Also, the petition of citizens of Philadelphia, against any amendment to the act of Congress relating to shipping commissioners, to the Committee on Commerce.

By Mr. REA: The petitions of citizens of Savannah and of Rochester, Missouri, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. JOHN REILLY: Four petitions of citizens of Bedford and Cambria Counties, Pennsylvania, of similar import, to the same committee.

By Mr. RIDDLE: A paper relating to mail service on the post-route from Gainesborough to Cookville, to the Committee on the Post-Office and Post-Roads.

By Mr. ROBBINS, of North Carolina: A paper relating to a post-route from Apple Grove, North Carolina, to DeBusk's Mills, Virginia, to the same committee.

By Mr. ROSS, of Pennsylvania: The petitions of citizens of Tioga, of Wellsborough, of Blossburgh, and of Williamsport, Pennsylvania, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

Also, the petitions of 22 citizens and of 50 other citizens of Williamsport, Pennsylvania, for aid to be extended the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. RUSK: The petition of citizens of Black River Falls, of Augusta, and of La Crosse, Wisconsin, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

Also, the petition of George Young, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. SAMPSON: The petition of 39 citizens of Pella, Iowa, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. SEELYE: The petitions of citizens of Amherst, of Easthampton, of Northampton, and of Ware, Hampshire County, Massachusetts, of similar import, to the same committee.

By Mr. SHEAKLEY: The petitions of citizens of Titusville, Pennsylvania, of similar import, to the same committee.

By Mr. SMITH, of Pennsylvania: The petitions of citizens of Columbia, Pennsylvania, of similar import, to the same committee.

Also, resolutions of the senate of Pennsylvania asking for the passage of the bill for the completion of the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

Also, the petition of G. W. Brientnall, for a pension, to the Committee on Invalid Pensions.

By Mr. SMITH, of Georgia: The petition of citizens of Albany, Georgia, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. SPRINGER: The petitions of citizens of Jacksonville, of Springfield, and of Winchester, Illinois, of similar import, to the same committee.

By Mr. STENGER: The petition of citizens of Snyder County, Pennsylvania, of similar import, to the same committee.

By Mr. STONE: The petition of C. E. Bingham, adjutant-general of Missouri, for payment of claims against the United States for supplies furnished the United States Army and the State troops of Missouri, to the Committee on War Claims.

By Mr. STRAIT: The petition of citizens of Fairbault, of Sauk Center, and of Jordan, Minnesota, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. SWANN: The petition of Catharine Middleton, for a pension, to the Committee on Invalid Pensions.

Also, the petition of John T. Bristow, for a remission of a fine imposed by the United States district court for the Maryland district, to the Committee on the Judiciary.

By Mr. TARBOX: The petitions of citizens of Milford, Massachusetts, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. TERRY: A paper relating to certain post-routes in Virginia, to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS: The petition of citizens of Baltimore, Maryland, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. THOMPSON: The petition of citizens of Haverhill, of Ipswich, of Rockport, and of Salem, Massachusetts, of similar import, to the same committee.

Also, the petition of the heirs of Mark and Nicholas Fouquet, for payment of money due them for services rendered during the revolutionary war, to the Committee on Revolutionary Pensions.

By Mr. THORNBURGH: The petition of citizens of Knoxville, Tennessee, for the repeal of the stamp-tax on friction matches, to the Committee of Ways and Means.

By Mr. TOWNSEND, of New York: The petition of citizens of Lansingburgh, of Fort Ann, of Sharshom, Whitehall, and of Sandy Hill, New York, of similar import, to the same committee.

By Mr. TURNEY: The petition of citizens of Greensburgh, Pennsylvania, of similar import, to the same committee.

Also, four petitions of citizens of Westmoreland County, asking Congress to aid in the construction of the Texas Pacific Railroad, to the Committee on the Pacific Railroad.

Also, a paper relating to a post-route from Greensborough to Smithfield, Pennsylvania, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Lieutenant-Colonel Alexander Montgomery, United States Army, for balance of pay due him, to the Committee on Military Affairs.

By Mr. VANCE, of Ohio: The petition of citizens of Portsmouth and of Gallipolis, Ohio, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. VANCE, of North Carolina: A paper relating to a post-route from Webster to Charleston, North Carolina, to the Committee on the Post-Office and Post-Roads.

Also, papers relating to the petition of Mary E. Shelton, for relief, to the Committee on Military Affairs.

Also, papers relating to the claims of William Donaldson and W. H. Deaver, to the Committee on War Claims.

By Mr. VAN VORHES: The petition of citizens of Pomeroy, Ohio, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. WALDRON: The petitions of citizens of Tecumseh, of Chelsea, of Jonesville, and of Adrain, Michigan, of similar import, to the same committee.

By Mr. WALKER, of Virginia: Papers relating to a post-route from Richmond to Glendale, Virginia, to the Committee on the Post-Office and Post-Roads.

By Mr. WALSH: A paper relating to a post-route from Frostburgh to Pompey Smash, Maryland, to the same committee.

Also, papers relating to the claim of George W. Spates, to the Committee on War Claims.

Also, the petition of citizens of Cumberland, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. WARD: The petition of W. E. Robinson and 48 other persons, for the repeal of the check-stamp tax, to the same committee.

By Mr. WARREN: The petition of citizens of Holliston, of Lowell, and of Cambridgeport, Massachusetts, for the repeal of the stamp-tax on safety matches, to the same committee.

By Mr. WELLS, of Missouri: A memorial from the acting quartermaster-general of Missouri, relative to the claim of that State against the United States, to the Committee on Military Affairs.

By Mr. WHITING: Two petitions of citizens of Knox County, Illinois, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. WIGGINTON: The petition of Eli Randall, W. P. Tompkins, and 250 other residents of Santa Barbara County, California, for aid for the Texas Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. A. S. WILLIAMS: Two petitions of citizens of Detroit, Michigan, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. W. B. WILLIAMS: The petitions of citizens of Holland and of Ionia, Michigan, of similar import, to the same committee.

By Mr. WILLIAMS, of Delaware: The petition of citizens of Delaware, for the passage of a resolution authorizing the appointment of an engineer to survey the Mispillion River, Delaware, to the Committee on Commerce.

By Mr. WILSHIRE: The petition of citizens of Arkansas and the Indian Territory, that an appropriation be made to enable the Secretary of the Interior to carry into effect the act of Congress approved March 3, 1875, relating to the boundary-line between the said State and Territory, to the Committee on Appropriations.

By Mr. WILSON, of Iowa: The petition of citizens of Vinton, of Belle Plaine, of Marion, of Brooklyn, and of Grinnell, Iowa, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. WILSON, of West Virginia: A paper relating to certain post-routes in West Virginia, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of West Virginia, that pensions be granted to soldiers of the Mexican war who have not been pensioned under existing laws, to the Committee on Invalid Pensions.

Also, the petition of Mount Zion Grange No. 89, Patrons of Husbandry, of Lewis County, West Virginia, for a reduction of postage-rates, to the Committee on the Post-Office and Post-Roads.

By Mr. WOOD, of Pennsylvania: The petition of citizens of Morristown, Pennsylvania, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. YOUNG: Papers relating to the claims of Mary E. O. McGregor, Nancy Seawight, Henry C. Dollis, Robert Talley, Francis Molitor, and Emma G. Abbott, to the Committee on War Claims.

IN SENATE.

TUESDAY, *February* 1, 1876.

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

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

PETITIONS AND MEMORIALS.

Mr. INGALLS presented the petition of Patrick J. Kennedy, praying the removal of the charge of desertion and the restoration of his name to the rolls of his company with allowance such as he may be entitled to from the various Departments of Government; which was referred to the Committee on Military Affairs.

He also presented additional papers containing evidence in support of the bill for the relief of Joseph Dunlap, of Council Grove, Kansas; which were referred to the Committee on Indian Affairs.

Mr. CHRISTIANCY presented the petition of Merritt Lewis, of Michigan, a disabled soldier, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. WRIGHT. I have had sent to me by the secretary of state of Iowa a joint resolution of the General Assembly of that State, asking that Congress restore the rates of postage on third-class matter to the rates which prevailed one year ago. I will not ask to have the memorial read, but move that it be inserted in the RECORD, and referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

The resolutions are as follows:

Preamble and resolutions relating to postage on third-class mail matter.

First. Whereas the question of cheap postage to persons living remote from the lines of express companies, especially the rural districts, is of vital importance to the prosperity of the country and the convenience of the inhabitants: Therefore,

Be it resolved by the General Assembly of the State of Iowa, That our Senators be instructed and our Representatives in Congress be requested to use their influence to have the postage on third-class mail matter restored to rates which prevailed one year ago.

That the secretary of state be instructed to forward a copy of this resolution to each of our Senators and Representatives in Congress.

