn City National Bank and the First National Bank of Auburn, New York—to the Committee on Finance.

The bill (H. R. No. 4814) to relieve Charles H. Smith, M. D., of Richmond, Virginia, and James M. Hawes, of Covington, Kentucky, of all political disabilities—to the Committee on the Judiciary.

The bill (H. R. No. 4753) removing the political disabilities of O. R. Singleton, of Mississippi—to the Committee on the Judiciary.

The joint resolution (H. R. No. 157) authorizing the acceptance by Captain C. H. Wells, of the United States Navy, of the cross of the Legion of Honor, conferred upon him by the President of the French Republic—to the Committee on Finance.

The bill (H. R. No. 4714) for the improvement of the mouth of the Mississippi River was read twice by its title.

Mr. WEST. That bill should go to the Committee on Transportation Routes.

Mr. EDMUNDS. The Committee on Commerce.

Mr. DAVIS. The Committee on Transportation Routes have that question under consideration.

Mr. WEST. There have been several bills, and there is one on the Calendar now, relating to the Mississippi River, all of which have been considered and acted upon by the Committee on Transportation. It seems to me that this bill ought to take that reference.

Mr. EDMUNDS. Then I think we had better wait until the chairman of the Committee on Commerce comes in.

The PRESIDING OFFICER, (Mr. SARGENT in the chair.) The bill will be laid aside for the present.

Mr. WEST subsequently said: I ask to take up House bill No. 4714 for reference which was laid over a few minutes ago. I move its reference to the Committee on Transportation. That committee considered that subject elaborately and at large last winter, and it is the proper reference.

Mr. BOGY. I hope the bill will be referred to the Committee on Transportation Routes. It is known as the jettee bill, and it has been considered by a committee raised for that purpose since the last session of Congress.

The PRESIDING OFFICER. It is moved by the Senator from Louisiana that the bill be referred to the Select Committee on Transportation Routes to the Sea-board.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. SPRAGUE presented the petition of Mrs. Eliza Potter, praying compensation for moneys expended by her during the late war in caring for sick and wounded soldiers of the United States Army confined in rebel prisons at Charleston and Columbia, South Carolina; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. ALLISON, from the Committee on Indian Affairs, to whom were referred the bill (S. No. 829) for the relief of Henry Warren, of Texas, and the papers concerning the claim of Henry Warren for the loss of his property destroyed by the Comanche Indians, asked to be discharged from their further consideration, and that they be referred to the Committee on Claims; which was agreed to.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States:

To the Senate and House of Representatives:

Under the requirements of section 6 of the "Act for the government of the District of Columbia, and for other purposes," approved June 30, 1874, I have the honor to submit herewith the report of the board of audit upon the amount equitably chargeable to the street-railroad companies, pursuant to the charters of said companies or the acts of Congress relating thereto, together with the reasons therefor.

U. S. GRANT.

EXECUTIVE MANSION. February 19, 1875.

Mr. EDMUNDS. I move that the message be referred to the Committee on the District of Columbia, and printed.

The motion was agreed to.

The VICE-PRESIDENT laid before the Senate a letter of the Secretary of the Interior, in answer to a resolution of the Senate of the 17th instant, transmitting a copy of the report of the Government directors of the Union Pacific Railroad Company for 1874; which was referred to the Committee on Railroads, and ordered to be printed.

He also laid before the Senate a communication from the commissioners of the District of Columbia, giving reasons why the bill (H. R. No. 4727) explanatory of the act of June 20, 1874, should not be

passed by the Senate; which was ordered to lie on the table and be printed.

BILLS INTRODUCED.

Mr. SPRAGUE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1332) for the relief of Mrs. Eliza Potter; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

FREE YOUNG MEN'S BENEVOLENT ASSOCIATION.

The PRESIDING OFFICER, (Mr. SARGENT in the chair.) The business before the Senate is the Indian appropriation bill. The Clerk will report the pending amendment.

Mr. HITCHCOCK. I ask unanimous consent of the Senate that the pending bill may be laid aside informally that I may take up and secure the passage of a little bill reported by the Committee on the District of Columbia some time ago allowing the Young Men's Benevolent Association for colored people here to sell a portion of the lands belonging to them now used for sanitary purposes in order that they may devote the proceeds for the improvement of the new cemetery grounds they have bought. I think there will be no objection to passing the bill now.

Mr. WINDOM. I will not object to that, but I give notice that I will object to anything else except the bill of my friend from Virginia, [Mr. LEWIS,] as to which I promised last night that if he would not press it then, I would yield to him to-day; and in yielding to this I yield on condition that it will not lead to any debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1222) to authorize the trustees of the Free Young Men's Benevolent Association to sell and convey square numbered 272, in the city of Washington.

Mr. HITCHCOCK. I desire to offer an amendment suggested by the Senator from Vermont, [Mr. EDMUNDS.] I move to insert at the end of the bill:

Provided, That nothing in this act shall be construed to create any claim against the United States.

Mr. EDMUNDS. To exclude any possible claim if the title does not turn out to be good.

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, read the third time, and passed.

UNSETTLED ACCOUNTS IN THE DISTRICT OF COLUMBIA.

Mr. LEWIS. I move to take up House bill No. 4727, explanatory of the act passed June 20, 1874. The bill has passed the House, and it is a simple act of justice to a deserving man who has swept the streets here for twelve months and has not been paid. It is a bill explanatory of a previous law, and as it is simply an act of justice I suppose there can be no objection to it.

The PRESIDING OFFICER. The bill will be read subject to objection.

The Chief Clerk read the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. I do not object, if it is left liable to objection in any of its stages. It may be taken up subject to a call for the regular order at any time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4727) explanatory of the act passed June 20, 1874.

The bill declares that it was the true intent and meaning of the act passed June 20, 1874, for the government of the District of Columbia, that the sweeping, cleaning, and removing all refuse and filthy accumulations in the streets, alleys, and avenues of the cities of Washington and Georgetown, and the repairs and cleaning of the sewers, are necessary municipal objects, which belong to the current expenses of the same, to be paid for in money as other ordinary municipal expenses; and the proper District authorities are directed to pay the parties that have heretofore performed this class of work from the treasury of the District, out of any money not otherwise appropriated, the amount and value of the work done since the passage of the act, with legal interest from the time the same fell due under the contract, but not till after their accounts have been approved and audited as the law directs.

Mr. EDMUNDS. I move to amend the bill by striking out all before the word "the" in line 11, that part which refers to the meaning, and then I will state my reason for making the motion.

The CHIEF CLERK. It is proposed to strike out the following words:

That it was the true intent and meaning of the act passed June 20, 1874, for the government of the District of Columbia, that the sweeping, cleaning, and removing of all refuse and filthy accumulations in the streets, alleys, and avenues of the cities of Washington and Georgetown, and the repairs and cleaning of the sewers, are necessary municipal objects, which belong to the current expenses of the same, to be paid for in money as other ordinary municipal expenses, and.

So as to read:

The proper District authorities are hereby directed to pay the parties that have heretofore performed this class of work, from the treasury of said District, out of any money not otherwise appropriated, the amount and value of said work done since the passage of the act, with legal interest from the time the same fell due under the contract, but not till after their accounts have been approved and audited as the law directs.

Mr. EDMUNDS. That will need another amendment. My object in moving the amendment which is to strike out the recital of what is said to have been the true intent and meaning of the act appointing commissioners for the District of Columbia, that is, that it was the true intent and meaning of that act that all obligations for current work, as the bill calls it, were intended to have been paid in money and not to be scaled or consolidated into bonds. I am not by any means sure that that was the true intent and meaning of that act, but I am perfectly willing that these gentlemen who are now since the passage of that act performing current work shall be paid in cash of course. So that I wish to leave the bill simply directing that since the passage of that act they shall be paid in cash, and that is all the bill proposes to do. It is only striking out the recital. If that be agreed to, then I will move to change the other language, so as to make it read in proper harmony.

Mr. LEWIS. I have no objection in the world to striking out that part of the bill except that it necessitates its going back to the House, which I think will endanger at least the passage of the bill. This work has been performed faithfully by this gentleman. I have examined the subject; it has been before our committee. He has performed this work faithfully, and he has been paying 12 per cent. a month for money in order to carry out his contract and to save his property from being sold. I have no objection in the world to striking out that part of the bill if it can be passed through the House in time, but it is absolute ruin to this man not to pass this bill, and it should be passed in justice to him.

Mr. MORRILL, of Vermont. Will the chairman of the District Committee mention who the person is to whom this money is to be paid?

Mr. LEWIS. Mr. Wright.

Mr. MORRILL, of Vermont. I desire to ask the chairman of the committee if he has had any correspondence with the commissioners of this District in relation to this claim.

Mr. LEWIS. No, sir; I have not.

Mr. MORRILL, of Vermont. Then I hope the bill will remain on the table until the correspondence is communicated. I have had some correspondence which leads me to suppose that the chairman of the committee would not press this bill. I shall have that correspondence to-morrow. I hope, therefore, no action will be had upon it at present.

Mr. LEWIS. I will just say that this is a House bill; it was discussed there—

Mr. MORRILL, of Vermont. I understand it.

Mr. LEWIS. If the commissioners had any objection to it they ought to have made those objections known there. We have had it before our committee several times and several parties appeared before us in behalf of Mr. Wright, but no one of the commissioners, while they knew of it, was there. They have made no objection whatever, and I do not think it is an act of justice to Mr. Wright to lay the bill aside.

Mr. MORRILL, of Vermont. I hope the chairman of the District Committee will allow the bill to lie on the table until he has examined his files to see if there is not a communication from the commissioners of the District in relation to this claim.

Mr. LEWIS. There was no objection to it up to to-day, or up to a late hour this evening.

Mr. MORRILL, of Vermont. I understand there is a strong objection to the claim.

Mr. LEWIS. I have not heard it.

Mr. MORRILL, of Maine. This is going on simply by general consent.

Mr. FLANAGAN. I ask unanimous consent to take up the motion to reconsider Senate bill 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. I do not think it will take two minutes, and I am very desirous to have the motion to reconsider disposed of.

The PRESIDING OFFICER. There is a bill now pending.

Mr. LEWIS. I insist on a vote.

Mr. FLANAGAN. What bill; the appropriation bill?

The PRESIDING OFFICER. The bill now pending presented by the Senator from Virginia, on which the pending question is the amendment offered by the Senator from Vermont.

Mr. MORRILL, of Vermont. I call for the regular order. I do not know anything about this bill, but I am informed it ought not to pass, and I am sure it ought not until we hear the objection of the commissioners.

The PRESIDING OFFICER. The regular order being called for—

Mr. LEWIS. I do not wish to press this bill if I can have any assurance that I can get it up in the morning hour to-morrow or any other time. I do not want to embarrass the Senate; I do not want to press anything through the Senate without full investigation. We had this matter before us, and I investigated it thoroughly; and it is an outrage upon Mr. Wright that he has not been paid.

The PRESIDING OFFICER. Does the Senator from Virginia withdraw the bill?

Mr. LEWIS. I withdraw it.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3821) making appropriations for the cur-

rent and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes; the question being on the amendment of Mr. WINDOM, in line 1800, before the word "thousand," to strike out "ten" and insert "thirty-five;" so as to make the clause read:

For this amount, or so much thereof as may be necessary, to carry on the work of aiding and instructing the Indians of the central superintendency in the arts of civilization, in providing clothing, food, and lodging for the children attending school, in caring for the orphans, the sick, and the helpless, and in assisting the Indians generally to locate themselves in permanent homes and sustain themselves by the pursuits of civilized life, \$35,000.

The PRESIDING OFFICER. The Senator from Missouri [Mr. BOGY] moved to strike out the clause from line 1793 to line 1800, inclusive. The first question will be on the amendment of the Senator from Minnesota to perfect the clause.

Mr. WINDOM. This amendment was under consideration in the committee, but was postponed for further investigation with the understanding that it should be reported to the Senate by the committee should it be found necessary in their judgment to do so. The Department of the Interior recommend \$50,000 for this purpose. It is a continuation of the provisions heretofore made for the central superintendency under the control and management of the Society of Friends. The schools have been conducted for several years very successfully, and the committee believe that it is important to continue them. The reports from them show evidences that they are doing a great deal of good. There are in that superintendency thirteen boarding-schools, containing six hundred and eighty-eight pupils, who are boarded, clothed, and cared for by the Society of Friends; and this is the only fund they have for that purpose. We appropriated in 1870 \$60,000; in 1871, \$40,000; in 1874, \$44,480; and I propose now in this bill to appropriate \$35,000—\$9,480 less than last year. The fund is not used for the Sacs and Foxes or Osage Indians, who have ample funds of their own to support their schools.

I believe that this matter is important; and having stated the main facts, I hope further time will not be consumed. It is recommended by the Commissioner of Indian Affairs and by the Secretary of the Interior, and is urged strongly by the Society of Friends, who have the schools in charge.

Mr. INGALLS. To show the value of the statement made by the Senator from Minnesota as to the purposes for which these funds are to be employed, it is only necessary to say that the subject which he mentions is not even indirectly alluded to in the clause which provides for the appropriation of money. It declares that this money is for the purpose of—

Aiding and instructing the Indians of the central superintendency in the arts of civilization, in providing clothing, food, and lodging for the children attending school, in caring for the orphans, the sick, and the helpless, and in assisting the Indians generally to locate themselves in permanent homes and sustain themselves by the pursuits of civilized life.

If the purpose of this money is what the Senator from Minnesota states it to be why is the section worded as it is? Why are we left to suppose that the object for which this ten thousand or thirty-five thousand or forty thousand dollars is to be used is for sustaining a school system that is already in operation when that subject is not even mentioned in the section?

As another illustration of the remarkable character of this provision that is now sought for, I will state that two of the confidential employés of the central superintendency came to me just after the adjournment of the Senate this afternoon and told me the object of this appropriation was to provide subsistence for the destitute Indians in that superintendency, and they begged me to withhold my opposition, upon the ground that it was an act of pure benevolence to the Indians who were in danger of starvation. When these doctors disagree, who is to decide whether it is for the purpose of keeping up a system of schools or whether it is for the purpose of being expended in this incoherent and nebulous sentimentality that in my judgment characterizes too much of this Indian business?

I object to the appropriation because there is no reason shown for it, because the grounds upon which it is asked for are so conflicting and contradictory, and beyond that because it proposes to allow the money to be distributed at the unlimited discretion of the superintendent of Indian affairs without any control whatever on the part of Congress. He can devote this \$10,000 as the clause now stands, or this \$35,000 as the amendment is, to any object that he may see fit to expend it for—chromos, hoop-skirts, tooth-brushes, anything that in his judgment may be necessary to promote the advance of the Indians in the arts of civilization. It is very strange that this section should have come from the House of Representatives, having passed through the Committee on Appropriations in that body and then through the Committee on Appropriations in this body, left standing at the sum of \$10,000, and that some new light should suddenly have dawned upon the Committee on Appropriations that now requires it to be advanced to \$40,000. I trust the appropriation will not be enlarged.

Mr. WINDOM. After the very courteous and parliamentary language of the Senator from Kansas, I will say a word to show the value of the remarks he makes upon this subject. I will simply quote the fact that he says the schools are not mentioned at all.

Mr. INGALLS. I said the school system was not referred to.

Mr. WINDOM. And here stands distinctly in this sentence, "and lodging for the children attending school," &c. The Senator objects to the form of this proposition as it came from the House. It is precisely the form which was followed last year, and under that the fund of \$40,000 appropriated last year was devoted to schools. The statement I made when on the floor before was based upon a statement by the superintendent in charge of these schools, a gentleman of high character and standing. Unless the Senator from Kansas can be a little more careful in his statements, I think the remarks made by this superintendent are worth quite as much as those made by the honorable Senator. I have no feeling about this matter at all. I believe it is proper to continue these schools. I hope they may be continued, but if the Senate chooses to vote it down I have no sort of feeling about it.

Mr. BOGY. I hope the amendment will not be adopted. The expenses of the Indian Bureau have in the course of not a great many years increased from less than one and a half million dollars to upward of seven millions, and the number of Indians now is not one-fourth what it was when the expenditure was a million and a half of dollars or a little less. These appropriations have become so large simply owing to the wild and reckless manner of making the appropriations. The Senator from Minnesota says that the intention of this appropriation is that the money shall be applied to schools within the central superintendency. The bill itself says no such thing; and if they are not authorized to expend it for schools by the law, it would be a misappropriation. But according to his own statement there has been expended in that superintendency for the last two or three years upward of \$200,000 for educating Indians; and I venture to say that there is not one of these Indians to-day who can either write his name or spell "baker." And yet the sum of \$200,000 has been expended in the last two or three years, and in one year the large sum of \$60,000 was expended.

Mr. President, it is time that this wild, reckless mode of expending the money of this nation should be checked. I am not opposed to the system; I do not rise here from a spirit of opposition to it; I rise to make these remarks because I do know that this money is wasted and is not needed, and the very fact stated by the Senator from Minnesota shows it. This appropriation is to aid Indians in civilization and for food, clothing, and lodging for children's schools, and he says it is intended for the purpose of educating them. If that is the object, why does it not say so? In point of fact, the money appropriated to educate Indians within that superintendency is under different heads, already more than abundant; but as to the Cheyennes and Arapahoes, to speak of education is a misapplication of the term. Cheyennes and Arapahoes and Comanches and Kiowas and Indians of that character are in that superintendency; these are the Indians for whom we have spent \$200,000 in a few years; these are the Indians to be educated. If they could be educated, reclaimed from barbarism, and brought to civilization and religion, I would not object to any amount that might be necessary for that object; but I do know that this is not necessary. The whole law in this respect is wrong. There is no reason why an amount of money should be placed at the discretion of any of these parties, however good they may be, and I am not charging them with improper conduct. If you do not make the appropriations for Indian service specific, you will go on year after year spending millions and millions of money and effecting no good purpose whatever. The reason why to-day the Indians are cavorting and playing high, low, jack, and the game on the western frontier is because the appropriations made are too large. This fact has invited a horde of wild speculators, of bad men, of reckless men who have gone out there to make money off these Indian appropriations, and they are making it from day to day, and they are demoralizing the Indians, and the Indians themselves are prevented from being self-sustaining because you appropriate large sums of money to sustain them and encourage them in idleness. I say it would be the best thing for this nation if all these appropriations were stopped. If we went even to the extent of not voting one cent for the Indians it would be the best thing for the Indians.

I submit these remarks to the Senate as a test. If the Senate of the United States is prepared to vote for this amendment, it is perfectly idle to attempt to check the large amounts which are annually appropriated for the Indian service. It cannot be done.

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

Mr. WRIGHT. I wish to say just one word upon this amendment. As a rule I have been opposed and I am opposed yet to increasing the appropriations as recommended by committees, but I think there are several reasons in favor of this proposition. If the rule or the practice asserted by the Senator from Missouri be correct, then we should stop all appropriations looking to the civilization and education of the Indians. He says these appropriations only tend to their demoralization. If this is true to the extent stated, then we should not only withhold this appropriation but all appropriations looking in the same direction. It is proposed by the committee in this instance to increase this appropriation to \$35,000. I shall vote for it for several reasons.

In the first place it is not fair to state the proposition that the Committee on Appropriations failed to include this in their recommendations. I understand that this was withheld for the reason that they wanted to examine the subject further; and upon such subsequent examination they concluded to recommend it, and it is

now recommended by the committee. I shall vote for it because heretofore we have had an appropriation larger than this and I have heard no suggestion that it has been improperly expended. In the next place I shall vote for it because it is recommended by the committee. In the next place I shall vote for it because it is recommended by the superintendent of Indian affairs. I shall vote for it because it is recommended by the Secretary of the Interior. I shall vote for it because the Friends who have the superintendency in charge have perhaps been more faithful and more devoted to the work in connection with the education and civilization of the Indians than any other denomination that has had charge of Indians. From them I understand that this increase of appropriation is necessary and can be used to the interest and to the advantage of these Indians. I shall vote for it, as I already said, because I have heard no suggestion made that the appropriations heretofore have been improperly expended.

And now, Mr. President, if on the recommendation of the Superintendent of Indian Affairs, the Secretary of the Interior, the Committee on Appropriations, with no suggestion that larger appropriations have been improperly expended, a smaller appropriation is proposed, the Senate should hesitate because it is suggested by Senators that they fear there is something wrong about this matter, then we had just as well abandon the recommendations of the Department and the recommendations of the committee and take the suggestions of Senators that they think there is something wrong.

Mr. BOGY. I will say that according to that theory we might as well take the recommendation of the Secretary of the Interior and the Commissioner in bulk and say nothing more about it, but let them make the appropriations as they are really doing virtually in all these Indian matters. I do say that out of the money heretofore appropriated not an Indian has ever been educated or reclaimed from barbarism—not one—

The PRESIDING OFFICER. The Senate is aware that it is proceeding under the five-minute rule, and the time of the Senator from Missouri has expired.

Mr. WRIGHT. I only wish to suggest to my friend from Missouri, in answer to what he has said, that while according to his opinion all due weight, yet I am to determine whether I shall be influenced alone by his opinion that this is wrong or shall consult all the authorities I have on the subject whose recommendation is uniform.

Mr. MORRILL, of Maine. This opposition involves this question: whether we will abandon any attempt to aid these fugitive bands, these bands which we are gathering into the Indian country. That is really the point. Since 1867, having declared then that we would make no more treaties with the Indians, we have attempted to aid them in other ways. Having declared that we would make no more treaties with these Indians and having invaded their country at all points and driven them on to reservations, we have said and given the faith of the nation that if they would attempt to adopt the modes of civilization, we would aid them in it. This is one of the aids that we have promised. This is one of the things that we have been doing these last four years. The question is now, will you change that policy? Do we mean to stop right here? My honorable friend from Missouri says there never was an Indian educated. Is that so?

Mr. BOGY. Not a Comanche or Kiowa, or any of those Indians within that superintendency.

Mr. MORRILL, of Maine. How many educated Indians are there about us here soliciting one thing and another, influencing the legislation of this Chamber? How many men who would do credit to any of us appear before our committees and advocate their own rights and interests; accomplished men too? What an idea, that an Indian cannot be educated! It is too late in the day for that. And have we no duty in regard to this perishing race of men who once inhabited this continent and who, by our own theory, once held it in possession and whose possessory rights were sacred everywhere. Now that they are perishing and fast fading out, shall we deny to them all the appliances of civilization?

In this central superintendency there are some eight hundred scholars being taught. They are of fugitive bands. They are not civilized Indians living in the Indian Territory, but they are such Indians as we have been forcing into that limbo in the last twelve years, forcing out of Kansas to give civilization a free play. I am very sorry to hear my honorable friend from Kansas follow these poor Indians down into that Territory and deny them this boon. It is a very small thing that the nation can do for that people. The little we can do in this direction cannot be better done to any people than to those, and we owe it to them as we owe it to no other people on this continent in my judgment.

The Quakers or Friends have undertaken the care of this superintendency. They send their women, they send their men, they go and gather these children into schools, they clothe and feed and wash and attempt to educate them; and if they do nothing more than the former they are in the way of improvement, I submit to my honorable friend from Missouri.

Now, as enlightened as my honorable friend is in regard to the Indian policy in the main, I submit that this proposition of his is not quite worthy of him. This is not a new appropriation, I desire to have the Senate understand. It is simply a repetition of what we have been doing in the last four years, reduced to \$10,000 by the House of Representatives, and the only reason we ask you now to make this

amendment is that a question arose in the committee whether it was not worth while to charge this over against the annuities of these Indians. Upon examination it was found that was not the proper thing to do.

I hope, Mr. President, there will be no hesitation about this.

Mr. INGALLS. Mr. President—

The PRESIDING OFFICER. The Senator has already spoken five minutes.

Mr. INGALLS. What is the pending question?

The PRESIDING OFFICER. On the amendment of the Senator from Minnesota to strike out "ten" and insert "thirty-five."

Mr. INGALLS. Is an amendment to that in order?

The PRESIDING OFFICER. An amendment to that amendment is in order.

Mr. INGALLS. But I am not in order in speaking on that amendment itself?

The PRESIDING OFFICER. No, sir.

Mr. INGALLS. I move then an amendment to strike out after the word "on," in line 1794, the words down to "the," in the same line, and to insert the words "schools among."

The PRESIDING OFFICER. That amendment would not be in order now. The amendment of the Senator from Minnesota is to strike out "ten" and insert "thirty-five."

Mr. INGALLS. Would it be in order to move to commit this amendment to the Committee on Indian Affairs?

The PRESIDING OFFICER. That would not be in order.

Mr. INGALLS. Would it be in order to move to reduce the sum to \$25,000.

The PRESIDING OFFICER. That would be in order.

Mr. INGALLS. In that case I move to reduce the sum named by the Senator from Minnesota to \$25,000, and upon that amendment I desire to say to the distinguished Senator from Maine that if he is so very much attached to the Indians and is so very desirous of bestowing upon them the blessings and benefits of education and making them all bachelors of arts and doctors of laws, I wish he would be kind enough to take them down into his own State of Maine.

Mr. MORRILL, of Maine. We have got our portion; we never drove them out.

Mr. INGALLS. Let him locate them upon the waste places by the Androscoggin or by the Penobscot or at the foot of Mount Katahdin. He can take them all and welcome. So far as we of the West are concerned, we have no desire for their presence, and would very much prefer to have philanthropy exercised toward them in the home of their immediate and particular friends.

And in regard to my friend from Iowa who has alluded to the singular self-sacrifice and self-denial of the able and learned and wise teachers who are instructing these young barbarians and savages, I can say that I fully and cordially indorse all that he has said about these men because they all come from Iowa, and I know that every man who comes from Iowa is entitled to all the eulogy that can be pronounced upon him.

But seriously, sir, the Senator from Minnesota has stated that there are in that superintendency now in operation thirteen schools, having an aggregate of six hundred and eighty papooses. They ask as an appropriation to carry on this magnificent system of education the sum of \$35,000, which is an aggregate of nearly \$3,000 to each one of these schools. Now, as a matter of economy, as a matter of prudence, as a matter of good government, can any man who is familiar with the common-school system of New England or of this country generally say that that is not extravagant, that to pay \$3,000 for carrying on a school that has twenty-five or thirty pupils is a fair or reasonable appropriation? Certainly the very statement of the amount that is asked, taken in connection with the allegation made by the Senator from Minnesota in regard to the number of these schools, is sufficient to show the Senate that it is entirely outside of reason and of good sense. I trust that if the appropriation is to be made at all it will be reduced down to the sum which was reported from the Committee on Appropriations.

Mr. WINDOM. In reply, all I wish to say is that this sum feeds, clothes, and takes care of these pupils and keeps the buildings in repair, and I do not think it is a large sum. It only amounts to sixty dollars apiece for feeding, clothing, and boarding them, and teaching them throughout the year.

Mr. INGALLS. I withdraw my amendment to the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota to increase the appropriation from \$10,000 to \$35,000.

Mr. BOGY. As I wish to make a test of this matter, I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HOWE. I would not have said a word if the yeas and nays had not been called for, but as they have been, I want to say that I shall vote against this proposition, not because I am not willing to appropriate \$35,000 to educate the children of those Indians down there; but if you are going to appropriate it for that purpose I want you to say so. This does not make any appropriation for any such purpose. The dedication of the money is so general as to allow the agents to do just what they please with it. If you want to educate children, give some money to educate them; but there is no specific purpose to which a dollar of this money is specifically dedicated.

The question being taken by yeas and nays, resulted—yeas 19, nays 22; as follows:

YEAS—Messrs. Allison, Boutwell, Conover, Cragin, Edmunds, Fenton, Flanagan, Frelinghuysen, Hamilton of Texas, Hamlin, Mitchell, Morrill of Maine, Morrill of Vermont, Sargent, Spencer, Washburn, West, Windom, and Wright—19.

NAYS—Messrs. Boggy, Chandler, Cooper, Dennis, Goldthwaite, Hager, Hitchcock, Howe, Ingalls, Johnston, Kelly, Lewis, McCreery, Merrimon, Norwood, Scott, Sprague, Stevenson, Stewart, Stockton, Thurman, and Tipton—22.

ABSENT—Messrs. Alcorn, Anthony, Bayard, Boreman, Brownlow, Cameron, Carpenter, Clayton, Conkling, Davis, Dorsey, Eaton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Gordon, Hamilton of Maryland, Harvey, Jones, Logan, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Saulsbury, Schurz, Sherman, and Wadleigh—32.

So the amendment of Mr. WINDOM was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Missouri [Mr. BOGGY] to strike out the entire paragraph.

Mr. THURMAN. We have had a statement that the reports show flourishing schools in this central superintendency. I have heard it said that these reports are not very reliable on the subject of schools among the Indians. I would be glad if some Senator representing a State in which Indians are found, in respect to whom there are educational reports, would say whether or not these reports are reliable according to his own information. I think that at a former session we had some statement made by the Senator from Nevada on my right [Mr. STEWART] in respect to his own State that was very different from the statements made in the reports, and I would be glad to know from him or any other Senator how much reliance is to be placed upon these reports.

Mr. STEWART. This is not in my State and I do not know the facts, but I shall have a word to say when it comes to Nevada about a report I have before me which I think is a pure fiction.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri to strike out the paragraph.

Mr. INGALLS. I have no objection to a reasonable appropriation being made for educational purposes among these Indians, if I can be satisfied that the funds so appropriated will be devoted to that object. Upon the statement of the Senator from Minnesota as to the number of schools in operation there and the number of pupils in attendance, with the desire to confine the appropriation to educational purposes, I move to amend the paragraph so that it will read:

For this amount, or so much thereof as may be necessary to carry on schools among the Indians of the central superintendency, \$10,000.

Mr. BOGGY. There are already in this bill under different heads ample appropriations for educational purposes for all these tribes. These Indians are away down in the Indian country at Fort Sill. Each one of these tribes has ample appropriations for educational purposes. This is an addition to all other provisions for that purpose, and it is entirely unnecessary, so unnecessary for the purposes of education that the framers of the bill themselves did not put it down for that purpose. It is not intended to use it for the purposes of education. The words do not have that object; nor is the intention to use it for that purpose. The intention is to use it for purposes that are indefinable, to aid in civilizing Indians, providing clothing, food, and things of that kind to what extent you cannot tell; and who is to distribute the money? It is left to the discretion of these men to do as they please with the money of this Government. I repeat that there are already ample appropriations for education for each one of the tribes included within this superintendency.

Mr. WINDOM. As the best evidence I can give of my desire that it shall be used for that purpose, I hope the Senator will accept the amendment offered by the honorable Senator from Kansas. I think the clause means precisely the same thing as it is in the bill, but I will not object to the amendment.

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

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Missouri to strike out the clause as amended.

Mr. WINDOM. I ask to make an amendment to perfect the clause before that is done. I move now to make the sum \$30,000 instead of \$10,000. That will amount to a little over forty dollars each for the children, as little as can be got along with, I think.

Mr. FRELINGHUYSEN. I hope that this amendment will prevail. These schools are established, and I understand the report shows that there was expended last year about fifty-one dollars a head for six hundred and eighty-eight children. This is about forty dollars a head for that number of children. We may call the Indians murderers and marauders, and we may have our prejudices excited against them; but the truth is, after we have said all that, we owe them a debt which will never be paid, and it becomes the Congress of this nation to provide for their civilization. We have their lands, we have their country; we have neither taught them how to live nor how to die; and it becomes this Congress to do what they can toward giving them civilization, and if it took ten dollars to make one dollar effectual, with all my heart I would vote for the effectuation of it.

Mr. SHERMAN. Do I understand the Senator from New Jersey to say that there are six hundred and eighty-eight of these Indians?

Mr. FRELINGHUYSEN. Six hundred and eighty-eight children.

Mr. SHERMAN. And you propose to appropriate \$40,000 to educate them?

Mr. FRELINGHUYSEN. Thirty thousand dollars.

Mr. SHERMAN. I would like to ask my friend from New Jersey to apply that to the white people of the United States and see how far in excess that would be of any appropriation made by the people of any State in this Union for the education of children. For instance in Ohio, where I believe we spend \$6,000,000 a year, and that is a very large sum, we have twelve hundred thousand children to educate. We have more than that number between the school ages. Now, if you apply this same rule of forty dollars a head to the children of all the Indian tribes, how much would it be, in the name of Heaven?

Mr. FRELINGHUYSEN. The Senator will allow me to ask him how much it would be if you fed and clothed your children at the same time?

Mr. SHERMAN. Let me go a little further—

Mr. FRELINGHUYSEN. I want to know of the Senator from Ohio whether his argument would not be just as good to say that if you make appropriations every year to support Indians, why should you not make appropriations to educate and support the people of Ohio?

Mr. SHERMAN. We have in this bill between five and six millions to support the Indians. Now, if we are to educate the Indian children at the rate of forty dollars a head, instead of five or six millions we ought to appropriate—there must be at least one hundred thousand Indians to be educated at forty dollars a head; the Senator can compute it—we ought to appropriate \$4,000,000 more. Now, there ought to be a limit even to expenditures by the Indian Department. I am willing to do everything that is reasonable, but at the same time the very amount stated by the Senator surprises me—forty dollars a head to be appropriated for the education of six hundred Indian children!

Mr. FRELINGHUYSEN. That was not the statement. It was forty dollars a head for the education, clothing, and support of these Indian children.

Mr. SHERMAN. Ah, but this whole bill is full of appropriations for the education, support, and maintenance of Indians. They have their annuities. They have ample provision made for their support and maintenance. Now, to add to that a school fund at the rate of forty dollars a head, it seems to me is going too far. I vote with pleasure for the \$10,000. I think we ought to appropriate enough for these schools to furnish them teachers; we ought to appropriate enough perhaps to supply the teachers with such reasonable facilities as you would give to teachers of white children, and that is as far as we ought to go. We cannot pay the children for going to school; we cannot feed them for going, and we cannot clothe them while going, unless they are supported, clothed, and maintained out of other appropriations contained in the bill.

Mr. FRELINGHUYSEN. The argument of the Senator from Ohio, if it is good for anything, dispenses with all provision for the support of Indians. The Senator says that abundant appropriation is made for the support of these six hundred and eighty-eight children; but if you take six hundred and eighty-eight children and separate them and place them at school, of course the expense is greater, and they do not come under the chapter of appropriations which is made for these Indians. This thing has been tried; it is a successful undertaking; these schools are prosperous. I understand it is about \$3,000 for each school with the appropriation at \$40,000. It is an appropriation at forty dollars a head for the education, clothing, and support of these children.

Mr. MORRILL, of Maine. There is one view that is taken of this appropriation bill every year by a portion of us which shocks, it seems to me, all common sense, not to say common honesty, and that is the language my honorable friend from Ohio employs about this bill, that here are five or six millions appropriated for the support of Indians. Was there ever any such statement as that, in view of all the facts in this case, made to go out to the world?

We are providing out of the Treasury five or six millions, it is said, for the support of the Indians. Five or six millions, the pittance these men have got for a continent. That is all there is of it. It is just as much a matter of good faith for the people of this country, for the Congress of the United States to make these appropriations to fulfil our treaties as to pay your bonds, and infinitely worse to deny it, because we have been dealing with an impotent people, a people within our power altogether, and we have said as solemnly as we can say by language, "If you will surrender and go further off out of our way and give us your lands, we will do so and so," and every year when this question comes up we carp, and we hesitate, and we insist that they are paupers; that they are living on our bounty, on our charity; that we may, if we choose, appropriate nothing. No such bad faith ever did exist anywhere under the sun that ever I heard of as exists in this nation according to this theory. Throughout this appropriation bill treaties are cited; and where there are not treaties the appropriations are for what? The support of these men. No; the merest pittance in the world for the lands and possessions which we forced them from. We forced them off from their hunting grounds, and forced them on to reservations of our own appointment, and if they go off they pass the dead line, and may be shot as outlaws. That is our treatment; and then when we come in here and talk about making appropriations we have to go over this whole policy again, and Senators talk as if we are under no obligation, as if there was no faith whatever; that it is a mere gratuity, a mere act of charity and

benevolence on our part that we appropriate anything at all, and we really make ourselves believe that we are a very charitable people if we do appropriate anything.

Mr. STEWART. If we are legally bound, if we owe the Indians what this continent is worth, that is a debt, and we ought to pay it. Let us pay it or give up the continent if that is the situation. If this is put on the ground of an obligation, we had better have the land we have taken from them appraised at once and settle our debt.

Mr. SHERMAN. With our improvements.

Mr. STEWART. Appraised with our improvements. It may be they would allow us a little for our betterments, but perhaps not. If we are under a debt and obligation to do something for them, all right, let us do it. Let us treat it in that light, settle this debt, and see if we have anything left. We shall not have anything left if we go on as we have been doing. If it is not debt, then what is our obligation? It is simply the obligation of humanity, the obligation to deal with them as a poor helpless class of people in a humane way for their own good and our good. I solemnly believe that we are committing a crime to humanity by almost every dollar we appropriate. I believe that we are multiplying thieves of white men by the demoralization of this service and the way it is conducted more rapidly than we are civilizing the Indians. I have no doubt of it. There is no means of determining what becomes of your money from any kind of a report that can be made here and the committees have no means of examining it. Any kind of a plausible story can be put. From my State the Indian agents seldom tell the truth; I do not know how it is in other States. There is not one grain of truth in a bushel of chaff, and has not been in the reports for a great number of years. I appeal to the people of my State and they will bear me out in saying that is the fact, and it is probably so elsewhere. Here we are appropriating millions. If it is competent for us to do this we should have checks and balances on these things and have some means of ascertaining what is done with the money. We should have more definite reports, and not so much indirection in this thing.