Mr. WRIGHT also presented a joint resolution of the General Assembly of the State of Iowa, asking Congress to pass a law repealing so much of the revenue act as applies to stamps on bank-checks; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Resolved by the house, (the senate concurring,) That our Senators be instructed and our Representatives requested to secure, if possible, an amendment to the laws of Congress so that revenue stamps shall not be required on bank-checks.

Mr. WITHERS presented additional papers in the case of B. D. Morton, late postmaster at Clarksville, Virginia; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. OGLESBY presented the petition of farmers and workingmen of Illinois assembled in convention at Bloomington, praying for the repeal of the so-called resumption act, withdrawal of national-bank circulation and the substitution of legal-tender circulation, with the privilege of conversion into a convertible bond; which was referred to the Committee on Finance.

Mr. GORDON presented the petition of V. Dunning and other citizens of Atlanta, Georgia, praying that the estate of James L. Dunning, late postmaster at Atlanta, may be relieved from liability for certain sums of money alleged to have been embezzled from that post-office by certain money-order clerks therein; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. HAMILTON. I am directed by the Committee on Public Lands to report back sundry petitions of citizens of Michigan based upon the memorial of the Legislature of Michigan, asking the Congress of the United States to grant bounties to all soldiers of the late war. These petitioners suggest that the Government of the United States appropriate $200, in lieu of one hundred and sixty acres of public lands. I suggest that the petitions go to the Committee on Finance, if they see proper to act upon them at all. At any rate, I am instructed by the committee to report them back adversely.

Mr. CHRISTIANCY. I ask that the petitions be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The Committee on Public Lands will be discharged from the further consideration of the petitions, and they will be referred to the Committee on Finance, if there be no objection.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (S. No. 57) authorizing the payment of duties on imports in legal-tenders and national-bank notes, to report it adversely. I think the Senator from Missouri [Mr. BOGY] would desire it to be placed on the Calendar.

Mr. BOGY. Yes, sir; I would like to speak upon that subject at the proper time.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. SHERMAN. I am also directed by the Committee on Finance to report back the concurrent resolution proposing a common unit of money and accounts for the United States of America and the United Kingdom of Great Britain and Ireland, accompanied with certain facts and reasons for its passage; and I move that this statement be printed and the whole matter recommitted to the Committee on Finance.

The motion was agreed to.

Mr. MAXEY. I am instructed by the Committee on Post-Offices and Post-Roads to report back adversely upon the petition of V. Dunning, and other citizens of Atlanta, Georgia, praying that the estate of James L. Dunning, late postmaster at Atlanta, Georgia, may be relieved from liability for certain sums of money alleged to have been embezzled from his post-office by certain money-order clerks. After a thorough examination of the facts in the case by the committee, I move that the committee be discharged from the further consideration of that petition and that it lie on the table.

The motion was agreed to.

Mr. EDMUNDS. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. No. 261) to remove the political disabilities of Daniel T. Chandler, of Baltimore, Maryland, to report it back. It appears that this gentleman was in the Army of the United States, but that his resignation was duly and fairly accepted. He went into the service of the rebellion, lived through it, and petitions in a respectful and honorable way to have his disabilities removed. We therefore report favorably upon the bill.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar.

Mr. MORRILL, of Maine, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 811) making appropriations for the payment of invalid and other pensions of the United States, for the year ending June 30, 1877, reported it with amendments.

UNSTAMPED INSTRUMENTS.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 785) to extend the time for stamping unstamped instruments, to report it without amendment; and as it is of a temporary character, I ask that it be considered now.

By unanimous consent the bill was considered as in Committee of the Whole.

The provisions of the act entitled "An act to provide for the stamping of unstamped instruments, documents, or papers," approved June 23, 1874, are by the bill extended to January 1, 1877.

Mr. WRIGHT. I wish to ask the Senator from Ohio a question. I see that the bill provides generally for extending the time.

Mr. SHERMAN. For one year.

Mr. WRIGHT. It provides for extending the time of an act that is now on the statute-book. The act thus extended has provisions in it saving the rights of third persons, I suppose?

Mr. SHERMAN. The Senator is familiar with the act which this bill extends.

Mr. WRIGHT. I am.

Mr. SHERMAN. This bill has been very carefully considered, and it is for the purpose of enabling parties interested in legal documents to put on stamps when by accident or design the stamping was omitted.

Mr. WRIGHT. All I wanted was to see whether I am correct in my recollection, that the act thus extended does preserve the rights of third persons which may have intervened.

Mr. SHERMAN. It does. This simply extends the old act, with which the Senator is familiar; for I know he took part in its passage.

Mr. SAULSBURY. I desire to make an inquiry of the chairman of the committee. I do not remember the provisions of the act which is extended by this bill sufficiently; but is there not a provision by which in case a person may not be able to obtain stamps his paying any proper officer of the Government the price of the stamps shall have the same effect as if the paper had been stamped? In some sections of the country sometimes people are not able to procure the proper stamps.

Mr. SHERMAN. I have not the revenue laws before me now, but the act does contain a provision of that kind. The party can call on the proper collector for stamps, and if not furnished substitute their price. This bill simply extends the provision of the law which authorizes these instruments to be stamped one year further.

Mr. SAULSBURY. I wish to inquire further of the chairman whether the State courts now recognize as valid the law which requires a stamp in order to admit papers as evidence? I had occasion in the month of April last to check the admission of evidence of the record of a deed which had not been stamped, but my State court ruled that the law was not constitutional, and admitted it in evidence notwithstanding the objection which I made and my citation of the law, which I produced from Brightly's Digest. Therefore it seems to me that if the State courts of the country are not to recognize this law Congress ought not to enact by statute that unstamped instruments may not be admitted in evidence, and it is unnecessary legislation to extend the time for stamping instruments.

Mr. SHERMAN. All I can say is that perhaps the State courts of some other States have more regard for the laws of the United States than they have in Delaware. But I know there is a necessity for this extension by the fact that the House of Representatives, from the Committee of Ways and Means which considered it, passed the bill and sent it to us; and I can see no objection to it.

Mr. SAULSBURY. Our State court in Delaware acts in harmony with the position assumed by the courts in several other States.

Mr. MERRIMON. I believe that the State courts have generally held that Congress has no power to lay down a rule of evidence for State courts. This has been held not only by the State courts of Delaware, but by the State courts of Massachusetts, Kentucky, and other States; and I believe the rulings in that respect are uniform. But this legislation goes on another ground, as I understand it. It is competent for Congress to impose this stamp-tax and make it obligatory on whomsoever shall be interested in instruments to stamp them, and impose penalties; and if any one shall produce any instrument required to be stamped, without the proper stamp, he is subject to be indicted. I understand that the object of this bill is simply to extend the time where inadvertently papers have not been properly stamped, so that they may be stamped and thereby save this penalty and save the parties from indictment. In that view I think it very proper; but so far as it prescribes a rule of evidence for State courts, it is in-

opportune, and I think the decisions of the supreme courts of the several States are uniform on that subject.

Mr. STEVENSON. I suppose that this bill does not contemplate a deed or anything which constitutes evidence in the State courts; for I do not know a court that has not declared the law in that respect unconstitutional; and I think the Supreme Court of the United States has expressly decided that it is not competent for Congress to tax the instrumentality or agency of a State court any more than it is competent for a State to tax the instrumentality or agency of a Federal court.

Mr. SHERMAN. If the Senator will allow me, this bill does not require anybody to put stamps on any instrument whatever. It is no tax and no burden upon anybody whatever. It is not a tax upon any State court, but it simply provides that a person who holds deeds or papers that he desires to have stamped to secure the rights under them and avoid the penalties imposed by the revenue laws, may stamp them at any time during this current calendar year if he chooses to do so for his own benefit in a certain way; and to enable him to do so it extends the provision of a law that has been in force for six or seven years which enabled him to do it. It is a mere statutory relief for the purpose of accommodating parties who desire to attach these stamps.

Mr. STEVENSON. I do not object to the bill. I supposed it was really to remedy just what the Senator from Ohio says. Still I do not recognize the power of the Federal Government to regulate or interfere at all with the reception of evidence in State courts; and I do not suppose this bill does do so.

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

POST-ROUTES IN TEXAS.

Mr. MAXEY. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 360) to establish certain post-routes in the State of Texas, to report it favorably. I will state that the Postmaster-General recommends the establishment of the routes indicated in the bill, and as the Committee on Post-Offices and Post-Roads reports favorably upon it, I would ask the present consideration of the bill. I know personally the necessity for the immediate establishment of these routes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 360) to establish certain post-routes in the State of Texas. The routes proposed to be established are from Paris, Lamar County, Texas, by way of Cotton Plant, in that county, and by way of Cooper, in Delta County, to Sulphur Springs, in Hopkins County, and from Bonham, in Fannin County, by way of Ladonia, in that county, and Ben Franklin, in Delta County, to Cooper, in that county; and instructs the Postmaster-General to furnish these routes with the necessary mail service.

Mr. SARGENT. The direction in the last part of the bill is unusual. Certainly it is not customary to direct the Postmaster-General to put service on specific routes. We never accompany with such a condition the establishment of post-routes. The usual policy of the law leaves it to his discretion upon evidence. I would like to inquire if this bill has been reported from the committee?

The PRESIDENT *pro tempore*. It was reported by a member of the committee, the Senator from Texas.

Mr. SARGENT. I see it relates simply to Texas. There are several other bills before the committee relating to post-routes which the committee have not had time to act upon. The ordinary method is to have such measures combined in one bill and reported to the Senate in that form.

Mr. MAXEY. With the permission of the Senator from California, I will say a few words. A new county, Delta, has been established out of the populous counties of Lamar and Hopkins. The records of those counties are essential to the transaction of court business in Delta County. Cooper now has no connection with any railroad. By the bill it gets the benefit of connection with the northern system, twenty-four miles north of Paris, and with the southern system, eighteen miles south of Sulphur Springs, which now has daily mails from Mineola. Delta is in the same judicial district with the county of Lamar and the county of Fannin, and hence the imperative necessity of immediate action. If the Senator from California desires, I will move to strike out the latter clause.

Mr. SARGENT. That is the motion I would make. I move to strike out the last clause in the following words:

> And the Postmaster-General is hereby instructed to furnish said routes with the necessary mail service.

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.

LAND OFFICE IN UTAH TERRITORY.

Mr. OGLESBY. I am directed by the Committee on Public Lands, to whom was referred the bill (S. No. 279) to establish a land office in the southern part of Utah Territory to be known as the Beaver district, and for other purposes, to report it with an amendment. I do not know that there will be much more morning business before the Senate this morning. The bill is unanimously recommended by the committee, and it is also recommended by the Commissioner of the General Land Office. It is to establish a new land office in the southern portion of the Territory of Utah, where the people have been deprived for some length of time of the convenience of such an office. Therefore, if there is no serious objection, I would ask the Senate for its present consideration.

By unanimous consent, the bill (S. No. 279) to establish a land office in the southern part of Utah Territory, to be known as the Beaver district, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands, with an amendment in line 6, section 1, to strike out "thirty-ninth" and insert "fourth standard;" so as to read:

> Thence running north on the line between said Territory and the State of Nevada to the fourth standard parallel of latitude.

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.

BILLS INTRODUCED.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 386) approving an act of the Legislative Assembly of Colorado Territory; which was read twice by its title, referred to the Committee on Territories, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 387) for the relief of John S. Friend; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Claims.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 388) to provide for the sale of a portion of the reservation of the Sac and Fox Indians, in the States of Kansas and Nebraska; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. CHRISTIANCY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 389) for the relief of Edward Corselius and seven other persons, late members of the First Michigan Cavalry Veteran Volunteers; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CHRISTIANCY. I wish to say that the bill which I have just presented was introduced by my predecessor (Mr. Chandler) at the last session and referred to the Committee on Military Affairs. I understand there is a memorial which accompanied it. I wish an order entered to take that memorial from the files and refer it to the Military Committee.

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

Mr. JONES, of Florida, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 390) to authorize the erection of a suitable building for a custom-house, post-office, and the use of the courts of the United States in the city of Jacksonville, Florida; which was read twice by its title, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 391) to authorize the Secretary of War to purchase for the use of the United States a tract of land at Key West, Florida, owned by Walter C. Maloney and wife; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 392) for the preservation of game, for the protection of birds, and in relation to dogs in the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. MERRIMON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 393) for the relief of William G. Anderson; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

Mr. SHERMAN. I ask leave to withdraw the petition of Thomas Worthington, of Ohio, from the Committee on Claims, with a view to its revision in form.

The motion was agreed to.

On motion of Mr. FRELINGHUYSEN, it was

Ordered, That the petition and papers in the case of Anna M. Orme be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. FRELINGHUYSEN, it was

Ordered, That the petition and papers in the case of Lewis Johnson be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. FRELINGHUYSEN, it was

Ordered, That the petition and papers in the case of Betts & Nichols be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. WEST, it was

Ordered, That the petition and papers in the case of Fanny A. Thompson be taken from the files of the Senate and referred to the Committee on Revolutionary Claims.

On motion of Mr. NORWOOD, it was

Ordered, That the petition and papers in the case of Patrick Eagin be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. BOUTWELL, it was

Ordered, That the petition and papers in the case of Julius A. Pickering be taken from the files of the Senate and referred to the Committee on Patents.

TREASURER'S ACCOUNTS.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Treasurer of the United States:

TREASURY OF THE UNITED STATES,
Washington, January 31, 1876.

SIR: I beg leave to request that the bearer, Mr. David A. Ritter, a clerk in this Office, be granted access to the copy of the Treasurer's quarterly account for the first quarter 1873, on file in the Senate, for the purpose of correcting a transposition of titles of receipts as recapitulated on page 249 of that account.

I have the honor to be, sir, yours, respectfully,

JNO. C. NEW,
Treasurer United States.

Hon. T. W. FERRY,
President pro tempore of the Senate.

Mr. SHERMAN. I move that that request be granted.

The motion was agreed to.

MOTIONS TO RECONSIDER.

The PRESIDENT *pro tempore*. If there be no further morning business the morning hour has expired, and the Chair will lay before the Senate the unfinished business of yesterday.

Mr. INGALLS. Before the Senate resumes the consideration of the unfinished business I rise to a question of order. The Chair will remember that on Thursday last after a three days' debate the Senate passed a bill in relation to the rights of homestead and pre-emption settlers within the limits of railroad grants. Last evening a member of the House of Representatives called upon me to ascertain why the bill had not been forwarded for action by that body, and upon inquiring at the desk of the Secretary I was informed that a Senator had preferred a private request that the bill might be retained in order to enable him if he saw fit to enter a motion for reconsideration.

The point upon which I desire the ruling of the Chair is whether a bill can be retained after its passage by the Senate at the private request of a Senator for the purpose of making a motion for reconsideration within the two days that are allowed by the rules for that purpose.

The PRESIDENT *pro tempore*. The Chair will state that the usage of the Senate has been for the Secretary to retain a bill at the instance of any Senator, inasmuch as the rule gives the right to reconsider within two days next following the day on which it passed, unless the bill passes out of the possession of the Senate, in which case the privilege of reconsideration is lost. In order to preserve that privilege it has been the practice of the Senate uniformly, as the Chair understands, that when a Senator desires a reconsideration within the time he so expresses himself to the Secretary, and the bill has been retained. This usage has been uniform. Since the practice is now objected to by the Senator from Kansas, who raises the question by a point of order, the Chair will submit to the Senate whether hereafter the practice of the Senate shall be in conformity with prior usage, or shall it conform strictly to the rule.

Mr. SHERMAN. What is the rule bearing on the subject?

The PRESIDENT *pro tempore*. The Secretary will report the twentieth rule.

The Chief Clerk read as follows:

When a question has been made and carried in the affirmative or negative, whether previously reconsidered or not, it shall be in order for any Senator of the majority to move for the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion upon which the vote was taken shall have gone out of the possession of the Senate, announcing their decision, except a resolution confirming or rejecting a nomination by the President; nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the two next days of actual session of the Senate thereafter; but a motion to reconsider a vote upon a nomination shall always, if the resolution announcing the decision of the Senate has been sent to the President, be accompanied by a motion requesting the President to return the same to the Senate.

Mr. CONKLING. May I inquire whether the bill in question has gone to the House of Representatives?

The PRESIDENT *pro tempore*. The Chair is informed that the bill has gone to the other House.

Mr. CONKLING. Then may I further inquire how it is in order in any way to present this question to the Chair, or to call upon the Chair to present it to the Senate? If the bill were still here, and the purpose was to have the action of the Chair or of the Senate take effect upon the bill and expedite it to the House, I could understand it; but the Senator rises and states, as a historical fact—a recent fact to be sure, but still a fact that is past—that under the usage of the Senate, some Senator requested that a bill should be withheld pending the lapse of that time within which he might move to reconsider that bill, if upon consideration he felt called upon to do so. That occurred; and the Secretary did what the Secretary so far as I am informed has always done; and now the Senator rising and stating that as a fact in the past, the bill having gone from the jurisdiction of the Secretary, the Chair, and the Senate, and being in the possession of the House, asks the Chair to rule upon it.

I do not know that there is any objection practically to having now, when the question has not arisen or has passed away, a decision upon it, if the Senator from Kansas feels interested in that as an abstract question which may or may not arise in the future; but I submit that it is reaching some distance after a question of order to take a thing which has already passed, and make it the occasion on which to hang such a consideration. I will not object to it if the vote of the Senate is to be taken; but if it is to lead to debate I shall feel called upon to submit to the Chair that the point of order is inopportune in point of time.

I ought to say that I made no request about the retention of the bill; I do not know what Senator did. I feel no interest in this particular case myself. I did not know, until the announcement was made, that it had been retained. But if we are to debate this question at all, I suggest that we had better wait until it arises on some bill which is still here, and which the Senator wants to send to the House, and not expend our breath on an occasion that seems to have passed by and ceased to be before the Senate.