Senators talk about the obligation and the humanity of this system. Here in your midst and throughout the North there are hundreds of poor white people starving. You tax the washer-woman and give it to the Indian agent. All the Indian agents and contractors in the West are rich. You give it to them without making them account for it, and you pass on your streets here beggars at every crossing suffering. If, I say, it is a question of debt, let us mortgage everything and pay it. If it is a question of humanity and charity, then let us see who are suffering and who need help most and give it to those. I have heard it argued here on the ground of being cheaper than some other way; that it is cheaper to feed than to fight the Indians. I do not believe there is any necessity for feeding them or fighting them at all. I believe if the Indians were treated like men they would soon become accustomed to our laws and become industrious. If we treat them like paupers and feed them they will always be paupers, and we know from experience that these Indian appropriations must increase yearly as your Indian agents become more greedy and your paupers become more numerous.

Mr. MORRILL, of Maine. Does my honorable friend know that there are \$2,000,000 less appropriated on this very bill than there were four years ago under this policy?

Mr. STEWART. The other was under this policy, too.

Mr. MORRILL, of Maine. The other was not.

Mr. STEWART. Senators talk about the Indians becoming self-sustaining. I would like to know where under this policy they have become self-sustaining.

Mr. MORRILL, of Maine. I will tell the Senator. The Creeks, Choctaws, Chickasaws, and Seminoles were as prosperous communities at the breaking out of the war in 1860 as there were in this country. They had been isolated since 1835. They were herders, they were agriculturists, they had schools, academies, and colleges; they had educated men.

Mr. STEWART. But I can tell the Senator that that did not come under this policy.

Mr. MORRILL, of Maine. I admit it.

Mr. STEWART. Let us see some of the fruits of that policy. Those Indians lived and acquired those virtues before they were moved into an isolated position. Most of them were slave-holders, and an Indian is a pretty good hand at driving others about and making them work. A good many of them were half-breeds, and they learned these things in older States. Many of those we saw coming here as representatives were half-white people. They acquired their civilization among civilized men and not from Indian agents. They did not get it from the soup-bowls of Indian agents dealt out to them. They got it because they were brought in contact with white men in the South, and they acquired slaves and went out West. Most of them were slave-owners. That is the way they had their schools. They took their civilization from the whites from contact, and you will find some of them in the North partially civilized; but the idea of an Indian agent educating or civilizing anybody with his gang of common thieves is absurd; they do not do it. It is only where you have the influences of honest communities close at hand to overlook them that there is any civilization whatever. Civilization comes by contact with civilization, and not by contact with demoralization; it comes from contact with good communities; but

when the Indians are taken away from good communities and good influences and left the prey of speculators, they will never become civilized in the world. I have traveled over that country; I have seen the operation of it, and I tell you if you are to civilize Indians you must bring them in contact with civilized communities and put them under good influences. If you could appropriate this money and bring them back into the older States and put them on farms in a place where they could imitate white men, then they would have a chance. They have no chance here.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLISON. I desire to say only one word with reference to this appropriation bill. This is a very small sum compared with other things in this bill that have been passed over without a word of objection. This appropriation applies to all the Indians in the Indian Territory, and there is a large number of them, comprising various bands and tribes. They are under the control of the Society of Friends, which society, if I am correctly informed, appropriates from private charity large sums in addition to the appropriations made by the Government for the purpose of civilizing these Indians. If we propose to change this entire policy, let us do so; but here we have gathered together at these various agencies schools having from eighteen to sixty scholars, maintained and supported in part by the voluntary contributions of benevolent people in this country, maintained in part by annual appropriations under treaty stipulations made with these tribes, and now it is proposed to add this small sum to these appropriations for the purpose of maintaining these schools. This particular paragraph has been amended so that this sum shall apply solely to the education of these children.

Now, if this policy is wrong, if this money is improperly expended, let us call to account the people who are expending this money, but let us not withhold this small sum for the education of the children of these Indians who are gathered under this policy by the Society of Friends at various agencies, and are being educated by them.

Mr. THURMAN. Mr. President, I confess I was greatly shocked a moment ago by a remark that fell from the Senator from Nevada, [Mr. STEWART.] The Senator from Nevada is a leader of the republican party on this floor, and has been for a number of years, and yet he expressed the opinion, if I understood him correctly, a few minutes ago, that slavery among the Cherokees had been an instrument in their civilization. Mr. President, what are we coming to, when a great leader of the republican party openly in the Senate advocates slavery as an instrument of civilization?

Mr. STEWART rose.

Mr. MORRILL, of Maine, (to Mr. STEWART.) He has got you. [Laughter.]

Mr. STEWART. I do not think he has. I do not think he has got me at all. I do not want to get out of it at all. I am free to confess that there is no civilization so degraded as the pauper civilization created by a few hungry, thieving agents. There is nothing so demoralizing as that. Even slavery with all its degradations, with all its evil consequences, does produce and has produced better specimens of civilized men than Indian agents. We have before us some of the specimens that grew up under slavery, and I do think they are better educated and have a higher claim to civilization than the boss Indians who have been fed on food from Indian agencies and pretty nearly starved too. I think the products of slavery are better than the products of Indian agents, much as I am opposed to slavery; but it is an argument. My friend from Maine thinks that slavery is a very bad thing—

The PRESIDING OFFICER. The Chair must remind the Senator that he has spoken five minutes.

Mr. STEWART. I trust I may be allowed to finish my sentence. My friend from Maine thinks that slavery is a very bad thing; but if he will show me as good a specimen of an Indian educated under his system as I can in this room now of an Indian educated under the system of slavery, I will give it up that slavery is worse than Indian agents. I think that Indian agents are worse than slavery in any form.

Mr. THURMAN. Let the amendment be reported. Senators do not understand it.

The CHIEF CLERK. The amendment is on page 74, line 1800, to strike out "ten" and insert "thirty."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota. [Mr. WINDOM.]

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

Mr. HOWE. Mr. President, I will vote "yea" when my name is called on this amendment; but I want to say to the Senate that when we come to another year and we are asked to make another appropriation for this purpose, I shall want to know then what has been done with this \$30,000. I shall want to know something more than is stated in any report I ever saw from an Indian agent yet, to wit, that the schools have been generally prosperous, and that the progress has been all that has been expected, or that there is a certain number of pupils enrolled. I shall want the agents of these different tribes to say what the attendance has been and what the progress has been; whether they have found any children who have learned their letters, or learned to read, and give us something by which we can measure the advance. I think I will approve this one appropriation and see what comes of it.

The question being taken by yeas and nays, resulted—yeas 22, nays 26; as follows:

YEAS—Messrs. Allison, Boreman, Clayton, Conover, Cragin, Davis, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamlin, Howe, Mitchell, Morrill of Maine, Morrill of Vermont, Sargent, Scott, Washburn, West, Windom, and Wright—32.

NAYS—Messrs. Boggy, Chandler, Cooper, Dennis, Eaton, Fenton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Hitchcock, Ingalls, Johnston, Kelly, Lewis, McCreery, Merrimon, Norwood, Saulsbury, Sherman, Sprague, Stewart, Thurman, Tipton, and Wadleigh—26.

ABSENT—Messrs. Alcorn, Anthony, Bayard, Boutwell, Brownlow, Cameron, Carpenter, Conkling, Ferry of Connecticut, Gilbert, Harvey, Jones, Logan, Morton, Ogelsby, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Schurz, Spencer, Stevenson, and Stockton—25.

So the amendment of Mr. WINDOM was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Missouri [Mr. BOGGY] to strike out the entire paragraph as amended.

The question being put, a division was called for, and the yeas were 14, and the nays 24.

Mr. BOGGY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MERRIMON. I am very sure that I am anxious to do anything to benefit the Indians and to civilize them, but I desire that a system shall be established by law for disbursing the money appropriated for such purposes. Now, as I understand from the Senator from Missouri, there is no law regulating the manner of educating the Indians. The Indian agent is charged with a certain fund, and he establishes a school when he will and where he will and he appoints such teachers as he pleases, and the accounts are general for the fund. If that is the way the money is expended, I am not willing to vote it for any such purpose. I would inquire of the Senator from Missouri if I am correct in my understanding of the manner in which this money is disbursed?

Mr. BOGGY. In accordance with the law as it now stands, it is to be disbursed by persons who give no bond, who hold no real official position, who are mere appointees of the Bureau, and are not responsible in the way of bond. I do not know that they even take an oath.

Mr. MERRIMON. And the party furnished with money in this way appoints the teachers?

Mr. BOGGY. Yes, sir.

Mr. MERRIMON. With that understanding I am not willing to vote a single dollar.

Mr. DAVIS. I am inclined to think that the paragraph should stand as it is. It appropriates but \$10,000 as it now stands, and that is to be used expressly for school purposes. There are over six hundred Indians, as I understand, collected in these schools. This is the only fund that can be used or that they will have in any way for the education of those children.

Mr. MERRIMON. How is the money disbursed?

Mr. DAVIS. This particular fund is disbursed, as I understand, under the Society of Friends.

Mr. BOGGY. Look at the forty-eighth page and you will find a provision for the Sacs and Foxes belonging to this agency:

For the support of a school, as per fifth article of the treaty with said tribe of March 6, 1861, \$200.

Then in another part of the bill is an appropriation for the education of the Quapaws, of \$1,000, and an appropriation of \$1,800 for schools for the Pottawatomies. There is a specific appropriation for each one of these tribes independent of this appropriation. It was not intended for schools.

Mr. MERRIMON. Is there any law regulating the manner of disbursement?

Mr. DAVIS. That I am not able to answer, for I am not familiar with that subject; but I wish to say to the Senator from Missouri that this is what is known as the central superintendency, and children are collected there from the Indian country.

Mr. BOGGY. The central superintendency is located in the town of Lawrence, which is in Kansas. That is the location. These Indians, as I said a while ago, are the Comanches, the Kiowas, and the Wichitas, who are scattered all the way down as far south as the Texas line, and there are none at Lawrence in Kansas.

Mr. DAVIS. I may be mistaken, but I think I am right. I stated that this is for the support of what is known as the central superintendency, and the children from a number of tribes that have no school fund whatever. I appeal to the gentleman who has the bill in charge to know whether I am correct that a portion of these Indians whom this \$10,000 is intended to school have no educational fund whatever?

Mr. WINDOM. That is true, as I am informed.

Mr. BOGGY. Which tribe?

Mr. WINDOM. Quite a number of them.

Mr. BOGGY. We have treaty stipulations with the Quapaws, Cheyennes, Arapahoes, and all these Indians by which they get school moneys.

Mr. WINDOM. Quite a large number of Indians have been brought in from the plains of various tribes that are included. The Modocs are a portion of them.

Mr. BOGGY. The Modocs are not ready to receive any education and will not be for two years.

Mr. MERRIMON. I should like to ask the Senator from Minnesota

how this money is disbursed, who is charged with it, how the schools are managed, who conducts them, and who teaches the Indians?

Mr. WINDOM. Disbursed by United States Indian agents who give bond for that purpose, under the direction of the Society of Friends. I do not propose to resist this, there is so much opposition to educating the Indians; but if it is carried to the extent of putting into the penitentiary the Quakers for trying to educate the Indians, I will stand here all night to resist that.

Mr. MERRIMON. I want to educate the Indians and civilize them, but I do not want money put in such shape that it will be stolen.

Mr. DAVIS. I will say a word to my friend from North Carolina who feels anxious to do justice if he knows where the money is going. The gentleman who had charge who is a Quaker—I have forgotten his name—was before the committee, and he gave such an account of the progress at this particular station of the education of the Indians that I became convinced that there ought to be a larger amount than \$10,000 appropriated. I hope this small sum will be left in the bill and not stricken out.

Mr. HAGER. As I understand, the amendment as to schools was disagreed to.

Mr. FRELINGHUYSEN. No; the amendment increasing the appropriation was disagreed to.

The PRESIDING OFFICER. The paragraph was amended on motion of the Senator from Kansas so that it applies only for the maintenance of schools.

Mr. HAGER. If we strike out the whole paragraph we strike out the \$10,000.

The PRESIDING OFFICER. Yes, sir.

Mr. HAGER. The schools then go out.

The PRESIDING OFFICER. This provision is stricken out.

Mr. HAGER. In that case I shall vote in the affirmative.

Mr. DAVIS. I understand if this section is stricken out, this particular station of six hundred children will have no educational fund whatever.

Mr. MERRIMON. They had better not have a dollar than for us to put it in such a shape that it will be stolen by faithless agents. I am not in favor of having any agency where the agent, whether responsible or otherwise, is governed by his own will; he should be governed by the law. If we are trying to educate the Indians, let us have a common-school educational system for them. I am willing to vote for such a system, but I am not willing to vote to give A B so much money to establish a school where he pleases and when he pleases, to appoint any teacher he pleases, and send any folks to that school that he pleases. I am opposed to that. It seems to me a mockery and a waste of money.

Mr. HAGER. I stated that I would vote for striking out the paragraph; but if I thought this appropriation would be in any way beneficial to the Indians, I would be perfectly willing to have it stand. I have never yet heard or had any information satisfactory to me that the Indians have been improved by any education extended to them by the Government. I do not believe myself that this appropriation will be of any benefit to the Indians. If I thought that it would, I should have no objection to letting it stand. I know that in California the efforts to educate the Indians have been a failure entirely, even as to the old Mission Indians, as to whom it was kept up for years daily. The natives of that State did not improve under the facilities thus offered them for obtaining education, and I have yet to learn that it has succeeded anywhere, taking the tribes in their natural savage state. I think, therefore, it is useless for us to undertake to civilize them or educate them when we find them in the wilderness. If it is done at all it is to be done by bringing them in contact with civilization much nearer than they are brought now. There is an antipathy between the Indian race and the white race which does not bring them together. The old Mission Indians of California have all fled to the mountains, left the valleys where they were formerly congregated around the missions and gone back to their natural savage life. That has been the result so far as I know everywhere except in the Indian Territory, so called, which is now a reservation where the Indians for a number of years have been sent, and perhaps they may have there attained some civilization. I have no doubt that is true.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri [Mr. BOGGY] to strike out the paragraph.

The question being taken by yeas and nays, resulted—yeas 12, nays 32; as follows:

YEAS—Messrs. Boggy, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Johnston, Kelly, Lewis, McCreery, Merrimon, Norwood, and Thurman—12.

NAYS—Messrs. Allison, Boreman, Chandler, Clayton, Conover, Cragin, Davis, Dorsey, Edmunds, Fenton, Flanagan, Frelinghuysen, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Mitchell, Morrill of Maine, Morrill of Vermont, Sargent, Saulsbury, Scott, Sherman, Sprague, Stevenson, Tipton, Washburn, West, Windom, and Wright—32.

ABSENT—Messrs. Alcorn, Anthony, Bayard, Boutwell, Brownlow, Cameron, Carpenter, Conkling, Cooper, Dennis, Eaton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Jones, Logan, Morton, Ogelsby, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Schurz, Spencer, Stewart, Stockton, and Wadleigh—29.

So the amendment was rejected.

Mr. WINDOM. In line 4, I am instructed by the Committee on Appropriations to move after the word "appropriated" to insert "for the fiscal year ending June 30, 1876." It is simply to limit the appropriations to the fiscal year.

The amendment was agreed to.

Mr. WINDOM. After the word "tribes," in line 7, I am instructed by the committee to move to insert:

And where the exigencies of the service require it, goods and supplies for the Indian service for the fiscal year ending June 30, 1876, may be purchased and transported during the current fiscal year.

Mr. BOGY. I do not understand that. What is the object of it?

Mr. WINDOM. The first amendment offered limited the use of the money appropriated by the bill to the fiscal year ending June 30, 1876. This simply permits the Department to anticipate that year in their purchase so as to be able to ship their goods before the 30th of June next to such point as could not be reached if they were purchased after the 30th of June.

Mr. BOGY. If goods were purchased in the spring of 1876 they would get there in time.

Mr. WINDOM. It is the spring of 1875.

Mr. BOGY. This is an appropriation expiring in June, 1876. We are now in the early part of 1875, and it will be ample time to buy the goods wanted next year in the spring of 1876.

Mr. WINDOM. For the year ending June 30, 1876, you can hardly buy them in the spring of 1876.

Mr. BOGY. It will be ample time in the spring of 1876 to purchase the goods for that year.

Mr. WINDOM. And commence using them six months before! I will state again to the Senator from Missouri that this amendment enables the Commissioner of Indian Affairs to purchase goods prior to the 30th of June, 1875, if he chooses to do so, in order that they may be shipped to points where they will be needed in July, 1875, and so on anticipating.

Mr. THURMAN. I should like to inquire from the Senator from Minnesota whether, then, it would not be necessary to make the appropriation applicable before the 30th of June, 1875, or otherwise he would have to purchase on credit.

Mr. EDMUNDS. That is the effect of this amendment so far as those particular goods go. It is the same clause that has been put into the bills limited to a few objects ever since we have resorted to the practice of preventing any money being used out of an appropriation after the year had expired. Inasmuch as the fiscal year begins on the 1st of July, it is found necessary in various of these bills to authorize the Departments who are to use the money to anticipate the beginning of the year by making their arrangements to carry on operations immediately after the year begins. That is this amendment, and I confess I do not see objection to it. It has been in the other bills and found to work.

Mr. THURMAN. This is an appropriation for the fiscal year beginning July 1, 1875, and ending June 30, 1876. Now the object of the amendment as I understand it is to enable the Secretary to make some of these purchases before June 30, 1875. Am I right in that?

Mr. WINDOM. Yes, sir.

Mr. THURMAN. Where is the money to come from to pay for them?

Mr. EDMUNDS. Out of this appropriation.

Mr. THURMAN. That is the very question I asked before. Is there anything in this bill that authorizes him to use this money before the 30th of June.

Mr. EDMUNDS. Unless it arises from this very clause which authorizes him to anticipate.

Mr. THURMAN. By implication simply.

Mr. EDMUNDS. Yes; by implication.

Mr. THURMAN. It seems to me it would be very doubtful if it were left in that way.

Mr. STEVENSON. I move to amend the amendment by adding:

And each Indian agent shall keep a book of itemized expenditures of every kind, with a record of all the particulars of all contracts, together with the receipts of money from all sources, and have the books thus kept always open to inspection, and the said books to remain in the office at the respective reservations, and not to be removed from said reservations by said agents.

I have no doubt myself, from a service on the Indian Committee and the Committee on Appropriations, and from what I have heard, that great frauds are annually committed upon the Indians. I do not know that those frauds can always be prevented, but I offer this amendment in good faith as a preventive against the commission of frauds. These agents will then, at every reservation, be required to keep a book containing the itemized expenditure of every dollar, the particulars of every contract, how every dollar has been expended, how much has been received, and the Indians will have a right to look into that book, and it will be subject to public inspection. There can be no possible objection to it with honest men. I know some agents object to it. I know that some agents have not allowed such at any time to be inspected. I know that certain agents have taken the books away. There is therefore no mode by which the most outrageous frauds can be detected. I hope the Senator from Minnesota will accept the amendment I have offered.

Mr. WINDOM. I see no objection to it at present. The only objection is that this is hardly the proper place to put it. I think it had better come in another part of the bill.

Mr. ALLISON. I want to suggest to the Senator from Kentucky that I think if this amendment is made, which it is a very proper one to make, these books ought to be transmitted from one agent to another, so that there will be a record of each agency kept. I am told that it is the practice of Indian agents when they leave an agency

to carry away with them all their records. I think the records ought to be preserved at the agency.

Mr. STEVENSON. That is the intention, that they shall never be removed from the reservation.

Mr. HAMLIN. I want to make a suggestion to the Senator from Kentucky. I have read his amendment very carefully; it seems to me to be well drawn and proper, and I shall vote for it with great pleasure.

Mr. WINDOM. It ought to come at the end of section 10.

Mr. HAMLIN. The suggestion I want to make to the Senator from Kentucky is that his amendment should also contain a provision requiring copies of the charges and items entered upon that book to be transmitted to the Department here, so that we should see as well as others what have been the contracts and what have been the disbursements. We should not only provide that these books should be kept there, but that their contents should be sent here.

Mr. STEVENSON. I will withdraw the amendment for the present in order to offer it to come in hereafter at the end of section 10, where it will come in more properly. I will also add to the amendment that these books thus kept shall be handed over to the successor of each agent.

Mr. HAMLIN. The Senator, I think, has not listened to my suggestion.

Mr. STEVENSON. Yes, I heard you. I am perfectly willing to provide that transcripts of the books shall be sent to the Department here.

Mr. HAMLIN. Perfect transcripts of the accounts kept at the agency should be forwarded here quarterly.

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

The amendment was agreed to.

Mr. THURMAN. I suggest now whether we must not amend this further. Here is an appropriation bill for expenses from a given time to a given time; and certainly if there were nothing in the bill that authorized purchases to be made beforehand and the money to be paid beforehand, not a dollar of it could be drawn from the Treasury until the beginning of the fiscal year covered by the bill. It ought not to be left to implication whether that money can be drawn beforehand.

Mr. WINDOM. Will it cure the defect if we add the words "and paid for" after "purchased?"

Mr. THURMAN. Those words would do.

Mr. WINDOM. I move then to insert the words "and paid for out of the appropriation hereby made" in the amendment just adopted.

The amendment was agreed to.

Mr. THURMAN. If the committee have no further amendments, I have one that I wish to offer.

The PRESIDING OFFICER. The Committee on Indian Affairs have amendments. Does the Senator from Ohio yield to that committee?

Mr. THURMAN. Certainly, if the Committee on Indian Affairs have amendments to propose.

Mr. ALLISON. The Committee on Indian Affairs have instructed me to offer the following amendment to this bill:

On page 31, after line 736, insert:

For this amount, to pay the balance due the confederated tribes of the Kaskaskias, Peorias, Weas, and Piankeshaws, arising from the sale of trust lands by William Brindle, late receiver of public moneys at Leecompton, Kansas, \$1,209.88.

Mr. EDMUNDS. I should like to hear that explained.

Mr. ALLISON. I will say in explanation of the amendment that by treaty we are bound to pay these Indians for their lands sold by the United States and keep the proceeds in trust for them. One of the receivers of public moneys at Leecompton failed to turn over to the United States a portion of the proceeds of these sales; in other words, became a defaulter. This is to place in this trust fund the amount of the deficit.

Mr. EDMUNDS. Will the Senator kindly have the papers read which show the facts?

Mr. ALLISON. Yes, sir; I send up the papers.

The PRESIDING OFFICER. The papers sent up by the Senator from Iowa will be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR.

Washington D. C., January 19, 1875.

SIR: I have the honor to inclose herewith for the favorable action of Congress copy of a communication, dated the 14th instant, from Hon. S. S. Burdett, Commissioner of the General Land Office, inclosing an estimate of appropriation required for the confederated tribes of the Kaskaskias, &c., in the State of Kansas.

Very respectfully,

B. R. COWEN,
Acting Secretary.

HON. WILLIAM A. BUCKINGHAM,

Chairman of Committee on Indian Affairs, United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,

Washington, D. C., January 14, 1875.

SIR: In reply to your communication of the 26th instant, inclosing copy of letter addressed you by the Commissioner of Indian Affairs, bearing date December 22, 1874, requesting that I submit an estimate of appropriation for the sum of \$1,209.88, if this be the actual deficiency in the accounts of William Brindle, late receiver of public moneys at Leecompton, Kansas, on account of sales of trust lands belonging to the Kaskaskias, &c., under treaty of 1854, I have the honor to submit herewith the estimate for that amount in duplicate. It appears from the

records of this office that there is due the United States by William Brindle, late receiver, on account of sales of above-named lands, the sum of \$8,170.45 as exhibited per report to First Comptroller, No. 16382, dated April 8, 1861. It also appears from the records of the Indian Office that Receiver Brindle refunded to the United States Treasury September 3, 1861, the sum of \$142.27, which reduced the amount of deficiency to \$8,028.18. On the 3d March, 1865, Congress appropriated the sum of \$6,818.30, as held by said Brindle, from sale of those lands, and unaccounted for. (13 Statutes at large, 547.) From the above exhibit it seems that there still remains a deficiency of \$1,209.88 due the said Indians. This difference between the amount actually due at the time the appropriation by Congress was granted and the sum appropriated is accounted for by the refundment by the honorable Secretary of the Interior of balances of funds placed in his hands for investment for the benefit of the tribes, and subsequently accounted for in the Indian Office as proceeds from sales of the lands.

Very respectfully, your obedient servant,

S. S. BURDETT,
Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

Estimate of appropriation required for the confederated tribes of the Kaskaskias, &c., in the State of Kansas.

For the amount of \$1,209.88, the balance still due the confederated tribes of the Kaskaskias, Peorias, Weas, and Piankeshaws, arising from the sale of "trust lands," by William Brindle, late receiver of public moneys at Leocompton, Kansas, \$1,209.88.

Mr. EDMUNDS. Has the Senator another amendment?

Mr. ALLISON. Yes, sir.

Mr. EDMUNDS. I hope this will be passed by for a minute till I look into it.

The PRESIDING OFFICER. The amendment will be considered as withdrawn temporarily.

Mr. ALLISON. After line 1107 I move to insert:

Provided, That the sum of \$15,000, or so much thereof as may be necessary, of the amount now in the Treasury of the United States as proceeds of the sale of the Pottawatomie lands in Kansas to the Atchison, Topeka and Santa Fé Railroad, made under the direction of the Secretary of the Interior, be expended to relieve the immediate and pressing wants of the Prairie band of Pottawatomies; and the remainder of the said fund shall be invested by the Secretary of the Interior in United States bonds to be disposed of as may hereafter be provided by law.

I will explain briefly this amendment. The Pottawatomies were recently removed from the State of Kansas to the Indian Territory, and their lands were sold to the Atchison, Topeka and Santa Fé Railway. The proceeds of the sales are now in the hands of the Secretary of the Interior, amounting to \$118,000. The Pottawatomies are said to be in need of a portion of these funds. The committee have proposed out of them to allow \$15,000 for the support of the Pottawatomies, and direct that the remainder of their fund now in the hands of the Secretary of the Interior, not drawing interest, shall be invested in United States bonds and placed to their credit.

The amendment was agreed to.

Mr. ALLISON. The next amendment of the Committee on Indian Affairs is on page 76, after line 1867, to insert:

For educational purposes for the Creeks, \$2,810.

Mr. WINDOM. I think the treaty provides for \$1,000 for educational purposes. Does it not?

Mr. ALLISON. The treaty provides for \$1,000, but this covers more than a year and is very necessary.

The amendment was agreed to.

Mr. ALLISON. The next amendment is to insert after the amendment just adopted:

For this amount, or so much thereof as may be necessary, for the subsistence and support of the Arapaho, Cheyenne, Apache, Kiowa, Comanche, and Wichita Indians in the Indian Territory, \$50,000, to be available immediately.

The amendment was agreed to.

Mr. ALLISON. I offer the following amendment to come in at the same place:

For this amount, to indemnify the Pawnee Indians for four thousand and eight hundred acres of land, erroneously excluded from their reservation in Nebraska by the survey of the boundary line thereof, \$6,000.

The amendment was agreed to.

Mr. ALLISON. The Committee on Indian Affairs instruct me to offer the following amendment:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to reimburse the United States in the sum of \$24,000, by transfer from funds in the Treasury belonging to the Kaskaskia, Peoria, Wea, and Piankeshaw Indians, now to their credit under the act of Congress approved July 12, 1862, said sum being the amount advanced by the act of April 10, 1863, in the payment for certain lands purchased from the Senecas and sold to the Kaskaskias.

The amendment was agreed to.

Mr. INGALLS. I am directed by the Committee on Indian Affairs to propose the following amendment as an additional section:

SEC. —. That the Secretary of the Interior be, and he is hereby, authorized and directed to convert into cash so much of the stocks held in trust for the Chickasaw tribe of Indians as shall when sold yield the sum of \$100,000, and to pay the proceeds thereof to the treasurer of the Chickasaw Nation, to be by him distributed to relieve the pressing necessities of the members of said tribes, to be available immediately: *Provided*, That the consent of the proper authorities of said Chickasaw Nation be first obtained to this disposition of their funds.

Mr. DAVIS. I should like to hear some explanation of the necessity for that transfer of funds.

Mr. INGALLS. The Senator misapprehends the meaning and purpose of the amendment. It makes no appropriation from the Treasury, but provides for a portion of the trust funds belonging to the Indians themselves being sold for the purpose of relieving the necessities they are now laboring under.

Mr. DAVIS. Is not that fund in the Treasury?

Mr. INGALLS. That fund is in the Treasury, but belongs to the Chickasaw Nation of Indians. They have been subjected during the past season to an unexampled series of calamities. Their crops were destroyed by the same invasion of insects that affected disastrously so large a portion of the West, and many of them at the present time are in a starving condition. The legislative council of the Chickasaw Nation have passed an act requesting that this disposition should be made of part of their funds, and the agent representing them is at the present time in the city for this purpose; and this is in accordance with the express desire of the nation, communicated to us in this manner.

Mr. DAVIS. Is it in bonds or in money in the Treasury?

Mr. BOGY. Bonds. This authorizes the bonds to be sold.

Mr. INGALLS. At the request of the Senator from Vermont [Mr. EDMUNDS] I send to the desk and ask to have read the act passed by the legislative council of the Chickasaw Nation.

Mr. FRELINGHUYSEN. Before that is done I should like to know the population of that tribe.

The Secretary read as follows:

An act for the relief of the destitute and starving Chickasaws.

Whereas in consequence of the unprecedented heat and long-continued drought of the two last summers there has been an almost total failure of corn and all other crops among the Chickasaws, and all the horrors of famine are pending over a great many of them; and whereas the only available funds in the hands of the Government of the United States subject to the control of the Chickasaw legislature, with the approbation and consent of the Government of the United States, being the Chickasaw national fund held in trust by the United States Treasury for the Chickasaws; and whereas it is earnestly requested by the Chickasaw people that Congress will make an early appropriation for the payment of all debts now due the Chickasaws as arrearages of interest or otherwise, but the same cannot be made available for the relief of the Chickasaw people from famine which is inevitable unless aided with means to purchase supplies before winter: Therefore,

Be it enacted by the legislature of the Chickasaw Nation, That the sum of \$100,000 be, and the same is hereby, withdrawn from the Chickasaw fund held in trust by the United States Treasury for the Chickasaws, and the President of the United States, is hereby requested to cause so much of said stocks as may be necessary to yield the sum of \$100,000 to be converted into cash, and the same paid over to the national treasurer of the Chickasaw Nation through a legal authorized United States agent for the Chickasaw Indians, the same to be distributed among the Chickasaw people by the directions and authority of the Chickasaw Legislature.

SEC. 2. *Be it further enacted*, That immediately after the passage of this act, the governor of the Chickasaw Nation be, and he is hereby, authorized and requested to furnish a copy of this act to the President of the United States, and communicate through his office with the President of the United States, stating in full the indispensable necessity of demanding immediate relief for the Chickasaws, as much so as the Southern States did in the overflow of last spring in the Mississippi River.

SEC. 3. *Be it further enacted*, That this act take effect from and after its passage. Approved October 5, 1874, by

B. F. OVERTON,
Governor.

I hereby certify that the above is a true and correct copy of an act passed at the Chickasaw Legislature on the 5th day of October, 1874.

CHARLES E. GOODING,
National Secretary.

Mr. INGALLS. In response to the inquiry made by the Senator from New Jersey, I would state to him that the number of the Chickasaws is about six thousand; that they reside in the southeastern portion of the Indian Territory, and they have stocks held in trust by the Secretary of the Interior to the amount of \$1,261,996.73.

The amendment was agreed to.

Mr. ALLISON. The first amendment I offered was passed over at the request of the Senator from Vermont. The Senator from Vermont, after examining the statute and the letter of the Commissioner of the General Land Office, seems to have some doubt as to the amendment, and for the purpose of solving that doubt I withdraw it, as it will probably keep until next year.

Mr. STEWART. I offer the following amendment: to strike out from line 1702 to 1707 inclusive, as follows:

For the general incidental expenses of the Indian service in Nevada, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, \$15,000.

And in lieu thereof to insert the words which I send to the Chair.

The Chief Clerk read the words proposed to be inserted, as follows:

For the payment of debts contracted by G. W. Ingalls, agent on the Pi-Ute reservation, in Southeastern Nevada, as follows:

To Jennings & Moffatt.....	\$2,754 25
To Jacobs & Sutton.....	1,430 57
To A. Woods.....	224 00
To Frank Carey.....	95 00
To P. S. Johnson.....	115 00
To J. Bennett & Co.....	375 00
To William Knapp.....	75 00
To E. Brown & Co.....	24 80
To Papperson & Lassell.....	1,576 20
To William Hill.....	1,354 38
To J. R. McGarrigle.....	250 00
To A. Bishop.....	325 00
To A. Frye.....	732 75
To W. R. Hamilton & Co.....	592 38
To Belding & Co.....	487 17
To A. Nebeker.....	1,364 51
To A. Spillsburg.....	75 00
To William Hyndman.....	125 00

Mr. WINDOM. I raise the point of order on that amendment. There are sundry and divers private claims in it, and it has not been referred to any committee or examined by any committee.

Mr. STEWART. I want the amendment read anyhow. I am entitled to that. Let it be read.

The PRESIDING OFFICER. The amendment will be read through.

The Chief Clerk resumed and concluded the reading of the amendment, as follows:

In all \$11,876.01; which appropriation shall be available from the passage of this act.

For the general incidental expenses of the Pi-Ute reservation in Southeastern Nevada, presents of goods, agricultural implements, and other useful articles, and to assist them to sustain themselves in permanent abodes by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, \$20,000, \$10,000 of which amount shall be available from the passage of this act for the remainder of the fiscal year ending June 30, 1875; and the Pi-Ute reservation in Southeastern Nevada is hereby reduced to one thousand acres, to be selected by the agent, A. J. Barnes, in a compact body; and when such selection shall have been made he shall report the same to the Secretary of the Interior, and the remaining portion of said reservation, after said selection shall have been made, shall be and remain a part of the public domain, subject to the laws of the United States in the same manner as it would have been if no reservation had ever been made: *Provided*, That the claims of no settler shall be included in the reservation to be selected under the provisions of this act.

For the general incidental expenses of the Walker River and Pyramid Lake reservations in Nevada, presents of goods, agricultural implements, and other useful articles, and to assist them to sustain themselves in permanent abodes by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, \$12,000.

Mr. WINDOM. I raise the point of order on the amendment. It provides for private claims, and there is no authority for it.

Mr. STEWART. Let me explain it. Withdraw the point of order so that I can explain.

Mr. WINDOM. I withdraw it to allow the Senator to explain.

The PRESIDING OFFICER. Does the Senator from Minnesota waive the point of order or insist on it?

Mr. WINDOM. I waive it for the moment.

Mr. STEWART. I wish the Senate to listen to me. In Eastern Nevada a reservation was declared by the Department which covered an area of country as large as many of the smaller States. That country has a very few peaceable Indians in it, and a few pieces of good agricultural land. It is principally a mining country. It included a large number of settlers, and there was an estimate here of some \$30,000 or \$40,000 to be paid to settlers. A man by the name of Ingalls had charge of it. There was an immense scheme recommended to the Department for a large appropriation and it threatened very soon to get up into the hundreds of thousands of dollars. I opposed it and opposed the appropriation because I did not want the State of Nevada scandalized by the thing that was then put up. They then wanted payment of the debts that had been contracted by Ingalls. They got an appropriation in the deficiency bill for a part of them, in gross. I was unwilling to make any appropriation in gross, and I opposed that, and I required that they should send the names of the parties with their accounts sworn to. I have the accounts here. I have looked them all over, and the amendment contains a list of the accounts I propose to pay, so that the agent can start on a square basis and pay the parties that were contracted with. I have tried to find out who the debts were owing to. I do not include all the claims, but all that come properly authenticated; and the amount is \$11,000. The debts were contracted by Mr. Ingalls without any authority of law. It is necessary, I say, to appropriate to pay them before he can go there on a square basis and do any business whatever. The people will not tolerate him if he goes there without paying these debts.

Then I provide \$20,000 for a start. He ought not to have after this more than \$10,000 a year. The first year I provide for \$20,000. The agent thought he ought to have about \$25,000, but I think that he has estimated the articles he wants to purchase too high. From my knowledge of the country I think a man can get along with \$20,000 and start the farm.

Mr. EDMUNDS. Is this recommended by the Department?

Mr. STEWART. My amendment is not recommended by the Department. They approve of the payment of these bills, but the amendment is not recommended by the Department. I do not know whether the Department would like to have it done this way or not, but the enormous reservation there I have cut down to a thousand acres. I do not propose to buy any land; there is enough public land there, and the agent informs me that he can select a thousand acres of good land. I know that is more than he can cultivate or will cultivate in the next ten years, but I am willing that he shall have a liberal amount. I do not want him to have a country as large as the State of Texas because we want to mine in that country.

Then as to the other two reservations I have reduced the amount from \$15,000 to \$12,000. I think \$12,000 will be enough for them, and \$20,000 will start this and after that \$10,000 a year will be ample in my opinion to do everything that can be done in that direction for the Indians. If any appropriation is to be made at all for Eastern Nevada to go on, it is necessary before the agent shall go there that he shall pay these debts. If the point of order is made and sustained and the debts cannot be paid, we do not want the amendment because there is no use of the agent going there. If he goes there after the promises that have been made without the means to pay these debts, the whole community will be against him and he will have no show at all. If he goes on a cash basis as an honest man and takes a reasonable farm for the Indians, he can do some good.

If the Senator having charge of this appropriation bill wants to make a technical objection to this amendment, let it go.

Mr. WINDOM. I raise the point of order that this provides for private claims.

The PRESIDING OFFICER. In the opinion of the Chair the point is well taken.

Mr. McCREERY. I offer an amendment, and I will remark that I have not had time to examine it very carefully myself but that my colleague two years ago was a member of the Committee on Indian Affairs and made a thorough investigation. The Indians are very much in need of the money at this time and I will thank my colleague to make a statement of the case.