Mr. INGALLS. Mr. President, with very great deference to the opinion and judgment of the Senator from New York, I contend that this is a practical question, and not an abstract question, because if this interpretation of the rule or this power that is claimed by Senators upon private motion is to be sustained by a vote of the Senate, it practically at one period in the session puts the entire business of this body within the control of any individual member who may see fit to retard it. Take the case of the last two days of the session, when, as every Senator knows, a very large proportion of the legislative business is transacted. If it is to be understood that, whenever a bill passes this body, any Senator who voted with the majority is to be allowed to go privately to the Clerk's desk and say to him, "I desire that this bill may be held over a couple of days, because I propose to enter a motion to reconsider the vote by which it passed," every one can see without any very great profundity of investigation that it is a matter that will practically interrupt and destroy the whole business of the Senate. Therefore, I say that it is not by any means an abstract question; it is a very practical question; and I have taken occasion to introduce it at the present time simply because when I inquired this morning, on the fifth day after the passage of this bill, I was informed by the Secretary that it had not been transmitted to the House of Representatives. I think, sir, that this is a question of great moment, of great practical consideration, and that if this latent, or hidden, or obscure power does rest with any individual Senator to delay and retard the whole progress of business, the rules had better be amended, or some action taken that will render it plain and clear in the future.

Mr. SHERMAN. I suggest that this matter be referred to the Committee on Rules to consider, rather than that we should consider it here now. If we should now adopt suddenly a new rule, we should reproach the Senator whoever he is—and I do not know who he is—who has exercised simply the customary right of a Senator in the transaction of business. I agree with the Senator from Kansas that no single Senator ought to have the power to restrain the ordinary and usual course of business, but that when a bill passes it should be immediately communicated to the other House. I think the language of the twentieth rule contemplates that, because it denies to the Senate the right to reconsider in case the bill has passed from it. It contemplates the probability that the bill will pass from it before the expiration of the time limited for a reconsideration. Therefore I think that the rule does not authorize this practice; but it is the practice, and many of our rules are but the usages which have grown with time. If a Senator has exercised an ordinary custom in this body, as a matter of course he ought not to be reproached by our action at this moment upon the presentation of the facts; but if the rule is faulty, or if a bad practice has grown out of the construction of the rule, it ought to be corrected; and I think the Committee on Rules might very fairly take up the case. Let the subject-matter be referred to them; and then, if it is proper to direct the Secretary at once to communicate bills on their passage, let it be so done. I can see how the Secretary would be very much embarrassed in the present state of affairs. If it has been the custom to hold bills at the demand of a single Senator to enable him to move a reconsideration, while it might delay the public business, yet I think the Secretary might very properly hesitate about violating that custom. I move therefore that the subject-matter be referred to the Committee on Rules.

Mr. SARGENT. For that purpose I offer a resolution to bring the matter before the Committee on Rules. At the same time I do not believe it is expedient to amend the rule in the manner suggested.

The PRESIDENT *pro tempore*. The Chair will state, as the Senator from New York has raised the question, that the Senator from Kansas raised a point of order, and the Chair submitted the point to the Senate in order to relieve the Secretary from embarrassment, for it is an embarrassment to him, as this matter rests on practice and not on the express rule. The Chair stated that it was irregular; that if he were called upon to decide upon the rule of the Senate, the objection of the Senator from Kansas was well taken; but it is a question of practice, and for that reason the Chair proposed to submit it to the Senate for the purpose of relieving the Secretary of the embarrassment of deciding such cases.

Mr. INGALLS. I had no intention whatever of reproaching any Senator or of casting any reflection upon any gentleman who had availed himself of this assumed privilege; but it certainly, as the Chair suggests, places the Secretary or Clerk of the Senate in a very embarrassing position after a bill has passed to permit a Senator to lodge a private request with him to hold a bill for the purpose of

enabling him to make a motion to reconsider, which, as in this case, never was made.

Mr. SARGENT. I ask that the resolution I have offered be read.

The Chief Clerk read as follows:

Resolved, That the Committee on Rules consider and report as to the expediency of so amending the rules as to require the Secretary of the Senate, on the request of one or more Senators who voted in the affirmative on any bill or joint resolution, to retain any such bill or resolution and not to transmit it to the House of Representatives until the time for a motion for reconsideration shall have passed.

Mr. SARGENT. I offer that simply that the Committee on Rules may have jurisdiction of the matter. I do not believe myself that the practice which has grown up is wholesome. I think that the spirit of the rule is that on a bill being completed by the Senate by its final vote it goes to the House of Representatives as soon as the proper record can be made by the Secretary, and that is the better way; and if a Senator desires to reconsider he must make the motion before the bill is transmitted to the House of Representatives. He probably can do it immediately, or certainly give notice of his intention. I think the Committee on Rules should consider the matter, and either make the practice thoroughly legitimate under the rules so as to relieve the Secretary of embarrassment and inform Senators of their rights, or they should pronounce against the practice and by refusing to amend the rules show that such a practice is not sanctioned by the Senate.

Mr. ANTHONY. Mr. President, I do not understand that a bill has ever been retained more than the two days within which it is in the power of any Senator to retain it by entering a motion to reconsider.

The PRESIDENT *pro tempore*. The Chair is so informed.

Mr. ANTHONY. I think it is quite well to refer this matter to the Committee on Rules, but certainly there are occasions when it is quite as well that a bill should remain over one day. Sometimes bills are passed at the close of a day's session by a very few votes when many Senators are absent; and I think a rule that would require the Secretary—I do not know but that the rule requires it now—but the rigid enforcement of a rule that would require the Secretary, immediately upon the passage of a bill, to transmit it to the other House, might lead to some inconveniences at times, although I believe the Senate generally, at the request of a Senator who desires to enter a motion to reconsider, asks for the return of the bill from the House of Representatives. He has a right to enter the motion, but it takes no effect unless the bill be here. We all must know that the less our proceedings are confined within rigid rules, and the more they are modified and regulated by that comity and good feeling that have always distinguished the body, the better it is for us, although of course there must be some limits to that, there must be limits within which the rules cannot be permitted to be transcended.

Mr. CONKLING. I have no objection, as the Senator from Rhode Island says he has none, to this subject going to the Committee on Rules. Before it goes, however, I wish to make two remarks to correct what seems to me to be a misapprehension on the part of the Senator from Kansas, and, possibly, other Senators. In the first place, it must be observed that, if by a rule an allowance of two days is made, as the time within which a motion to reconsider may be made, and if the bill is to be hastened away at once from the jurisdiction of the body and no provision made against that, the right to reconsider is a mere nominal right, unless it can be supposed that some Senator opposed to the bill would change his vote and vote with the majority in order that he might continue his opposition, or, on the other hand, that some Senator, who conscientiously has voted for the bill, will change his mind in the twinkling of an eye or upon a request and enter a motion to reconsider. Neither of those things is to be supposed; neither of them, I think, would be wholesome. Therefore, the rule fixing a time contemplates upon its face that within that time the bill may, even though it must not necessarily, remain within the jurisdiction of the body.

The Senator from Kansas reminds us that at the end of a session a single member would have control and command of the business of the body, because he might make such a request. My chief purpose at this moment is to correct, if I can, that impression. I deny utterly that any such thing could flow from this rule. A bill has been acted upon by the Senate affirmatively. Somebody has charge of that bill. We are, in the supposed case, within twelve hours of the end of a session. If it were to be neglected by everybody and some request made to hold it, what the Senator suggests might occur. Practically it never would occur; and for this reason: a bill failing to go to the House and that coming to the knowledge of the Senator having it in charge, he inquires why; the Secretary says that the Senator from Kansas, or some other Senator, has made a request that it be withheld so that a motion to reconsider may be entered. The Senator having charge of the bill inquires whether that motion is to be made. Ascertaining that it may be made but is withheld and a postponement going on, it is his right, or the right of any Senator who favored the bill, immediately to make a motion to reconsider and ask the Senate to vote upon that motion, and that puts an end to the whole thing. That we have seen done.

I remember when the bill distributing the Alabama award was acted upon in the Senate, a Senator not now in his seat moved to reconsider the vote and asked that it might stand over, the Senate being thin, and that the vote might be taken the next day; but upon the demand of another Senator the Senate proceeded to vote upon the motion to reconsider, and that forever expended the power of the Senate under the rules to reconsider. So I say to the Senator from Kansas that although a power may exist to lodge, as he says, a private request with the Secretary, whenever that occurs at a time likely to be detrimental to the interest of legislation or to procrastinate dangerously, any Senator may insist that the motion shall be made at once, or may make it himself if he voted with the majority and bring the Senate to a vote upon it.