The PRESIDING OFFICER. The amendment of the Senator from Kentucky will be read.

The SECRETARY. It is proposed to insert as an additional section:

SEC. —. That the Secretary of the Treasury is hereby authorized and required to pay to the Chickasaw tribe or nation of Indians the following arrears of interest due to said tribe or nation, to wit: Arrears of interest on \$90,000, Arkansas 6 per cent. bonds, from July 1, 1852, to July 1, 1866, \$75,600; arrears of interest on \$616,000, Tennessee 6 per cent. bonds, from January 1, 1861, to July 1, 1866, \$203,230; arrears of interest on \$66,666.66, Tennessee 5½ per cent. bonds, from January 25, 1861, to July 1, 1866, \$19,010.25; and that the same be paid to said tribe or nation of Indians in bonds of the United States of any issue authorized by law, and bearing 5 per cent. per annum: *Provided, however*, That said bonds shall not be delivered until the Legislature of the Chickasaw Nation shall, by law duly enacted, and certified to the Secretary of the Treasury, agree to accept said bonds in lieu of the several amounts due said nation in money as aforesaid on Arkansas and Tennessee bonds or stocks now held in trust by the Secretary of the Interior for said tribe or nation of Indians.

Mr. STEVENSON. Mr. President—

Mr. WINDOM. I will reserve the point of order that I wish to make until the Senator has the opportunity to make a statement, if he desires.

Mr. STEVENSON. If there is to be a point of order raised let it be now, before I speak. This is on an Indian bill. This claim is as just as one as the Government ever became liable for. When I was on the Indian Committee some years ago the Senator from New Jersey [Mr. FRELINGHUYSEN] and myself were a sub-committee to investigate this claim of the Chickasaws against the United States. We found the following state of facts to exist: By the treaty known as the Pontotoc treaty, between the United States and the Chickasaws, it was provided in the eleventh article—

The Chickasaw Nation have determined to create a perpetual fund, for the use of the nation forever, out of the proceeds of the country now ceded away. And for that purpose they propose to invest a large proportion of the money arising from the sale of the land in some safe and valuable stocks, which will bring them in an annual interest or dividend, to be used for all national purposes, leaving the principal untouched, intending to use the interest alone. It is therefore proposed by the Chickasaws, and agreed to, that the sum to be laid out in stocks as above mentioned, shall be left with the Government of the United States, until it can be laid out under the direction of the President of the United States, by and with the advice and consent of the Senate, in such safe and valuable stock as he may approve of, for the use and benefit of the Chickasaw Nation. The sum thus to be invested shall be equal to at least three-fourths of the whole net proceeds of the sales of the lands, and as much more as the nation may determine, if there shall be a surplus after supplying all the national wants.

The obligation of the United States arises under the eleventh article of this treaty. This money has never been paid. It is justly due. It has been estimated for by the Department. The United States took the proceeds of the lands of the Chickasaws and invested them in the State bonds of Tennessee and Arkansas. For many years those bonds were left in the Treasury of the United States, and the Treasury collected the interest on the bonds, but after some time the interest on the bonds was not paid. The United States then kept up the interest until the war or till a short time before the war. I read from a report of the Acting Secretary of the Interior, dated April 13, 1872:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 13, 1872.

SIR: I have the honor to submit herewith an estimate of appropriation required to pay the Chickasaw Nation of Indians the balance remaining due and unpaid on certain Arkansas and Tennessee State bonds held in trust by this Department for the benefit of said Indians, amounting in all to the sum of \$297,890.25.

The accompanying copies of the report of the Commissioner of Indian Affairs and other papers, it is believed, furnish full information upon the subject.

By the tenth article of the treaty concluded April 23, 1866, with the Choctaws and Chickasaws, (14 Statutes at Large, 769,) it appears that the United States reaffirmed "all obligations arising out of the treaty stipulations or acts of legislation with regard to the Choctaw and Chickasaw Nations entered into prior to the late rebellion."

In my opinion the provisions of the above article cover this case, and I therefore respectfully request the favorable action of Congress upon the estimate.

I am, sir, very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

HON. JAMES G. BLAINE,
Speaker of the House of Representatives.

When the war came on these Indians, the Chickasaws, were involved in the rebellion, and they were deemed disloyal. Thereupon Congress passed an act in 1862, which will be found in the twelfth volume of the Statutes at Large, page 529, in which they declared—

That in cases where the tribal organization of any Indian tribe shall be in actual hostility to the United States, the President is hereby authorized, by proclamation, to declare all treaties with such tribe to be abrogated by such tribe, if in his opinion the same can be done consistently with good faith and legal and national obligations.

That act was passed on July 5, 1862. The President, as it seems, was authorized to abrogate this treaty if he thought it was proper to do so. He never did think it was proper; he never took any action

pro or con in the abrogation of the treaty; but in 1866 the tenth article of the treaty then made with the Chickasaws—

Reaffirms all obligations arising out of treaty stipulations or acts of legislation with regard to the Choctaw and Chickasaw Nations entered into prior to the late rebellion and in force at that time not inconsistent herewith, and further agrees to renew the payment of all annuities and other moneys accruing under such treaty stipulations and acts of legislation from and after the close of the fiscal year ending on the 30th of June in the year 1866.

This refers to payments which had been suspended by the rebellion. There was a reaffirmance and a solemn promise on the part of the United States to pay this trust debt; but even without that for the honor of the United States and in furtherance of well-recognized principles of law no act of war, unless a nation should choose to confiscate when peace was restored, would justify the confiscation of all trust funds.

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

Mr. McCREERY. I will give my colleague five minutes of my time.

The PRESIDING OFFICER. The Senator from Kentucky yields to his colleague.

Mr. STEVENSON. I was going to say that these were trust funds, the United States being the naked holder of the title, with a solemn obligation to pay the interest on these bonds; and I say that without the treaty of 1866 the United States would have been in honor bound to pay it to these Indians. They have gone without that money.

Here is the recommendation of the Department. I attempted when I was on the Committee on Indian Affairs to put it upon a deficiency bill. I think it ought to have gone on that deficiency bill. I was then met toward the close of the session with the objection that I ought to put it on the Indian bill, that that was the appropriate place for it, and accordingly I support the suggestion of my colleague on this bill and say that this is a just debt which ought to be paid.

Mr. President, how can we ever expect to maintain the national faith with one set of nations if we disregard it to these poor red men who are our own wards? If the other contracting party had been Great Britain or any civilized nation, they would not have waited one year. They would have pointed to that treaty and said: "Here is your obligation; we demand its fulfillment;" and we would have been ready to cry out "No matter what the taxes are, let us support the national faith." These men, whose lands we bought and of the proceeds of which we agreed to become the trustees, confided in our honor, trusted to our faith, and asked us to invest this money due by the Government to them in a perpetual fund, the interest of which was to be paid to them. The United States did annually pay it up to the period of the war. With what face can the Congress of the United States say that this is a stale claim?

Mr. BAYARD. I would ask my friend from Kentucky to state the circumstances of what he calls a trust. At one time he has termed the fund a debt due to the Indians, and at another time he has said it was a mere trust fund in the hands of the United States for the use of the Indians.

Mr. STEVENSON. Let me explain to my friend. The United States bought from the Chickasaws a large quantity of lands at a specified price, amounting to so many hundred thousand dollars.

Mr. BAYARD. How much?

Mr. STEVENSON. I do not remember now, but I could turn to it. It is a large amount.

Mr. BAYARD. Does the amendment specify the amount?

Mr. STEVENSON. This is for interest. I was going on to tell my friend how this debt arose. The Chickasaws, not desiring this large amount of money, asked the United States to hold it in trust for them:

The Chickasaw Nation have determined to create a perpetual fund, for the use of the Nation forever, out of the proceeds of the land ceded to the United States—

Mr. BAYARD. From what does the Senator read?

Mr. STEVENSON. From the treaty, the eleventh article, which answers the question; and for that purpose they proposed to invest a large amount of the money received from the sale of the land—

in some safe and valuable stocks, which will bring them in an annual interest or dividend, to be used for all national purposes, leaving the principal untouched, intending to use the interest alone. It is therefore proposed by the Chickasaws, and agreed to, that the sum to be laid out in stocks, as above mentioned, shall be left with the Government of the United States until it can be laid out under the direction of the President of the United States, by and with the advice and consent of the Senate, in such safe and valuable stock as he may approve of, for the use and benefit of the Chickasaw Nation.

The United States, instead of paying them this money, agreed to take the position of trustee, the Government binding itself to invest the money in bonds and to pay the interest annually to the Indians.

Mr. THURMAN. Will my friend allow me to interrupt him a moment?

Mr. STEVENSON. Certainly.

Mr. THURMAN. What he has read shows that the Government undertook to pay interest itself until the President with the advice and consent of the Senate invested the fund; but when the Government invested, the doubt is whether anything in the treaty makes the Government responsible for the interest.

Mr. STEVENSON. Yes, sir.

Mr. THURMAN. That is what I want to know. Did the Government discharge its trust when in good faith it invested the fund in what it considered to be a safe and productive stock? Or did it

agree to guarantee that the interest should be paid on that stock?

Mr. STEVENSON. I was answering my friend from Delaware, and I had not got through so as to explain to him what this sum was for.

The PRESIDING OFFICER. The Chair must remind the Senator that his time has expired.

Mr. THURMAN. I wish to say that I feel very much interested in the remarks that are being made by my friend from Kentucky, and with one more question which I want him to answer, I will, according to the usage, yield the rest of my five minutes to him. I wish to know precisely the time for which this interest has not been paid by the Government, and whether the Government has paid it since the new treaty from 1866. Now I yield to him.

Mr. WINDOM. Is it in order to yield time in this way?

Mr. THURMAN. That has been the custom.

Mr. BAYARD. There is no doubt about that. I wish to be informed on this subject, because by the statement of the Senator from Kentucky, if it be true that there is a debt not simply of money but of honorable obligation, involving the creation of a trust to these poor people—

Mr. WINDOM. I raise a point of order that a Senator cannot yield his time in this way.

The PRESIDING OFFICER. The Chair is not aware that a ruling has been made in the Senate as to the right of a Senator to yield his time.

Mr. BAYARD. May I ask did I not obtain the floor regularly?

The PRESIDING OFFICER. The Senator from Ohio was on the floor and proposed to yield his time to the Senator from Kentucky, when the question was raised whether a Senator could yield his time under the five-minute rule.

Mr. BAYARD. That has been done so constantly that I took it for granted. The object was not to waste time by having a longer period than five minutes for debate; but if a Senator chooses to allow another to occupy that portion of the time allotted to him, it has been the custom to allow it, and it has been done ever since the rule was adopted.

Mr. THURMAN. The Senator from Kentucky [Mr. McCREERY] took the floor and he yielded his five minutes to his colleague.

The PRESIDING OFFICER. Very true, with the assent of the Chair, who recognized it; and unless corrected by the Senate the Chair will hold that it is admissible.

Mr. THURMAN. The only effect of my yielding my time to my friend is that I cannot speak on this amendment.

Mr. EDMUNDS. Let it be done by unanimous consent. I do not want such a precedent set.

Mr. WINDOM. I raise the point of order that the amendment provides for a private claim.

The PRESIDING OFFICER. In the opinion of the Chair the point is well taken.

Mr. STEVENSON. I shall appeal. Is the question of order debatable?

The PRESIDING OFFICER. An appeal is taken.

Mr. STEVENSON. Does the Chair say that a provision for the payment of a treaty stipulation is a private claim?

The PRESIDING OFFICER. The Chair rules that the amendment provides for a private claim. That is the opinion of the Chair. The Senator appeals from the decision of the Chair, and the question will be whether the opinion of the Chair shall stand as the judgment of the Senate. The appeal is debatable.

Mr. MORRILL, of Maine. If the Senator from Kentucky will allow me—

Mr. STEVENSON. I do not understand this one-sided legislation. The Senator from Minnesota puts in a private claim to pay a Methodist church for a land patent. Is not that a private claim?

Mr. WINDOM. It is under a treaty, as I understand.

Mr. STEVENSON. So is this under a treaty.

Mr. WINDOM. That was to carry out the provisions of a treaty.

Mr. STEVENSON. This is to carry out the provisions of a treaty.

Mr. WINDOM. I have not seen the treaty that this is to carry out.

Mr. STEVENSON. And it was recommended by a Department of the Government. If that is the ruling of the Chair, then we shall take exception to various items of this bill which were permitted to go on. If the Chair's ruling is to be sustained it will cut off half a dozen items.

Mr. WINDOM. Very well.

Mr. MORRILL, of Maine. Let me inquire whether this amendment comes from any committee?

Mr. STEVENSON. I did not offer the amendment; my colleague offered it. I understand it was offered from the Committee on Indian Affairs, but I do not know.

Mr. McCREERY. No. I understand that it passed the Committee on Indian Affairs at a previous session, before I became a member.

Mr. MORRILL, of Maine. It is not recommended by the committee now?

Mr. McCREERY. No, sir.

Mr. MORRILL, of Maine. Then it is not in order for that reason.

The PRESIDING OFFICER. If it does not come from the Committee on Indian Affairs or any other committee, it is out of order for that reason.

Mr. McCREERY. I call the attention of the chairman of the Committee on Appropriations to the fact that it was referred to his own committee some three or four days ago.

Mr. MORRILL, of Maine. That may be; but it must come from some committee and be recommended before it is referred. It must necessarily be recommended by some standing committee of the body in order to bring it within the rule.

Mr. BAYARD. Is that the rule?

The PRESIDING OFFICER. The Chair understands that to be the rule.

Mr. INGALLS. I hope the Chair will not pass on that question without further examination.

The PRESIDING OFFICER. The Chair is anxious for light on that matter.

Mr. INGALLS. A decision of that question in my judgment would be entirely outside of the terms of the rule. What is it?

No amendment proposing additional appropriations shall be received to any general appropriation bill unless it be made to carry out the provisions of some existing law or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing or select committee of the Senate, or in pursuance of an estimate from the head of some of the Departments.

Those are all in the disjunctive, and any amendment may be offered under any one of these clauses which I have read. Therefore it seems to me that the Chair, in holding that no amendment can be offered unless reported from a standing or select committee, is certainly going far beyond the meaning and the purposes of the rule.

The PRESIDING OFFICER. The second branch of the rule reads:

All amendments to general appropriation bills reported from committees of the Senate, proposing new items of appropriation, shall, one day before they are offered, be referred to the Committee on Appropriations, and all general appropriation bills shall be referred to the said committee; and in like manner notice of amendments to bills making appropriations for rivers and harbors shall be given and referred to the committee to which such bills shall be referred.

Mr. BAYARD. These requirements have been met in the present case, and I would draw the attention of the Senate and of the Chair to the preceding section of that rule:

No amendment proposing additional appropriations shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing or select committee of the Senate, or in pursuance of an estimate from the head of some of the Departments; and no amendment shall be received whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law or a treaty stipulation.

It seems to me very clear that under the Constitution treaties and laws are held in equal dignity, bearing their force entirely in accordance with the priority of duty. A preceding law is repealed by a subsequent treaty; a preceding treaty is repealed by a subsequent law. That is the rule in our courts. Here, when we are considering the rules of the Senate, it seems to me that the same reasoning must apply. This, therefore, is an amendment, according to the statement made by the Senator from Kentucky, to carry out the provisions of an existing treaty, and if there be a question whether the words "existing law" do not embrace that, it seems to me the defect is entirely cured by the subsequent portion of the paragraph—

Unless it be to carry out the provisions of existing law or a treaty stipulation.

The meaning is plain. If the argument of the Senator from Kentucky is to have weight, it must be that the amendment he proposes is to carry out a treaty stipulation pre-existing. Whether it does or does not is a question for the Senate to determine, and if it does it clearly to my mind is within the meaning of this rule.

I should like to have heard more before the technical point of order was raised in regard to this amendment. I should like to have the Senator from Kentucky clear up certain facts in regard to the matter to show that there was, if not a legal, an equitable claim upon the Government of the United States to execute a trust respecting moneys left in its hands by this tribe of Indians under treaty stipulation. I am well aware, and I am sorry to say, that Indian treaties have not been held quite so sacred and obligatory as treaties with those who are better able to defend themselves. If that has been heretofore the basis of legislation, it ought now to cease, because it is certainly not respectable, to say the least.

Therefore, Mr. President, it seems to me that the point of order is not well taken; that the rule entirely sustains the amendment which has been offered; and the only question is whether or not the amendment is within the language of the rule; whether this is an amendment which is carrying into effect the provisions of any existing treaty stipulation. If it does, it is perfectly plain and clear that it has a right to be on this bill, and then, being on the bill legitimately, the question will be whether the Senate will decide to pass it as they do any other measure proper for their consideration. I submit, then, that the point made by the honorable Senator from Minnesota is not well taken, and that the amendment offered by the honorable Senator from Kentucky is properly before the Senate.

The PRESIDING OFFICER. In order that the ruling of the Chair may be understood, he will remark that by the thirtieth rule there are four cases in which, and in which only, an amendment to an appropriation bill can be offered increasing the appropriation. One is "to carry out the provisions of some existing law." That that does not mean "existing treaty" is obvious from the last line of the first clause, where it is said that an amendment for a private claim shall not be received "unless it be to carry out the provisions of an existing law

or treaty stipulation." In the same paragraph there is a distinction drawn between an existing law and a treaty stipulation. Consequently where the words "existing law" first occur they do not mean a treaty stipulation.

The second case in which an amendment may be offered is where it is to carry out "some act or resolution previously passed by the Senate during that session." It is not a law because it may not have passed the House or received the approval of the President, but still an amendment is allowed to carry out such act or resolution.

The next case is, "or moved by direction of a standing or select committee."

The Chair does not understand that either of these three cases has happened. The fourth is, "or in pursuance of an estimate from the head of some of the Departments." If the amendment comes within either of these heads it is in order, but otherwise it is not. But the rule goes further and says "a private claim shall not even then be in order, unless it be to carry out the provisions of an existing law or treaty stipulation." Therefore the Chair rules this amendment out of order.

Mr. THURMAN. I beg leave to appeal from that decision, and I wish to say a word on this question of order.

Mr. INGALLS. Allow me one moment. I should like to call the attention of the Chair to one fact.

Mr. THURMAN. I wish the Senator would allow me to proceed; I will take but little time. In the first place, I do not agree that this is a private claim within the meaning of this rule. What is a private claim? This Chickasaw Nation is regarded by us as a distinct quasi nation, so far clothed with the attributes of nationality that it is competent to make a treaty with us. In that respect it stands precisely on as high a footing as would Great Britain or France. Now would an amendment offered to this bill providing for the payment of a debt due by us to Great Britain or to France be a private claim? Is that the meaning of the rule? Manifestly it is not. "Private claim" means the claim of some individual or corporation or body not clothed with the attributes of nationality. It cannot be that this term "private claim," in this rule, applies to a nation, applies to a claim made by Great Britain or France or by an Indian tribe capable of making treaties with us.

Mr. EDMUNDS. May I ask the Senator a question? Does he mean to say that the word "private" there, as distinct from "public," refers to the person who makes the claim instead of to the claim itself?

Mr. THURMAN. I do not take the distinction which the Senator seeks to draw. Why, sir, to provide for paying money which we owe by treaty to a foreign power is not a private claim. It cannot be made to be a private claim. But, again, what is the argument of the Senator from Kentucky and which we must hear before we can decide? The Senator insists that the payment of this money is necessary in order to carry out both the provisions of the existing law and a treaty stipulation. He insists that there are laws on the statute-book; he has them here on his desk ready to read to the Senate to show that under existing law we are bound to pay this money. Whether he will be able to maintain that, or not, I do not know; but that is what he has said and he is ready to show the treaty stipulation under which he claims that we are bound to pay the money. Then if you call it a private claim is it not a private claim which may be moved in order to carry out the provisions of an existing law which he is ready to cite to the Senate, or a treaty stipulation which he has cited? How can there be any doubt about that? Whether he will be able to maintain his proposition or not, I do not know; but we cannot decide that proposition on a question of order. We cannot cut off the very proof of that which would bring it within the rule, on a question of order. I submit, therefore, that this amendment is perfectly in order.

What is meant by "existing law?" It certainly is not meant an appropriation by existing law; for if there were an appropriation by existing law the amendment would be wholly unnecessary. It is only meant that the claim is ascertained by existing law to be a valid claim, that Congress has once passed on the validity of the claim, and all that remains is to pay it. That is the meaning of the term "existing law" here. And now the Senator professes his ability to show us that the claim is provided for by existing law, and that all we have to do is to pay it. Whether he will be able to do that or not I do not know.

Mr. INGALLS. Had the Senator from Ohio been willing to listen to the remark I desired to make, I presume he would have been spared the necessity for his argument. I hold in my hand a letter from the Secretary of the Treasury, transmitting estimates of appropriations required for the service of the fiscal year ending June 30, 1876, published as an executive document of House of Representatives, No. 5, and upon the ninety-eighth page of this volume, under the head of "estimates of appropriations for the Indian service," appear the three following items:

Arrears of interest on \$90,000 Arkansas 6 per cent. bonds, from July 1, 1852, to July 1, 1866, fourteen years.....	\$75,600 00
Arrears of interest on \$616,000 Tennessee 6 per cent. bonds, from January 1, 1861, to July 1, 1866, five and a half years.....	203,280 00
Arrears of interest on \$66,666.66 Tennessee 5½ per cent. bonds, from January 25, 1861, to July 1, 1866, five years and one hundred and fifty-seven days.....	19,010 25
Total.....	313,630 25

So that this has been submitted as an estimate from the head of a Department and is plainly in order under the rule.

Mr. EDMUNDS. Not if it is a private claim. That is the very question.

Mr. SHERMAN. It seems to me perfectly clear, notwithstanding the statement of the Senator from Kansas, that this is a private claim and that it is not embraced in any treaty stipulation, and I think the treaty itself shows that as clearly as anything can. The fact that it is contained in the estimates of appropriations does not affect the question at all.

The only question is, is this a claim which we are required to pay by the terms of a treaty? The treaties to which we are referred do not provide for any such claim at all. They do not contemplate that such a claim can arise. On the contrary, the treaty now before me provides that this fund shall be invested by the United States in stocks, and it seems from the amendment itself that the United States did comply with this stipulation by investing this fund in stocks. That is all the stipulation contained in the treaty read by the Senator from Kentucky.

Mr. STEVENSON. I was cut off in my argument. I have investigated this thing from top to bottom. The Senator is only commenting on the first treaty, when there have been two.

Mr. EDMUNDS. The second treaty does not help the case a bit.

Mr. SHERMAN. I have to take the case as it is before us.

Mr. STEVENSON. I was stopped in my statement.

Mr. SHERMAN. Article 11 expressly provides that the United States shall invest this money for the benefit of the Indians in certain stocks. Recognizing this fund as the money of the Indians, the United States was simply to invest the fund in certain stocks, and those stocks are named in the amendment. There is nothing in the world in this treaty which requires us to pay the interest on these stocks or to make good the failure of the makers of these bonds; there is nothing that requires us to guarantee the bonds. There is nothing at all in the eleventh article of this treaty which can require us to pay the interest on these bonds. What we are bound to do under the treaty is to invest in the bonds with the consent of the Indians; and that, it seems, has been done. Then, after all, there is nothing in the treaty that has been read to us which requires us to pay this money. There may be other treaties; but if so, they are not before us.

At all events we ought not to put this amendment upon an appropriation bill until it has been examined carefully by a committee of this body. If we are bound to pay this money, if we are guarantors of this investment, we ought to pay it and ought not to hesitate to pay it; but the fact that so many years have elapsed since this interest accrued, very many years indeed, going back, I think, to 1853, and the fact that this money was not paid from 1853 to this time, is strong presumptive evidence at least that we are not bound to make good the interest of this fund. The fact that it was not paid from 1853 down to 1866 is sufficient evidence that there is enough in this case to prevent us from paying this large sum of money until we have a full and fair investigation and a separate bill on the subject and the report of a committee.

All I desire to say is that it is clear on the face of the treaty read to us that this is not a claim growing out of a treaty. If there is any claim at all it is a claim against the United States as a trustee for not taking due care in the administration of a trust. All the treaty required us to do was to invest that money. It may be that there are other treaties.

Mr. STEVENSON. On the question of order I wish to say a word. I have not said anything I believe upon it.

My colleague offered this amendment and asked me to make a statement in regard to it. I said if my friend from Minnesota was going to make a point of order, I would not speak. He got up then and said, "I waive my point of order and will hear the Senator."

Mr. WINDOM. I did, and under the rule of the Senate he had the right to speak five minutes. His colleague got the floor and yielded to him, and he spoke five minutes more. The indications were that the debate was going on all night, and I renewed the point of order which I had simply waived.

Mr. STEVENSON. I am not complaining, but it is most extraordinary when I told the Senator from Ohio that I was not half through the case that he should go off on one point. Let me tell him that this treaty was modified twice, and the United States solemnly pledged itself to invest in these bonds and to keep the interest at par annually, and that this Government has for a half dozen years yearly made appropriations to keep this fund up since 1866. Now, why does he talk about 1853? This estimate is only from 1866 back, and it was paid since that time subsequent to the war.

Now I will go on with my statement. I had only got to the eleventh article of the treaty of 1833. That was ratified by articles of convention and agreement entered into between the United States and the Chickasaws on the 24th of May, 1834, and ratified by the United States and the Indians on the 1st of July, 1834. (7 Statutes at Large, 450.)

The eleventh article of this treaty, after referring to the manner in which the lands shall be sold, provides that the Government of the United States, within six months after any public sale, shall advise the Chickasaws of the receipts and expenditures and of balances in their favor; and that at regular intervals of six months, after the

first report is made, the Chickasaws shall be informed of the proceeds of all entries and sales; and declares further, that—

The funds thence resulting, after the necessary expenses of surveying and selling, and other advances which may be made, are repaid to the United States, shall from time to time be invested in some secure stock, redeemable within a period of not more than twenty years; and the United States will cause the interest arising therefrom annually to be paid to the Chickasaws.

In view of the constitutional provision that no money shall be drawn from the United States Treasury without an appropriation therefor by act of Congress, the legislative department of the Government, by the act of April 20, 1835, (5 Statutes at Large, 10,) pointed out the means for carrying into effect the treaties with the Chickasaws. The first section of this act declares that moneys received by the United States for lands shall be paid into the United States Treasury; and the third section enacts that "all investments of stocks required by the said treaty shall be made under the direction of the President." Pursuant to the provisions of the third section of this act, the President directed that investments should be made by the Secretary of the Treasury.

The Chickasaws, reposing confidence in the wisdom and integrity of the Government of the United States, reaffirmed their trust and confidence in their treaty of June 22, 1852, (10 Statutes at Large, 974,) in article 5 of which treaty it is declared that—

The Chickasaws are desirous that the whole amount of their national fund shall remain with the United States in trust for the benefit of their people, and that the same shall on no account be diminished—

Now, will the Senator from Ohio listen?—

and it was therefore agreed that the United States shall continue to hold said fund in trust, as aforesaid, and shall constantly keep the same invested in safe and profitable stocks, the interest upon which shall be annually paid to the Chickasaw Nation.

There is the guarantee; there is the language of the treaty by which the United States became solemnly the guarantor of this fund, and this amendment offered by my colleague is to make that interest thus assumed and thus guaranteed good. The Government went on and paid it year by year for sometime; and when it became past due, F. A. Walker, Commissioner of Indian Affairs in 1872, wrote this letter:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 9, 1872.

SIR: Referring to office report of the 29th ultimo, in relation to appropriations made by Congress for arrears of interest on certain State stocks held in trust by the honorable Secretary of the Interior as a portion of the Chickasaw national fund; also, to a communication from the honorable Secretary of the Treasury, dated the 4th instant, in relation to the same subject, (copy herewith "A.") I have the honor to transmit a statement (inclosure "B") showing a balance found due and unpaid on account of arrears of interest on Arkansas and Tennessee State bonds, accruing while said bonds were held in trust by the Secretary of the Treasury, and from which it will appear that there is due and unpaid—

On \$90,000 6 per cent. bonds of the State of Arkansas from January 1, 1842, to July 1, 1866, the sum of.....	\$75,600 00
On \$616,000 6 per cent. bonds of the State of Tennessee from January 1, 1861, to July 1, 1866, the sum of.....	203,280 00
On \$66,666.66 5 1/2 per cent. bonds of the State of Tennessee from January 25, 1861, to July 1, 1866, the sum of.....	19,010 25

Amounting in the aggregate to..... 297,890 25

It will be seen by reference to the inclosed statement that the advances made by Congress for a portion of the arrears of interest on the \$90,000 Arkansas bonds, amounting to \$56,700, has been deducted from the amount of interest.

What does the Senator from Ohio say to that when he talks about stale claims? The chairman of the Finance Committee stands up to say that this is a stale claim, when treaty after treaty and act after act pledges the faith of the United States as a trustee to pay. Why, sir, it is because the Indians are poor red men? Would the Senator take that position if it were a foreign nation? No sir; it is not a stale claim. But I go on with Mr. Walker's letter:

I herewith inclose an estimate of appropriation required to pay the Chickasaw Indians the amount remaining due and unpaid on the Arkansas and Tennessee bonds held in trust for them as herein stated, and respectfully recommend that the matter be laid before Congress for its action.

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

The PRESIDING OFFICER. The Chair must remind the Senator that his time has again expired.

Mr. STEVENSON. But this is a question of order. There is no time on that.

The PRESIDING OFFICER. In the opinion of the Chair the rule applies.

Mr. STEVENSON. I am very unfortunate. I have never been allowed to make a statement but I have been interrupted.

The PRESIDING OFFICER. The Chair regrets to interrupt the Senator, but is obliged to enforce the rules as he understands them.

Mr. EDMUNDS. I ask unanimous consent that the Senator from Kentucky may finish his remarks. I dare say he will not be long.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENSON. I will not go on.

Mr. BAYARD. Is it a violation of the rule?

Mr. STEVENSON. I do not believe it is.

The PRESIDING OFFICER. In the judgment of the Chair when the Senate is under the five-minute rule all debate is confined to the same limit.

Mr. WINDOM. In order to bring the Senate to a vote on this question, I move to lay the appeal on the table.

Mr. MERRIMON. It is now a quarter to eleven o'clock. The Senate is thin. It is manifest that we cannot get through with this bill to-night. I move that the Senate adjourn.

Mr. WINDOM. I hope not. We can soon finish this bill.

The Senate refused to adjourn; there being on a division—ayes 20 noes 22.

The PRESIDING OFFICER. The Senator from Minnesota moves that the appeal lie on the table.

The question being put, a division was called for, and the ayes were 20, and the noes 21.

Mr. MERRIMON. What is the appeal?

The PRESIDING OFFICER. The appeal is from the decision of the Chair ruling that the amendment offered by the Senator from Kentucky contained a private claim.

Mr. STEVENSON. I call for the yeas and nays. That will teach us something.

The yeas and nays were ordered.

Mr. THURMAN. I wish to make an inquiry before the vote is taken. Is it in order to move to lay an amendment on the table?

The PRESIDING OFFICER. It is in order.

Mr. THURMAN. Is it, under the rule, in order to move to lay an appeal on the table?

The PRESIDING OFFICER. The Chair so understands.

Mr. THURMAN. On a question of order?

Mr. EDMUNDS. Yes, sir.

Mr. THURMAN. Until the other day I never knew that it was.

The PRESIDING OFFICER. The question is on laying the appeal on the table.

Mr. BAYARD. Before that vote is taken I merely wish to say—

The PRESIDING OFFICER. The motion to lay on the table is not debatable.

The question being taken by yeas and nays, resulted—yeas 21, nays 19; as follows:

YEAS—Messrs. Allison, Boreman, Boutwell, Chandler, Clayton, Dorsey, Edmunds, Ferry of Michigan, Hitchcock, Howe, Lewis, Mitchell, Morrill of Maine, Morrill of Vermont, Sargent, Scott, Sherman, Stewart, West, Windom, and Wright—21.

NAYS—Messrs. Bayard, Bogy, Cooper, Dennis, Eaton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Kelly, McCreery, Merrimon, Norwood, Saulsbury, Sprague, Stevenson, Stockton, and Thurman—19.

ABSENT—Messrs. Alcorn, Anthony, Brownlow, Cameron, Carpenter, Conkling, Conover, Cragin, Davis, Fenton, Ferry of Connecticut, Flanagan, Frelinghuysen, Gilbert, Hamlin, Harvey, Ingalls, Johnston, Jones, Logan, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Schurz, Spencer, Tipton, Wadleigh, and Washburn—33.

So the appeal from the decision of the Chair was laid on the table.

Mr. STEWART. I move to strike out lines 1702 to 1707 inclusive, and insert the following:

For the general incidental expenses of the Pi-Uto reservation in Southeastern Nevada, presents of goods, agricultural implements, and other useful articles, and to assist them to sustain themselves in permanent abodes by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, \$20,000, of which amount shall be available from the passage of this act for the remainder of the fiscal year ending June 30, 1875; and the Pi-Uto reservation in Southeastern Nevada is hereby reduced to one thousand acres, to be selected by the agent, J. A. Barnes, in a compact body; and when such selection shall have been made he shall report the same to the Secretary of the Interior, and the remaining portion of said reservation, after said selection shall have been made, shall be and remain a part of the public domain, subject to the laws of the United States in the same manner as it would have been if no reservation had ever been made: *Provided*, That the claim of no settler shall be included in the reservation to be selected under the provisions of this act.

For the general incidental expenditures of the Walker River and Pyramid Lake reservations in Nevada, presents of goods, agricultural implements, and other useful articles, and to assist them to sustain themselves in permanent abodes by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, \$15,000.

Mr. WINDOM. Is that amendment in order? I raise the point of order that it is not reported from any committee and has not been referred to the Committee on Appropriations.

Mr. STEWART. It is from the Committee on Indian Affairs, and they recommend the whole of it. I left a part of it out that was objectionable. The Committee on Indian Affairs are in favor of it.

Mr. WINDOM. When did they report it?

Mr. STEWART. They did not report it. They authorized me to report it.

The PRESIDING OFFICER. Is the amendment reported from any standing committee?

Mr. STEWART. It is by consent of the Committee on Indian Affairs.

The PRESIDING OFFICER. The point of order being raised, it is necessary for the Chair to understand the fact.

Mr. STEWART. I want to know whether the Committee on Indian Affairs has not agreed that I should offer it?

The PRESIDING OFFICER. The rule is that it shall come from a committee as an amendment to this bill, not that it shall be reported in some other form for the action of the Senate.

Mr. STEWART. I want to know if that point of order is going to be raised? If you leave the reservation as it is, it is not my fault. You cannot say it is my fault if there be no appropriation for this purpose. The chairman of the Committee on Indian Affairs spoke to my colleague and myself about it, and I told him I would go to work and try to get it in shape. The reservation is in a most disgraceful

situation. They get up debts to have them paid. The committee said it would have to be reported from a committee, and as I understood the committee were doing it. Now, if the committee do not want to do it and treat it fairly, very well.

Mr. ALLISON. I will say, in reply to the Senator from Nevada, that the Department estimated \$50,000, which was referred to the Committee on Indian Affairs, and the committee looked into it somewhat, but were not willing to make any report with reference to it without consulting the Senators from Nevada. Since the Senator has made the statement to me and other gentlemen of the committee we have had no meeting. Therefore of course as a committee we have not considered the particular amendment he now proposes. I do not object to it myself, and I presume other gentlemen of the committee would agree to it, but the committee as a committee have not. Justice to the committee requires that I should say that.

Mr. STEWART. Sixty thousand dollars has been recommended by the Department, and here is \$20,000 in place of it.

Mr. WINDOM. If the Committee on Indian Affairs have examined it so as to say they are in favor of it, I do not raise the technical point that they have not actually recommended it, if the chairman says they are in favor of it.

Mr. ALLISON. I can only speak for myself. I think the committee is in favor of the amendment and is willing it shall be adopted.

The PRESIDING OFFICER. If the point of order is not made on the amendment, of course it will not be made by the Chair.

Mr. STEWART. Fifteen thousand dollars is already in the bill. There was a recommendation, but it was not definitely stated why it should be so. There was a recommendation of \$60,000 for Eastern Nevada. Now we only ask \$20,000, leaving the rest to be used in the western end of the State. We do not want \$60,000 as recommended by the Department. If the Senate say we shall not have any, I shall not complain.

Mr. MORRILL, of Maine. The only thing that troubles me about that is that this changes the reservation entirely. I do not think that ought to be done by an amendment unless it has been examined by a committee and recommended. That is a pretty arbitrary sort of thing. How much does this propose to leave the Indians?

Mr. STEWART. A thousand acres.

Mr. MORRILL, of Maine. How many Indians are there?

Mr. STEWART. When they all get together there will be two or three hundred.

Mr. MORRILL, of Maine. That is pretty indefinite. I dislike—

Mr. STEWART. I hope the Senator will not object to this, for I know it is a decent thing to do.

Mr. MORRILL, of Maine. My honorable friend I dare say thinks he knows. I have the greatest possible confidence in my honorable friend, knowing that he is very enlightened, and I have great confidence in his judgment; but in Indian affairs I do not think he is quite sound.

Mr. STEWART. I know one thing about it. Nevada has not been stealing three or four hundred thousand dollars a year since I have been here.

Mr. FRELINGHUYSEN. How much is the amount asked?

Mr. STEWART. Twenty thousand dollars.

Mr. MORRILL, of Maine. The difficulty is about the reservation. I do not think it ought to be abolished here unless recommended by a committee. I do not understand that the committee have recommended it.

Mr. WINDOM. Let us have a vote.

Mr. STEWART. Yes, I want to vote.

Mr. MORRILL, of Maine. I raise the question that this amendment has not been recommended by a committee.

Mr. EDMUNDS. Legislation does not need to be recommended by a committee.