It may be said that some factious member of the body even then might proceed to debate and to protract proceedings. Yes; we have no previous question; any factious member might continue to debate any question as long as his perversity or his power lasted; but we do not make rules in this body upon the theory that such things occur, because they do not occur; and therefore I wish for one to say, before this matter goes to the Committee on Rules, that I see no danger in the possibilities pointed out by the Senator from Kansas; although, as I repeat, neither in this case nor in any other case that I remember have I ever had occasion to request the Secretary to withhold a bill. But the present rule and the practice has worked without detriment as far as I know so far, never having led to anything more than a complaint that there had been a little hasty practice in bringing the Senate to a vote on a motion to reconsider, when it would have been agreeable to some Senator to have it stand over to another day. That is the worst contingency I have ever known to occur out of the rule as it stands. so far.

Mr. HARVEY. Mr. President, the remarks of the Senator from New York render it necessary for me to make a statement in regard to this matter. It so happens that I had charge of the bill which has been referred to while it was under consideration before the Senate. Under the impression that the bill had been sent to the House, I informed certain members of the House from my own State and others with whom I happened to be acquainted, and who I knew felt an interest in the bill, that the bill had passed this body and, I supposed, had gone to the House. One of the members under that impression made a motion in the House, I believe, to refer it to the Committee on Public Lands there. Finding that the bill had not yet been presented there, he came to the Senate Chamber and called my attention to the fact. I went to the Secretary and ascertained that the bill had not been sent for the reason which has been stated, that a Senator had requested that it be withheld so that he might, if he deemed it proper, move a reconsideration. I informed my colleague of that fact, and that it would be necessary for us to be present, the friends of the bill to be present, and vote whether such a motion was made before the adjournment last evening; and that if such motion was not then made, I was informed by the Secretary the bill would be sent to the House upon its meeting to-day.

This being the situation, I should have made no remarks on the subject now but for the fact that the honorable Senator from New York in what he said alluded to the circumstance that every bill upon its passage here was supposed to be under the charge of some Senator representing the committee to which the bill had been referred.

I deem it proper, in justice to myself, to make this statement in answer to the remarks made by the Senator from New York.

Mr. ANTHONY. Mr. President, it will be seen on reference to our rule that, in regard to nominations, it was found advisable not to have the final action of the Senate on nominations sent to the President until the end of the two days, within which any Senator may move a reconsideration. That is now the rule in regard to nominations, so that the practice in legislative business only conforms to the rule in regard to executive business, and the rule in regard to executive business was made on account of the convenience of the Senators and to afford facilities for an examination of proceedings that had taken place often in a thin Senate. The practice in legislative proceedings conforms to the positive rule in regard to executive proceedings, although strictly the rule in regard to legislative proceedings is undoubtedly the other way. As the Senator from Vermont [Mr. EDMUNDS] suggests, the rule, which is a recent one in executive proceedings, merely makes the executive proceedings conform to the practice, which was not in violation of the rule but rather a loose construction of the rule in regard to legislative proceedings.

Mr. INGALLS. Does the Senator think that any member of this body ought to have the power, after a question has been acted on by the body, privately, without notifying any person of his intention, to apply to the Secretary to have a bill or a nomination held over in order to enable him to deliberate whether he wants to make a motion to reconsider or not, and thereby thwart the expressed will of the majority of the body?

Mr. ANTHONY. That is a question that I would rather answer after the matter has been investigated by the Committee on Rules. It is the practice now, and always has been the practice.

Mr. MORTON. Let me suggest one question to the Senator from Rhode Island. The Senator from New York says there is no danger in this rule at the close of the session, because somebody will be in charge of the bill and will find out that the bill has been held back, and can, therefore, require the motion to reconsider to be made at once. Now I want to submit whether it is the duty of members who are interested in bills at the close of the session to keep watch by going to the Clerk and inquiring whether bills have been sent to the other House or not, and, if they find that they have not, to come into the Senate and be compelled to make a motion to reconsider themselves

when they do not want any reconsideration, in order to have the subject disposed of in time to get it to the other House that it may be passed upon there. It seems to me that that illustration points to the danger of the rule.

Mr. INGALLS. Not the rule, the custom.

Mr. MORTON. The custom, I should say. If I am interested in the passage of a bill toward the close of the session and I want it to go to the other House soon, am I bound to keep watch at the Clerk's desk, and if I find some Senator has requested a delay, then to come into the Senate and call upon him to make his motion at once, or if he does not do it to make it myself and get action on it so as to have the bill go over to the House? It seems to me that whenever a bill passes this body the friends of it have a right to take it for granted that it goes to the other House at once, and not be obliged to keep private watch at the Clerk's desk to know whether a request has been lodged there to keep the bill back.

Mr. MERRIMON. Mr. President, if I understand the rule there need be no very particular difficulty about this matter. Suppose in this very case that a Senator who had voted in the majority, wanting to cut off the opportunity for a motion to reconsider, had moved forthwith on the passage of the bill to reconsider, and then to lay that motion on the table, that cuts its off; and the same vote that passes the bill would put the motion to reconsider on the table; and that is the common practice, I understand.

Mr. SHERMAN. That is the common practice in the other House; but under our rules a motion to lay on the table would not end the matter; it would simply leave it on the table, to be taken up at any moment. The rule of the Senate is exactly opposite to the rule of the House in that respect. A motion to lay on the table a motion to reconsider is the end in the House, but in the Senate a motion to lay on the table does not have that effect. It only puts it where it can be taken up.

Mr. MERRIMON. Why not take it up and consider it forthwith? Suppose in this very case a Senator who has voted in the majority moves to reconsider and moves further to have that motion considered at once? I do not remember any clause of any rule of the Senate that prohibits that.

Mr. HAMLIN. Mr. President, there are two or three considerations in relation to this subject which I think are worthy of the attention of the Senate.

In the first place, all the rules of this body are made for two purposes: First, to facilitate business; and, second, to protect minorities in this body. The rule to which reference has been made has given to the minority the right to have two days in which to enter a motion to reconsider. That rule has always been in existence and never been known to work injuriously. I think if there were a positive rule requiring that it should be retained at least twenty-four hours, saving the last day of the session, it would be a wise rule, because we very frequently have to send for the return of bills that have gone to the House, where we have discovered our own errors and wished to correct them; and those errors might have been corrected here in twenty-four hours, or in forty-eight, if the bill were retained here that length of time.

But I want to say one word for the Senator who made the request of the Secretary, one word in relation to the uniform practice of this body. I do not know who the Senator is, but I am here to say that he has done just what was right, nothing more, nothing less. One expression has been used which I do not like: "Going privately to the Secretary." There is nothing private about it. If I had had any wish to enter a motion to reconsider, or if it had been a matter of doubt with me and I might arrive at the conclusion that I would wish to enter that motion, I should have gone to the Secretary and said, "Sir, I think I may," or "Perhaps I may deem it advisable to move a reconsideration of this vote; retain the bill in the Senate, that I may have the right given to me by the rule of the Senate." It has been uniform. It has been done thousands of times, and this is the first time I ever heard a suggestion of wrong or impropriety in relation to it. It is for the purpose of giving the minority what they deem a right; majorities can take care of themselves.

Mr. INGALLS. Why, Mr. President, the right to reconsider does not rest with the minority; it rests with the majority.

Mr. HAMLIN. The right with the minority or the right with any Senator, if he be in a position to make that motion, exists, and then it is a question for the Senate to determine what they will do upon that motion. Now, the objection which the Senator from Kansas makes is that during the last two days of a session some Senator may improperly avail himself of that construction of the rule and thereby do wrong.

Mr. INGALLS. No; I said that would be the practical effect. I did not impute any wrong motive or improper purpose to anybody. I simply said that the practical effect might be that legislation might be thwarted and destroyed.

Mr. HAMLIN. Very well. Now, when my friend turns his attention to other rules he will find that, if we are going to so change them as to obviate that objection, we must go to a very large extent into our rules. Every Senator knows that in the last few days and in the last few hours of our session the principal appropriation bills and other important bills are put upon their passage; and what says your rule? You cannot read a bill the first and second times on the same day, and you cannot suspend that rule without unanimous consent.

Mr. INGALLS. The rules always are suspended at the close of the session.

Mr. HAMLIN. They always are suspended, and so will the proper course be taken if you leave the rules as they are in this respect.

Mr. INGALLS. We are not complaining of the rules in this case, if the Senator pleases, but of this private prescription or habit that has grown up under the rule.

Mr. HAMLIN. There is no private prescription about it; there comes the word "private" again. I go to the Secretary and say, "Sir, I wish you to retain that bill, because I may want to make a motion to reconsider." The Senator from Kansas is interested in the bill, and he inquires, "Have you sent that bill to the House?" "No, sir." "Why not?" "Mr. HAMLIN has requested me to retain it, so that he may exercise the right he has according to the rule." There is nothing private about it.

Mr. INGALLS. There is nothing public about it.

Mr. HAMLIN. It is true that he does not give notice here; he does not make the motion, but he gives notice to the Secretary, and he may make that motion or he may not, as he pleases. The evil that may arise I think is not to be apprehended in any way, because no Senator——

Mr. SARGENT. Allow me to suggest to the Senator that the proper way is for the Senator to make his motion to reconsider, and then it can lie over for two days, and he may withdraw it if he sees fit. The case which he refers to of the suspension of the rules is in open Senate; every Senator is present and can object.

Mr. HAMLIN. Very well; but suppose a bill has passed to-day and I am a friend of that bill and I discover what I think is a material error in that bill. As a friend and one of the majority, I do not discover it until after the Senate has adjourned to-day. Where is the impropriety in the remotest degree in my asking the Secretary not to send that bill over to the House?

Again, it has been suggested that we adopt the rule of the House in regard to reconsideration. I hope not. Senators will be unwise if they do so. I have thought—indeed I believe I have favored a limited previous question in this body. Being very nearly a non-talking man, I have sometimes got wearied of the wisdom I have heard from those around me, and I have thought that as the body increased in numbers we should be compelled to adopt a limited previous question. I will do it long before I will do what they have been compelled from their large number in the House to do, pass a bill and to prevent further action on it uniformly on all measures rise and move a reconsideration and to lay that motion to reconsider on the table. I hope that practice never will obtain here; but suppose it did, it would be inoperative here as it is in the House. What is the result in the House? When a motion is made to lay on the table it can be taken up only when it is reached in its order of business, and that time never in the life of man or at least in the life of the session arrives there. Consequently when a motion to reconsider in the House is laid on the table, that is equivalent to a refusal to reconsider. How would it be in the Senate? Any one can move to proceed to the consideration of that motion on the table at any time, and take it up by a simple vote of a majority. Consequently you would not avoid the difficulty in that way.

Sir, this rule is old, and I honor it for its age; it has never done any wrong; and I warn Senators that if we attempt to change it minorities will be the first to feel the improper action.

The PRESIDENT *pro tempore*. The question is on the resolution of the Senator from California, [Mr. SARGENT.]

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, 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. 810) making appropriation for the Military Academy at West Point for the fiscal year ending June 30, 1877; and

A bill (H. R. No. 26) to remove the political disabilities of Francis T. Nichols, of Louisiana.

DISTRICT 3.65 BONDS.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other purposes, the pending question being on the amendment of Mr. SARGENT to the amendment of Mr. ALLISON.

The amendment of Mr. ALLISON was to insert as a proviso:

Provided, That any issue of said bonds beyond the sum of $15,000,000 is hereby prohibited.

The amendment of Mr. SARGENT was to add thereto the following:

And provided, That the certificates heretofore issued by the board of audit, including those converted into 3.65 bonds and those which have not been so converted, and the certificates hereafter to be issued by the board of audit or their successors in office, shall not exceed in the aggregate the sum of $15,000,000.

Mr. BAYARD. Mr. President, two years ago the country was startled to learn that, under the authority or pretended authority of an act of Congress, a debt had been created within three years in this District of upward of $20,000,000 for the improvement of the streets; and

the apprehension and alarm which such an announcement caused was rather intensified at the opening of the present session and by the disclosures of the debate which we have had in this body for the last two or three days to learn that instead of this monstrous expenditure of public money having been checked by Congress when their attention had been fully called to it, the tide of reckless extravagance has not only not diminished, but seems rather to have gathered force, and that in a community of some 120,000 souls, $5,000,000 and upward have been expended in the past year and as much or more is estimated for expenditure next year in extending, paving, resettling grades, and so on, of streets and avenues, that being the identical character of work in which a debt equal almost to a national debt had been incurred within the three years from 1871 to 1874.

Mr. President, the Constitution has given Congress the power of exclusive legislation in all cases over this territory ceded to it for the purpose of a seat of Government, and with the power comes the responsibility; and how can we stand before the people of this country to explain and justify the monstrous acts of misgovernment, waste, and maladministration which a debt of such magnitude incurred within so short a period—and for such purposes—necessarily implies? For my own part I will say that it shall only be, it has been in the past, against my protest and best endeavors that such a result has been made possible.

This District is an anomaly under our system, for while it is true that Congress has the exclusive jurisdiction over it, it does not follow, as seemed to be implied by the honorable Senator from New Jersey [Mr. FRELINGHUYSEN] yesterday, that exclusive jurisdiction meant unlimited power. That the people of this community should be handed over to the mere caprice and despotic control of Congress, was certainly not intended; and although there is by no express proviso the duty imposed on Congress of maintaining a republican form of government in the District, the provision on that subject being confined to the States to each of whom the United States are to guarantee a republican form of government, yet there is, by implication, the idea everywhere prevailing that in every community of American citizens a representative republican form of government properly should exist.

The District of Columbia contains about one hundred and thirty thousand people, two-thirds of whom are white and one-third of whom are negroes or colored people of different shades. I do not suppose that in any community in this country there is so little productive industry. I do not suppose in any community of like size there exists so purely a consuming population as there is here. The blacks, of course, have but little property. Their general occupation is that of domestic servants, and the like, caterers and waiters upon those who visit this metropolis upon pleasure or business. The whites consist largely of wayfarers, clerks who, under our unfortunate system of civil service, remain here but for a few years until the same tide of political opinion that swept them in shall turn and sweep them out, and so of us, who come here for one or more terms in either House of Congress; so that there is a floating population greater in proportion than in any other community in the country, a non-producing population, with none of the attributes or occupations which produce property or wealth. The last census, as I remember, disclosed the fact that there were but six hundred persons engaged in agriculture in this District. There is virtually no production here at all; and yet having such a population, producing nothing and consuming only, that a debt so grossly disproportionate to their means of payment has been allowed to be created by the agency of Congress—for it is but just to say that the voice and protests of the property-holders and tax-payers of the District have been little heard or heeded in the matter. They have not been permitted to choose their own rulers; and those who have been set in power over them since the close of the war have not been those whom either the property or intelligence or character of the community approved or trusted. The choice has been that of the President of the United States, and his action has been confirmed by the Senate, without regard to the wishes or opinions of the better citizens of the District.

Now, sir, another anomaly in this city is that its chief use is by strangers; it is not a city of homes; it is a city of hotels and lodging-houses; and I do not believe 2 per cent. of those who ride in carriages through these luxurious streets which have been provided at such enormous cost are residents or citizens of the District; and almost all the luxury and convenience which this vast expenditure has created is for the benefit of travelers and strangers from all parts of the country; and the people of Washington have very little more than a local and incidental advantage of these things created chiefly for the benefit, the pleasure, and the luxury of strangers. Therefore to suppose that they are to bear the whole expense of improvements of this kind would be utterly unreasonable. It would not be right that you and I, sir, who spend here half the year and are not personally taxed here, who neither have our homes nor our interests here except for a very limited period of the year, a mere temporary habitation, should have the benefit and use of and compel the local population to keep in repair these streets for our accommodation, and throw the entire cost on them. The city of Washington is a Federal city, belonging to and used by the people of all the States of the Union, and the people of the whole country therefore, necessarily in reason and in justice, will bear, and ought to bear, the chief part of the cost of maintaining the streets and highways of this town in proper and respectable condition. I do not believe the people of this country will at all object to that. I think, on the contrary, a sense of what was proper and right would make them very willing that proper and reasonable expenditures should be made to maintain this town in what you may call appropriate condition for the needs, the comfort, the convenience of our Government and those who are compelled by business to come here.

If any other view be taken, the case of the citizens of this District would be hopeless. This District was absolutely insolvent and bankrupt, and property in it was absolutely worthless if such a debt as Shepherd and his confederates piled up on it between 1871 and 1874 had been permitted to rest upon the shoulders of the resident property-holders alone. It was absolutely worthless. You could not have put up the private property in the town and sold it for enough to pay such debt. It could not bear it, because the interest upon the debt and the expense of the government outweighed all that the property could produce. The Congress of the United States recognized that fact, and with it the duty of the Government to participate to a very large proportion in this expense. They recognized it by their appropriations. They directly recognized by the language of the act creating this last board of commissioners, in which they declare that the interest upon certain bonds authorized by them should have the faith of the United States pledged to pay the interest by proper proportional appropriations contemplated by the act, together with taxes to be levied from the local revenues. What that "proper proposition" was to be is not very clear; but it will certainly startle the people of the United States to know that, while we have had from the Treasury statements of the reduction of the public debt, we have also had in the shape of obligations of the Government for the payment of the principal and interest of the debt of the District such an enormous increase as $5,000,000 in a single year, and that the United States is bound, according to the opinion of the Attorney-General, not only for the debt so funded under this law, but that, as the law now stands, bound for any debt which these commissioners shall in their own will and pleasure certify to be due from the United States and order bonds to be issued for, in discharge of the cost of any embellishment and improvement of the city they may see fit to enter upon.