Mr. MORRILL, of Maine. But it has an appropriation connected with it.

Mr. STEWART. Let me say one word about it. It is a reservation that has not been confirmed by any law. It is a floating reservation, and covers a portion of Nevada nearly equal in size to the State of Connecticut. It is a mining country, and there is not one Indian to five thousand acres of ground in it.

Mr. EDMUNDS. What do you mean by "floating reservation"?

Mr. STEWART. It is a reservation made by the Department. I do not know how much it does cover. It has not been surveyed. It goes entirely by latitude and longitude, by rivers, and they have not been surveyed. We know generally from the maps that it is about as large as the State of Connecticut.

Mr. FRELINGHUYSEN. And a floating reservation?

Mr. STEWART. No matter about that. It is a reservation by description in the eastern part of Nevada, gotten up there for the purpose of excluding miners and settlers. It was a scheme to buy out the settlers—that the settlers should be bought out. Thus they drive them away from their homes and dedicate it to barbarism. There are only a few Indians there. They are comfortably situated. There is very little good land, but some very rich land on the Muddy. The Indian agent who went down there to examine it informed me that he could get a thousand acres of land which would be very suitable for the Indians. I know they will never need more than a hundred acres or so. It is necessary that the balance should be left open where men can live. It is necessary it should be left open. It is a

great region, and it will not do to spread that reservation over a country where there should be no reservation. If it is confined to a thousand acres, they can do some good for the Indians and some good for the people there.

I beg of you now to cut down that reservation. I am in earnest about it. It is important for peace and civilization. It is an outrage to dedicate that country to be a waste. Call it a reservation! Those mountains are only fit for mining purposes. Here and there is a little valley and a few peaceable Indians who like to have settlers come among them. To disturb that by an immense reservation is an outrage on my State. No one could come here to either House from Nevada if he did not protest against it. Every member of both Houses from Nevada and every decent citizen of Nevada protests against this outrage. My colleagues in both Houses, no matter what their politics, protest against this thing. The Legislature have been protesting against having this outrage, and all I ask is that you reduce it to a reasonable amount to cultivate, give the Indians this reserved land, and let them try the experiment of farming from \$20,000 if it can be done and not \$60,000, \$40,000, or \$50,000, to buy out the settlers, because those settlers are an advantage to the Indians; they live there in harmony with the Indians, and the Indians do not want the settlers to go away.

The PRESIDING OFFICER. Does the Senator from Maine insist on his point of order?

Mr. MORRILL, of Maine. I raise the point of order.

The PRESIDING OFFICER. The Chair has no other resource except to rule that the point of order is well taken.

Mr. STEWART. Then I will offer another amendment. I think, though, I had better appeal from the decision on that point of order. I do not see on what ground it was made.

Mr. EDMUNDS. Your amendment contained an appropriation.

The PRESIDING OFFICER. On the ground that it has not been referred to the Committee on Appropriations and does not come from any standing committee of the Senate. That is the ground on which the Chair rules. Does the Senator appeal?

Mr. STEWART. Let it be referred to the Committee on Appropriations. I ask that it be referred to the Committee on Appropriations, and I give notice that I will offer it to-morrow.

The PRESIDING OFFICER. Does the Senator desire to have it printed?

Mr. STEWART. No, sir, not printed.

The PRESIDING OFFICER. The amendment will be referred to the Committee on Appropriations. Does the Senator offer another amendment?

Mr. STEWART. I offer another amendment. After line 1707 I move to insert—

That the Pi-Ute reservation in Southeastern Nevada is hereby abolished.

Now, I want to know whether it is intended here that, contrary to all good government, contrary to all the interests of my State, the Senate will fool in that way to allow a reservation covering as large a portion of territory as the State of Connecticut to be dedicated to an Indian reservation. There are several hundred miners there engaged on this reservation; there are settlers there, and it is a scene of plunder, a scene of desolation that can do nobody any good. All my people protest against it. They are a unit against it, and everybody who comes from Nevada must forever be a unit against having a reservation of this kind in that State. Now I ask whether the Senate will abolish it?

Mr. ALLISON. I desire to say one word to the Senator from Nevada. I understand him to say that this reservation is not fixed by law.

Mr. STEWART. It is not fixed by law.

Mr. ALLISON. It is fixed by an executive order?

Mr. STEWART. It never could have been fixed by law.

Mr. ALLISON. I understand the Commissioner of Indian Affairs is not opposed to reducing this reservation even to the extent proposed by the Senator from Nevada. It seems to me if there is no objection we should agree to the amendment.

Mr. STEWART. I have protested to the Executive against it. No chance would ever have made this a law. No Congress would ever have given it the power. It is a great grievance on my State, and I want it abolished.

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

The amendment was agreed to.

Mr. HITCHCOCK. I offer the following amendment, to come in at the end of the bill:

To reimburse white settlers for losses and destruction of property by depredations of Indians \$4,700,179.39, said sum being the amount of such claims examined by the Secretary of the Interior and officially reported to Congress.

Mr. WINDOM. I raise a point of order on that amendment.

The PRESIDING OFFICER. The Senator from Minnesota raises a point of order.

Mr. HITCHCOCK. I would like to be heard before the Chair sustains it. What is the point of order?

The PRESIDING OFFICER. As the Chair understands, the point of order is made on the ground that this is a private claim, does not come from any committee, and has not been sent to the Committee on Appropriations.

Mr. HITCHCOCK. But it is in accordance with law.

The PRESIDING OFFICER. Does the Senator appeal from the decision of the Chair?

Mr. HITCHCOCK. I appeal, and I will state the ground of my appeal.

The PRESIDING OFFICER. The Senator from Nebraska appeals, and the question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. SHERMAN. I rise to a privileged question.

Mr. LEWIS. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Virginia moves that the Senate adjourn.

Mr. WINDOM called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 23, nays 21; as follows:

YEAS—Messrs. Bayard, Boggy, Cooper, Davis, Dennis, Eaton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Johnston, Kelly, Lewis, McCreery, Merrimon, Mitchell, Norwood, Saulsbury, Stevenson, Stewart, Stockton, and Thurman—23.

NAYS—Messrs. Allison, Boreman, Boutwell, Chandler, Clayton, Dorsey, Edmunds, Ferry of Michigan, Frelinghuysen, Harvey, Howe, Ingalls, Morrill of Maine, Morrill of Vermont, Sargent, Scott, Sherman, Sprague, West, Windom, and Wright—21.

ABSENT—Messrs. Alcorn, Anthony, Brownlow, Cameron, Carpenter, Conkling, Conover, Cragin, Fenton, Ferry of Connecticut, Flanagan, Gilbert, Hamlin, Hitchcock, Jones, Logan, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Schurz, Spencer, Tipton, Wadleigh, and Washburn—29.

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

HOUSE OF REPRESENTATIVES.

FRIDAY, February 19, 1875.

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

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. DAWES. I move that the House resolve itself into the Committee of the Whole to resume the consideration of the tax and tariff bill.

The SPEAKER. There are several gentlemen who desire to submit requests for unanimous consent. If there be no objection, the Chair will entertain such requests.

PRIVATE LAND CLAIMS.

Mr. BARRERE, by unanimous consent, reported from the Committee on Private Land Claims a bill (H. R. No. 4808) to ascertain and settle private land claims in certain States and Territories; which was read a first and second time, ordered to be printed, and recommitted.

BRANCH MINT AT SAINT LOUIS.

Mr. WELLS, by unanimous consent, presented a resolution of the Legislature of the State of Missouri, in favor of the establishment of a branch mint at the city of Saint Louis; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

JOHN RICE JONES, DECEASED.

Mr. MORRISON, by unanimous consent, introduced a bill (H. R. No. 4809) supplemental to an act for the relief of the heirs and legal representatives of John Rice Jones, deceased; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

LOUISIANA MEMBERS OF THE FORTY-FIRST CONGRESS.

Mr. SHELDON. I ask unanimous consent to introduce the following resolution.

Mr. HOLMAN. I hope members will take their seats, so we may know what is going on.

The SPEAKER. There is no mode of doing business so innocent as granting unanimous consent if members will give attention, but there is none so hazardous if they do not. The Clerk will read the resolution offered by the gentleman from Louisiana.

The Clerk read as follows:

Resolved, That the Committee on Appropriations be directed to ascertain whether there is rightfully due to any member of the Forty-first Congress from Louisiana any part of his salary as such member; and, if so, it shall be in order for such committee to report as part of the deficiency appropriation bill such appropriation as shall be found due on such salaries.

Mr. SHELDON. This does not apply to me, and I hope there will be no objection to it.

Mr. HOLMAN. I do not propose to object to the introduction of the resolution, but merely to ask that it shall be so modified as to provide that amendments covering the subject-matter of the resolution only shall be in order for the consideration of the Committee of the Whole on the state of the Union.

The SPEAKER. There being no objection, the resolution, as modified, will be considered as adopted.

The resolution, as modified, was adopted.

SALE OF KANSAS INDIAN LANDS.

Mr. PHILLIPS, by unanimous consent, from the Committee on the Public Lands, reported a bill (H. R. No. 4810) providing for the sale of Kansas Indian lands in the State of Kansas to actual settlers, and for the disposition of the proceeds of the same; which was recommended and ordered to be printed.

NEW LAND DISTRICT OF WYOMING.

Mr. PHILLIPS also, by unanimous consent, from the same committee, reported back a bill (H. R. No. 3319) to establish a new land district in the Territory of Wyoming; which was recommended and ordered to be printed.

INDEFINITE LEAVE OF ABSENCE.

Mr. WHEELER. Mr. Speaker, my colleague, Mr. ROBERT S. HALE, is confined to his bed by illness and will not be able to be out during this session. I therefore ask that he be granted indefinite leave of absence.

There was no objection, and it was ordered accordingly.

TOBACCO ASSOCIATION OF RICHMOND, VIRGINIA.

Mr. SMITH, of Virginia, by unanimous consent, presented the memorial of the Tobacco Association of Richmond, Virginia; which was referred to the Committee on Ways and Means, and ordered to be printed.

INDIAN DEPREDACTIONS IN OREGON AND CALIFORNIA.

Mr. NESMITH, by unanimous consent, from the Committee on Military Affairs, reported a bill (H. R. No. 4811) to enable the Secretary of War to pay the expenses incurred by the State of Oregon and the citizens of California in suppressing Indian hostilities in the States of Oregon and California in the years 1872 and 1873; which was read a first and second time, recommended, and ordered to be printed.

Mr. RANDALL. The understanding is that it is not to be brought back by a motion to reconsider.

The SPEAKER. Of course.

LYDIA CRUGAR.

Mr. BURROWS. I ask unanimous consent to report from the Committee on Claims a bill for the relief of Lydia Crugar, executrix of Moses Shepard, deceased, and ask that it be put on its passage at this time.

Mr. HOLMAN. I reserve objection until the bill has been read.

The bill appropriates \$18,124.34 for the payment of judgment rendered in favor of Lydia Crugar, executrix of Moses Shepard, by the Court of Claims, on the 19th of November, 1860, to be paid to said Lydia Crugar or her legal representatives.

Mr. HOLMAN. This bill requires some explanation, and I object.

Mr. BURROWS. I can explain it.

Mr. HOLMAN. This is quite an old claim. I do not object to the gentleman's explanation.

Mr. BURROWS. It is simply to make appropriation for the payment of a judgment of the Court of Claims which has never yet been paid. Bills have heretofore passed the Senate and the House, and this is now reported unanimously from the Committee on Claims.

Mr. RANDALL. Is it in obedience to a judgment of the Court of Claims?

Mr. BURROWS. Yes, sir.

Mr. HOLMAN. This was before the reorganization of the Court of Claims, and it does not stand, therefore, upon the footing of a judgment of that court now stands.

Mr. BURROWS. There is no provision for interest on the amount of that judgment; but it simply provides for the payment of the face of the judgment of the Court of Claims.

Mr. HOLMAN. I object.

Mr. BURROWS. Then I withdraw the bill.

PAWNEE AND OTTOE LANDS.

Mr. CROUNSE, by unanimous consent, from the Committee on the Public Lands, reported a bill (H. R. No. 4812) to provide for the sale of the Pawnee and Otoe Indian lands; which was read a first and second time, recommended, and ordered to be printed.

RHINEHART'S BRONZE FOUNTAIN.

Mr. FRYE, by unanimous consent, from the Committee on the Library, reported as a substitute for the bill H. R. No. 4442, a bill (H. R. No. 4813) to authorize the removal of the bronze fountain by Rhinehart from the lobby of the city post-office; which was read a first and second time.

The bill was read. It authorizes and directs the Joint Committee on the Library to cause the removal of Rhinehart's bronze fountain from the lobby of the city post-office to the Corcoran Art Gallery or to such other place as they may think proper for safe-keeping and exhibition.

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. FRYE 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 PACIFIC RAILROAD.

Mr. HOUGHTON, by unanimous consent, from the Committee on the Pacific Railroad, reported back with the recommendation that it

do pass, with amendments, the bill (H. R. No. 4547) amendatory of and supplementary to an act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the act supplementary thereto, approved May 2, 1872, and the act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific Ocean," approved July 27, 1866; and the same was ordered to be printed and recommended, not to be brought back on a motion to reconsider.

REMOVAL OF POLITICAL DISABILITIES.

Mr. BUTLER, of Massachusetts, by unanimous consent, from the Committee on the Judiciary, reported a bill (H. R. No. 4814) to relieve Charles H. Smith, M. D., of Richmond, Virginia, of all political disabilities.

The bill was read.

Mr. BUTLER, of Massachusetts. There is a petition accompanying the bill, and its passage is unanimously recommended by the Committee on the Judiciary.

Mr. BECK. I desire to include another person in that bill, and move to amend by adding the name of James M. Hawes, of Covington, Kentucky.

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; two-thirds having voted in favor thereof.

CAPTURED AND ABANDONED PROPERTY.

Mr. BUTLER, of Massachusetts, by unanimous consent, from the Committee on the Judiciary, reported a bill (H. R. No. 4815) to cover into the Treasury certain sums of captured and abandoned property found by adjudication to be the money of the United States; which was read a first and second time, ordered to be printed, and recommended, not to be brought back on a motion to reconsider.

BOUNDARY BETWEEN ARKANSAS AND INDIAN COUNTRY.

On motion of Mr. AVERILL, by unanimous consent, the bill (S. No. 679) to establish the boundary line between the State of Arkansas and the Indian country was taken from the Speaker's table, read a first and second time, and referred to the Committee on Indian Affairs.

LEMUEL D. EVANS.

Mr. NIBLACK. I ask unanimous consent to report back from the Committee on Ways and Means, that it may be now put upon its passage, the bill (S. No. 625) for the relief of Lemuel D. Evans, late a collector of internal revenue for the fourth district of Texas. There is an emergency, both personal and official, why there should be immediate action on this bill.

The bill was read. It authorizes the Secretary of the Treasury, in adjusting the accounts of Lemuel D. Evans, late collector of internal revenue for the fourth district of Texas, to credit him with the sum of \$2,753.18, that being the amount of money collected by his deputy, W. B. McIntyre, at and in the neighborhood of Athens, in said State, and of which he was robbed by highwaymen on the night of May 6, 1869, on his way from Athens to Marshall; provided that it shall appear to the satisfaction of said Secretary that said McIntyre was robbed without any collusion or privity on his part.

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. NIBLACK 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.

AUBURN, NEW YORK, NATIONAL BANKS.

Mr. MAYNARD, by unanimous consent, from the Committee on Banking and Currency, reported a bill (H. R. No. 4816) to authorize the consolidation of the Auburn City National Bank and the First National Bank of Auburn, New York; which was read a first and second time.

Mr. MAYNARD. I ask that the bill may now be put upon its passage.

Mr. HOLMAN. Does this bill come from the Committee on Banking and Currency?

The SPEAKER. It does.

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. MAYNARD 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.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. SAWYER, by unanimous consent, from the Committee on Commerce, reported as a substitute for the House bill No. 2409 a bill (H. R. No. 4817) to authorize the construction of the bridge across the Missouri River at or near Sioux City, Iowa; which was read a first and second time.

Mr. HOLMAN. After this is disposed of I shall call for the regular order.

The bill was read.

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. SAWYER 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. HAWLEY, of Illinois. I now move that the House resolve itself into Committee of the Whole on the Private Calendar.

Mr. DAWES. I move that the House resolve itself into Committee of the Whole on the state of the Union on the tariff bill.

Mr. HOLMAN. I will withdraw the demand for the regular order in order to enable some gentlemen to get in matters which they are anxious to bring before the House at this time.

AMERICAN SHIP-BUILDING.

Mr. SCHELL, by unanimous consent, presented the petition of the Board of Trade of New York City, in reference to the promotion of American ship-building; which was referred to the Committee on Ways and Means, and ordered to be printed.

IMPROVEMENT OF EAST RIVER.

Mr. SCHELL also, by unanimous consent, presented joint resolutions of the Legislature of the State of New York, in relation to the improvement of the East River; which were referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF THE HARBOR OF ERIE, PENNSYLVANIA.

Mr. STORM, by unanimous consent, presented a joint resolution of the Legislature of Pennsylvania, relative to the improvement of the harbor of Erie, Pennsylvania, which was referred to the Committee on Commerce, ordered to be printed, and printed in the RECORD.

The joint resolution is as follows:

Resolved by the senate and house of representatives of the Commonwealth of Pennsylvania in General Assembly met. That our Senators be instructed, and members of the House of Representatives in Congress be requested, to vote for and use all proper means of securing from Congress an appropriation for the improvement of the harbor of Erie, in this Commonwealth, and that the governor be requested to transmit copies of this resolution to our Senators and Members of Congress.

Attest:

ELBRIDGE MCCONKEY,
Resident Clerk of the House of Representatives.

THOMAS B. COCHRAN,
Journal Clerk of the Senate.

WILLIAM J. MARTIN.

Mr. YOUNG, of Georgia, by unanimous consent, from the Committee on Military Affairs, reported back, with the recommendation that it do pass, the bill (H. R. No. 4121) for the relief of William J. Martin, late paymaster in the United States Army; which was referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

SOLDIERS OF THE MEXICAN WAR.

Mr. WILLIE, by unanimous consent, presented joint resolutions of the Legislature of the State of Texas, instructing and requesting the congressional delegation to urge upon Congress early and favorable consideration of the claims upon the people's gratitude of those who rendered service in the Army and Navy of the United States in the late war with Mexico; which were referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. KILLINGER. I call for the regular order.

Mr. WILLARD, of Vermont. I move to reconsider the various votes taken; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. What is the regular order of business? Would it not be the morning hour, with the call of committees for reports of a private nature?

The SPEAKER. It would be the call of committees, but the gentleman from Massachusetts [Mr. DAWES] moves that the House resolve itself into Committee of the Whole on the state of the Union on the tariff bill, and the gentleman from Illinois [Mr. HAWLEY] moves that the House resolve itself into Committee of the Whole on the Private Calendar. This being Friday, the motion to go into Committee of the Whole on the Private Calendar takes precedence.

Mr. DAWES. I wish the question so stated that the House will understand that this is a test-vote between the two.

The SPEAKER. That is what the Chair was endeavoring to do. It is for the House to decide whether they will go into Committee of the Whole on the state of the Union on the tariff bill or into Committee of the Whole on the Private Calendar. This being Friday, it is the duty of the Chair to put the question first upon going into Committee of the Whole on the Private Calendar.

Mr. HOLMAN. If those motions fail will not the morning hour run, allowing reports to be made from the committees on private business?

The SPEAKER. If the House rejects both the pending motions, then the morning hour will intervene.

Mr. HAWLEY, of Illinois. There are more bills now upon the Private Calendar than could be disposed of in the next three months if the House should be so long in session, and it seems to me that it

would be a waste of time at this late period of the session for the House to put more bills upon the Private Calendar.

Mr. DAWES. If I can have one hour I will get the tariff bill out of the way.

Mr. HAWLEY, of Illinois. If we intend to consider the private bills at all again this session we ought to go into Committee of the Whole to-day and pass them.

Mr. GARFIELD. Let us go into Committee of the Whole on the Army appropriation bill.

The question was put on the motion of Mr. HAWLEY, of Illinois; and on a division there were—ayes 96, noes 69.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 119, nays 116, not voting 52; as follows:

YEAS—Messrs. Adams, Arther, Ashe, Atkins, Banning, Barrere, Bell, Berry, Bland, Blount, Bowen, Bright, Buckner, Bundy, Benjamin F. Butler, Roderick R. Butler, Caldwell, Canfield, John B. Clark, jr., Freeman Clarke, Clymer, Cook, Crittenden, Crossland, Crutchfield, DeWitt, Donnan, Dunnell, Eames, Eldredge, Farwell, Field, Finck, Frye, Giddings, Glover, Gooch, Gunter, Hagans, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Havens, John B. Hawley, Gerry W. Hazelton, Hereford, Herndon, Howe, Hunton, Hynes, Kelley, Kellogg, Knapp, Lamar, Lamison, Lewis, Lofland, Lowe, Luttrell, Marshall, McKee, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Orr, Orth, Hosea W. Parker, Isaac C. Parker, Pendleton, Perry, Phillips, Pierce Pike, Read, Robbins, James C. Robinson, Henry B. Sayler, Milton Sayler, Schell, Isaac W. Scudder, Sherwood, Sloan, Sloss, Small, J. Ambler Smith, William A. Smith, Snyder, Southard, Standford, Charles A. Stevens, St. John, Stone, Stowell, Strait, Taylor, Thompson, Todd, Tremain, Vance, Waddell, Wallace, Jasper D. Ward, Wells, Whitehead, Whitehouse, Whitthorne, John M. S. Williams, Jeremiah M. Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—119.

NAYS—Messrs. Albert, Albright, Archer, Averill, Barber, Beck, Bogole, Biery, Bradley, Bromberg, Burlington, Burchard, Burleigh, Burrows, Cain, Cannon, Carpenter, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Comingo, Conger, Cotton, Cox, Crooke, Danford, Dawes, Duell, Durham, Fort, Foster, Garfield, Gunkel, Eugene Hale, Harner, Harrison, Hatcher, Joseph R. Hawley, Hays, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Houghton, Hubbell, Hunter, Hurlbut, Kasson, Killinger, Lamport, Lansing, Lawrence, Lawson, Loughridge, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, Merriam, Monroe, Moore, Myers, Negley, O'Neill, Packard, Packer, Page, Parsons, Poland, Potter, Rainey, Randall, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Scofield, Sener, Shanks, Shields, Sheldon, Lazarus D. Shoemaker, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Speer, Sprague, Stanard, Starkweather, Storm, Strawbridge, Swann, Christopher Y. Thomas, Thornburgh, Tyner, Waldron, Walls, Marcus L. Ward, Wheeler, White, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, William Williams, William B. Williams, Willie, and James Wilson—116.

NOT VOTING—Messrs. Barnum, Barry, Bass, Brown, Cason, Chittenden, Clinton L. Cobb, Corwin, Creamer, Crouse, Curtis, Darrall, Davis, Dobbins, Eden, Freeman, Robert S. Hale, Hathorn, John W. Hazelton, Hendee, Hodges, Hyde, Kendall, Leach, Lowndes, Magee, McCrary, MacDougall, McLean, McNulta, Mitchell, Morey, Niles, Nunn, Pelham, Phelps, James H. Platt, jr., Thomas C. Platt, Pratt, Ransier, Rapier, William R. Roberts, Rusk, John G. Schumaker, Henry J. Scudder, Sessions, Alexander H. Stephens, Sypher, Charles R. Thomas, Townsend, Wilber, and Ephraim K. Wilson—52.

So the motion of Mr. HAWLEY, of Illinois, was agreed to.

PRIVATE CALENDAR.

The House accordingly resolved itself into Committee of the Whole, Mr. COX in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the Private Calendar. The Clerk will report the first bill.

RELIEF OF CONSTRUCTORS OF IRON-CLADS.

The first bill on the Private Calendar was the bill, with an amendment, reported from the Committee on War Claims by Mr. HAZELTON, of Wisconsin, being a bill (H. R. No. 217) for the relief of certain contractors for the construction of vessels of war and steam-machinery.

The bill provides that the claims for building vessels of war and constructing steam-machinery referred to and embraced in the act entitled "An act for the relief of certain contractors for the construction of vessels of war and steam-machinery," approved March 2, 1867, shall be referred to the Court of Claims, which is vested with authority and jurisdiction to hear and determine the respective claims of the several parties upon the principles and rules laid down in said act; that all such claims shall be presented to said court within one year after the passage of this act and not afterward, and that any sums heretofore allowed to any of said claimants as additional compensation shall be deducted from any amount which may be found due to such claimants respectively.

The amendment was to add to the bill the following:

Provided, That this act shall not be construed to apply to the claims of Secor & Co.; Perine, Secor & Co.; Harrison Loving; Miles Greenwood; and George C. Bestor, who have already received specific relief by acts of Congress.

Mr. HOLMAN. I ask that the report accompanying this bill be read. There are two reports, a majority and a minority report. I ask that the minority report be read.

Mr. BUTLER, of Massachusetts. I object to the reading of the minority report.

Mr. HAZELTON, of Wisconsin. I object to the reading of either report at present.

Mr. HOLMAN. I have the floor, I believe.

The CHAIRMAN. The Chair has recognized the gentleman from Indiana, [Mr. HOLMAN.]

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

The CHAIRMAN. The gentleman will state it.

Mr. KELLOGG. My point of order is that neither the gentleman from Indiana [Mr. HOLMAN] nor any one else can ask as a right to have a minority report read. I have no objection to the reading of the minority report; but I insist that, when a member is asking for that which he has no right to insist upon, the majority report should at least be first read.

Mr. RANDALL. Let the majority report be read, and then if any objection is made to reading the minority report, some gentleman can have it read as a portion of his remarks.

The CHAIRMAN. The reading of the majority report is in order.

Mr. HOLMAN. I believe I have the floor, and I object to the reading of any document in my time for which I have not asked.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] can have the minority report read as a part of his speech. But the majority report should be first read.

Mr. HOLMAN. I have not asked for the reading of the majority report.

Mr. KELLOGG. Is the gentleman from Indiana [Mr. HOLMAN] first entitled to the floor rather than the gentleman from Wisconsin, [Mr. HAZELTON,] who reported the bill?

The CHAIRMAN. The gentleman from Indiana was the first to address the Chair after the bill was read.

Mr. HAZELTON, of Wisconsin. The Chair is mistaken. I was standing on the floor for some time, waiting for the reading of the bill to be concluded.

The CHAIRMAN. The Chair did not hear the gentleman address him.

Mr. HAZELTON, of Wisconsin. I addressed the Chair at least as soon as the gentleman from Indiana did.

The CHAIRMAN. The Chair will recognize the gentleman from Wisconsin [Mr. HAZELTON] in a moment.

Mr. HAZELTON, of Wisconsin. I represent the majority of the committee and the gentleman from Indiana the minority; I claim that I have the first right to be heard upon this bill.

The CHAIRMAN. As that seems to be the courtesy of the House, the gentleman from Indiana [Mr. HOLMAN] will suspend until the gentleman who represents the majority of the committee is heard.

Mr. HAZELTON, of Wisconsin. If it is the desire of the committee to hear the majority report read rather than to proceed with the discussion of the bill, I will not object to its reading.

Mr. HOLMAN. I do not object to the reading of the report of the majority.

Mr. HAZELTON, of Wisconsin. The report is somewhat lengthy, and if the majority and minority reports are both read, it will occupy an hour or an hour and a half. I will suggest that by common consent, instead of reading the reports, the committee proceed now to the discussion of the bill.

Mr. RANDALL. That requires unanimous consent.

The CHAIRMAN. It does.

Mr. HOLMAN. I ask for the reading of the reports.

Mr. SCOFIELD. I would ask the gentleman from Wisconsin [Mr. HAZELTON] why the reports were made, if they are not to be read for the information of the committee?

Mr. HAZELTON, of Wisconsin. They are in print, and can be obtained and read by any member. But I will not object to the report being read now.

The CHAIRMAN. The Clerk will proceed to read the report of the majority.

The Clerk read the report of the majority of the committee, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. No. 217) for the relief of certain contractors for the construction of vessels of war and steam-machinery, having considered the same, submit the following report:

By an act of Congress, approved August 3, 1861, the Secretary of the Navy was authorized and directed "to appoint a board of three skillful naval officers to investigate the plans and specifications that may be submitted for the construction or completing of iron or steel clad steamships or steam-batteries, and, on their report, should it be favorable, the Secretary of the Navy will cause one or more armored or iron or steel clad steamships or floating steam-batteries to be built."

Under and pursuant to this law, a board was appointed, consisting of Commodore Joseph Smith, chief of the Bureau of Yards and Docks of the Navy Department; Commodore H. Paulding, then waiting orders; and Captain Charles H. Davis, superintendent of the Nautical Almanac, who entered upon the work assigned them, and subsequently made a report, a copy of the material parts of which is appended to and made a part of this report, and marked Appendix A.

Afterward, on the 13th day of February, A. D. 1862, the Secretary of the Navy was "authorized and empowered to cause to be constructed, by contract or otherwise as he shall deem best for the public interest, not exceeding twenty iron-clad steam gun-boats for the use of the Navy of the United States," and the sum of \$10,000,000 was appropriated to carry out the provisions of the act.

Under the authority thus conferred, the Secretary of the Navy entered into contracts with divers ship-builders in the different parts of the country for the construction of these vessels. Part of these contracts were made in 1862; others were made in 1863, and some as late as 1864.

The construction of this class of war-vessels was necessarily experimental, as nothing of the kind had ever been attempted or was known to naval warfare prior to the late war of the rebellion. The Government needed such vessels or boats for service on the coast and along the rivers, where the proximity of rebel batteries rendered wooden vessels of little or no value.

The Committee on the Conduct of the War refer to this fact in the following language:

"During the year 1862 the necessity for some light-draught armored vessels for operations on our western rivers and the shallow bays and sounds upon the Atlantic and Gulf coasts became so urgent that the Navy Department determined to provide some for that purpose, if possible.

"Application was made to Mr. John Ericsson, the inventor of the original monitor, for a plan of a light-draught monitor, to carry one turret, and to have a draught

of from six to six and a half feet. On the 9th of October, 1862, Mr. Ericsson submitted to the Department a plan which, to use his own words, was not intended as a working plan, yet it defined with clearness and precision the general principle and mode of building the vessel, engines, boilers, and mode of propelling them."

The preparation of calculations and working plans was confided to Chief Engineer Stimers, of the United States Navy. These completed, the Department advertised for proposals, and thereafter, to wit, in the months of March, April, and May, 1862, contracts for the construction of twenty light-draught monitors, upon the plan furnished by the Government, were entered into. The bidders were limited to those who had all the needed preparations for entering upon and prosecuting the work, and it was required that a time should be stated within which the bidders would agree to complete their contracts.

This statement of facts will apply substantially to all the contracts entered into by the Navy Department for the construction of iron-clad vessels, except that the later contracts contained a provision not in the earlier ones, to the effect following:

That the parties of the second part shall have the privilege of making alterations and additions to the plans and specifications at any time during the progress of the work, as they may deem necessary and proper, and if said alterations and additions shall cause extra expense to the parties of the first part, they will pay for the same at fair and reasonable rates, and should such changes cause less work and expense to the parties of the first part, a corresponding reduction to be made from the contract-price, and in each case the cost of the alterations to be determined when the changes are directed to be made.

It turned out that the plans and specifications of the Navy Department were in whole or in part worthless, in consequence of which it became necessary to make radical changes in the plans and method of construction.

Mr. Stimers himself says, in speaking of one of the contracts, "Acts, therefore, which I performed which affected Mr. Bestor, and affect his case, were to direct him to make a different vessel from the one we contracted to do."

What is true of this particular case is also true of all the cases covered by the aforesaid bill. The naval officers and engineers doubtless did the best they could. The simple truth is, they did not know, and could not know, what would be the result of their endeavors. The effort was, as we have said, an experiment—just as much an experiment as the trials made with the Dahlgren and Wiard guns, upon which vast sums of money were expended.

The parties making these contracts were not acting on plans and specifications of their own; they were essaying to carry out the plans of the Government, and this under the supervision of an engineer of the Navy Department. They did not, therefore, occupy the attitude of parties who had procured contracts from the Government on plans and propositions submitted by themselves upon the implied understanding that the work would prove a success.

The changes made by the Navy Department necessarily occasioned delay in the execution of the contracts, during which a large advance occurred in the cost of all or nearly all the materials used and in the value of labor required for the completion of the contracts.

Certain allowances were made to these contractors by the Navy Department, but it is claimed that these allowances were predicated in every instance on the scale of prices embraced in the several contracts, the Department not feeling authorized to go any further than that in affording relief; and that, in point of fact, no compensation has been made for losses growing out of the large advance in the cost of materials and labor and the fair rental value of the premises and machinery of the contractors, which remained idle and entirely unavailable while awaiting the orders of the Navy Department.

These constitute, as it is understood, the items on which these claims are predicated. The ground of these claims may be rendered plainer, perhaps, by statement in another form.

When the contracts were entered into iron was worth, say, \$65 per ton, and skilled labor, say, \$2.50 per day. Pending the delays caused by the officers of the Government, changing and rechanging the plans, iron advanced to \$220 per ton, and labor to \$4 per day.

It is claimed that the allowance made by the Department for additional iron and labor was limited to the scale of prices first mentioned, and that no allowance was made for increase in cost of materials and labor, or for the use of yards, shops, machinery, &c., while idle and unemployed.

If so, then it would seem clear that the parties have a just and meritorious claim upon the Government for relief; but it is not necessary to decide that.

The bill under consideration does not decide that. It only provides that these parties may go into the Court of Claims, a court eminently qualified to make the investigation, and to see that no wrong is practiced upon the Government, and have these matters judicially and fairly investigated and determined, subject to the right of appeal to the Supreme Court of the United States. There the evidence, *pro and con*, can be submitted, and the several claims left to abide the result. It seems to us the Government can do no less. If the parties have an honest and meritorious demand, they should have the right to show it; if not, let it be so adjudged, and the controversy ended.

We ought not, perhaps, to close this report without stating that some of this class of claimants have already received specific relief by act of Congress, and that the action of Congress and the committees of each branch of Congress has been uniformly and without exception favorable to the principles of this bill.

In this connection we may be pardoned for a brief statement on this behalf.

On the 9th of March, 1865, the Senate adopted the following resolution: "Resolved, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam-machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and allowance for extra work, and report the same to the Senate at its next session; none but those that have given satisfaction to the Department to be considered."

Under the foregoing resolution the Secretary of the Navy organized a board of naval officers, known as the Selfridge board, which convened at the navy-yard in New York June 5, 1865, and thoroughly investigated the whole subject, concluding their examination, after a seven months' session, when they made report thereof to the Secretary of the Navy.

The Senate Committee on Naval Affairs of the Thirty-ninth Congress reported a bill which adopted in full the awards of the Selfridge board as a basis of relief. The Senate, after long discussion, adopted an amendment paying all contractors 12 per cent. over and above their contract price. The House Committee on Claims unanimously rejected this Senate bill, upon the ground that while certain of these contractors would receive less than the amount claimed and in some cases more, other contractors would receive less than the amount of their losses, and that consequently the Senate bill was not an equitable basis of relief.

It therefore reported a substitute for the Senate bill, and a conference committee finally agreed upon a bill which became the act of March 2, 1867.

That act directed the Secretary of the Navy to investigate the claims of all contractors for building vessels of war and steam-machinery under contracts made after May 1, 1861, and before January 1, 1864, upon the following basis:

He was to ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work occasioned by the Government which were not provided for in the original contract; but no allowance for any advance in the price of labor or material was to be considered unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Govern-

ment aforesaid, and then, only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor; and from such additional cost, to be ascertained as aforesaid, was to be deducted the sum previously paid each contractor for any reason, over and above the contract price.

Under that act the Secretary of the Navy convened the "Marchand board," which held its sessions in Washington. It reviewed the report and evidence before the "Selfridge board" without, however, permitting the contractors to be heard in their own behalf, or to rebut the adverse testimony or report of any Government official.

Had this Marchand board conducted such an inquiry as was in our judgment contemplated by that act and according to the well-settled and established principles of law governing such investigations, a settlement of this matter would doubtless have been reached equitable alike to the Government and these claimants, and Congress thereby relieved of the trouble and expense of subsequent investigations by various committees.

Pursuing the investigation in the manner which the Marchand board prescribed for itself, awards were made to but seven of the forty-nine claimants, and these were paid under the act of July 13, 1868.

A bill passed the Forty-first Congress for the relief of these claimants, which was properly vetoed by the President on the ground that it was a departure from the basis fixed by the act of March 2, 1867.

The bill reported by your committee, as amended, obviates the objections raised to that bill, and simply authorizes a judicial investigation upon the basis of the act of March 2, 1867.

In the Forty-second Congress these cases were again considered by committees of both Houses and received favorable action, the House Committee on Claims reporting upon each case separately, instead of making provision for all by a general bill.

Seven of these cases passed the House in the latter part of the third session, one only passing the Senate and becoming a law; and that case is now under investigation by the Court of Claims.

The last Congress also passed a bill to pay the heirs of George C. Bestor, of Illinois, the sum of \$125,000, "for extra work done, delays, and damages and expenses caused by such delays, on the part of the Navy Department, in the completion of his contract for the construction of an iron-clad steam-battery," (see 17 Statutes at Large, 733); and, as illustrating the narrow scope of investigation to which the Marchand board held it was restricted, it may be stated that it awarded Mr. Bestor, whose claim was before it, nothing.

The committee therefore report back the bill with the following amendment: *Provided*, That this act shall not be construed to apply to the claims of Secor & Co., Perrine, Secor & Co., Harrison Loring, Miles Greenwood, and George C. Bestor, who have already received specific relief by act of Congress; and as thus amended recommend its passage.