Well, Mr. President, if this be the state of affairs, the sooner it is arrested the better. I consider it arrested from to-day, because this debate and the action of both Houses of Congress will give notice that the power of the agents is questioned, and that the principal will hold those who now deal with those agents to a strict account as to whether they have surpassed the proper scope of their agency and whether they acted recklessly or in bad faith as the sequel shall demonstrate, and until it does I shall express no opinion whether these bonds ought or ought not to be met by payments from the Treasury of the United States.

During the war Washington was a military depot. Every one can recall what a camp it was, how long trains of wagons laden with Army stores, how whole parks of artillery rattled through the streets in all seasons, plowing them up and reducing them to an almost impassable condition. It was bad enough before; it was far worse in those years in which the presence of military armaments was made necessary; and there is no doubt that a great deal had to be done, and that, as the damage had been caused by the action of the Government of the United States, the same power that caused it should apply the remedy at its own cost. That seems to me perfectly reasonable and proper.

When the war ended there was a still sadder and stranger condition of affairs. The emancipation of the blacks in Virginia, in Maryland, and in other States of the South had driven into this community a vast number of the most poverty-stricken people upon whom the sun ever shone. They swarmed in here, refusing to perform agricultural labor, with but little work of other character given to them, and they were invested with the privilege of suffrage; they exercised it, and how they exercised it we all know. It is part of the history of our time. They exercised it necessarily as weak and ignorant people always will exercise a power of the duties of which they have no conception and of the objects of which they have very little consciousness at all. The result was that they became the easy and natural prey of the lowest and most profligate politicians, and a class of men were placed in political power in this District who had the respect and confidence of no one—not of the party in whose name they were elected, and who for party reasons desired their election; but it was the triumph in this District of vice, ignorance, incapacity, and sloth over all that was intelligent, honest, and self-sustaining.

What did Congress do? I admit a remedy was absolutely necessary, and in February, 1871, so bad was the state of things, so insecure had property become and flagrant the abuses of the local government, that an act repealing and wiping out all power of suffrage and all form of republican government within this District was passed by the Congress of the United States. Under this act a board of public works was created, a governor of the District, a secretary to aid the governor, and divers other officials who were simply satellites, who played around his person and did his bidding. This board, created in 1871 by the act of February 21 of that year, was composed of persons nominated by the President of the United States—first of the governor, Cooke, of A. R. Shepherd, of J. A. Magruder, of A. B. Mullett, and of S. P. Brown. Mr. Shepherd was made vice-president and the treasurer was Mr. Magruder. The governor *ex officio* was president of this board. Soon after, owing to the financial troubles of his house, Mr. Cooke was dis-

placed and Mr. Shepherd was immediately appointed by the President; but it is a fact, disclosed since by the testimony taken before joint committees of the two Houses, that Shepherd was from the first the ruling spirit. Call the government what you will or what its form was, it was in truth and fact the government of Shepherd by Shepherd, and largely *for* Shepherd; nothing more and nothing less.

What were the results of thus committing the government of this District to his hands? A joint select committee reported on the 16th of June, 1874, in very restrained language—some persons might think it mealy-mouthed—such facts of gross maladministration upon the part of this board of public works, such clear violation of law, such a monstrous and corrupt system of expenditure, that this committee composed of gentlemen of both parties in the two Houses unanimously recommended the immediate removal of the entire gang from office and power. It is scarcely necessary for me to read the language of the committee, to be found on pages 8 and 9 of the report.

There was an application made by Mr. Shepherd's board for authority to spend $6,000,000 upon a "comprehensive system" of public improvements. Congress refused it, but authorized the expenditure of $4,000,000 and the issue of bonds to that amount. Upon that authority he spent $18,000,000, besides the revenue he derived from the District in the shape of taxation and by raising money by hypothecation in every shape and by every contrivance, which since that time has been recognized by those who have succeeded him and has taken the shape of a funded debt on which the people of the United States are expected to pay the interest and principal at maturity. But this committee, composed of a large majority of those who dealt so very gingerly with this subject and who spoke so very restrainedly of operations to which I shall refer, yet used language of this kind:

Taking into consideration the expense involved in the comprehensive plan before referred to, and enlarged as stated, your committee are of opinion that the board adopted an erroneous and in its results a vicious method of letting contracts for this work, namely, without competition open to the public; and that the method adopted by the board resulted in the payment of an increased price over and above what would have been paid if open, fair, and free competition had been invited.

After the passage of the loan act of $4,000,000, the board of public works invited proposals and bids for work to be done in pursuance of said plan, and on the 1st of September opened all these various bids, giving notice afterward to the bidders that none of the bids would be accepted, but that the board would fix a scale of prices for the various classes of work, and let contracts, at their discretion, upon this scale of fixed prices. This opened the way for favoritism in the letting of contracts, and for a system of brokerage in contracts which was demoralizing in its results, bringing into the list of contractors a class of people unaccustomed to perform the work required, and enabling legitimate contractors to pay large prices in order to secure contracts, and, in the opinion of your committee, was the beginning of nearly all the irregularities disclosed in the testimony in the letting of contracts. Any system which would enable an adventurer to come from a distant city and in the name of a contracting firm make proffers of fifty cents per yard to any person having, or supposed to have, influence with the board, whereby a paving contract could be secured, and after persistent effort succeed in securing a contract, and actually binding his principals, the contractors, to pay $97,000 for a contract of 200,000 yards of pavement, after an effort of five months to secure it, the gross amount to be received being only about $700,000, in its nature must be vicious and ought to be condemned.

Well, sir, one would think that such a transaction as that could be properly characterized in much simpler and more forcible terms. The truth was, that, according to the testimony taken from witnesses under oath by this committee, these contracts were jobbed out without the least reference to responsibility or capacity of the person to perform them, and that the granting of a contract was the gift of a large sum of money as a gratuity to the man who got it. There is one case of a clergyman who for doing nothing in regard to a contract was enabled to make some ten or fifteen thousand dollars. Here is a man who makes $97,000 on a contract where the whole amount involved was $700,000, and he, as the report states, an adventurer from a distant city, to whom is handed $97,000 profit without an hour of labor or a penny of responsibility. God only knows how much the people who had the contract made out of it. And the profit to the "rings," whose real estate was improved and developed by this "comprehensive system," was of course enormous. From page 11 of this report we may imagine what must have been the condition of affairs:

Notwithstanding the powers of the auditor and of the treasurer, the board, during the three years it has been in existence, has done nothing in the way of verifying the accounts of these two officers. This is a negligence not to be excused in those in whom such important trusts were confided.

At page 14 of the same report we find:

The board of public works since September 1, 1871—

A period of two and a half years—

have expended and contracted to expend over $20,000,000 in the improvement of streets, avenues, and roadways, and in the construction of sewers, and in the general ornamentation and embellishment of the city. This is equal to about $7,000,000 per annum.

No public buildings to be erected and paid for, no reference here to the vast sums appropriated by Congress for the support of this District, a partial list of which I have here. I find that from April, 1871, to February, 1875, a year ago, there were $3,521,000 appropriated by Congress to the expenses of this District. I do not find that any of these expenditures related to public buildings, but they were all for what may be called the municipal expenses of Washington.

The committee, after finding that this fearful sum of money had been spent in this community of one hundred and twenty thousand souls, and after commenting upon the heavy burdens it would lay on these people and the people of the United States, solaced themselves, however, by saying that these parks and wide avenues and streets, upon which this money had been so poured in a lavish flood, "although expensive to inaugurate, will easily be kept in repair and make the burden of expensive carriage-ways in the future comparatively light." This was the beautiful picture that, although the debt had been so frightful and the expenditures so undue, yet at least permanence had been secured and these luxurious carriage-ways would continue to be kept in repair easily at a "comparatively light" expense.

Well, sir, the fact of this maladministration, of this gross and profligate expenditure, had been brought before Congress time and again by the tax-paying citizens of this District. Their cries fell upon dull ears; but at last the facts, thanks to the investigating spirit of the public press exterior to the District, became too strong and public opinion at last compelled a hearing of the complaints. The tax-payers of this District were not acting for themselves alone. They were acting in behalf of every man in this country who earns his daily bread by his labor. They acted on behalf of the tax-payers of the United States. They came before Congress, asking no appropriation to aid them in ferreting out these abuses. They at their private expense employed intelligent and able counsel, and they brought such a case before that committee that they were unable to resist it; and the result was that this board of public works was to be swept out of official existence into the ignominy which it deserved. There was strenuous resistance to the investigation. Counsel were employed by Mr. Shepherd and his associates to brow-beat the witnesses, to conduct fierce, rigid, and recriminating cross-examinations. Prosecutions were threatened, indictments were found, and, sir, not only that, but a resort to crime not fit to be mentioned in our own day and time. Never in the history of this country, never in the century in which we live, was such a crime proposed for the purpose of stifling investigation as was attempted and set on foot in this District, but under God's good providence defeated. I mean the assault upon the character of Columbus Alexander, a citizen of high character and standing, by pretending that a gross crime and felony had been committed, which never had been committed; to cause the appearance of crime by this man to be charged upon him as a dreadful reality. The facts of that are all before us. Some of the persons inculpated have undergone the forms of trial in this District before what they are pleased to term a jury of impartial men, who did not agree upon a verdict; but the facts attending the trial have disclosed the hideous nature of the proposed assault upon Mr. Alexander—a crime reminding one of those eras in history called "the dark ages." I do not think there is a man who loves justice, who cares for good name or character, throughout this broad land whose blood must not have curdled in his veins when he read how nearly a perfectly innocent, honorable gentleman came to being called upon to defend himself against an odious and dreadful charge, a fictitious felony invented to blast the good name of an innocent man, a private citizen whose sole offense had been that he had petitioned the Government of his country for relief against fraudulent and excessive expenditures, involving taxation upon him and his property.