APPENDIX A.

Distrustful of our ability to discharge this duty, which the law requires should be performed by three skillful naval officers, we approach the subject with diffidence, having no experience and but scanty knowledge in this branch of naval architecture.

The plans submitted are so various, and in many respects so entirely dissimilar, that without a more thorough knowledge of this mode of construction and the resisting properties of iron than we possess, it is very likely that some of our conclusions may prove erroneous.

The construction of iron-clad steamships of war is now zealously claiming the attention of foreign naval powers. France led off; England followed, and is now (September 16, 1861) somewhat extensively engaged in the system; and other powers seem to emulate their example, though on a smaller scale. Opinions differ among naval and scientific men as to the policy of adopting the iron armature for ships of war. For coast and harbor defense they are undoubtedly formidable adjuncts to fortifications on land. As cruising vessels, however, we are skeptical as to their advantages and ultimate adoption. But, while other nations are endeavoring to perfect them, we must not remain idle. The enormous load of iron as so much additional weight to the vessel, the great breadth of beam necessary to give her stability, the short supply of coal she will be able to stow in bunkers, the greater power required to propel her, and the largely increased cost of construction, are objections to this class of vessels as cruisers which we believe it is difficult successfully to overcome. For river and harbor services we consider iron-clad vessels of light draught or floating batteries thus shielded as very important; and we feel at this moment the necessity of them on some of our rivers and inlets to enforce obedience to the laws. We, however, do not hesitate to express the opinion, notwithstanding all we have heard or seen written on the subject, that no ship or floating battery, however heavily she may be plated, can cope successfully with a properly constructed fortification of masonry. The one is fixed and immovable, and, though constructed of a material which may be shattered by shot, can be covered if need be by the same or much heavier armor than a floating vessel can bear, while the other is subject to disturbances by winds and waves, and to the powerful effects of tides and currents.

Armored ships or batteries may be employed advantageously to pass fortifications on land for ulterior objects of attack, to run a blockade, or to reduce temporary batteries on the shores of rivers and the approaches to our harbors.

Wooden ships may be said to be but coffins for their crews when brought in contact with iron-clad vessels; but the speed of the former, we take for granted, being greater than that of the latter, they can readily choose their position, and keep out of harm's way entirely.

It has been suggested that the most ready mode of obtaining an iron-clad ship of war would be to contract with responsible parties in England for its complete construction; and we are assured that parties there are ready to engage in such an enterprise on terms more reasonable, perhaps, than such vessels could be built in this country, having much greater experience and facilities than we possess. Indeed, we are informed there are no mills or machinery in this country capable of rolling iron four and a half inches thick, though plates might be hammered to that thickness in many of our workshops. As before observed, rolled iron is considered much the best, and the difficulty of rolling it increases rapidly with the increase of thickness. It has, however, occurred to us that a difficulty might arise with the British government in case we should undertake to construct ships of war in that country, which might complicate their delivery; and, moreover, we are of opinion that every people or nation who can maintain a navy should be capable of constructing it themselves.

Our immediate demands seem to require first, so far as practicable, vessels invulnerable to shot, of light draught of water, to penetrate our shoal harbors, rivers, and bays. We therefore favor the construction of this class of vessels before going into a more perfect system of large iron-clad sea-going vessels of war. We are here met with the difficulty of encumbering small vessels with armor which, from their size, they are unable to bear. We nevertheless recommend that contracts be made with responsible parties for the construction of one or more iron-clad vessels or batteries of as light a draught of water as practicable, consistent with their weight of armor. Meanwhile, availing of the experience thus obtained, and the improvements which we believe are yet to be made by other naval powers in building iron-clad ships, we would advise the construction in our own dock-yards of one or more of these vessels upon a large and more perfect scale when Congress shall see fit to authorize it. The amount now appropriated is not sufficient to build both classes of vessels to any great extent.

Mr. HAZELTON, of Wisconsin. If it is desired that the minority report be read, I suggest that it be read now, omitting the tables of figures, which would occupy a long time, and which, I suppose, it is not desired should be read. I ask the gentleman from Indiana whether he desires that those tables should be read?

Mr. HOLMAN. I do not know that I desire the reading of the entire report.

The CHAIRMAN. The Clerk will proceed to read the minority report, omitting the tables, if there be no objection.

Mr. HOLMAN. Does the reading of the minority report come out of my time?

Mr. HAZELTON, of Wisconsin. I do not understand that the gentleman has any time yet.

The CHAIRMAN. The Chair not having a Calendar before him, did not know who reported this bill. The gentleman from Wisconsin [Mr. HAZELTON] was entitled by courtesy to be first recognized. The Chair will assign the floor to the gentleman from Indiana when the gentleman from Wisconsin has yielded the floor.

Mr. HAZELTON, of Wisconsin. If the floor is assigned to me at the present time I will proceed with the discussion of the bill, unless the Committee of the Whole desire that the minority report, omitting the tables, be now read and that then the discussion proceed. I should be very glad to have that course taken, if I do not thereby lose the floor.

Mr. RANDALL. I suggest the minority report be now read, with the understanding that it does not come out of the gentleman's time.

Mr. HAZELTON, of Wisconsin. I think that would be entirely satisfactory.

The CHAIRMAN. If there be no objection, the minority report, omitting the tables, will now be read, and the time thus occupied will not be deducted from the time of any gentleman.

There being no objection, the Clerk proceeded to read the report; which is as follows:

MESSES. LAWRENCE, HOLMAN, JAMES WILSON, and A. HERR SMITH, from the Committee on War Claims, to whom was referred bill (H. R. No. 217) for the relief of certain contractors for the construction of vessels of war and steam-machinery, submit the following as the views of the minority:

The execution and completion of the several contracts for the construction of the vessels and machinery referred to in the pending bill covers a period extending from the 16th day of May, 1862, to the 3d day of February, 1865.

It appears that while the contracts in each case provided for the payment of a specific sum of money to the contractors by the United States, modifications were subsequently made of the plans of construction of the several works, which in some degree delayed the completion of the contracts and the cost of the work, and the duty devolved on the Government not only to pay the original sum stipulated for in each contract, but such additional sum as the contractors should be fairly entitled to in consequence of such modifications. These contracts were made under the laws by the Secretary of the Navy, were to be fulfilled under the supervision and inspection of the Navy Department, and upon that Department, from the nature of the contracts, the experience and the intimate knowledge of its officers in the details of the work, and their constant supervision of its execution, devolved the duty of adjusting the claims of these contractors upon the Government on the completion of their contracts.

The undersigned find that each of these contractors submitted to the Secretary of the Navy claims for extra compensation for the work done by them in fulfilling these contracts; that upon each contract an extra compensation was allowed by the Secretary of the Navy, less, however, than the amount claimed, and that the original sum stipulated for in each contract and the additional sum which the Secretary of the Navy decided each of the contractors entitled to was paid by the Department to the respective contractors and was received by them.

The aggregate sum contracted to be paid to these several parties for the vessels and machinery, the contracts for the construction of which are covered by the pending bill, is the sum of \$14,301,000, and the aggregate of the extra sums allowed by the Secretary of the Navy on these contracts is the sum of \$5,302,847.91.

These parties now ask the passage of an act to confer upon the Court of Claims jurisdiction to open up and readjust their respective claims for extra compensation under these contracts.

The undersigned believe that common justice to the whole people requires that the jurisdiction of a tribunal organized to determine questions of law or fact between citizens and their Government should be uniform and equally applicable to all; and that if exceptions should be allowed to this general rule, it should be to enable the citizen and the Government to obtain the legal interpretation of an ambiguous contract or the determination of questions of fact and of law where the subject-matter was not within the immediate supervision of either of the Departments of the Government. The contracts involved in this inquiry are clear and specific, and the facts connected with the execution of each contract your committee find were in detail before the Navy Department, when the claims for the extra allowances were considered by the Secretary of the Navy and the extra allowances made. Each contract was under the supervision of an agent of the Department, who made bi-weekly reports on the progress of the work to the Department.

The undersigned are impressed with the belief that under ordinary circumstances a Department of Government is the proper tribunal to adjust the claims of citizens growing out of contracts made through such Department in matters which by law are placed under its control, and for which its chief and his subordinates are held responsible. With this view and to aid in securing justice alike to the citizen and the Government, the Department of Justice is charged with the duty of advising the heads of the other Departments touching the law. In the determination of such matters a Department of the Government has the same motive for good faith and impartiality that should actuate a court of justice.

On account of the magnitude of these transactions, after the adjustment of these claims by the Navy Department, Congress thought proper to require a re-examination of them by the Secretary of the Navy, and passed the following act, which was approved on the 2d day of March, 1867:

An act for the relief of certain contractors for the construction of vessels of war and steam-machinery.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized and directed to investigate the claims of all contractors for building vessels of war and steam-machinery for the same under contracts made after the 1st day of May, 1861, and prior to the 1st day of January, 1864, and said investigation to be made upon the following basis: He shall ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work occasioned by the Government, which were not pro-

vided for in the original contract; but no allowance for any advance in the price of labor or material shall be considered, unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor; and from such additional cost, to be ascertained as aforesaid, there shall be deducted such sum as may have been paid each contractor for any reason heretofore over and above the contract price; and shall report to Congress a tabular statement of each case, which shall contain the name of the contractor, a description of the work, the contract price, the whole increased cost of the work over the contract price, and the amount of such increased cost caused by the delay and action of the Government as aforesaid, and the amount already paid the contractor over and above the contract price: *Provided*, That the Secretary of the Navy, under the resolution, shall investigate the claim of W. H. Webb for constructing the steamer Dunderberg, applying the provisions of this resolution in such investigation, except that proper consideration shall be given to the increased cost incurred by said Webb by reason of any alteration in the plans and specifications for the Dunderberg made during the progress of the work, whether such alterations were provided for in the original contract or not, when payment for the same was not embraced in the contract price.

Approved March 2, 1867.

Tabular statement showing the result of the action of the board appointed July 6, 1867, by the honorable Secretary of the Navy, to "examine the claims of certain contractors for the construction of vessels of war and steam-machinery," under act of Congress approved March 2, 1867.

Name of contractor.	Description of work.	Contract price.	Whole increased cost of the work over the contract price, as claimed by the contractors.	Amount of such increased cost caused by the delay and action of the Government, as determined by the board to be due.	Amount already paid the contractors over and above the contract price. (Obtained from the Bureau.)
Secor & Co. and Perine, Secor & Co.	River and harbor monitors Manhattan, Tecumseh, and Mahopac	\$1,380,000 00	\$1,236,101 22	\$115,539 01	\$521,195 58
Alexander Swift & Co.	River and harbor monitors Oneota and Catawba	920,000 00	665,757 22		322,849 08
Snowden & Mason	River and harbor monitor Manayunk	460,000 00	339,025 00		166,582 24
Miles Greenwood	River and harbor monitor Tippecanoe	460,000 00	349,455 33		173,327 84
Harrison Loring	River and harbor monitor Canonius	460,000 00	267,709 40	38,513 00	102,963 22
J. B. & W. W. Cornell	Turrets, &c., Miantonomoh and Tonawanda	232,050 00	461,777 72		292,657 93
Atlantic Works, Boston	Turrets, &c., Monadnock and Agamenticus	265,000 00	427,323 64		280,322 18
Charles W. Whitney	Iron-clad Keokuk*				
Snowden & Mason	Light-draught monitor Umqua	395,000 00	346,457 46		166,582 24
Merrick & Sons	Light-draught monitor Yazoo	395,000 00	234,676 14		175,725 19
Wilcox & Whiting	Light-draught monitor Koka	386,000 00	305,425 21		165,638 53
Donald McKay	Light-draught monitor Nauset	386,000 00	314,768 93		192,110 98
William Perine	Light-draught monitor Naubac	395,000 00	287,470 93		127,440 00
A. & W. Denmead & Sons	Light-draught monitor Wamsaw	395,000 00	321,360 91		198,587 32
George C. Bestor	Light-draught monitor Shiloh	386,000 00	364,073 55		207,311 00
Atlantic Works, Boston	Light-draught monitor Casco	395,000 00	234,067 78	4,852 58	132,702 57
Curtis & Tilden	Light-draught monitor Shawnee	386,000 00	333,138 20		196,319 70
C. W. McCord	Light-draught monitor Etah	386,000 00	364,073 55		207,311 00
McKay & Aldus	Light-draught monitor Squando	395,000 00	337,329 46		194,535 70
George W. Lawrence	Light-draught monitor Wassuc	386,000 00	210,069 62		169,815 37
Aquilla Adams	Light-draught monitor Chimo	395,000 00	377,243 20	4,852 58	225,445 52
Alexander Swift & Co.	Light-draught monitors Klamath and Ruma	780,000 00	678,446 34		415,970 68
M. F. Merritt	Light-draught monitor Cohoes	395,000 00	318,735 99	4,852 58	201,968 28
J. O. Underhill	Light-draught monitor Modoc	395,000 00	214,435 72		127,669 35
Tomlinson, Hartapee & Co	River monitors Sandusky and Marietta	376,000 00	314,850 36	15,171 00	94,079 14
Donald McKay	Iron double-enders Ashuelot	275,000 00	81,447 50		22,415 92
T. F. Rowland	Iron double-enders Muscoota	275,000 00	71,505 21		21,642 83
Zeno Secor	Iron double-enders Mohongo	275,000 00	84,144 13		32,882 23
Harrison Loring	Iron double-enders Winnepeg	275,000 00	70,443 16		23,132 24
Paul Curtis	Wooden double-enders Chicopee	75,000 00	20,292 96		5,739 85
George W. Lawrence	Wooden double-enders Agawam and Pontoosuc	150,000 00	50,987 95		10,377 00
Larabee & Allen	Wooden double-enders Iosco	75,000 00	25,914 90		7,368 68
Edward Lupton	Wooden double-enders Lenape	75,000 00	70,493 94		5,923 48
Daniel S. Mershon, jr.	Wooden double-enders Mingo	75,000 00	31,593 34		
J. J. Abrahams	Wooden double-enders Etaw	\$75,000 00	\$17,412 66		\$200 00
Curtis & Tilden	Wooden double-enders Massasoit	75,000 00	17,398 82		4,918 41
Daniel S. Mershon, jr.	Wooden double-enders Cimarron*				
Thomas Stack	Wooden double-enders Port Royal	100,000 00	20,758 79		57 00
A. & G. T. Sampson	Wooden double-enders Mattabessett	75,000 00	20,377 49		3,723 30
Curtis & Tilden	Wooden double-enders Osceola	75,000 00	16,225 63		4,485 41
F. Z. Tucker	Wooden double-enders Mendota	75,000 00	25,398 71		4,631 53
Thomas Stack	Wooden double-enders Metacombet	75,000 00	27,769 80		4,081 27
J. Simonson	Wooden double-enders Chenango	75,000 00	19,969 98		3,523 17
Globe Works, Boston	Steam-machinery of ship Guerriero	400,000 00	30,508 02		14,149 27
William Perine	Iron tug Triana	128,000 00	47,773 22		5,142 22
William Perine	Iron tug Maria	80,000 00	31,049 88		
Poole & Hunt	Machinery of wooden double-enders Mackinaw	82,000 00	11,844 96	\$3,694 81	943 89
J. P. Morris, Towne & Co.	Machinery of wooden double-enders Tacony	82,000 00	27,518 57		8,494 57
Total		14,201,000 00	10,184,592 50	157,475 55	5,302,847 91

* Not considered as within the province of the board.

† Not considered as within the province of the board.

J. B. MARCHAND,
Commodore and President of Board.
J. W. KING,
Chief Engineer and Member of Board.
EDWARD FOSTER,
Paymaster and Member of Board.

NAVY DEPARTMENT, Washington, D. C., November 26, 1867.

Letter of the Secretary of the Navy, communicating report of the board appointed July 6, 1867, to "examine the claims of certain contractors for the construction of vessels of war and steam-machinery," under act of Congress approved March 2, 1867:—December 4, 1867. Read, referred to the Committee on Naval Affairs, and ordered to be printed.

NAVY DEPARTMENT, December 4, 1867.

SIR: An act of Congress approved on the 2d of March last directs the Secretary of the Navy "to investigate the claims of all contractors for building vessels of war and steam-machinery for the same, under contracts made after the 1st day of May, 1861, and prior to the 1st day of January, 1864," and to "report to Congress a tabular statement of each case, which shall contain the name of the contractor, a description of the work, the contract price, the whole increased cost of the work

To carry this act into effect the Secretary of the Navy, on the 6th of July, 1867, appointed a board consisting of three officers of the Navy, including its chief engineer.

These claims were before the board in detail, as also such information as the records of the Department furnished, including correspondence and the reports made from time to time to the Department by its agent charged with the superintendence of each work of the progress of the same. One member of the board at least was personally familiar with the facts involved in these inquiries by reason of his official relations with the execution of the several contracts.

The important inquiry, being the same raised in the first instance and on which the extra allowances had been made, was "what was the increased cost of the vessel or machinery caused by the action of the Government?" This was clearly the proper inquiry. These parties were certainly entitled to demand and receive from the Government the contract price for their vessels and machinery; and any increase of the cost to them of the vessels or machinery occasioned by the action of the Government, the Government was bound to pay. This was the real inquiry which the act of March 2, 1867, directed the Secretary of the Navy to make. It furnished the basis on which the Secretary of the Navy had in the first instance allowed and paid the extra compensation to the amount of \$5,302,847.91.

This board made their report, which was transmitted to Congress by the Secretary of the Navy, and which is embodied in the following table:

over the contract price, and the amount of such increased cost caused by the delay and action of the Government aforesaid, and the amount already paid the contractor over and above the contract price."

To comply with the requirements of this act, it became necessary to convene a board of officers for the examination of the several claims presented. Commodore J. B. Marchand, Chief Engineer J. W. King, and Paymaster Edward Foster were assigned to this duty, and their report is herewith transmitted.

I have the honor to be, very respectfully,

GIDEON WELLS,
Secretary of the Navy.

Hon. BENJAMIN F. WADE,
President pro tempore of the Senate.

NAVY DEPARTMENT, November 26, 1867.

SIR: We have the honor to report that, in obedience to your order of July 6, 1867, we have carefully scrutinized each of the claims presented under the act of Congress approved March 2, 1867, "to investigate the claims of certain contractors for building vessels of war and steam-machinery," and respectfully beg leave to inclose herewith the tabular statement called for by said act of Congress.

Messrs. Harlan & Hollingsworth, of Wilmington, Delaware, did not present a statement of their claim for delays occasioned by the Government while constructing the harbor and river monitor Saugus and light-draught monitor Napa; but in a letter to you, under date of October 12, they claim to be entitled to the same sum for the Saugus that the board may award to the Tecumseh, and also to the same sum in case of the Napa that may be awarded to the Casco.

After examination, the board finds that Messrs. Harlan & Hollingsworth are entitled for the Saugus to the same sum that was awarded to Mr. Harrison Loring in case of the Canonieus, namely, \$38,513, but do not find anything due in case of the Napa.

We have the honor, sir, to be, very respectfully, your obedient servants,
J. B. MARCHAND,
Commodore and President.
J. W. KING,
Chief Engineer and Member.
EDWARD FOSTER,
Paymaster and Member.

Hon. GIDEON WELLES,
Secretary of the Navy.

It will be seen that this board found that there was no increase of the cost of constructing the vessels and machinery involved in this inquiry occasioned by the action of the Government, except in seven instances, and Congress in the passage of the act entitled "An act for the relief of certain Government contractors," approved July 13, 1868, (Statutes at Large, volume 15, page 379,) seems to have ratified the action of the board.

It is proper that the undersigned should bring, in this connection, to the attention of the House the fact that prior to the passage of the act of March 2, 1867, under which the said board was organized, the Senate had on the 9th of March, 1866, passed the following resolution, namely:

Resolved, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam-machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and allowance for extra work, and report the same to the Senate at its next session; none but those that have given satisfaction to the Department to be considered.

Under this resolution of the Senate a board of three officers of the Navy, including its chief engineer, was appointed, whose action is embodied in the following tables submitted with their report, namely:

DECEMBER 23, 1865—10 o'clock a. m.

The board met pursuant to adjournment; all the members present.

The proceedings of yesterday were read over.

The board, after a critical examination of the bills of cost presented by the several contractors for vessels and steam-machinery contracted for in the years 1862 and 1863, who have appeared and made sworn statements, has determined the excess of cost in the several cases, over and above the contract price and allowance for extra work, to be as follows:

DOUBLE-ENDERS, WOODEN HULLS.

Name of vessel.	Contractor.	Excess of cost determined by board.
Iosco.....	Larrabee & Allen.....	\$11,708 97
Agawam.....	G. W. Lawrence.....	8,610 77
Pontoosuc.....	G. W. Lawrence.....	8,610 77
Massasoit.....	Curtis & Tilden.....	4,128 29
Osceola.....	Curtis & Tilden.....	4,128 29
Chickopee.....	Paul Curtis.....	4,128 39
Mattabesett.....	A. & G. S. Sampson.....	4,015 38
Metacomet.....	Thomas Stack & Co.....	16,351 36
Chenango.....	J. Simonson.....	16,441 81
Lenapee.....	Ed. Lupton.....	18,576 52
Mendota.....	F. Z. Tucker.....	14,473 84
Mingoe.....	D. S. Mershon.....	11,500 00
Wyalusing.....	C. H. & W. M. Cramp.....	3,831 93
Eutaw.....	J. J. Abrahams.....	12,576 10
Pontiac.....	Hillman & Streaker.....	5,041 22
Total.....		144,123 84

WOODEN DOUBLE-ENDERS—MACHINERY.

Iosco.....	Globe Works.....	\$29,789 00
Massasoit.....	Globe Works.....	29,789 99
Agawam.....	Portland Locomotive Company.....	40,433 73
Pontoosuc.....	Portland Locomotive Company.....	40,433 73
Mattabesett.....	Allaire Works.....	25,119 07
Shamrock.....	Allaire Works.....	25,119 06
Chickopee.....	Neptune Works.....	20,331 81
Tallapoosa.....	Neptune Works.....	20,331 80
Ascutey.....	Morgan Works.....	25,826 34
Chenango.....	Morgan Works.....	25,826 33
Otsego.....	Fulton Works.....	22,366 61
Metacomet.....	South Brooklyn Works.....	30,617 75
Mendota.....	South Brooklyn Works.....	30,617 75
Lenapee.....	Washington Works.....	29,161 24
Mingoe.....	Posey, Jones & Co.....	5,817 36
Wyalusing.....	Posey, Jones & Co.....	5,817 37
Pontiac.....	Neale & Levy.....	22,434 50
Mackinaw.....	Poole & Hunt.....	44,015 84
Osceola.....	Atlantic Works.....	20,513 73
Massasoit.....	Atlantic Works.....	20,513 72
Pooria.....	Etna Works.....	61,732 51
Pawtuxet.....	Gardner & Lake.....	35,325 74
Total.....		614,974 91

IRON DOUBLE-ENDERS—HULL AND MACHINERY.

Name of vessel.	Contractor.	Excess of cost determined by board.
Suwanee.....	Reany, Son & Archbold.....	\$28,974 18
Waterloo.....	Reany, Son & Archbold.....	34,161 63
Shamokin.....	Reany, Son & Archbold.....	33,992 97
Muscoota.....	T. F. Rowland.....	82,460 95
Winnipeg.....	Harrison Loring.....	63,715 41
Mohongo.....	Zeno Secor & Co.....	113,543 78
Total.....		356,848 92

IRON-CLAD—MACHINERY.

Miantonomoh.....	Novelty Works.....	\$35,832 04
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IRON TUG-BOATS—HULL AND MACHINERY.

Pilgrim.....	Posey, Jones & Co.....	\$4,793 38
Triana.....	William Perine.....	52,472 81
Maria.....	William Perine.....	43,586 98
Total.....		100,853 17

IRON-CLAD PROPELLERS—HULL AND MACHINERY.

Milwaukee.....	James B. Eads.....	\$30,438 24
Winnebago.....	James B. Eads.....	29,174 20
Total.....		59,613 04

IRON-CLAD—HULL AND MACHINERY.

Onondaga.....	G. W. Quintard.....	\$85,203 91
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HARBOR AND RIVER MONITORS—HULL AND MACHINERY.

Tecumseh.....	Z. & F. Secor.....	\$119,020 57
Mahopac.....	Z. & F. Secor.....	119,020 57
Manhattan.....	W. Perine, Z. F. Secor.....	119,020 57
Catawba.....	Alex. Swift & Co.....	114,069 94
Oneota.....	Alex. Swift & Co.....	114,069 94
Manayunk.....	Snowden & Mason.....	71,569 42
Total.....		656,651 01

LIGHT-DRAUGHT MONITOR—HULL AND MACHINERY.

Naubuck.....	William Perine.....	\$36,533 44
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Comanche.—Donahue, Ryan & Secor, \$179,993.80.

In the case of the Comanche there is an additional sum of \$96,550 now in the courts, which the contractors consider as a part of the cost of the vessel, but which the board have not embraced in their award.

All of which is respectfully submitted.

THOS. O. SELFIDGE,
Commodore and President of Board.
MONTGOMERY FLETCHER,
Chief Engineer.
CHAS. H. ELDREDGE,
Paymaster.

Hon. GIDEON WELLES,
Secretary of the Navy.

It will be observed that this resolution, under which this board was organized, required the board "to inquire into and determine how much the vessels of war and steam-machinery cost the contractors over and above the contract price and allowances for extra work."

The undersigned submit that the information and conclusions furnished on this basis were of no practical value; and that for that reason the true and just basis of adjustment was laid down by the act of March 2, 1867, namely, "the increased cost occasioned by the action of the Government."

To indicate the nature of the inquiry under the Senate resolution, the committee submit all the testimony taken by this board, as reported by them, touching certain of these claims, namely:

"Appeared before the board Gustavus Rieker, resident of Cincinnati, Ohio, and authorized agent of Alexander Swift & Co. and the Niles Works, on the part of said firm and works, contractors for the harbor and river monitors Catawba and Oneota. Under oath states that the contracts for these vessels were dated by the Navy Department respectively September 15, 1862, and October 13, 1862, in which they were allowed six months from the date of contract to complete and deliver them to the Government; but they were not so completed and delivered until on or about the 1st of June, 1865. This delay was caused by alterations being made by order of the Department and the scarcity of labor. The excess of cost is accounted for in being obliged to raise the vessels eighteen inches, extensive alterations in turrets, and increased size of boilers over stipulations of contract; that the total cost, including bill for extra work paid in full by the Government, namely, \$322,849, was \$1,470,865.88; that the contract price paid for both vessels was \$920,000; received for extra work, \$332,849; total received, \$1,242,849—leaving a balance, the excess of cost to them over and above the contract price, of \$228,019.88; that there is no charge in the bill (annexed to this record, marked No. 26) for any condemned material or faulty workmanship, and that it shows the actual cost of labor and material.

"Appeared before the board Zeno Secor, one of the firm of Secor & Company, and Perine, Secor & Company, contractors for the iron-clads Mahopac, Tecumseh, and Manhattan; and also appeared James F. Secor, employé of said firms. Under oath

they state that the contracts for these vessels were dated by the Navy Department September 1, 1862, in which they were allowed six months, or until March 1, 1863, to complete and deliver them to the Government, but the *Tecumseh* was not so completed and delivered until March 28, 1864; the *Manhattan* until May 23, 1864, and the *Mahopac* until August 20, 1864. The cause of this delay was owing to alterations and additions to original specifications required by the Department; that the total cost of hull and machinery, including bills of extra work, was \$2,270,447.63; received from the Department on contract price, \$1,371,836.55; reserved by Government on contract, for patent fees, \$8,163.45; received for extra work, \$516,218.41; total amount received, \$1,888,054.96—leaving a balance, excess of cost to them over and above contract price, of \$382,392.67. That the excess of cost over and above contract price is mainly due to alterations and additions made, and the rise in price of material and labor; that there is no charge in the bills annexed to this record, marked No. 33, for any condemned material or faulty workmanship, and that it shows the actual cost of labor and material."

The undersigned have not deemed it necessary to inquire whether on the one hand these contracts, as finally executed and fulfilled, were of value to the Government, or on the other whether, independent of the action of the Government, the contracts resulted in loss to the contractors. While it is to be regretted that any enterprise involving the industry of the country, whether entered upon under contract with the Government or otherwise, should result in loss, the undersigned are of the opinion that the Government, like other contracting parties, should only be expected to carry out its contracts in good faith; and your committee submit that this rule is imperatively demanded by a sound public policy. They further submit that while to enforce contracts against itself it was clearly the part of a wise and just government to open to its citizens a tribunal of justice, at the same time a law of limitation of actions—a statute of repose, such as would be deemed reasonable as between citizens—should for obvious reasons be applied in behalf of the Government.

Among the reasons, therefore, against these claims are the following:

1. These claimants have already been heard, their demands investigated again and again by the officers authorized by law, in the mode prescribed when their claims originated, and since, in pursuance of a special act of Congress in their favor, in the mode which they accepted.

The awards made in their favor cannot be disregarded and new demands sanctioned without impeaching the intelligence, fidelity, or justice of the officers who have already passed on these claims.

2. These contractors and claimants are men of more than ordinary intelligence and business capacity. They had a right by law to sue in the Court of Claims when all the facts could be readily ascertained. They did not do so. Now, Government officers who may be presumed to have had full knowledge of the facts, have in part died, or gone out of office, or are no longer accessible, or have forgotten many facts which may be material to protect the Government. Where this is the case there is much more reason and justice for saying claims barred by the statute of limitations should remain barred, than in actions between living individual persons, whose interests will more certainly secure the memory and evidence of material facts better than in the case of a Government whose officers are too frequently changing. And it cannot be denied that there is a vigilance in watching private interests which is rarely ever secured for the Government.

These claims are barred by the statute of limitations, and now to open them up to a suit will put the Government at a great disadvantage and give the claimants a great advantage.

3. These intelligent claimants, with a full knowledge of their rights, not only declined to sue the United States when they had a right to do so, but they actually settled all disputed matters with the proper officers and gave a receipt in full to the United States of all the claims which they now seek to recover.

Congress should be just, but it has no right to surrender the rights of the United States, violate the limitation laws made for the protection of the people and to secure the ends of justice, and tax the whole public to pay stale claims, the payment of which no law sanctions, and full satisfaction of which has already been acknowledged.

4. If a special privilege is now given to these claimants to sue the United States, it will invite a multitude of other claims, and great injustice may and doubtless will be done to the Government. There should be an end to all demands of this kind. Claims should not be immortal while men are only mortal in this sphere of action.

5. In the case of *Choteau vs. The United States*, decided in the Court of Claims, involving a claim in one of the so-called "iron-clad claims," the court has already decided against the claimant.

There are other considerations against some of the claims which may be worthy of consideration, but it seems to us enough has already been said to show that the claimants have no rightful demand on the Government.

The undersigned, therefore, after a very careful examination of all the facts, are of the opinion that the bill should not pass, and recommend its indefinite postponement.

Respectfully submitted.

WM. LAWRENCE.
WM. S. HOLMAN.
JAMES WILSON.

Mr. HAZELTON, of Wisconsin. Mr. Chairman, if I can have the attention of the committee for a little while, I desire to submit some considerations which seem to me worthy of the attention of the committee in support of this bill; and it is not my purpose to occupy any great amount of time myself in this discussion.

The reports of the majority and the minority of the Committee on War Claims have been read in the hearing of the committee; and I presume the discussion will follow substantially in the line of those reports. So far as I am personally concerned, I desire to say that none of these claimants reside in my district; I have little or no acquaintance with any of them; and in what I may say in support of this bill and in urging its passage upon this committee and upon the House, I do not appear as the advocate or champion of these claimants in any sense whatever.

The other day when I undertook to procure a suspension of the rules for the passage of the Senate bill on this same subject my friend from Pennsylvania inquired as to the amount of money this bill would take from the Treasury; and I suggested in answer to his interrogatory that in my judgment it would save the Treasury a very considerable amount of money. It is with that view and upon that theory that I advocate the passage of this bill.

The proposition is not to allow a dollar to these claimants; it is not to indorse by action of Congress their claim for one dollar; it is, in a word, to do this: to take these cases out of Congress, where they cannot be judicially investigated, and send them to a court where they may be judicially investigated, and where the rights and interests of the Government may be protected.

I have not had as much experience in this House as many who hear me; but I have had enough to warrant me in saying that this is the worst tribunal in the world for investigating a claim. There are no facilities provided to the committees of Congress for making an investigation of claims against the Government. The testimony upon which committees act is in its very nature *ex parte*. It is utterly impossible, as every gentleman who ever had any experience on any of the claim committees of the House will testify, to give to claims that consideration or investigation which is absolutely necessary to protect the interests of the Government. I undertake to say that no matter how vigilant your committees may be, no matter how vigilant Congress itself may be in considering cases of this class, it is absolutely impossible to protect the Government and the Treasury from fraud and imposition. It is upon this theory and no other that I say this class of cases ought to be taken out of Congress and sent to the Court of Claims, where they can be judicially investigated, where evidence *pro and con* can be submitted, and where the rights of the Government as well as the interests of the claimants may have some show of being protected. I do not know that a dollar is due to a single one of these claimants.

Mr. SCOFIELD. What is the round sum claimed?

Mr. HAZELTON, of Wisconsin. It is impossible for me to say what the round sum of the claim is, but I will intimate in the course of my remarks what was found as the aggregate sum by the Selfridge board. That is all I can say.

Mr. SCOFIELD. How much do the claimants themselves ask?

Mr. HAZELTON, of Wisconsin. It is impossible to say, but it is a considerable sum.

Mr. SCOFIELD. One million or five millions?

Mr. HAZELTON, of Wisconsin. More than one and probably more than two million dollars. But I will state what I have to say in regard to that in the progress of my remarks.

I was going on to say, Mr. Chairman, that I do not know a dollar is due to any one of these claimants. I hope it may turn out upon investigation that not a dollar is due; but I do assert that it is in the interest of economy, in the interest of protecting the Treasury against imposition, that these cases shall be taken out of these halls and sent into a court where they may be examined into.

I may be pardoned for briefly alluding to the history of these claims. Enough may have been gathered from the reading of the report to put the committee in possession of the essential facts which are the groundwork of these claims. They grow out of the fact that these claimants contracted for certain vessels of war known as iron-clad or iron-armored vessels during the war of the rebellion for the Government. These vessels were constructed under a contract made with the Navy Department of the Government, and it so happened that this class of work was in its very nature an experiment, about which neither the contractor nor the officers of the Government had any definite information. Indeed, the officers of the Government were as ignorant as the contractors themselves; and in the progress of this work under the contracts which were entered into by the proper officer of the Government changes had to be made from time to time. The officers of the Government were acquiring information from time to time, under which and in view of which they were constrained to vary the specifications of the contracts which had been entered into by these parties, and, as a consequence resulting from these facts, delays were occasioned and the character of the vessels to be constructed essentially changed; and pending these delays all the labor and materials entering into them had advanced in price very considerably. The skilled mechanical labor requisite in their contracts had advanced very materially. So at the completion of the work it was found by these contractors they had been subjected to great loss and damage, in many cases to ruinous losses, in consequence of these changes made in the manner I have indicated.

Under these circumstances, in March, 1865, these parties came to Congress for relief, and on presentation of their cases the Senate appointed a board, known as the Selfridge board, to examine into them. That board organized and cited these claimants to appear before them, and they did appear. Seven months were given to the investigation, and an award was made by that board in favor of a large number of these claimants; not all of them, but nearly all of them. That report was submitted to the Senate in the closing days of the session, and after some discussion a proposition was made by Senator Grimes to pay these parties in gross 12 per cent. upon the contract price for constructing these vessels. That proposition passed the Senate. It came to this House and was referred to the Committee on Claims, but it was so obviously unjust to some of the claimants, while it paid others in excess of their claims, that it was unanimously rejected both by the Committee on Claims and by the House. Consequently another board was organized to make a similar investigation, known as the Marchand board, and it prosecuted its work of investigation; but, as is claimed by these parties, they were refused the privilege of making their proofs and presenting to the board the grounds upon which they asked for relief. But seven of all these contractors were awarded any relief by the Marchand board. Then the cases were thrown again into Congress, and were considered by the committee of the Senate and subsequently by the committee of the House. I state what I believe to be true, that no committee of the Senate, no committee of the House has ever decided or reported adversely upon these claims. On the contrary, they have been indorsed over and

over again by the committees of the Senate and the committees of this House having these cases in charge.

Now, I desire to submit here in this connection remarks made by Senator Hendricks, of Indiana, and by Senator Sumner, of Massachusetts, in support of some legislation in behalf of these claims when these cases were under consideration in the Senate some time ago.

Mr. SPEER. What year was that?

Mr. HAZELTON, of Wisconsin. This was in April, 1866.

Senator Hendricks, after a full investigation of this subject, said:

I am of the opinion that these sums ought to be paid as a matter of justice and right by the Government to these contractors. Each case of course has its special merits or demerits. But, sir, I believe in the doctrine that where a man contracts to do a great and very important work for the Government he ought not to be allowed to be a large loser, and in some cases, as will be the result here, to be broken up by the contract he may have made, and especially in the case of contracts made at such a time as these were made and for such a work as they were made. I mean, of course, where he acts in good faith.

These contracts, it will be observed, were made pending the war. I submit to all Senators whether it was possible for a party making a contract with the Government in the months of August and September, 1862, to anticipate the enormous rise in labor and materials? For work that must of necessity run through a number of months, was it possible for a contractor to anticipate in the making of his contract with the Government the enormous advance in materials?

Referring to the same subject Senator Sumner said:

And now again I ask, are you ready to see these contractors who have done this service sacrificed? You do not allow the soldier to be sacrificed nor the national creditor who has taken your stock. Will you allow the mechanic to be sacrificed? There are many of them who without your help must suffer. One of the most enterprising and faithful in the whole country is a constituent of my own, who during the last year has been obliged to go into bankruptcy from his inability to meet liabilities growing out of the war, and at this moment he finds no chance of relief except in what a just Government may return to him. My friend on my right [Mr. Nye] asked you to be magnanimous to these contractors. I do not put it in that way. I ask you simply to be just. Do by them as you would be done by.

Now, then, Mr. Chairman, these are the sentiments which were held by these distinguished Senators upon the full and careful consideration of these cases. I read them because in my judgment they are entitled to weight in the consideration and disposition of the question now pending before this committee. Nobody can claim that these gentlemen could have been under any circumstances induced to advocate a "job." Nobody believes that they could have been deceived upon a proposition which was submitted to them. And therefore, I repeat, their views are entitled to great weight.

Now, Mr. Chairman, referring to the very matters which are touched upon in these remarks, I beg to say that I hold in my hand a list of the names of twenty-nine of the forty-nine contractors who entered into contracts with this Government to construct some of these vessels. Of the whole number of forty-nine contractors twenty-nine failed and were financially ruined in consequence of their losses—the losses they sustained by the taking of these contracts to undertake to do this work for the Government. It is unnecessary for me to repeat these names, but I state upon assurances upon which I can rely that three-fifths, more than three-fifths of all the contractors who engaged in this class of work failed in consequence thereof, and were financially ruined.

Now, then, it will be seen that there is a basis upon which these parties ask for relief. There is a basis upon which they come to Congress and ask that they may be allowed to go into the Court of Claims to have an investigation as to whether anything be actually due them or not. If it shall be found upon such investigation that they have been paid in full; if it shall be found that they have no claim against the Government, then let it be so adjudicated, and let this matter be ended in that way. But if it shall be found that something is due these parties upon a judicial investigation, then in conscience and in equity they are entitled to that. It does not become Congress, it does not become us as men of honor seeking to do justice between claimants and the Government to say that if these parties can demonstrate by competent proof in the courts of the country that they have a just claim against the Government for something, we will plead the statute of limitations upon them or we will refuse them arbitrarily, simply because we have the power, the right, and privilege of going into the courts of the country.

Now, then, the conditions under which these parties may present their claims to the court are defined by law and they are limited to a very narrow range. They appear in the act of March 2, 1867. This act is in these terms; it provides that the Secretary of the Navy—

Shall ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work, by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work occasioned by the Government, which were not provided for in the original contract.

Is not that a fair proposition? Can any gentleman on this floor say that there is aught unjust to the Government in that proposition? Is it not the familiar principle which is applied in every court of justice in the land in passing upon cognate questions?

This act goes further and provides by way of additional protection to the Government that—

No allowance for any advance in the price of labor or material shall be considered, unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor; and from such additional cost—

Mark the language—

to be ascertained as aforesaid, there shall be deducted such sum as may have been paid each contractor for any reason heretofore and above the contract price.

Now, I understand, Mr. Chairman, very well that those who antagonize the passage of this bill claim that certain extra allowances were made to these claimants by the Navy Department, and that is true to a certain extent and as to some of these claimants; but I have proof before me to substantiate the statement that all these allowances were made upon the basis of the scale of prices embraced in the original contract or prevailing at that time, and that they did not contemplate, they did not take into account the advance in the price of both material and labor, and especially skilled labor, which occurred pending the delay occasioned by the Government.

Mr. WILLARD, of Vermont. Will the gentleman allow me to ask him a question?

Mr. HAZELTON, of Wisconsin. I cannot be interrupted now. The gentleman will have his own time, in which he can answer me.

Mr. WILLARD, of Vermont. I only wished to ask whether the information of the gentleman is official?

Mr. HAZELTON, of Wisconsin. My information is official, and I have the statement of the Secretary of the Navy on this subject which I will not take time to read, but will append to my remarks. It is official information from the Navy Department.

Now then I say, Mr. Chairman, that the theory of these claims proceeds upon this basis: that the allowances, the special allowances that were made, were limited to a scale of prices which existed at the time the contracts were entered into, and therefore it will be readily seen that they do not embrace the claims of these parties against the Government for the advance in the scale of prices of material and labor between the execution of the contracts and the completion of the work.

Sir, these advances were very large. I hold in my hand a Senate report from which I quote:

From August, 1863, till July, 1864, a period of eleven months, best flange iron rose from \$4 to 10½ per pound; common iron from \$80 to \$205 per ton; American iron from \$34 to \$75 per ton; copper, in sheets, from 38 to 70; laborers from 14 to 22 cents per hour; smiths from 23 to 31 cents per hour; molders from 25 to 31 cents per hour; turners from 23 to 30 cents per hour; carpenters from 24 to 27; and boiler men from 23 to 32 cents per hour.

These are the advances in price stated in one of the official reports of the Senate, and I dare say will not be controverted by any gentleman on this floor.

Perhaps I have said enough in regard to the basis upon which these parties ask relief. I do not say, I do not undertake to claim, that a single dollar is due to these parties by the Government at all; but I do undertake to say that there is such a substantial groundwork for a claim against the Government as to entitle these parties to go into the Court of Claims for the purpose of having the question judicially investigated and settled, and that is all I do say in that regard. It was intimated the other day, as I see by the RECORD, by my friend the learned chairman of the Committee on War Claims, [Mr. LAWRENCE,] when a motion was made to suspend the rules and pass this bill—although I did not hear my friend say anything of the kind on the floor—I find on looking at the RECORD that he did say this: That this bill would take from three to five million dollars from the Treasury. That is his first point. Second, that the Government holds receipts in full for these claims. Third, that the Court of Claims has already decided against these claimants. So that you have here summarized the defense as stated by the chairman of the Committee on War Claims as the position occupied by those who oppose this bill.

Mr. KELLOGG. Has my friend ever found any member on this floor who heard the chairman of the Committee on War Claims say anything of that kind? The bill was up under a suspension of the rules, and no debate was in order.

Mr. HAZELTON, of Wisconsin. I infer that the chairman of the Committee on War Claims did make those statements from the fact that I see them in the RECORD, and I presume he must have made them, although I did not hear him.

But I want to call attention to the position taken by my learned friend in opposition to this bill. If I comprehend his argument, it seems to me that it is the old case of the kettle over again, with which every gentleman on this floor is familiar. In the first place it will take a large sum of money out of the Treasury, in the second place the Government holds receipts in full, and in the third place the Court of Claims has already decided against the claimants; therefore he thinks that there is an immense job in this bill in proposing to send it to the Court of Claims, an adverse decision having already been made in the case. As a friend at my right suggests, he is afraid the Court of Claims, notwithstanding the receipts of these parties, notwithstanding the decisions of the court, will take from three to five million dollars out of the Treasury for the benefit of these claims.

I was inquired of a few moments ago by my friend from Pennsylvania [Mr. SCOFIELD] as to the amount of money really involved in these claims. I cannot state the precise amount. I know that the Selfridge board, to which I have already alluded, upon an investigation of the case, made an award of about \$1,750,000. My honest belief is that if these cases can go to the Court of Claims and be there investigated, not more than from 30 to 50 per cent. of that amount will ever be allowed these parties.

I will state further, with the same sincerity of conviction, that unless these cases are taken out of Congress and sent to the court,

and the lobby behind these claims taken out of these halls, in the end these claims will take out of the Treasury more than \$1,750,000. I might say more than twice that amount. It is idle to suppose that you settle anything when you reject this bill. It is idle, it is childish to suppose that you have ended these claims, that you have put a quietus upon them when you have rejected this bill. By so doing you will only send these claims to the next Congress, and if they fail there, to another Congress. From my observation here as a member of Congress, and from my understanding of the status of these claims, indorsed as they have been over and over and over again by committees of both branches of Congress and by the most distinguished members of both Houses of Congress, I undertake to say that at some time, sooner or later, unless these cases are sent into court to be investigated and disposed of, they will be passed through Congress either together or singly, and will take from the Treasury three or four times what will ever be allowed them upon a fair and thorough judicial investigation.

Mr. WILSON, of Indiana. I desire to ask a question for information, as I would like also to hear what my colleague [Mr. HOLMAN] has to say about the matter when he gets the floor. I find in a tabular statement contained in the report of the minority of the committee a column setting forth the amounts already paid to the contractors over and above the contract prices obtained from the Bureaus. I would like to know whether these amounts were estimated for additional work performed at the original contract prices.

Mr. HAZELTON, of Wisconsin. I so understand.

Mr. WILSON, of Indiana. Or whether anything was taken into consideration for the advanced cost of labor and material. I do not find in the report any information on that subject.

Mr. HAZELTON, of Wisconsin. I understand that that report was made upon the schedule of prices adopted at the time the contracts were entered into. Indeed, according to my recollection (and if I am not correct some gentleman of the committee will correct me) one member of that board, Mr. King, so stated before our committee last winter.

Mr. WILSON, of Indiana. Another question in that same connection. This other board made their report on the 26th of November, 1867. On the 23d of December, 1865, I believe the other report was made. Upon what basis was that report made?

Mr. HAZELTON, of Wisconsin. That was made upon an investigation of the whole case; but that report was never acted upon. It simply fell to the ground. Had that report been acted upon by Congress, I have no doubt all of these cases would have been disposed of under the award made by that board. But it never was acted upon at all. As I said before, the Senate, upon the motion of Senator Grimes, added 12 per cent. in gross to all the contracts. That was so obviously unjust and indefensible that it was unanimously rejected by the Committee on Claims of this House, and nothing was ever done in pursuance of it. It is unnecessary therefore to inquire further in regard to the action of that board.

I have simply outlined in a general way the ground upon which these parties base their claims against the Government and the arguments upon which it seems to me this committee ought to conclude to send these cases to the Court of Claims for investigation. If it shall be thought that the interests of the Government require, if the officers charged with the duty of prosecuting these cases in that court shall desire, under the law an appeal can be taken to the Supreme Court of the United States, where an investigation of the whole field may be had, where the proceedings of the Court of Claims may be reviewed by the highest court of the country. It seems to me there is not the least ground for apprehending that all the rights and all the interests of the Government will not be thoroughly cared for and looked after by the Court of Claims.

One thing further, and then I will yield to my friend from Connecticut, [Mr. KELLOGG.] It must not be understood that these gentlemen who are making these claims are to be prejudiced by the fact that they entered into contract with the Government to do this work. They do not come within the class of contractors who may perhaps be regarded as somewhat odious in the country; men who took advantage of their contracts to supply our Army with provisions, clothing, &c., and failed to perform those contracts in the spirit in which they were made. These men are mechanics of the country, many of whom were controlling and running ship-yards, doing a large and prosperous business, having no desire to take this work, but undertaking it at the instance of the officers of the Government, the work in many cases being pressed upon them, and they consenting to turn over their ship-yards and give their employes and machinery to the construction of these vessels, and to throw themselves upon the justice of Congress, upon the justice of the Government to protect them against serious loss.

Now, it seems to me they are entitled to some consideration; that at least they occupy such a relation to the Government that we cannot in honor refuse to give them a hearing; that we cannot in honor decline to allow them to go into the courts of the country to settle the question whether they have or have not any just claim against the Government.

I now yield the remainder of my time to the gentleman from Connecticut, [Mr. KELLOGG.]

Mr. BIERY. Before the gentleman from Wisconsin takes his seat I would like to put a question to him. The allegation is made that

there was an award in behalf of these parties. I want to know whether they accepted the money that was so awarded.

Mr. HAZELTON, of Wisconsin. What award does the gentleman refer to?

Mr. BIERY. The award for their claim.

Mr. HAZELTON, of Wisconsin. What board?

Mr. BIERY. The allegation is made in the report of the minority that these parties accepted the award that was made and gave a receipt in satisfaction of their claim.

Mr. HAZELTON, of Wisconsin. I do not know what award the gentleman refers to; but if he refers to the award made by the Selfridge board, I will say that the claimants never had any opportunity to accept the award of this board. If the gentleman refers to the allowances made by the Navy Department, I have already explained that when those allowances were made the Department considered itself limited by the scale of prices in existence at the time the contracts were entered into; and these parties doubtless gave receipts as required by that Department, and as they were compelled to do in order to receive the allowance. That is all.

I now yield my remaining fifteen minutes to the gentleman from Connecticut, [Mr. KELLOGG.]

[The following documents were referred to by Mr. HAZELTON in the course of his remarks:]

UNITED STATES NAVY DEPARTMENT,
February 16, 1875.

I hereby certify that the annexed is a true copy of Bureau of Construction and Repair to Nathaniel McKay, dated February 16, 1874, and of Bureau of Construction and Repair to Department, dated February 18, 1874, as appears by the records of the Department.

JNO. W. HOGG,
Chief Clerk.

Be it known that John W. Hogg, whose name is signed to the above certificate, is now, and was at the time of so signing, chief clerk in the Navy Department, and that full faith and credit are due to all his official attestations as such.

In testimony whereof I have hereunto subscribed my name, and caused the seal of the Navy Department of the United States to be affixed, at the city of Washington, this 16th day of February, in the year of our Lord 1875, and of the Independence of the United States the ninety-ninth.

[L. s.]

GEO. M. ROBESON,
Secretary of the Navy.

NAVY DEPARTMENT,
BUREAU OF CONSTRUCTION AND REPAIR,
February 16, 1874.

SIR: In reply to your letter of this date to the honorable Secretary of the Navy, referred to the Bureau, you are informed that from the summary of the accounts of the Squando on file in this office, (a copy of which is inclosed herewith,) it appears that no payments were made on that vessel for rise in labor and material caused by the acts of the Government.

Respectfully, your obedient servant,

J. HANSCOM,
Chief of Bureau.

NATHL. MCKAY, Esq.,
Washington, D. C.

Summary of accounts of the Squando.

Dr.		
Contract price of vessel.....	\$395,000 00	
Bills of extras to contract.....	101,135 70	
Raising vessel 22 inches.....	90,000 00	\$586,135 70
Cr.		
By amount paid on contract.....	296,250 00	
By amount paid on reservation.....	98,750 00	
By amount paid on account of extras.....	72,847 52	
By amount paid on account of raising vessel 22 inches.....	90,000 00	
By machinery, &c., built for Chimo and turned over to Squando.....	14,220 09	
By frames of two gun-carriages from Modoc.....	182 40	
By fitting magazines at Boston navy-yard.....	153 92	
By equipments furnished by Boston navy-yard.....	304 82	
	572,708 75	
Balance due contractor.....		13,426 95

1865.
July 13. Bills forwarded on account of extras for balance. \$13,426 95 (Paid.)
Approved:

F. H. GREGORY,
Rear-Admiral.

No. 9.]

NAVY DEPARTMENT,
BUREAU OF CONSTRUCTION AND REPAIR,
February 18, 1874.

SIR: In reply to the letter of the Committee on War Claims of the House of Representatives of the 16th instant, to the Department, referred to this Bureau, I have the honor to state that there is nothing on the records of this Bureau which shows the payment "to any contractor for building iron-clad vessels of war any sum or sums on account of the rise or advance in the prices of labor or material during the period of delay caused by the action of the Navy Department."

It appears, however, by the report of a board of officers appointed by the Secretary of the Navy under authority of the act of Congress approved March 2, 1867, (Executive Document No. 3, Senate, second session Fortieth Congress,) that the following sums were allowed to the contractors for building the vessels below named as the portion of "increased cost caused by the delay and action of the Government," namely:

To Secor & Co. and Perine, Secor & Co., on the Mahopae, Tecumseh, and Manhattan, river and harbor monitors, \$115,539.01; to Harrison Loring, on the river and harbor monitor Canonicus, \$38,513; to Atlantic Works, on the light-draught monitor Casco, \$4,852.58; to Aquila Adams, on the light-draught monitor Chimo, \$4,852.58; to M. F. Merrill, on the light-draught monitor Cohoes, \$4,852.58; to Tomlinson, Hartup & Co., on the river monitors Sandusky and Marietta, \$15,171, and to Poole & Hunt, on machinery of wooden double-ender Mackinaw, \$3,694.81.

These sums, under the act of Congress approved July 13, 1866, (15 Statutes at Large, 379-380,) were paid by the Secretary of the Treasury.

The sum of \$38,513 also seems to have been allowed and paid to Harlan & Hollingsworth on the river and harbor monitor Sanguis. Mention is made of this in the report of the board above referred to, but it does not appear in the tabular statement accompanying it.

I am, sir, very respectfully, your obedient servant,

J. HANSCOM,
Chief of Bureau.

Hon. GEO. M. ROBESON,
Secretary of the Navy.

UNITED STATES NAVY DEPARTMENT,
February 17, 1875.

I hereby certify that the annexed is a true copy of the following papers on file in this Department: Telegram of William W. Wood to McKay & Aldus, dated June 23, 1864; letter of same to same, dated June 23, 1864; letter of F. H. Gregory to McKay & Aldus, dated September 16, 1864.

JNO. W. HOGG,
Chief Clerk.

Be it known that John W. Hogg, whose name is signed to the above certificate, is now, and was at the time of so signing, chief clerk in the Navy Department, and that full faith and credit are due to all his official attestations as such.

In testimony whereof I have hereunto subscribed my name and caused the seal of the Navy Department of the United States to be affixed, at the city of Washington, this 17th day of February, in the year of our Lord 1875, and of the Independence of the United States the ninety-ninth.

[L. S.]

GEO. M. ROBESON,
Secretary of the Navy.

[Telegram.]

NEW YORK, June 23, 1864.

McKAY & ALDUS,
East Boston, Massachusetts:

Suspend work on Squando until further orders, which you will receive in a very short time.

WM. W. W. WOOD,
For the admiral general superintendent.

GENERAL INSPECTOR'S OFFICE,
New York, June 23, 1864.

GENTLEMEN: By order of the rear admiral superintending, I forwarded you the following instructions by telegram this day:

Suspend work on Squando until further orders, which you will receive in a very short time.

I am, respectfully,

WM. W. W. WOOD,
General Inspector of Steam-machinery for the Navy.

Messrs. McKAY & ALDUS,
East Boston, Massachusetts.

NEW YORK, September 16, 1864.

GENTLEMEN: Your letter of acceptance of the 14th instant, to make the changes proposed in the light-draught monitor Squando, namely, to raise that vessel twenty-two inches and place in cross-floors, stiffening plates in water compartments, and raise the boilers, in conformity to the plans and specifications submitted by Chief Engineer Wood, and work incidental thereto, for the sum of \$90,000, has been received. The sum named is satisfactory, and you are hereby authorized to proceed with the work, and to hurry the same to the earliest possible completion. The payments for this work will be made as it is completed, certificates being forwarded by the local inspector to the general inspector certifying as to the amount done.

I am, respectfully,

F. H. GREGORY,
Rear-Admiral, Superintending.

Messrs. McKAY & ALDUS,
East Boston, Massachusetts.

Mr. KELLOGG. Mr. Chairman and gentlemen of the committee, this question has been so thoroughly discussed by my friend from Wisconsin, [Mr. HAZELTON,] who has charge of this bill, that I do not expect to occupy the whole of the fifteen minutes allowed me.

As the report shows, a majority of the Committee on War Claims, comprising all but three members of that committee, (and this is about as near as you can ever expect to approach a unanimous report from that committee,) have reported in favor of this bill, sending all these claimants to the Court of Claims, with a right on the part of the Government as well as the claimants to appeal to the Supreme Court of the United States to settle by due legal proceedings whether these gentlemen have any just claim against the Government or not. The committee thought this a fair way to try the question; and with that view they reported the bill.

I find an impression prevailing in some parts of this House that there have been two awards made by boards appointed by the Navy Department in favor of these claims, and that they have been settled in that way. The very year the war closed it was conceded on the part of the Government itself that these contractors would not receive anything like adequate compensation at the contract prices, owing to changes in construction ordered by the Navy Department. The whole matter of iron-clads was an experiment at the outset. The Navy Department made these contracts in pursuance of acts of Congress, and required the contractors to do just as they were instructed. The Department drew up the plans and specifications, and directed just how everything should be done. The attempt was to make a light-draught iron-clad vessel. They did the best they could, but they did not know how such a vessel should be successfully constructed for the purposes for which they were designed; and the very first vessel of that kind that was launched went down so near the water's edge that all of them had to be built over again. Congress was then appealed to for relief. The Selfridge board, as it was called, was organized, and that board made an award, which I presume would have satisfied some of these parties, though it was an *ex parte* board; but when the award came before the Senate that body rejected it, and re-

fused to make provision for paying what this board, organized by the Navy Department itself, said these parties were entitled to receive, and the Senate proposed to pay all of them 12 per cent. advance, without regard to whether their claims were just for more or less than that. In other words, if you consider this board as a court, the Government of the United States organized a court to consider these cases, and after that court had made a decision the Government itself refused to abide by that decision, and ordered a new board, called the Marchand board. That board was well characterized by my friend from Maine, who made a report on this subject in the last Congress, as simply a star-chamber board, taking such evidence as the Secretary of the Navy laid before them, and only a part of the evidence that had been laid before the Selfridge board, without any provision, authority, or power on the part of the contractors to file any new evidence or to be heard before the board. The board never heard the parties at all.

Mr. WILSON, of Indiana. I would like to ask the gentleman whether these contractors were allowed to be heard by testimony before that board?

Mr. KELLOGG. If the gentleman means the second board, I answer not at all, except as they took such evidence as was laid before them by the Navy Department and not by the parties. Chief Engineer King, one of the members of the Marchand board, and one of the most competent men there probably, appeared before our committee and testified that the board had before them nothing except the old papers which had been on file in the Navy Department. They had no chance to consider new evidence or a part of the old evidence. I may state further that Chief Engineer King testified before our committee that, as a member of the board, he was satisfied that these parties were entitled to more than they had received under the award of that Marchand board; but that under the instructions and provisions of the act of March 2, 1867, directing the claims to be submitted, and the regulations of the Navy Department under that act, the board could not award more than they did—

Mr. WILSON, of Indiana. Were those instructions laid before the committee?

Mr. KELLOGG. I will tell the gentleman about that. The act under which the Marchand board was convened is found on page 4 of the report:

Under that act the Secretary of the Navy convened the Marchand board, which held its sessions in Washington. It reviewed the report and evidence before the Selfridge board, without however permitting the contractors to be heard in their own behalf or to rebut the adverse testimony or report of any Government official.

Now, what has been the action of Congress upon these claims? Since the matter has been brought before Congress, every committee in each branch that has examined the subject has reported in favor of such a measure as this or of paying the claims. In the Forty-first Congress, when Mr. WASHBURN, of Massachusetts, now a Senator, was chairman of the Committee on Claims, they reported a general bill sending these parties to the Court of Claims. That bill passed the House January 30, 1871, under a suspension of the rules, the vote being yeas 140, nays 52; and among those voting in the affirmative I find even the chairman of the Committee on War Claims of this House, [Mr. LAWRENCE,] who was a member of the Forty-first Congress. That bill was vetoed by the President, because there was no limitation or restriction in it to prevent payment for increased price of labor and materials when the contractors were in default, because of the contractor's own negligence. Such limitation ought to have been included in the bill, and it was properly vetoed by the President on the ground that it was a departure from the basis fixed by the act of March 2, 1867. In the last Congress the Committee on Claims, of which Mr. Blair, of Michigan, was chairman, undertook to report all of these cases in separate bills. They reported bills for some eight or ten of these parties. Three of them passed this House separately and were sent to the Senate. However, one only of the number went through the Senate. A Senate bill in favor of Mr. Bestor was passed also, appropriating \$125,000, and he died at your very doors before he got his money, although he had been waiting for ten years or more from the execution of his contract and died in waiting for his Government to do him justice. The other was in the case of Miles Greenwood, of Cincinnati. Now, what we propose to do is simply this: to send these parties to the Court of Claims where you have sent Miles Greenwood; and I will send up an amendment upon which I will claim to be heard very briefly when the question comes up to be voted on, to substitute it for the pending proposition. It is the bill which was passed by the Senate without opposition, and is the same proposition upon which we voted on last Monday, the vote being 133 in the affirmative to 99 in the negative. That bill which I will offer as a substitute not only guards against the objection because of which the President vetoed the bill in the Forty-first Congress, but in my judgment guards against every possible objection. If Secor & Co. or anybody else has got more than his pay upon the claims heretofore made—and I do not think they ever got more than they were entitled to, and the report to this House last Congress proves this—it is provided by my amendment that the United States may recover judgment against such parties for the amount of the excess paid them over their claims.

Mr. FRYE. I wish to ask the gentleman from Connecticut this question: The inquiry has been made by several members why these parties have not gone to the Court of Claims to press their cases?

Mr. KELLOGG. I am glad that the gentleman from Maine has asked me the question. It has been alleged against these claimants, I know, that they did not go to the Court of Claims to press their claims and present their proofs to the judgment of that court before the statute of limitations barred them there. The truth of the matter is that they did go there; but when these cases were referred to the Committee on Claims they were required by the chairman of that committee to withdraw their claims, which had been presented to the Court of Claims, before they could get a hearing from that committee. They did withdraw their claims in obedience to that requirement of the committee, and now, the time having expired, they cannot again present their claims to that Court under the law unless we pass this bill; and it is charged against them in the minority report that they should have gone there in time.

Mr. FRYE. Did not the chairman of the committee, Mr. WASHBURN, of Massachusetts, tell them that the committee would not consider any of these claims unless they had the whole of them before that committee?

Mr. KELLOGG. That is the fact, and it was because of that demand on the part of the committee that these claims were taken out of the Court of Claims. The chairman of that committee required it to be done, and the time has expired for presentation of their cases in the Court of Claims, and they cannot go there at all unless we pass this bill.

I do not know whether we owe these claimants anything or not. I do say, however, that this is the very last place in which to settle the amounts due, if any, these claimants. If they are honest claimants, in my judgment they should be sent into the Court of Claims for settlement. They cannot go into the Court of Claims for reasons I have stated, and therefore the majority of the members of the committee have reported in favor of sending them there. I have known but little about the matter until it was investigated before the committee of which I am a member. I am in favor of sending all these parties and all their proofs to the Court of Claims. Let them there establish their claims if they have any valid claims against the Government of the United States; and if they have not, then let the matter be settled once for all and let us not leave it as a legacy to future Congresses.

I move the text of the Senate bill, which was voted on last Monday, as a substitute for the pending proposition reported from the committee. I ask the Clerk to read it.

The Clerk read as follows:

Provided, however, That the investigation of said claims shall be upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by said contractors for the building of said vessels of war and in the construction of steam-machinery, in the completion of the same by reason of any changes or alterations in the plans and specifications required, and delays in the prosecution of the work, which were not provided for in the original contract; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged term for completing the work rendered necessary by the delay resulting from the action of the Government, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractors: *And provided further,* That the compensation fixed by the contracts between the contractors and the Government for specific alterations shall be conclusive as to the compensation to be made therefor: *And provided further,* That all moneys paid to said contractors by the Government, over and above the original contract price for the building of said vessels and the construction of said machinery shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated; and if the amounts so to be deducted in any case shall exceed the amount allowed by said court, judgment shall be entered for the excess against such claimant in favor of the United States; and said court is directed to certify such judgment and record to the circuit court of the circuit where such claimant resides, and said circuit court is hereby vested with authority to issue execution and to enforce its collection the same as if said judgment had originally been rendered therein: *And provided further,* That if any of such changes caused less work and expense to the contractors than the original plans and specifications, a corresponding reduction shall be made from the contract price, and the amounts thereof be deducted from any allowance to be made by said court to said claimants: *And provided further,* That all claims under the provisions of this act shall be presented within one year from the passage thereof and not afterward; and the claimants in their petitions shall stipulate and agree to accept and abide by all the provisions of this act.

Mr. HAZELTON, of Wisconsin. How much time have I left of my hour?

The CHAIRMAN. The gentleman has five minutes.

Mr. KELLOGG. I do not wish to take up any further time, but by and by, when the question comes up on my substitute, I will ask to be heard not more than five minutes.

Mr. WHITTHORNE. I ask the gentleman from Wisconsin to yield to me whatever time he has remaining.

Mr. HAZELTON, of Wisconsin. I yield the gentleman from Tennessee the five minutes I have remaining.

Mr. WHITTHORNE. I offer the following amendment to the amendment of the gentleman from Connecticut, [Mr. KELLOGG.]

The Clerk read as follows:

And provided further, That said court may hear and determine the question whether the action of the board organized by the Secretary of the Navy in ascertaining and allowing the amounts to which said contractors were respectively entitled for any failure upon the part of the Government or other cause, and the action of said contractors in accepting the award of said boards and the legislation of Congress thereon, does not estop and conclude said contractors from now demanding any further or other compensation from the Government.

Mr. WHITTHORNE. Mr. Chairman, I would be very glad if I could consistently yield my support to this bill or to the amendment offered by the gentleman from Connecticut, [Mr. KELLOGG.] But my

examination of these claims has convinced me that there ought to come a time at which the Government in justice to itself and to its citizens should say "halt." These claims were first presented to the Secretary of the Navy, and were passed upon by the officers of the Department. Then these contractors came before Congress, and in 1865 the Senate of the United States passed a resolution under which the Selfridge board was organized; and if I now understand the gentleman from Connecticut [Mr. KELLOGG] correctly, these contractors would have accepted the award made by the Selfridge board.

Mr. KELLOGG. Some of them would have been glad to do so.

Mr. WHITTHORNE. Mr. Chairman, put a point in there, if you please. Under the Selfridge board about a million and a half of dollars were allowed, and I assume that was the amount then demanded by these contractors as the loss to which they had been subjected by reason of the misconduct or delay of the Government.

Now, mark you, the original contracts summed up \$10,000,000. Then the Selfridge board allowed one and a half million dollars, making eleven and a half millions.

Again, sir, let us take a step forward and see the demand made by these contractors upon which the Marchand board was organized. These same men presented claims amounting to \$14,000,000 instead of eleven and a half millions; and it appears that under the Marchand board over \$5,000,000 were allowed these contractors, which sum of five millions they have accepted and given the Government receipts for it. Now, I hold and maintain, Mr. Chairman, that if this were a case between individuals they would be estopped and concluded by this action. And if they would be estopped and concluded as between individuals, much more so should they be when the case is between individuals and the Government, especially when we look into the character of these demands and when, as I am informed—I say it from hearsay—the most important witnesses on behalf of the Government have become superannuated and enfeebled in memory, and are unable to testify on behalf of the Government.

Mr. KELLOGG. The Chief Engineer of the United States Navy Department is a great deal smarter than the gentleman from Tennessee or myself, and knows a great deal more about it than the rest of the board that had to do with these claims. The Selfridge board was a one-sided board as well as the other. And those millions which the gentleman talks of have not been paid on account of the claims now presented nor under the award of the Marchand board at all, but for changes made by the Navy Department in the vessels for which the Department paid, and with which these claims have nothing to do. The gentleman is all in a fog about it. If he would look at the table in the minority report, he would see that the Marchand board allowed just \$157,475.55, and no more—but a little over \$150,000. The five millions the gentleman talks about is what the Department paid for changes made in the iron-clads; and the board had nothing to do with it. If the gentleman had examined the tables in the case, he would have made no such statement.

Mr. WHITTHORNE. Mr. King, no doubt, is smarter than myself or the gentleman from Connecticut. But Mr. King was not in the Contract Bureau of the Navy Department, and was not acquainted with the facts in regard to the contracts. He was simply a member of the Marchand board. That was all he was; and he was then, if you please, "King" as one of the judges of that commission, and as such I put him against "King" a witness before the committee. The award made under oath precludes him from taking a different position now, and I do not think it becomes the gentleman from Connecticut to put him in that false position. There is such a thing as justice to the Government. These people were paid \$10,000,000, and have been allowed and paid about 50 per cent. over and beyond their contracts; and now if any gentleman on this floor proposes to limit the amount to 8 or 10 per cent. more on the amount found by the Marchand board he will encounter the opposition of these contractors. And if no limit is given, there is no telling how much the Government may have ultimately to pay. This much I felt it due to myself to say.

Mr. HOLMAN, having obtained the floor, said: I yield to the gentleman from New York [Mr. WHEELER] to move that the committee rise, in order that in the House he may move to go into Committee of the Whole on the Army appropriation bill.

Mr. WHEELER. I move that the committee rise.

Mr. HOLMAN. As it is of the highest possible importance that the appropriation bills should be passed, I yield the gentleman the floor for that motion.

The question being taken on the motion that the committee rise, there were—yeas 73, nays 62.

Mr. KELLOGG called for tellers.

Tellers were ordered; and Mr. WHEELER, and Mr. HAZELTON of Wisconsin, were appointed.

The committee again divided; and the tellers reported—ayes 72, nays 66.

Mr. O'BRIEN. A quorum has not voted.

The CHAIRMAN. It is not necessary to have a quorum on the motion that the committee rise.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX reported that the Committee of the Whole had had under consideration the Private Calendar, and especially the bill (H. R. No. 217) for the relief of certain contractors for the con-

struction of vessels of war and steam-machinery, and had come to no conclusion thereon.

ENROLLED BILL SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. R. No. 135) appointing managers of the National Home for Disabled Volunteer Soldiers.

ARMY APPROPRIATION BILL.

Mr. WHEELER. I move that the rules be suspended and that the House resolve itself into Committee of the Whole to resume the consideration of the Army appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, (Mr. WILSON, of Iowa, in the chair,) and resumed the consideration of the bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes.

The CHAIRMAN. General debate on the pending bill has been closed. The bill has been read through for information, and the Clerk will now read it by paragraphs for amendments.

The Clerk proceeded with the reading of the bill, and read as follows:

For expenses of recruiting and transportation of recruits, \$105,000. And no money appropriated by this act shall be paid for recruiting the Army beyond the number of twenty-five thousand enlisted men, including Indian scouts and hospital stewards. Nothing, however, in this act shall be construed to diminish the Signal Service, which shall hereafter be maintained as now organized, under the authority of the Secretary of War.

Mr. WHEELER. I desire to offer an amendment to that paragraph of the bill for the purpose of fixing the exact legal status of the Signal Service. I therefore submit the amendment which I send to the Clerk's desk.

Mr. COX. I beg leave to say just here that when the committee last rose I had the floor.

The CHAIRMAN. The Chair will give the floor to the gentleman from New York whenever he desires it.

The Clerk read the amendment offered by Mr. WHEELER, as follows:

In line 13 strike out the words "Nothing, however, in this act shall be construed to diminish the Signal Service, which shall hereafter be maintained as now organized, under the authority of the Secretary of War," and insert in lieu thereof the following:

Nothing, however, in this act shall be construed to prevent enlistments for the Signal Service, which shall hereafter be maintained as now organized and with the line of enlisted men now provided by law.

Mr. WHEELER. That defines the legal status of this corps.

The amendment was agreed to.

Mr. HOLMAN. I desire to amend that clause by striking out in line 12 the words "twenty-five" and inserting in lieu thereof the words "twenty-two."

I make this motion, basing it upon the fact brought to the attention of the House during the last session of Congress as to the extent to which our Army is employed on the frontier and stationed in the various sections of the country east of the Mississippi River. It will be remembered that the report which came to the House from the Committee on Military Affairs demonstrated very clearly that quite a large portion of the Army is stationed at various northern points, in the city of New York and at various other military posts, while a portion of the Army only is employed on the frontier service. The argument in favor of an increase of the Army beyond the proper peace establishment at sixteen thousand men was based upon the extent of the frontier which was to be protected by the military forces from Indian depredations, and the argument in favor of granting lands to railroads west of the Mississippi River was based upon the advantage accruing to the Government from the facilities for the rapid transportation of the Army from one point to another. The advantages which these artificial channels have furnished for the transportation of troops, coupled with the facts to which I have already referred, seem to me to justify fully a reduction of the Army. The present Army under existing law consists of twenty-five thousand men. It is against the spirit and genius of our institutions to maintain any considerable standing Army. It can be scarcely possible that in this period of profound peace the Army can be employed for any other purpose than that of keeping up the military organization and protecting the frontier settlements from predatory attacks from savages. The reduction of the Army to the lowest possible number is a result which the people of the country desire. There is an instinctive dread of a military power in all free governments, and the experience of the last few years has demonstrated the ability of our people, with that martial spirit which is inspired by free institutions, to organize at once on the spur of the moment the necessary military force to protect the Government. It seems to me impossible that any contingency could arise when the people would not be prepared to meet the emergency by that voluntary service which is in harmony with the genius of a government like ours.

[Here the hammer fell.]

Mr. WHEELER. I wish to say simply, in answer to the remarks of the gentleman from Indiana, [Mr. HOLMAN,] that the maximum legal standard of the Army is now fixed at thirty thousand men.

Mr. HOLMAN. Thirty-one thousand.

Mr. WHEELER. No; thirty thousand. The proposition made by the Committee on Appropriations at the last session and adopted by Congress has been very severely commented upon by the public press in certain localities and by the Army, and in some parts of the country by the people.

The Committee on Appropriations are satisfied that an Army of twenty-five thousand men is equal to all the legitimate demands of the country, and that the country with its widely extended frontier cannot get along with a man less.

There is no concealing the fact that during the present fiscal year the Army has been very hard worked.

If we are to reduce the enlisted force to a lower standard than twenty-five thousand men, it must of necessity break up company organizations. I want to say in justice to myself and the Committee on Appropriations that there has been no disposition whatever to interfere with the organization of the Army. We believe that when the Government invites men into its service and trains them for that service it is bound in good faith to sustain and support them, whether it gives them large or small commands. If we are to reduce the enlisted force of the Army below the standard of twenty-five thousand men, we must of course leave some officers without a command. And in the judgment of the Committee on Appropriations the enlisted force of the Army could not with safety be reduced below the standard fixed in this bill or the standard fixed at the last session of Congress.

Mr. HOLMAN. The Army cannot be maintained for the purpose of furnishing commands for the officers of the Army. Certainly some mode can be devised by the Military Committee or by the Committee on Appropriations by which this supernumerary body of officers, the largest known to any nation in proportion to the number of the rank and file, can be reduced to some reasonable limit.

I do not think the Government should act harshly toward men who have been educated for the military service, or for any other special duty, and who desire to remain in the service of the Government. But I do think the industries of no people should be the subject of taxation simply to maintain a body of sinecures on any possible pretense. No man has a right to be a burden upon the industries of the people of any country, unless his services are required in the public service.

I have very little hope that my amendment will be adopted at this time. But I feel very confident that the demand of the people of this country is to-day first, that the Army shall be reduced down to the peace standard, which cannot reasonably exceed the number of men in the military service prior to 1861; and second, that the country will insist that some reasonable principle shall be adopted, doing no injustice to any one, by which the supernumerary officers of the Army shall be reduced, and that men performing no duties shall receive no compensation, rendering no service to the Government, and also relieving those men themselves from the unpleasant attitude of receiving year after year handsome salaries from the Treasury without any return whatever to the people upon whose industries those salaries are charged.

Mr. COX. I move to amend the paragraph just read by adding to it the following:

Provided, That the Army of the United States shall not be used to subvert the rights and liberties or interfere with the Legislatures of the States of this Union; and that no sum shall be paid out of the Treasury of the United States until the United States troops now in the State of Louisiana shall be withdrawn from that State.

Mr. SMITH, of Ohio. Where will you send them?

Mr. COX. I do not offer this amendment with a view to speak on the merits of the Louisiana question. I hope that has been determined in the Senate in some way; though I am not advised. I refer to the Pinchback vote. May I not, however, call attention of gentlemen who are parliamentarians to the precedents showing the propriety of this amendment? In the session of 1855-'56, on the 29th of July, 1856, when the House had under consideration the bill making appropriations for the support of the Army for the fiscal year ending June 30, 1857, the first amendment offered was one repudiating the so-called territorial laws of Kansas, disavowing their authority and enforcement, and declaring that no part of the military force of the United States should be used for carrying out those laws. The proviso to that bill further asserts that no citizen of Kansas shall act as the *posse comitatus* for any marshal or sheriff, and that the laws "are null and void." (Journal 1855-'56, page 1302.) Perhaps gentlemen there are, now and here present, who will remember that that amendment in substance was offered again and again to the Army bill. It was advocated by republicans. In the Journal, page 1303, a more stringent amendment was offered and passed—91 to 86—on a party vote. It came back on a conference, (page 1531.) Again it was offered in another shape on the 30th of August, 1856, (page 1622,) and passed. I do not say that the merits of that proviso or my own should be discussed and decided on now. I only quote it now as a precedent for republicans to consider; for was it not made by themselves?

There are other similar precedents during that and other sessions. But at the end of that session a long proviso, on the motion of Lewis D. Campbell, of Ohio, was attached to this Army bill. That bill failed between the two Houses by reason of those provisos in respect to liberty and unauthorized legislation in Kansas. It may be known to

the House that President Pierce by proclamation called Congress back. It met August 23, 1856. He proclaimed that such legislation "deprived the Executive of the power to perform his duty with respect to the common defense and welfare. That Congress finally passed the Army appropriation bill.

That bill at first failed. This bill will pass if my amendment is adopted, and the money goes to the Army, if just administration prevails.

As my amendment does not destroy the Army bill, but only says that until the liberties of the States of the Union, and the State of Louisiana especially, shall have immunity from Army outrages, no harm can come to the Army and much good to public interests and liberty. So long as the President insists upon putting the bayonet into Louisiana, so long shall this appropriation remain unused. The moment the President withdraws the Army, as the House will see, all these appropriations can be used. So that gentlemen need not be embarrassed if they act right.

I hope that I am speaking in a very proper spirit on this amendment. I speak for parliamentary law and against oppression.

This is not the only reason for the proviso I offer. I am glad my friend from Kansas [Mr. Kasson] is listening—

Mr. KASSON. Iowa.

Mr. COX. Or from Iowa; he is so near the line that I did not know but he had got over it; the gentleman once in a while almost gets into our party.

Again, gentlemen know very well that in 1865, at the end of that exciting session when the Army bill came up, one of the most eminent and eloquent men on that side of the House, Henry Winter Davis, of Maryland, offered an amendment to that bill. It forbade any application of the arbitrary processes of the administration as against men who had been arrested under war powers—arrested and imprisoned illegally. Our prisons were full of such men. The writ of *habeas corpus* was denied them. Men were arrested for civil crimes under military authority. Courts-martial and military commissions were at work in spite of law and liberty. Mr. Davis proposed to append to the Army bill a proviso, which I ask the Clerk to read. It required the discharge or delivery of those thus held. It came up on the 2d of March, 1865. (Globe, 1323.) That proposition was fought gallantly here some twenty days under the leadership of the most gallant republican then in this House. We fought, to be sure, in vain. After making his points for liberty and law against more money bills, he cried out against the frequent intrusion of military power and the high-handed disregard of *habeas corpus*. This was in the time of war, too. All I do now is to quote the precedent for my proviso, not to argue. I hope therefore that no point of order will be made, and that a vote may be taken on my amendment.

Mr. WHEELER. Mr. Chairman, I want to say a word, not that I regard it as necessary but in compliment to my colleague, [Mr. Cox.] I have been greatly surprised at his fiery zeal in this matter of the use of the Army.

Mr. COX. I never was so cool in my life.

Mr. WHEELER. That zeal was manifested a few weeks since when he introduced a resolution which I ask the Clerk to read.

Mr. COX. I hope the Clerk will first read the amendment of Henry Winter Davis which I have sent up. I presume my colleague [Mr. WHEELER] does not object.

The Clerk read as follows:

Mr. Cox, by unanimous consent, submitted the following preamble and resolution; which were referred to the Committee on the Judiciary, and ordered to be printed:

Whereas on the 4th of January instant officers and soldiers of the Army of the United States have interfered with and controlled the organization of the General Assembly of the State of Louisiana, and certain persons claiming seats in one branch thereof have been prevented from holding the same by said military force, which acts of military intervention and control resulted in dispersing the State Legislature and have received the sanction of the Chief Executive of the United States: Therefore,

Resolved, That in the deliberate judgment of this House such intervention and control were in violation of the Federal Constitution, inasmuch as said force was not used for the purposes defined by law, and could not be legally used except for purposes thus specifically defined; that such intervention and control were subversive of the principles upon which our system of government is founded, and have no precedent in our own history or the history of free government; that said intervention and control are defiant breaches of parliamentary privileges, and illegal and revolutionary infractions of legal government, chartered liberty, and solemn treaty obligations, and therefore are not only unjustifiable outrages upon the State of Louisiana and a menace to the liberties, rights, and dignity of every other State, tending to general demoralization and disorder by the overthrow of civil liberty by arbitrary power: We, therefore, in the name of the people of the United States, whose Representatives we are, demand the restoration of tranquillity, order, and civil discipline in said State by the immediate withdrawal of the military force of the United States from said State and the condign punishment of those guilty of this reckless usurpation.

Mr. WHEELER. Now, Mr. Chairman, my colleague tells us in that resolution that there is no precedent in the history of this country or in the history of civil liberty for armed interference in the organization of Legislative bodies. I want to draw a little on his failing memory, and to ask him whether he remembers the early history of the Territory of Kansas? Does he remember that a Missouri mob entered that Territory and usurped its Legislature? Does he remember that Colonel Sumner, an officer of the United States Army, under the direction of Jefferson Davis, then Secretary of War, came down upon that Legislature with his dragoons and drove it out? I now ask my colleague whether he did then or does now approve of that proceeding?

Mr. COX. Does the gentleman want an answer now?

Mr. WHEELER. I do.

Mr. COX. I did not at the time, and I always spoke against it.

Mr. WHEELER. You did not at the time?

Mr. COX. I took Judge Douglas's ground on that subject, and voted—

Mr. WHEELER. You say you did not approve it?

Mr. COX. I did not, sir.

Mr. WHEELER. Now, Mr. Chairman, I ask the Clerk to read what I have marked in the Congressional Globe.

Mr. COX. The gentleman puts his question to me in this way—whether I ever approved. [Cries of "Read!"] I think I know very well what the Clerk is going to read.

Mr. WHEELER. I ask the Clerk to read remarks made by my colleague [Mr. Cox] on the 24th of July, 1856, when there was pending in this House an amendment offered by some gentleman from the West to the Army appropriation bill—an amendment almost identical with the one which my colleague has offered to-day—forbidding the use of the Army in carrying out what was alleged to be the unlawful legislation of the Territory of Kansas. These remarks of my colleague were made after Colonel Sumner had dispersed the Legislature of Kansas, which was in peaceable session.

Mr. COX. The difference between that case and this is—

Many MEMBERS. Read! Read!

Mr. COX. Why this is a mob; you will have to bring the military in here.

The Clerk read as follows:

Mr. BARBOUR. The gentleman misapprehends the object of the amendment. It is to declare void the laws of the Legislature of Kansas and all of the laws of the United States in force—

Mr. COX. That may be the avowed object here, but the effect of it will be to deny to the President the power of keeping the forces of the Government there until the laws are repealed by Congress. There are now two parties there—one declaring that the laws of the Territory are void, and that they will not obey them; and the other claiming that the laws of the Territory are valid and shall be obeyed. If you leave the Territory unprotected by the arms of the Federal Government, these parties will come into hostile collision, as they have done heretofore. There are men pouring in there from the different sections of the country—some from the North and some from the South—participating in this controversy; and the consequence will be, that by the increased numbers of participants in the strife, the flame of civil discord will be spread over the whole land.

I am in favor of encouraging the heart and of strengthening the arm of the executive power of the Government—

Mr. COX, (interrupting the reading.) What is the date of that?

Many MEMBERS, (to the Clerk.) Go on!

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

Many MEMBERS. Read! Read!

Mr. COX. I know what I am about. I want the date of that speech, to know whether I made it or not.

The Clerk read the date—July 24, 1856.

Mr. COX. Well, sir, that is a speech of a Mr. Cox, of Kentucky—Leander M. Cox. Now, (turning to Mr. WHEELER,) are you not ashamed of yourself?

Mr. HAZELTON, of Wisconsin. At any rate, he was a democrat. He belonged to the same party with the gentleman.

Mr. COX. I was not a member of Congress then. Captain Leander M. Cox, of Kentucky, was not a democrat.

Mr. HAZELTON, of Wisconsin. He was a member of your party.

Many MEMBERS. Read! Read!

Mr. COX, (taking the book from the Clerk.) Now, Mr. Speaker—Mr. WHEELER. Is it parliamentary for my colleague to take the book from the Clerk before the latter has finished reading what I sent up to be read?

Mr. COX. I want to say to my friend—

Mr. WHEELER. The gentleman can make his disclaimer when he gets the floor.

Mr. COX. I never made or heard that speech. It was made here by Leander M. Cox, a whig know-nothing member from Kentucky. I was not a member then. I know my colleague did not mean to be fool the House with such a trick. I will not attribute this to a fraud.

Mr. WHEELER. I was told that the gentleman made that speech.

Mr. COX. I did not.

Mr. WHEELER. If the gentleman had said he was not a member of the House at that time—

Mr. COX. Why, you would not give me an opportunity to say it. You howled me down.

Mr. WHEELER. Does my colleague say now that he was not a member of the House at that time?

Mr. COX. The record shows that that speech was made by Leander M. Cox, of Kentucky. I did not serve with my namesake.

Mr. WHEELER. Do you say you were not a member of the House at that time?

Mr. COX. In 1856?

Mr. WHEELER. Yes, in 1856.

Mr. COX. I was elected in 1856 and took my seat in December, 1857.

Mr. WHEELER. Then you were not in the session of Congress during July, 1856?

Mr. COX. No, sir; I was not. Do you require more information? Here is the Journal of that Congress.

Mr. WHEELER. Very well; then I withdraw it.

Mr. NIBLACK. The laugh is on our side of the House now.

Several MEMBERS. Read! Read!

Mr. KASSON. Has debate been exhausted on this amendment?

Several MEMBERS. Read! Read!

Mr. COX. Would it not be in order to censure the gentleman from New York?

Mr. KASSON. I rise to move to amend the amendment so that we may have an explanation of all this.

Mr. WHEELER. The book was handed to me. I did not go into any examination when the gentleman from New York stated he had voted and spoken against it. I did not think it was necessary to look further.

Mr. COX. That was during the Douglas era, when we wanted a free State in Kansas.

Mr. WHEELER. I was misled.

Mr. COX. I do not wish to find fault with my colleague.

Mr. WHEELER. The gentleman from New York knows very well I would not do him intentional injustice.

Mr. COX. The fault was on your side of the House. I do not know just what you meant. I hope well. There was so much noise and uproar and so much chuckling and tittering going on at my temporary expense, that I was not allowed any opportunity, at any one moment, to correct the gentleman. O! would that I could have saved my colleague from this mortification.

Mr. WHEELER. If I have done injustice to my colleague I now make the *amende*.

Mr. COX. My colleague has always been courteous and kind to me. There is no member on his side with whom I like better to serve or confer, legislatively or socially. He has only one fault, and I did not suspect that before. Sir, a member in charge of an appropriation bill covering \$40,000,000 ought to be better informed on current history.

Mr. WHEELER. Then my friend ought to know better than to say that he spoke and voted against a measure of which he now says he knows nothing and with which he had no legislative connection.

Mr. COX. My reference was to what came up afterward in the next Congress on the Lecompton constitution.

Mr. WHEELER. But the gentleman was not in that Congress.

Mr. COX. We will not talk about it further.

Mr. WHEELER. I have done.

Mr. COX. And I am satisfied.

Mr. NIBLACK. I desire to ask a question before the vote is taken: whether the gentleman from New York himself indorses the action which the executive took at the time the Lecompton convention was dispersed?

Mr. WHEELER. Not at all; or on any other occasion.

Mr. NIBLACK. I am glad to hear the gentleman say so.

Mr. WHEELER. Did anybody on the democratic side approve of it? Did the gentleman from Indiana himself approve of it?

Mr. NIBLACK. I was not in Congress at the time.

Mr. WHEELER. Does the gentleman know any one who was in Congress at that time?

Mr. NIBLACK. Yes; my honorable friend here from Illinois [Mr. MARSHALL] was in Congress at that time.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. Cox's amendment was rejected.

The Clerk read as follows:

For expenses of the Signal Service of the Army, purchase, equipment, and repair of electric field telegraphs and signal equipments, \$12,500.

Mr. YOUNG, of Georgia. I move to amend by adding the following.

The Clerk read as follows:

And for extension of the Signal Service for the southern coast, \$10,000.

Mr. YOUNG, of Georgia. Mr. Chairman, I think this an important branch of the public service.

Mr. GARFIELD. I make the point of order on the amendment that it is new legislation. Provision for the Signal Service, excepting only for the force which is kept here at the center, is made in the sundry civil appropriation bill. No part comes in here. The passage here relates simply to officers of the Army employed in this city, and not to the general expenses for keeping up the service. The gentleman will see that his amendment belongs to another bill.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For pay of the Army, and for allowances to officers of the Army for transportation of themselves and their baggage when traveling on duty without troops, escorts, or supplies, and for compensation of witnesses while on court-martial service; for traveling expenses of paymasters' clerks; for payment of postage on letters and packages, and cost of telegrams received and sent by officers of the Army on public business, \$11,400,000: *Provided*, That hereafter only actual traveling expenses shall be allowed to any person holding employment or appointment under the United States, except marshals of the United States, and their deputies, and all allowances for mileage and transportation in excess of the amount actually paid, except as above excepted, are hereby declared illegal; and no credit shall be allowed to any of the disbursing officers of the United States for payment or allowances in violation of this provision.

Mr. TODD. I move to amend by adding the following.

The Clerk read as follows:

And *provided further*, That hereafter the instructors of the artillery service at Fortress Monroe, Virginia, shall be placed, in regard to pay, on the same footing with the assistant professors at West Point, to wit, mounted pay.

Mr. WHEELER. I make the point of order this is new legislation and not in order to this bill.

The CHAIRMAN. The Chair sustains the point of order that it is not germane to this paragraph and is besides new legislation.

Mr. TODD. I want to say a word on that subject. I shall have liberty, I suppose, to state the purport of my amendment before it is ruled out on the point of order. I regard this as not making a new appropriation, but simply as a distribution of the amount provided in this section.

Mr. WHEELER. Has not the Chair decided the point of order? This is new legislation.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania on the point of order.

Mr. TODD. It is for the committee to determine whether this is new legislation, and not for the gentleman from New York. I contend this is not new legislation. This section provides that a certain amount of money shall be appropriated for specific purposes, among other things to pay the officers of the Army. Now, my proposition is that a grade of officers stationed at Fortress Monroe, performing specific duties, shall be paid a certain rate in accordance with the amount paid to officers who perform similar duties elsewhere. This does not ask for any increase in the appropriation, but simply for a distribution of the amount provided for in this bill. And under that view it strikes me that it is not new legislation.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk continued the reading of the bill, and read as follows:

For transportation of the Army, including baggage of the troops when moving either by land or water; of clothing and camp and garrison equipment from the depots of Philadelphia and Jeffersonville to the several posts and Army depots, and from those depots to the troops in the field; of horse equipments and of subsistence stores from the places of purchase and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of horses, mules, oxen, and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other sea-going vessels and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters, transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; for procuring water at such posts as from their situation require it to be brought from a distance; and for clearing roads, and for removing obstructions from roads, harbors, and rivers to the extent which may be required for the actual operations of the troops in the field, \$4,000,000: *Provided*, That no money shall hereafter be paid to any railroad company for the transportation of any property or troops of the United States over any railroad which, in whole or in part, was constructed by the aid of a grant of public land on the condition that such railroad should be "a public highway for the use of the Government of the United States free from toll or other charge," or upon any other conditions for the use of such road, for such transportation; nor shall any allowance be made for the transportation of officers of the Army over any such road when on duty and under orders as military officers of the United States. But nothing herein contained shall be construed as preventing any such railroad from bringing a suit in the Court of Claims for the charges for such transportation, and recovering for the same, if found entitled thereto by virtue of the laws in force prior to the passage of this act.

Mr. WHEELER. I desire to offer an amendment to come in after the paragraph which has just been read, and I call the attention of my friend from Indiana [Mr. HOLMAN] to it.

The Clerk read as follows:

Add after line 138 these words:

Provided further, That the foregoing restrictions shall not apply for the current and next fiscal years to roads where the sole condition of transportation is that the company shall not charge the Government higher rates than they do individuals for like transportation, and when the Quartermaster-General shall be satisfied that this condition has been faithfully complied with.

Mr. HOLMAN. It does not strike me from the hasty reading of the amendment that this proposition is wrong. On the contrary, it seems to be right. But I would suggest to the gentleman from New York that the difficulty arises from the words inserted in the appropriation bill of last year by the Senate, "or upon any other conditions for the use of such roads." Those words are repeated in this bill, and I think if they were stricken out the whole proviso taken together would be much less ambiguous.

Mr. WHEELER. Would not that defeat the very object which the gentleman from Indiana has in view? We have made permanent in this bill the proviso of last year. But the Solicitor-General has decided that where a road received a grant under any condition, no matter what, compensation for transportation must be withheld. Now, take the case of the Northern Pacific Railroad, where the only condition of the grant was that the company should charge the Government no more than it charged individuals for like services. Under that opinion of the Solicitor-General the Quartermaster-General or the Secretary of the Treasury is withholding compensation for transportation.

Mr. HOLMAN. Is not that the result of this language used in the bill as it passed last session? The words are:

Or upon any other conditions for the use of such road.

That language was not in the bill as it passed the House, but was inserted in the Senate, and it is under that provision that the difficulty the gentleman from New York refers to has arisen. All that is necessary to accomplish the purpose is to strike out those words.

Mr. WHEELER. But that will not meet the emergency for the current fiscal year. This bill only takes effect on the 1st day of July next; but for the current fiscal year the language in the law of last session applies and governs.

Mr. HOLMAN. The latter consideration perhaps ought to govern;

and in that view I see no reason why the amendment should not be adopted.

Mr. BROMBERG. I offer the following amendment.

The Clerk read as follows:

After line 138 add these words:

And provided further, That no portions of the Army shall be used or detailed as posses of United States marshals, except to aid in executing the decrees of courts of the United States or the national revenue laws.

Mr. WHEELER. I raise the point of order on that amendment. The law now defines when troops may be used. This seeks to change it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BROMBERG. Before the Chair decides the point of order I would like to ask if any law allows the Attorney-General to command the Army of the United States.

Mr. WHEELER. I suggest to the gentleman that he examine the statutes to ascertain that. I have not time to read from them now. I refer the gentleman to the Revised Statutes.

Mr. BROMBERG. I do not think that this amendment changes the law.

Mr. WHEELER. If it be the law now, then the gentleman's amendment is not necessary.

Mr. BROMBERG. I would like to ask the gentleman from New York how large a portion of the expense of transporting troops has arisen from spreading them over so many points—in my own State thirty different points. This involves an enormous expense for the transportation by land and water.

Mr. WHEELER. I cannot inform the gentleman on that point. This bill appropriates a certain sum of money and puts this expenditure in the hands of the Secretary of War.

Mr. BROMBERG. Does the gentleman not know that this disposition of troops is made by the Attorney-General, and not by the Secretary of War?

Mr. WHEELER. I do not.

Mr. HAYS. I will answer my colleague, [Mr. BROMBERG.] It is for the purpose of maintaining and preserving the peace and good order of the State.

Mr. BROMBERG. I want to know how much of these expenses of the Army are legitimate and how much for electioneering purposes.

Mr. COBURN. I offer the following amendment. It is an amendment which costs the Government nothing, and is for the benefit of a very meritorious class of citizens. It is as follows:

And provided further, That hereafter when troops or officers change stations the officers' families shall receive transportation over land-grant and subsidy railroads which shall receive no pay from the United States.

Mr. HOLMAN. I think the amendment is subject to the point of order.

The CHAIRMAN. It is too late to raise the point of order now.

Mr. WHEELER. I desire to inquire of the chairman of the Committee on Military Affairs if this amendment has ever been recommended by his committee?

Mr. COBURN. Yes; it is recommended by the committee and by the Quartermaster-General, and also by General Ord. The Government does not lose a cent by it, and it is a benefit to these men.

Mr. ALBRIGHT. I desire to know if this amendment covers the families of soldiers as entitled to transportation in changing quarters?

Mr. COBURN. They are already carried without expense.

Mr. HOLMAN. It seems to me that my colleague should amend his amendment. If it be proper to say that the subsidized railroad companies shall transport the families of officers free of charge, it is upon the ground that upon the terms and conditions of the grant they were to transport troops and munitions of war. Now, if it is necessary to insert this provision, and if that includes the wives and families of officers, it is also necessary to insert some provision as to the families of soldiers, so as to relieve the Government from charge for their transportation. I therefore suggest to him, in order to relieve the Government from this charge for transportation, that he amend his amendment so as to insert a provision providing for the transportation of the wives and families of the rank and file.

Mr. COBURN. They go along with the soldiers without charge.

Mr. HOLMAN. This change is made upon the ground that soldiers and the families of soldiers are entitled to transportation over these roads as well as Army supplies and munitions of war, and I suggest to my colleague that he modify the language of his amendment so as to include the families of the rank and file.

Mr. COBURN. I have no objection to that.

Mr. BUCKNER. I move to amend the amendment by striking out "officers" and inserting "soldiers."

The committee will understand the object of this amendment. If these roads are under any obligation to carry these parties free of charge, as the gentleman says they are, upon what principle is it?

Mr. YOUNG, of Georgia. They do it under the grant.

Mr. BUCKNER. If it is in the grant, then we do not need any legislation on the subject. If it is not in the grant, then I take it that this legislation will have no effect at all. If under the grant officers and their families are entitled to transportation, they can get it now; but if that is not in the grant, then this is mere *brutum fulmen*, and amounts to nothing.

Mr. WHEELER. I think that the gentleman who last addressed the House is correct, that this was a specific contract between the Government and the railroad companies to carry a specific class of persons, and I do not think that either the families of the officers or the soldiers are included.

Mr. HOLMAN. The language of the law is "army supplies and troops," and that language would apply to all persons who properly pertain to the military organization.

Mr. WHEELER. When an army is in motion it is seldom accompanied by the wives and children of the soldiers.

Mr. COBURN. This covers everything. The clerks in the Quartermaster's Department and all persons connected with the Army are carried free over these roads. No railroad company ever thought of making a distinction between the civil and the military employes of the War Department. They all go together.

The question was put on the amendment offered by Mr. COBURN; and on a division there were—ayes 13, noes 29.

Mr. COBURN. I call for tellers.

MESSAGE FROM THE PRESIDENT.

Here the committee rose informally; and Mr. TYNER having taken the chair as Speaker *pro tempore*,

A message from the President, by Mr. O. E. BABCOCK, his Private Secretary, announced that the President had approved and signed bills and joint resolutions of the House of the following titles:

A bill (H. R. No. 4546) to correct errors and to supply omissions in the Revised Statutes of the United States;

A bill (H. R. No. 1317) to enable Ann Jennette Hathaway, executrix of the last will and testament of Joshua Hathaway, deceased, to make application to the Commissioner of Patents for the extension of letters-patent for improved device for converting reciprocating into rotary motion;

A bill (H. R. No. 1799) granting a pension to Angelica Hammond;

A bill (H. R. No. 2103) giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad and to regulate its construction and operation;

A bill (H. R. No. 3424) for the relief of Thomas Winans and William L. Winans;

A bill (H. R. No. 4335) authorizing John Hazeltine to make application to the Commissioner of Patents for the extension of his patent for a new and useful water-wheel;

A bill (H. R. No. 3911) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1876, and for other purposes;

A bill (H. R. No. 4535) providing for the distribution of the Revised Statutes of the United States;

A bill (H. R. No. 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky;

A bill (H. R. No. 3050) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations; and to confirm existing leases;

A bill (H. R. No. 3825) to amend section 5240 of the Revised Statutes of the United States in relation to the compensation of national-bank examiners;

A bill (H. R. No. 4126) authorizing the Citizens' National Bank of Sanbornton, New Hampshire, to change its name;

A bill (H. R. No. 3915) to authorize the Secretary of War to give permission to extend the Hygeia Hotel at Fortress Monroe, Virginia;

A bill (H. R. No. 3658) for the relief of William J. Coite;

A bill (H. R. No. 4563) to make an appropriation to the contingent fund of the House of Representatives; and

Joint resolution (H. R. No. 148) authorizing the President to appoint a commissioner to attend the international penitentiary congress at Rome.

ARMY APPROPRIATION BILL.

The Committee of the Whole resumed its session and proceeded with the consideration of the Army appropriation bill.

The CHAIRMAN. The question is upon the amendment of the gentleman from Indiana, [Mr. COBURN,] upon which no quorum voted.

Tellers were ordered; and Mr. WHEELER and Mr. COBURN were appointed.

The tellers took their places; but before completing and announcing the count,

Mr. WHEELER said: I will not insist upon a further count, but am willing to permit the amendment to be adopted.

The amendment was accordingly agreed to.

Mr. SYPHER. I move to amend the pending paragraph by adding that which I send to the Clerk's desk.

The Clerk read as follows:

That the New Orleans, Opelousas and Great Western Railroad Company, a body corporate under the laws of the State of Louisiana, and now known as Morgan's Louisiana and Texas Railroad, is hereby authorized to relinquish all right, title, and interest to any lands granted, conveyed, or acquired by said company under "An act making a grant of lands to the State of Louisiana to aid in the construction of railroads in said State," approved June 3, 1856, except so much of said grant as said railroad company may have appropriated and occupied and may require for their right of way, road-bed, side-tracks, turn-outs, water stations and depots, not to exceed three hundred feet on each side of their road: *Provided*, That whenever said Morgan's Louisiana and Texas Railroad shall have made the relinquishment as aforesaid then said railroad shall be exempt and relieved from all conditions and obligations under existing law requiring said railroad to transport without compensation and free of charge any property or troops of the United States.

Mr. WHEELER. I raise the point of order that that amendment involves new legislation.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SYPHER. I desire to be heard upon that point before the decision is made.

The CHAIRMAN. The Chair has already decided that the amendment is out of order.

Mr. SYPHER. I desire to be heard a moment, if the Chair will permit me.

The CHAIRMAN. The Chair will hear the gentleman very briefly.

Mr. SYPHER. The paragraph of this bill now under consideration, as will be seen, relates to railroads that are declared under land-grant acts to be public highways for the use of the Government of the United States upon which to transport troops and property of the United States free of toll or charge. This amendment of mine is directly with reference to that point of transporting Government property and troops free of charge. My amendment relates to a railroad that is denominated a land-grant road; but it has received no benefits of the land grant owing to a discrepancy in the General Land Office. The Secretary of War has referred the subject to the House of Representatives in Miscellaneous Document No. 194 for its consideration. The case is this—

Mr. WHEELER. I must object to arguing the merits of this case upon a point of order. I did not object to this amendment upon the ground of irrelevancy, but because it involved new legislation.

Mr. SYPHER. It is directly in accord with the paragraph we are considering—the transportation of troops and property of the United States over all railroads that have received land grants.

The CHAIRMAN. The Chair is clearly of opinion that the amendment involves new legislation, and is not in order.

The Clerk resumed the reading of the bill, and read the following:

For purchase and manufacture of clothing and camp and garrison equipage, and for preserving and repacking stock of clothing and camp and garrison equipage and materials on hand at the Philadelphia, Jeffersonville, and other depots of the Quartermaster's Department, \$1,450,000.

Mr. RANDALL. I move to amend the paragraph just read by adding the following:

Provided, That no part of this sum shall be paid for the use of any patented process for the preservation of clothing from moth or mildew.

Mr. WHEELER. That is right.

The amendment was agreed to.

The Clerk read the following:

For engineer depot at Willet's Point, New York, namely, remodeling portions of bridge equipage, and for the current expenses of the depot, purchase of engineering materials for use in instruction of engineer battalion, and purchase and repair of instruments for general service of the Corps of Engineers, \$9,000.

Mr. WHEELER. I send to the Clerk's desk an amendment to come in after the paragraph just read.

The Clerk read as follows:

For torpedo experiments in their application to harbor and land defense, and for instruction of engineer battalion in their preparation and application, \$10,000.

Mr. WHEELER. The estimate for the usual annual appropriation for the manufacture of torpedoes was this year inadvertently omitted. I offer this amendment at the request of the Engineer Bureau.

Mr. HOLMAN. Why is it necessary to appropriate this sum of money in addition to the \$150,000 which we have appropriated for a similar purpose in the naval appropriation bill that has already passed the House? I think that was the sum appropriated in the naval appropriation bill. After appropriating that large amount for this purpose, why is it necessary to appropriate this small sum in addition to be used by the Army?

Mr. WHEELER. The gentleman from Indiana [Mr. HOLMAN] I presume knows that a series of experiments in the use of torpedoes are being made at Willet's Point, and at other points. I am assured by the Chief of Engineers that this amount is necessary for that purpose. In my own judgment these experiments relate more particularly to Army operations, and I think that it will now be assumed that we must hereafter rely more upon torpedoes for harbor defenses than upon our forts.

Mr. HOLMAN. We all seem to agree that the Army and the Navy are the proper departments of the Government to try these experiments, and I do not think there is any objection to the appropriation of a large sum for this purpose. It does not seem, however, that it is necessary to make appropriations to enable both departments of the service to perform the same experiments.

Mr. WHEELER. In the Navy they call for torpedo-vessels. As I have said, there is a series of experiments; and I will say frankly that for myself I would cheerfully approve a much larger appropriation than what has been asked for these torpedo experiments, because I really believe that in the future we must depend more upon the torpedo system than upon anything else as a means of harbor defense.

Mr. GARFIELD. My colleague on the committee [Mr. WHEELER] will allow me to say that the Committee on Appropriations have only been able to cut down the fortification appropriations to the low point to which they have been carried this year and last in view of the fact that they believe the torpedo experiments both in the Navy and the Army (being separate and distinct systems, yet working well together) will very largely supersede the necessity for the great annual outlay which we have hitherto been making for fortifications.

The Navy has a system of torpedo-boats and matters of that sort to attack vessels coming in, while the Army has a system of locating torpedoes at the bottom of harbors, so that by means of telegraphic wires they can be exploded under vessels. We think that this appropriation is perhaps the wisest of all our appropriations for coast defense.

Mr. HOLMAN. Whatever may be the need of a torpedo system for defensive purposes, it does not seem to me to require this everlasting duplication of appropriations.

Mr. GARFIELD. There is no duplication at all. One system is wholly under the control of the Navy, and relates to attacking vessels coming in by sending out torpedo-boats to meet them and exploding torpedoes against them. The other is a system of harbor defense by sinking torpedoes at the bottom of our harbors.

The amendment was agreed to.

Mr. FORT. I offer the following amendment:

For preparing, printing, and binding five thousand additional copies of the Medical and Surgical History of the War of the Rebellion, \$50,000.

Mr. GARFIELD. An appropriation of that kind has been reported in the sundry civil bill now upon our tables.

Mr. FORT. Then I withdraw the amendment.

The Clerk resumed and concluded the reading of the bill; the last paragraph being as follows:

For manufacture, at national armories, of the new model breech-loading musket and carbine adopted for the military service on recommendation of the board of officers convened under act of June 6, 1872, \$100,000: *Provided, That hereafter no money shall be expended at said armories in the perfection of patentable inventions in the manufacture of arms by officers of the Army otherwise compensated for their services to the United States.*

Mr. DAWES. Mr. Chairman, there has been an oversight in the estimates with reference to the expenditures at the Springfield armory; and while the chairman of the Committee on Appropriations [Mr. GARFIELD] is preparing an amendment to correct that oversight I will explain the matter.

There has been expended every year at that armory about \$500,000. The appropriation in the bill of last year was only \$100,000; and that appropriation was followed in the preparation of this bill. But there was expended \$400,000 from another source which is not available this year. All that can be available this year, if the bill should pass in this form, would keep in employ only half the number of men now employed in that armory. The rest would have to be discharged. The Committee on Appropriations had no intention to produce that result. Following the language of the bill of last year and not bearing in mind the fact that the Department was authorized to draw for this purpose upon the fund for arming the militia of the different States, the committee have fallen into this mistake. A provision now being prepared by the gentleman from Ohio will remedy the oversight. I have a communication from the Ordnance Department setting forth all the facts.

I now offer as an amendment the following proviso, which will meet the case, and to which I presume the gentleman in charge of the bill will not object:

Provided, That from the proceeds of sales of ordnance and ordnance stores now authorized by law an additional amount may be used in said manufacture; the whole amount to be used not to exceed the amount available for this purpose during the current fiscal year.

Mr. WILLARD, of Vermont. How much does that make available?

Mr. DAWES. In all about \$500,000, the amount available for this purpose under the act of last year.

Mr. CONGER. I think we have a law which requires that all money received from sales of public property shall be covered into the Treasury. That is a law of the land which the gentleman from Massachusetts [Mr. DAWES] himself has been very efficient in enforcing when it applied to anything else than Springfield armory. I make the point of order that this amendment contains new legislation.

The CHAIRMAN. As the Chair understands, the gentleman raises the point that this amendment proposes to change the law requiring all balances to be covered into the Treasury.

Mr. CONGER. The law now requires that all moneys received from sales of public property shall be covered into the Treasury to be reappropriated if required for any purpose. This amendment is certainly a very general way of appropriating all that might be received from sales of ordnance and ordnance stores.

Mr. DAWES. The amount is limited.

Mr. RANDALL. The law which this proviso proposes to contravene was designed to reach just such cases.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GARFIELD. I desire to state that I had not my attention called to it, or time to consult with the Committee on Appropriations, but one thing appears in reference to the Ordnance Department which I desire the House to understand. Last year there was available from funds on hand, balance available for this purpose, a sum of money which did not need to appear in the appropriation bill, and which made for that year as much more in addition to what the annual appropriation called for. We have followed the same plan this year in taking no account of unexpended balances. I do not know enough of the case to say how we should cover the unexpended balance into the Treasury, but the House should understand we are cutting down the appropriation for the manufacture of arms more than \$200,000 from what was appropriated last year. There is hardly

time in this hurried way to adjust it, so it may be best to let it go to the Senate as it is.

Mr. WHEELER. What is the question before the House?

Mr. ALBRIGHT. What becomes of my amendment?

Mr. DAWES. The gentleman from Pennsylvania I hope will withhold his amendment for the present, while I move to strike out "100" and insert "325," so it will then read:

For manufacture, at national armories, of the new model breech-loading musket and carbine, adopted for the military service on recommendation of the board of officers convened under act of June 6, 1872, \$325,000.

I will now read what the Ordnance Department says on this subject:

(Memoranda.)

After a careful examination of the amount of money that will be available for the manufacture of arms at the Springfield armory during the next fiscal year I find that we will have from—

Arming and equipping the militia, from past appropriations still remaining on hand June 30, 1875.....	\$75,000
Appropriation for 1876, for arming and equipping militia, one-half only available, the remainder needed for other ordnance stores for militia.....	100,000
Amount to be appropriated as per Army appropriation bill 1876.....	100,000

Total for 1876..... 275,000

During the present fiscal year the amount allotted to the armory has been as follows:

Appropriated for arms.....	\$100,000
From arming and equipping militia.....	400,000

Total for 1875..... 500,000

This shows that unless the appropriation for the manufacture of arms is increased the work at the armory must be reduced one-half and about two hundred and fifty workmen discharged on the 1st of July next.

If Congress will not appropriate additional money it may authorize the Department to use an additional amount from "the proceeds of sales of ordnance stores," for instance, provided that the proceeds of sales of ordnance and ordnance stores may be used to replace the same by purchase or manufacture.

ARMAMENT FOR FORTIFICATIONS.

The President in his message recommended the appropriation of \$250,000 for converting cannon into rifles, and \$250,000 for experiments and tests of heavy guns, &c.

The House Military Committee have recommended \$250,000 for converting guns and only \$100,000 for experiments, &c.

The latter sum should be increased to \$250,000. These experiments and tests are very costly, and there will be eight experimental guns ready for trial this summer, and it is absolutely necessary that the experiments be conducted without delay. The accompanying papers give all the details. To fully test our cast-iron lined with steel or wrought iron, one 10-inch and one 12-inch rifle should be manufactured at once; their total cost will be \$40,000 and the cost of testing these two guns will more than double this amount.

To enable this Department to make all these tests \$250,000 is the least that should be appropriated. Other nations have spent many millions in such experiments, and are spending large sums annually in the same direction. The Ordnance Department is held responsible for the proper armament for sea-coast defense, and the responsibility will be a heavy one if a war should find our harbors defenseless; and yet Congress fails to listen to our annual appeals in this regard.

Experimental guns that are to be tried under act of 1872: One 9-inch Sattelle breech-loading cannon and carriage; one 12-inch Thompson breech-loading cannon and carriage; one 9-inch Woodbridge cannon and carriage; one 9-inch Hitchcock wrought-iron cannon and carriage; one 9-inch converted with steel tube; one 8-inch converted with steel tube; one 9-inch converted with wrought-iron tube; one 8-inch converted with wrought-iron tube, (already tried.)

By adding \$225,000 to the \$100,000 already appropriated in this bill you will then have the amount appropriated last year, and the men employed at this Springfield armory will not be discharged. If you discharge these men you will break up the establishment; that is all.

Mr. WHEELER. Mr. Chairman, my friend from Massachusetts has put this thing now upon its naked merits. It has not been covered up by reference to other laws. I hoped he would be able inasmuch as in another capacity he is pressing upon the House taxation for the purpose of meeting the ordinary expenses of the Government—I hoped, I say, he would be able to show the absolute necessity of this appropriation for the manufacture of more small-arms. Sir, I deny there is any such necessity. This Government has already an accumulation of 118,687 breech-loaders. It has of muzzle-loaders an accumulation of 584,494. There is no necessity for it whatever.

My friend from Massachusetts says if you do not increase this appropriation a portion of the workmen at the Springfield armory must be discharged. What claim have the workmen at Springfield on the tax-payers of the country over and above any other locality?

But we are told the Ordnance Department asks it. What do they not ask? Like the daughters of the horse-leech, that Department is constantly crying, Give! give!

Let the committee look at the inventory of the useless ordnance stores on hand. Every page of the book is filled up with accumulation of useless ordnance stores on hand. Our armories are groaning to-day with accumulated arms.

We are called on every year, and this bill contains the appropriation, for from thirty to forty thousand dollars for cleaning, repairing, and keeping in order accumulated ordnance stores for which there is no earthly use whatever.

If I made a proposition I should say that with the eight-hour system of labor and with the endless round of superintendents on the part of the Government arms could be made by private establishments much cheaper. But, sir, as I said last year in the discussion of the Army appropriation bill, I would keep up this armory; I would keep up a small band of trained and skilled artisans there. Beyond that I would not go.

We give \$100,000 for the next year for the manufacture of arms not needed and for the purpose of keeping up that armory, so that in the event of war it may prevent a monopoly on the part of private manufacturers. That is the only reason why in my judgment any appropriation should be made for the Springfield armory. I trust my friend will not urge, in the present condition of the Treasury and with this accumulated supply of ordnance stores, we should vote another dollar to this or any other armory.

Mr. DAWES. I am asked why I do not show the necessity of manufacturing the arms at the Springfield armory. I have nothing to do with that branch of the public service. I have nothing to do with that matter. That belongs to the gentlemen who have the Army appropriation bill in charge; and unless they see the necessity of this, it is not for me to urge it. I only want it to be distinctly understood that you are to discharge these men because you do not want more arms.

I believe it is good policy to take the arms we now have in the hands of the several States, which are not worth a copper in their present condition, because they are old-fashioned arms that cannot be used. I believe it is better to take them to the armory and replace them with an arm available for service; but let us not keep those arms idle in the several States. That is what this armory has been doing for a number of years. If there is no occasion to do that, then let it not be done. I am not asking the House to vote \$500,000 to keep up an armory because it happens to be at Springfield, in my district. If it be a good policy to stop work at the armory, and to leave the arms in that condition in the hands of the several States, not worth anything because they are old-fashioned arms, then it is all right to stop your armory; but I submit that you ought to have a policy that is well understood and well defined.

My friend from New York [Mr. WHEELER] happens to be of the opinion that private armories can better manufacture the arms and arm the militia of this country than the Government can at these public armories, where it has spent so much money in the plans, in the establishment, and in the machinery. The gentleman acts according to his sense of duty when he proposes to starve out the armory at Springfield and give this over to private institutions. That is his conviction of the best way to do it. But hitherto up to this hour it has been the policy of the Government to manufacture their own arms, and they have just as much as they can do now at that work.

I do not care whether you vote one dollar to the Springfield armory or not. The Springfield armory is not essential to the happiness of the city of Springfield or the eleventh district of Massachusetts. I have merely called the attention of the committee to the fact that, while you have appropriated up to this year \$500,000 to manufacture these arms and replace those in the hands of the several States, you propose this year to appropriate only \$100,000.

Mr. WHEELER. With a permanent standing appropriation of \$200,000, which gives this armory \$300,000 for the next year.

Mr. DAWES. But that can only be made available in part; what I have read shows to what extent.

Mr. CONGER. Does the gentleman mean to say that Springfield has had this armory maintained at so great an expense for so many years, and still is not happy?

Mr. DAWES. Springfield did not have it at all. It was the Government of the United States that had it. Springfield is entirely happy, whether the armory goes up or goes down.

Mr. MERRIAM. There is one fact which ought to have some consideration when the committee votes upon this question.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. MERRIAM. Then I move to amend by striking out "\$325,000" and inserting "\$200,000."

I was about to say to the committee that there was one fact which ought to have some consideration when voting upon this question. It is well known that there is not a day passes and scarcely an hour that there are not inventions and improvements made in our arms, making those which were made yesterday comparatively obsolete and worthless compared with those that are made to-day. And when we manufacture at the Springfield armory tens of thousands of arms which we do not require in times of peace like the present, and which we will never use, there is no possible advantage in it that I can see. It is almost a waste of money, and this, too, at a time when all our people dread increased taxation.

Mr. Chairman, my colleague who reports this bill has told us that we are now spending \$25,000 a year for cleaning hundreds of thousands of unused arms and keeping off rust. Now you propose to expend \$325,000 to manufacture and pile away many thousands more of them when we have no use for them, and increase the \$25,000 perhaps to \$35,000 for preserving them from destruction by rust.

And there is another point to be considered here. The Government in this matter of manufacturing does not do the work as well or as cheaply as it can be done by private enterprise. We can to-day produce a better arm at a private establishment for a less price than it is produced at the Springfield armory.

Then, again, if the time ever comes when we have use suddenly for a large quantity of arms, if by our large annual appropriations we shut out encouragement to establish new armories by filling the country with a larger overstock of arms all made at one place, and that a Government armory, there will be no new private armories

established. Hence, when the time comes, if it ever does, that the country must enter the market to contract for large quantities of arms, there will not be the competition which would be if manufacturers were not now forced out of business or to idleness by Government doing this work—that is, these armories depending upon home Government work, and then you will find the Government left at the mercy of half a dozen manufacturers and forced to pay their own prices.

Mr. CONGER. What private armories would the gentleman encourage?

Mr. MERRIAM. All American armories outside of this one.

Mr. DAWES. What would be the price of arms at your private armories in case of war?

Mr. MERRIAM. Let me tell the gentleman from Massachusetts that during the war our private armories went to work and manufactured arms cheaper and better than they could be produced at the Government armory or purchased in other countries.

Mr. DAWES. That was because at the Springfield armory they turned out a thousand muskets a day to keep your private armories in check as to their prices.

Mr. MERRIAM. The gentleman forgets that one private armory at Iliou, New York, then turned out sixteen hundred breech-loading rifles every twenty-four hours, and but for the energy of the Remingtons greater delay would have followed the arming of our regiments, and I never heard that the Government complained of their prices for arms.

[Here the hammer fell.]

The question was upon the amendment of Mr. MERRIAM to the amendment of Mr. DAWES, so as to reduce the amount proposed from \$325,000 to \$200,000; and being taken, it was not agreed to; upon a division ayes 3, noes not counted.

The question was upon the amendment of Mr. DAWES to strike out "\$100,000" and to insert in lieu "\$325,000."

Mr. DAWES. I will modify my amendment so as to make the sum \$225,000.

The amendment was not agreed to.

Mr. ALBRIGHT. I move to amend the bill by adding to it the following:

That there be, and is hereby, appropriated, from any money in the Treasury of the United States not otherwise appropriated, the sum of \$40,000, to be used under the direction of the Secretary of War in the construction of such walls or other works as may be necessary for the protection of the banks of the Colorado River at Yuma military depot, Arizona.

Mr. WHEELER. I must raise the point of order that this is an appropriation not authorized by existing law.

Mr. ALBRIGHT. Hear me a moment.

Mr. WHEELER. That appropriation, if made at all, should be in the river and harbor bill, not in the Army appropriation bill.

Mr. ALBRIGHT. It is not intended for the improvement of a river or a harbor, but to protect the principal military post we have in the Territory of Arizona.

Mr. WHEELER. Then let it come in as an amendment to the sundry civil appropriation bill.

Mr. ALBRIGHT. I was instructed by the Committee on Military Affairs to move the amendment to this bill, because it is intended to protect and preserve quartermaster's stores. If it should be offered to the other bill, I presume it will be objected that it does not properly belong to that bill.

The Secretary of War, the Quartermaster-General, and all the officers who have examined this matter say that unless this appropriation is made and means taken to protect this property, the Government will lose these buildings. These buildings, when first erected, were at some distance from the river. Since then the current of the river has changed; the river has washed out the banks where these buildings are; and unless something is done to check the further encroachment of the river, these buildings will soon be destroyed. There is no other Government building there in which these quartermaster stores can be placed and preserved. It is our principal military depot there. I have here communications from the Secretary of War, the Quartermaster-General, and the subordinate military officers now in that country, certifying to the necessity of this appropriation.

The CHAIRMAN. It is not necessary that the gentleman shall debate the merits of the proposition on a mere point of order. The Chair is clearly of the opinion that the point of order is well taken.

Mr. ALBRIGHT. I do not understand that the gentleman from New York [Mr. WHEELER] insists upon his point of order.

Mr. WHEELER. I do insist upon my point of order that this is new legislation; that the law requires that no appropriation of this kind shall be made until a survey has been made; and it is not pretended here that any survey of this work has ever been made or any estimate made.

Mr. ALBRIGHT. I have it here.

Mr. WHEELER. By the Engineer Department?

Mr. ALBRIGHT. By the Quartermaster's Department.

Mr. WHEELER. Ah!

Mr. HAWLEY, of Connecticut. It must come in some bill, and why is it not appropriate to the Army appropriation bill?

Mr. CONGER. I want to make a remark on the point of order.

The CHAIRMAN. The Chair has already decided the point of order.

Mr. CONGER. It may still be open to remark.

The CHAIRMAN. Is there objection to the gentleman from Michigan [Mr. CONGER] speaking promiscuously? [After a pause.] The Chair hears none, and the gentleman will proceed.

Mr. CONGER. This proposition was sent to the Committee on Commerce, as if it were connected in some way with the improvement of rivers. The Committee on Commerce thought that the sole object of the proposed appropriation was to protect a military building and the stores therein, and they reported it back and asked to have it referred to the Committee on Military Affairs. The Committee on Military Affairs now ask that for the purpose of protecting a military building and military stores by preventing the encroachment of the river on its banks. I think it properly belongs to this bill, or else you might leave all the military stores and military buildings unprotected. If there is anything that the appropriations made by the Army appropriation bill can properly be used for, it is to protect the military buildings and military stores that are paid for out of those appropriations. I make these remarks and ask the Chairman to review his decision.

Mr. WHEELER. I move that the committee now rise and report this bill to the House.

Mr. HAWLEY, of Connecticut. Has the point of order been finally decided?

The CHAIRMAN. The Chair adheres to his ruling on the point of order.

Mr. HAWLEY, of Connecticut. I would like to say a word on the point of order, not upon the merits of the amendment itself.

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. HAWLEY, of Connecticut. It strikes me that this amendment is just as much in order on this bill as if an amendment was offered in relation to renewing or mending the machinery in a Government armory, or providing new underpinning necessary to preserve Army property. It seems to me that the point of order could be made against it everywhere except on this one bill.

Mr. WHEELER. Can the gentleman give a solitary precedent for an appropriation of this kind where there has been no prior estimate?

Mr. MCCORMICK. This is not a proposition to make a river or harbor improvement, but simply to protect certain military storehouses which it is estimated have cost the Government over \$200,000. They were erected at some distance from the Colorado River, but that great stream, which has been denominated "the Mississippi of the Pacific coast," has a changing current and channel, and within two or three years has worn away the banks at Yuma so as to make requisite protecting walls. The citizens of the town of Yuma, adjoining the military depot, were authorized by the Legislature of Arizona to raise a special tax to build such walls in front of the town and the Government is only asked to protect its own valuable property.

The amendment now proposed I introduced at the last session of Congress as a distinct bill and it is now on the Calendar of the House, having been favorably reported in January last by the Committee on Military Affairs. The Secretary of War has twice called the attention of the House to the necessity of this appropriation, and if it is not now made and the buildings and their contents should suffer from the encroachments of the river, the responsibility will not rest upon the War Department, the Committee on Military Affairs, or the representative of the people of Arizona. The estimated cost is based upon the figures of the Quartermaster's Department sent to the House and printed in Executive Documents No. 154 and No. 261 of last session.

Mr. WHEELER. There seems to be an estimate made by the Quartermaster-General's Department. I told the Delegate from the Territory of Arizona [Mr. MCCORMICK] two months ago that this should be estimated for regularly and if that was done I would be willing to admit it. The estimate ought to come from the Engineer Department of the Army.

Mr. HAWLEY, of Connecticut. We do not require an estimate every year for every quartermaster's shed that is built in the country, or whenever you put in a new sill or new underpinning under one already built.

The CHAIRMAN. The Chair adheres to his ruling that the proposed amendment is not in order.

Mr. SHERWOOD. I offer the following amendment, which was made in order under a suspension of the rules:

Add to the bill the following:

In all contracts for material for any public improvement the Secretary of War shall give preference to American material; and all labor thereon shall be performed within the jurisdiction of the United States.

The amendment was agreed to.

Mr. LOWNDES. I offer the following as a new section:

SEC. — That the Quartermaster-General of the United States Army be, and he is hereby, authorized and directed to examine and report on all claims now on file in his office for the use and occupation of private buildings and lands of loyal claimants that were held, used, and occupied by the military forces of the United States, and refer the same to the Third Auditor of the United States Treasury.

Mr. WHEELER. I make the point of order that this amendment involves new legislation.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WHEELER. I move that the committee rise and report the bill.

Mr. CONGER. I move to amend by striking out the proviso of the last section of the printed bill.

Mr. HOLMAN. Is that motion in order? We have passed that section and considered other propositions.

The CHAIRMAN. That section has been passed.

Mr. CONGER. Then I move to amend the bill (we have not passed the bill) by striking out from the middle of line 214 to the end of line 218.

Mr. WHEELER. We have passed that.

Mr. CONGER. Does the gentleman from New York [Mr. WHEELER] pretend that before the committee rises to report the bill it is not in order to go back and amend the last paragraph of the printed bill?

Mr. RANDALL. That section has been passed and new sections added.

Mr. WHEELER. The gentleman can propose to add a new section, but he cannot go back.

The CHAIRMAN. The gentleman from Michigan can move an addition to the bill, if he desires to do so.

Mr. GARFIELD. If it were in order for the gentleman to go back to that paragraph, he could go back to the first paragraph.

The CHAIRMAN. Certainly.

Mr. CONGER. Mr. Chairman, I assert that the last paragraph of this bill has not been passed. It must be still under consideration.

Mr. WHEELER. I call attention to the fact that the committee has considered new matter, new propositions, since that paragraph was under consideration.

The CHAIRMAN. The committee has voted on a proposition to add a new section.

Mr. SMITH, of Ohio. What is the question, Mr. Chairman?

The CHAIRMAN. The gentleman from New York [Mr. WHEELER] moves that the committee rise and report the bill to the House.

Mr. CONGER. I insist on my right to offer my amendment. I desire to state that there was added to this section not a new section but an amendment by way of addition to the last printed paragraph. Now I propose still further to amend that paragraph. The Chair cannot recognize all gentlemen at once; and I am one of that unfortunate class that is generally not first recognized.

The CHAIRMAN. The Chair has ruled that the gentleman can add to the section, but he has not proposed to do so.

Mr. CONGER. I propose to amend the section, because we have not passed from it. The other amendments have been amendments to it. There has been no new section added.

Mr. SAYLER, of Indiana. The section requiring materials of American manufacture to be used in public works has been adopted.

The CHAIRMAN. The Chair holds that the gentleman from Michigan may move an addition to the bill. A motion has been made to add a new section, but it has been voted down. The gentleman from Michigan has moved to strike out the proviso in the printed bill; and the Chair holds that motion not in order. Does the gentleman from Michigan propose a new section?

Mr. CONGER. Yes, sir.

The CHAIRMAN. Then the gentleman will please send it up.

Mr. CONGER. I will state it now and afterward reduce it to writing. I move to add as a new section the following:

Sec. 3. The proviso on page 10, line 214, shall not take effect until January 1, 1879.

Mr. RANDALL. I desire to make a point of order on that.

The CHAIRMAN. The amendment must first be reduced to writing.

Mr. RANDALL. I make the point that the amendment nullifies what the committee have already adopted.

The Clerk read the amendment, as follows:

Sec. 3. That the proviso in this bill, being the last proviso of section 1 of the bill, shall not take effect till January 1, 1879.

Mr. CONGER. Mr. Chairman, I wish to occupy the attention of the committee for a moment. I will not speak about the inaccuracies in the language of the proviso I have moved to strike out, because it is probably not expected that every committee in its reports to this House should use good grammar. But here is a proviso which restricts any experiments upon any inventions in regard to fire-arms that may possibly be patented—in regard to which there is a possibility of their being patented! It confines experiments in arms to the old kinds of arms—those that have either been patented heretofore or that are not worth patenting. Why should it be proposed that in an organization like the Army, where the perfection of our arms is desirable, and in regard to which we make large appropriations for experiments, there should be no experiments upon new inventions which might possibly be patentable?

Mr. WHEELER. Point out the grammatical inaccuracy.

Mr. CONGER. I will let the grammarians and the scholars of the House attend to that. I ask why we should prevent experiments or inventions simply because they may hereafter or now be patentable?

Mr. WHEELER. I will turn my friend from Michigan over to my friend from Massachusetts.

Mr. CONGER. He has already told the House that he has nothing at all to do with these things, and that it is the duty of the Committee on Appropriations to attend to them. I regard the whole committee has been misled by the influence of the gentleman from Massachusetts, Senator-elect.

Mr. WHEELER. I wish to say to my friend from Michigan, having due regard for the modesty of my friend from Massachusetts, I suppose the intent of the proviso was that whenever the Government compensated the officer fully for his service it was entitled to all his skill in perfecting these patentable articles.

Mr. DAWES. That was not it.

Mr. CONGER. It is as I have said, gentlemen have been misled on this whole subject by the gentleman from Massachusetts.

Mr. DAWES. I will state the object of the proviso if I can have the floor.

Mr. CONGER. I hope this will not come out of my time. After I am done the gentleman from Massachusetts can explain.

The CHAIRMAN. The gentleman from Michigan has one minute left.

Mr. CONGER. That is plenty for my purpose. This proviso says no money shall be expended in the perfection of inventions of arms or in the perfection of patentable inventions in the manufacture of arms by officers of the Army—that is the grammatical part of it to which I have referred—otherwise compensated for their service to the United States. Why should not experiments be made on all inventions? Why should the officers of the United States, whose whole lives have been devoted to the perfection of arms, be precluded from such experiments? Why should any experiments be denied which might possibly lead to the perfecting of patentable inventions of arms? Why should they be denied to the skill and genius of the officers of the Army more than any other citizens of the United States.

I have only suggested these things. It seems to me to be the most ridiculous proviso ever inserted in any appropriation bill, and I call upon gentlemen to say why experiments should not be made or inventions whether patentable or not?

Mr. DAWES. Mr. Chairman, it is correct that this was in the Army appropriation bill last year, and I will tell the House how it came to be put in there. Army officers are apt to devote their time to making inventions in fire-arms. It is natural they should, and they make useful ones. Hence, when an Army officer gets to work on an invention on fire arms, he is in the habit of having himself detailed to one of our armories where he can carry on his experiments at the expense of the United States.

A MEMBER. For the benefit of the United States.

Mr. DAWES. No; not for the benefit of the Government of the United States, for when he gets it perfected he steps outside, and the Government of the United States cannot have the use of it unless it pays him. It came to the knowledge of the House last year that one or two Army officers had got detailed to armories for the purpose of using the machinery of the armories and their tools and their men to perfect their inventions. They had applied for patents at the Patent Office, so that when they got their patents they were independent of everybody, the United States as well as anybody else. It was supposed that if an Army officer made an invention he should not have an advantage over a citizen making one, that is, that the United States should not furnish him with the materials, the machinery, and the time of its men to perfect an invention of which he was to have the sole benefit when it was perfected. This proviso therefore was put into the Army appropriation bill. Several officers were at once relieved from detail and sent back to their regiments who were at the armories having the benefits of their appliances and to that extent an advantage over all other citizens.

The gentleman from Michigan does not understand it if he understands it deprives the officers of the United States of the privilege of making experiments or trying to improve their inventions. The object was not to give an Army officer any advantage over anybody else in making experiments by furnishing him with machinery and tools and employes of the Government, when after it was done he was to have the entire control of it. That was the purpose of it. [Here the hammer fell.]

Mr. MERRIAM. I move to strike out the last word, and yield my five minutes to the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. I wish to say a word or two more. The gentleman from Massachusetts knows there is in this House and has been for a long number of years a disposition to refuse to any inventor of fire-arms or anything else which was for the benefit of the Government, made by an employe of the Government, any compensation whatever.

I say there has been a disposition to refuse to a skilled officer of the Army, who made inventions that if made in other walks of life would have been worth thousands and hundreds of thousands of dollars to the inventor but are only useful in the Army and Navy—there has been a disposition to refuse him any compensation whatever. The Government has seized the brain labor of its officers without any compensation to the value of millions of dollars. It has refused them all compensation whatever for their genius and invention and their skill in bringing their inventions to perfection. And this would prevent them from even experimenting in the armory where they are stationed. Now, it seems to me that from whatever source an invention of this kind may come, the armory is the very place to experiment, the very place to perfect it, and the only place to perfect it. It seems to me that is what the armory is for, and to say that the officer's invention shall not have the same rights with the citizen's invention seems to me a reflection upon their skill, upon their knowledge, upon their experience, and deprives the Government of their service. In my judgment that proviso will prevent benefits to the United States in the manufacture of

new inventions in fire-arms and ordnance far beyond the value of the time taken in trying to experiment upon these inventions. It is for that reason I oppose that proviso, and I hope it may be stricken out.

Mr. SAYLER, of Indiana. This subject has received more or less discussion by gentlemen of the House during the present session, not perhaps on the floor, but in the proper forum.

I take it that this proviso does not amount to a prohibition of experimenting on new inventions. I do not understand that, by any construction of the proviso, the experimenting on new inventions is in the least prohibited or affected. But it is for the purpose of taking from these officers the special opportunities that they have for invention in giving to them the materials, the skilled labor, and the capital of the country for their own special benefit to make an invention at the public expense and then reap the whole reward.

Mr. O'BRIEN. I desire to ask the gentleman a question. How is it that an officer of the Army, unless he is allowed to go to one of these armories to perfect his invention, can obtain the necessary tools and machinery for his purpose? A civilian might obtain them in private shops, but an officer of the Army cannot go outside the line of his duty. And in consequence of this prohibition the Government cannot derive the benefit of his skill and invention.

Mr. SAYLER, of Indiana. That is not the question. The question is whether we shall give to these men a special privilege which we give to nobody else; whether we shall have a class here to whom we shall give privileges that shall not be enjoyed by any others. Because a man has been educated at the public expense, because he has been commissioned by the Government of the United States, because he is paid a salary for life—this does not give to him the extraordinary consideration that he shall have the whole power of the Government, of its revenues, of its skilled labor, of its materials, to gather to himself a reward that no other man can enjoy in any way whatever.

Mr. MAYNARD. Will the gentleman allow me to suggest there—

Mr. SAYLER, of Indiana. I decline to be interrupted at this point. Now, whenever a man is educated by the General Government, whenever he is commissioned by the General Government, whenever he is given a life office by the General Government, and want is thereby kept from him and his family, I take it that he enters into an obligation that the very best services of which he is capable shall be rendered for the benefit of the Government and not his own benefit. If this proviso were of such a character as to apply to all classes of citizens and that any other person could have like facilities, like privileges, and like opportunities, there could be no objection to it. But it goes further than any provision that I know of that has yet been seriously proposed in the legislation of this country; it goes further than the patent-right laws; it says to this man "We absolve you from your obligation to the Government by your education; we absolve you from your obligation to the Government as an officer, and we give you in addition to this absolution these remarkable and exclusive privileges." These are privileges that no man on this floor enjoys. The greatest inventor of the age is cut out by this. The greatest inventor of fire-arms cannot for a moment come in competition with this man, who has all of these revenues, all of this skilled labor, all of this material at his own disposal, at his own free will.

I take it, sir, that we ought to limit this power and say to these men that when they receive an education at the cost of the Government and when they receive their commissions from the Government they agree in honor that they will give the highest possible fruits of their genius to the public. I say we ought not to give to them this extraordinary privilege—this privilege unheard of anywhere else.

Let me call attention to another point. By actual and specific legislation we have prohibited the employes of the Patent Office from applying for a patent during their employment in that office. And why is it, sir, that we do this? It is because they have there peculiar facilities which nobody else enjoys.

Now, why should we prohibit our examiners in the Patent Office and the clerks in the Patent Office from applying for patents, and still leave to the officers of the Army a greater privilege and right, for there can be no greater privilege than that of experimenting in patents at the expense of the Government.

[Here the hammer fell.]

The question was taken on the amendment, and it was not agreed to.

Mr. MAYNARD. I move to strike out the last word.

Many MEMBERS. Vote! Vote!

The CHAIRMAN. The Chair supposes that the motion of the gentleman is to strike out the last word of the bill.

Mr. MAYNARD. I move to strike out the last word in the proviso, and I do it for the purpose of saying this: that it seems to me that as the amendment is drawn it does not accomplish what gentlemen seem to desire.

Mr. FORT. As the Chair has held that a motion to strike out the whole proviso is not in order, I submit that it is not in order to strike out a part of it.

The CHAIRMAN. This is merely a *pro forma* motion.

Mr. MAYNARD. I do not wish to discuss the question if it has been decided, but I understand that the subject is still under consideration. Then I offer the following amendment as an additional section of the bill:

Sec. —. That the several sums by this act appropriated shall be and remain available for the several objects of appropriation until the same are exhausted, and no part thereof shall be covered into the Treasury.

Mr. WHEELER. I make the point of order that that changes the act of 1872.

The CHAIRMAN. The Chair is compelled to sustain the point of order.

Mr. MAYNARD. It occurs to me that this amendment does not come within the purview of the rule. This amendment is merely applicable to the present appropriation. It merely provides that the appropriation now made shall be available for specific purposes, and shall not be covered into the Treasury.

Mr. WHEELER. The act of 1872 provided that not one dollar of the appropriation should be expended except during the current fiscal year.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WHEELER. I move that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. WILSON, of Iowa, reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes, and had directed him to report the same to the House with sundry amendments, and with the recommendation that the amendments be agreed to and the bill passed.

Mr. WHEELER. I call the previous question on the bill and amendments.

The previous question was seconded and the main question ordered.

The amendments reported from the Committee of the Whole on the state of the Union 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. WHEELER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House do now adjourn.

Mr. RANDALL. I ask the gentleman to modify that motion so as to allow me to move that the Committee on the District of Columbia shall have an evening session on Monday next instead of this evening.

Mr. HOLMAN. I will do so.

Mr. BUTLER, of Massachusetts. Has not the Committee on the District of Columbia a right to a session for to-night?

The SPEAKER. The Chair understands that they desire to have the evening of Monday next instead of this evening. Is there objection to the change?

Mr. MERRIAM. I object.

Mr. O'BRIEN. I object because I want them to have this evening.

The SPEAKER. The Chair understands that they want Monday evening instead of this evening.

Mr. GARFIELD. We have been here nearly every night for a long time, and I think that the proposition is a reasonable one.

Mr. MYERS. I have no objection if the House will allow the Committee on Naval Affairs to have Tuesday evening.

LEAVE TO PRINT.

Mr. BOWEN asked, and by unanimous consent obtained, leave to print in the CONGRESSIONAL RECORD some remarks upon current affairs. (See Appendix.)

ORDER OF BUSINESS.

Mr. SHANKS. I wish to give notice of a resolution which I shall offer on Monday next.

Mr. ELDREDGE. I understand that the gentleman from New York [Mr. MERRIAM] is willing to withdraw his objection to the change proposed according to the Committee on the District of Columbia Monday evening instead of this evening.

Mr. MERRIAM. I withdraw my objection, because I understand that one of the members of the Committee on the District of Columbia is sick.

The SPEAKER. On account of the illness of one of the members of the Committee on the District of Columbia and the inclemency of the weather, that committee ask that in place of this evening they be allowed an evening session on Monday next. Is there objection?

Mr. MERRIAM. It was for the reason stated by the Chair that I withdrew my objection.

No objection was made.

AFFAIRS IN ARKANSAS.

Mr. POLAND. I desire to report a resolution from the Select Committee on Affairs in Arkansas, that it may be printed and recommended. The committee recommend to the House the adoption of the following resolution:

Resolved, That the report of the Select Committee on the Condition of Affairs in the State of Arkansas be accepted, and that in the judgment of this House no interference with the existing government in that State by any Department of the Government of the United States is advisable.

Mr. BUTLER, of Massachusetts. I object to the reception of that resolution.

Mr. POLAND. I merely desire that the resolution shall be printed in the RECORD.

Mr. BUTLER, of Massachusetts. I do not desire it printed anywhere.

Mr. POLAND. You cannot help yourself, for it will be in the RECORD now.

The SPEAKER. On what ground does the gentleman object?

Mr. BUTLER, of Massachusetts. I believe I have a right to object to the reception of the resolution. I believe that under the rules of the House a resolution even for printing cannot be reported except by unanimous consent.

The SPEAKER. But the gentleman from Vermont had a right to report at any time.

Mr. BUTLER, of Massachusetts. Is there not a question of higher privilege pending, the motion of the gentleman from Indiana [Mr. HOLMAN] to adjourn?

The SPEAKER. The Chair does not so understand. The Chair thinks that that motion was withdrawn.

Mr. BUTLER, of Massachusetts. The gentleman made his report some days ago.

Mr. GARFIELD. That did not exhaust his right to report.

The SPEAKER. The Chair understands that this resolution is only reported for printing and recommitment.

Mr. POLAND. I ask that it be printed in the RECORD.

The SPEAKER. It will be printed in the RECORD, having been read as a part of the proceedings of the House.

Mr. POLAND. I now desire to say that at as early a day next week as is consistent with the public business I shall bring up the report, with this resolution, for the consideration of the House.

Mr. HYNES. Is this the report of the whole committee? Is there no minority report?

The SPEAKER. The form in which a minority report would come up would be in the nature of a substitute for the report of the majority. That would be the parliamentary action in such a case.

The resolution was recommitted to the committee and ordered to be printed.

Mr. POLAND. I have entered a motion to reconsider the vote by which the report was recommitted.

Mr. TREMAIN. I desire to ask if the discussion on the Arkansas question will rise on the motion to reconsider?

The SPEAKER. The motion to reconsider opens the whole question, and gives entire latitude for discussion if the House so chooses.

Mr. BUTLER, of Massachusetts. Why did the gentleman from Vermont enter a motion to reconsider, if he had the right to report at any time?

The SPEAKER. He entered it in order to "make assurance double sure."

LEVI W. POND AND EAU CLAIRE LUMBER COMPANY.

Mr. CONGER, by unanimous consent, from the Committee on Patents, reported a bill (H. R. No. 4818) to amend an act entitled "An act extending a patent to Levi W. Pond and Eau Claire Lumber Company," approved June 10, 1872; which was read a first and second time, ordered to be printed, and recommitted to the Committee on Patents.

Mr. RANDALL. Not to be brought back by a motion to reconsider.

Mr. CONGER. I will consent to that.

POST-OFFICE BUILDING IN BALTIMORE.

Mr. SWANN, from the Committee on Appropriations, submitted a report in relation to the erection of a new post-office in the city of Baltimore; which was ordered to be printed and recommitted.

STREET RAILWAY COMPANIES OF THE DISTRICT.

The SPEAKER laid before the House the following communication from the President of the United States:

To the Senate and House of Representatives:

Under the requirements of section 6 of the act for the government of the District of Columbia, and for other purposes, approved June 20, 1874, I have the honor to submit herewith a report of the board of audit upon the amount equitably chargeable to the street railroad companies, pursuant to the charters of said companies or the acts of Congress relative thereto, together with the reasons therefor.

U. S. GRANT.

EXECUTIVE MANSION, February 19, 1875.

The message, with accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

ENROLLED BILLS SIGNED.

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

- An act (S. No. 625) for the relief of Lemuel D. Evans, late collector of internal revenue for the fourth district of Texas;
- An act (S. No. 836) granting a pension to William Ira Mayfield;
- An act (S. No. 862) granting a pension to Margaret S. Hastings;
- An act (S. No. 1070) granting a pension to Margaret C. Wells;
- An act (S. No. 1080) granting a pension to J. W. Caldwell, of Marshall County, Indiana;
- An act (S. No. 1154) granting a pension to William Williams;
- An act (S. No. 1205) restoring to the pension-roll the name of Lydia A. Church, minor daughter of Nathaniel G. Church; and
- An act (S. No. 1213) granting a pension to Nathan Upham.

ORDER OF BUSINESS.

Mr. MAYNARD. I move that the House now take a recess until half past seven o'clock p. m.

Mr. HOLMAN. I move that the House now adjourn.

Mr. MYERS. I ask unanimous consent that the session of Tuesday evening next be set apart for the consideration of reports from the Committee on Naval Affairs.

Many members objected.

Mr. MAYNARD. Before the question is put upon the motion to adjourn, I desire to make a suggestion to the House. The impression prevails that there are several gentlemen who desire to address the House upon general subjects. I understand that there is no business assigned for to-night, and as this will probably be the only opportunity members will have to be heard, I propose that we have a session to-night for debate only, no business whatever to be transacted.

Mr. HOLMAN. I will withdraw my amendment to adjourn for the purpose suggested.

The SPEAKER. It requires unanimous consent.

Mr. HAGANS. I object.

Mr. BUTLER, of Massachusetts. I renew the motion that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ARMSTRONG: The petition of citizens of Sioux City, that the Black Hills in Dakota be opened to settlement, to the Committee on Indian Affairs.

By Mr. BLAINE: Resolutions of the Legislature of Kansas, in relation to the appraisement of the Cherokee lands, to the Committee on the Public Lands.

Also, resolutions of the Legislature of Kansas, asking Congress to establish and create a United States district court for the Indian Territory, to the Committee on the Judiciary.

By Mr. BURROWS: The petition of citizens of Michigan, for the improvement of the harbor at New Buffalo, to the Committee on Commerce.

By Mr. CASON: Papers relating to the application of George A. Arnes for restoration to his former rank in the Army, to the Committee on Military Affairs.

By Mr. CLARKE, of New York: The petition of citizens of Albion, New York, in favor of Government aid to the Northern Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. COTTON: The petition of tax-payers in the District of Columbia outside of the cities, asking that the tax on property in the country be placed at seventy-five cents on the \$100, and for other relief, to the Committee on the District of Columbia.

By Mr. COX: Memorial of the Legislature of New York, in relation to the improvement of the East River, to the Committee on Commerce.

By Mr. GUNTER: The petition of settlers upon the Hot Springs reservation in Arkansas, for relief, to the Committee on the Public Lands.

By Mr. LAWRENCE: The petition of L. Boyd, Daniel Wissenger, and others, of Clarke County, Ohio, for the abolition of official oaths, to the Committee on the Judiciary.

By Mr. LOWNDES: The petition of citizens of Washington County, Maryland, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee, to the Committee on Ways and Means.

By Mr. SAYLER, of Ohio: The petition of David Quinn, of Cincinnati, Ohio, relating to a machine invented by him for deepening the channels of rivers, to the Committee on Commerce.

By Mr. SMITH, of Virginia: Memorial of the Tobacco Association of Richmond, Virginia, in relation to the proposed increase of tax upon tobacco, to the Committee on Ways and Means.

By Mr. —: The petition of citizens of Jewell County, Kansas, for relief, to the Committee on Agriculture.

IN SENATE.

SATURDAY, February 20, 1875.

The Senate met at eleven o'clock a. m.

The Secretary proceeded to read the Journal of yesterday's proceedings.

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

Mr. HAMILTON, of Maryland, and Mr. LEWIS. I object.

Mr. MCCREERY. I would like to hear the Journal read this morning.

The Secretary resumed and continued the reading of the Journal of yesterday, and it was approved.