Well, sir, the investigation was had; the blow at Alexander was thwarted; it recoiled upon those who originated it, and that curse, like chickens, came home to roost. I trust yet that the full truth in regard to that nefarious conspiracy may become known, and that the guilty authors and all those who combined to shelter them from justice may be brought to the punishment and public reprehension they so richly deserve.

But the report of the joint committee was made after patient investigation. They bestowed some three or four months' of careful labor upon it, and the result in substance completely justified everything that the petitioning tax-payers of the District had charged. So strong was the testimony that a bill was reported unanimously and passed this body almost without opposition abolishing the board of public works and putting, so to speak, this District into bankruptcy, that three trustees, commissioners, assignees, call them what you will, were to gather up the raveled assets of these people and learn in some way where they stood. The law that appointed these three commissioners, in its very first clause, answered the petition of these tax-payers and confirmed all that they had charged:

That all provisions of law providing for an executive, for a secretary for the District, for a Legislative Assembly, for a board of public works, and for a Delegate in Congress in the District of Columbia are hereby repealed: *Provided*, That this repeal shall not affect the term of office of the present Delegate in Congress.

Then section 2:

That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint a commission, consisting of three persons, who shall, until otherwise provided by law, exercise all the power and authority now lawfully vested in the governor or board of public works of said District, except as hereinafter limited, and shall be subject to all the restrictions and limitations now imposed by law on said governor or board, and shall have power to apply the taxes or other revenues of said District to the payment of the current expenses thereof, "to the support of the public schools, the fire department, and the police, and to the payment of the debts of said District secured by a pledge of the securities of said District or board of public works as collateral, and also to the payment of debts due to laborers" and employés of the District and board of public works; and for that purpose shall take possession and supervision of all the offices, books, papers, records, moneys, credits, securities, assets, and accounts belonging or appertaining to the business or interests of the government of the District of Columbia and the board of public works, and exercise the power and authority aforesaid; "but said commission in the exercise of such power or authority shall make no contract nor incur any obligation other than such contracts and obligations as may be necessary to the faithful administration of the valid laws enacted for the government of said District, to the execution of existing legal obligations and contracts, and to the protection or preservation of improvements existing or commenced and not completed at the time of the passage of this act."

There is, as I say, an assignment of the residue of powers uncompleted in this board of public works, coupled with the express provision that no power to make any new obligation or contract should be given to these commissioners. What was the object of the law? It was to wind up this system of lavish and reckless expenditure. It was to put an end to a state of things which had alarmed the whole country and brought shame and disgrace upon the very name of American government. Was it to continue the board of public works under the name of a commission? Why, sir, on the contrary, the act was meant as a repealing act completely of the state of things which were made possible under any construction of the law of 1871.

It authorized also the appointment to act in conjunction with them of a board of audit composed of the First and Second Comptrollers of the Treasury of the United States, and there was the appointment of commissioners of a sinking fund to cause to be issued upon the certificates of these commissioners and of this board of audit bonds of the District of Columbia, guaranteed by the Government of the United States bearing a rate of interest of 3.65 per cent. per annum. I need not say now that when this act referred first to the powers invested in the board of public works by the act of 1871, (and I may as well refer to that now,) which powers, and which powers only, the commission were authorized to carry out only in respect to existing contracts, and not to any to be made in the future. The act of 1871 provides, (I read from the Revised Statutes:)

SEC. 80. All contracts made by the board of public works shall be in writing, and shall be signed by the parties making the same, and a copy thereof shall be filed in the office of the secretary of the District.

SEC. 81. The board of public works have no power to make contracts to bind said District to the payment of any sums of money except in pursuance of appropriations made by law, and not until such appropriations shall have been made.

Again—

The board of public works are prohibited from incurring or contracting further liabilities on behalf of the United States in the improvement of streets, avenues, and reservations beyond the amount of appropriations previously made by Congress, and from entering into any contract touching such improvements on behalf of the United States, except in pursuance of appropriations made by Congress.

Here will be found a limitation upon the powers of the board of public works, which attached to the powers conferred upon the three commissioners, with the additional restriction upon the commissioners that they should not exercise even those powers upon any contracts other than those then existing. Now what has been the action under that law? In the first place, three gentlemen were appointed by the President who were all strangers to this District. When I say they were strangers, I mean to say they were all non-residents of the District. It was not that the District of Columbia did not contain men of intelligence and of character who would have had not only the benefit of their local experience and information, but also an enlightened self-interest growing out of their property at stake here. This District, as the whole country knows, contains citizens who are the peers in all respects—integrity, intelligence, ability—of any in the United States. They were not, however, men pleasing to the President of the United States, nor sympathetic to his tastes. They were not men like Mr. Shepherd, who strangely seems to have possessed and still to retain the confidence of the President. Such men were all passed by. That was a question of the proper performance of discretionary duty, which I think it is perfectly just and proper to criticise. But he brought in from Saint Louis, from New York, and, I think, from Ohio, three gentlemen, with but one of whom I have even a personal acquaintance, and in regard to whom I have nothing whatever to say, because they must stand or fall as to credit or discredit by the results of an investigation of their proceedings. Certain it is that they have disappointed me in what I had heard of them; I believe they have disappointed the country; I believe they have disappointed the Senate, and that the economy and restriction of expenditure which they were expected to practice and the reforms they were expected to inaugurate have as yet borne no good fruit. The truth is that every man in the District of Columbia with whom I have had any intercourse on this subject tells me that Shepherd's removal from office has been only nominal, that the whole *personnel*, the entire machinery of clerks and officials under him, through whom and by whom his will was performed in the District, have been almost without exception retained in office; that his influence over them has remained about the same, and that efforts to displace them and replace them by other persons have been entirely unsuccessful. Certain it is that if you run your eye over the list of contractors to whom contracts have been given or extended, the same class of names that awakened the suspicions and anxiety of these tax-payers will be found all the way through. The men whose profits were proved to have been most exorbitant seem to have continued their profitable careers. I know not from what motive; I am not disposed to impute motive; but I speak as to a fact that the reforms were in name only, and the change in the law of June, 1874, was one of name only, and that the same character of government which prevailed under Shepherd seems to have continued by the machinery which he left behind him and over which his control has not ceased.

Now, sir, what have these commissioners done? I will admit that they had a very difficult state of things to deal with. They found a community absolutely insolvent, a set of accounts which had been apparently purposely confused; and their task was undoubtedly very difficult. But let us take their own account of what they have done. Taking their account of the present year, they admit, on page 1 of their report of December, 1875, that the revenues which have reached their hands amount to $3,041,479.08; and they state at page 254, in the table giving a summary statement of work from the 30th of November, 1874, to the 30th of November, 1875, payable in 3.65 bonds, a total expenditure of $4,235,841.96; and add an estimate for finishing that work, $419,000 more, making a total of $4,654,897.

This report of the commissioners is voluminous; it is not indexed; but an intelligent citizen of this town has handed me a digest which he made out, page by page, of the estimates of the District commissioners, scattered through their report, for supporting the government for the next year, from July, 1876, to June, 1877; so that we may look forward, and the people of this country may look forward, if the present powers of these commissioners be continued, to the fact that this system of interest paying and bond issuing will be continued at the cost of the Treasury of the United States. I will incorporate this paper in my remarks, as I do not care to fatigue the Senate by reading it. It will be open to criticism in that way. I will only say that I have myself examined the pages and I have examined the figures of this schedule, and I find them to be sustained entirely by the report of the commissioners referred to upon the pages of this schedule.

Mr. SARGENT. We ought to vote on the bill to-day; and why not give us some idea of those figures now?

Mr. BAYARD. The Senator desires it, and I will therefore read the paper:

Pages 34, 35.	Interest on old funded debt		$518,360 88
	Salaries and expenses of sinking fund		8,200 00
	Interest on $15,000,000 of 3 65 bonds		547,500 00
195.	District portion of Metropolitan police, (one-third of whole cost)		120,400 00
196.	Charities, as per last year		34,118 00
427.	Support of schools		386,500 00
436.	Fire department		108,433 00
	Proposed addition to present force of fire department		63,075 00
449.	Washington Asylum		47,100 00
459.	Board of health		61,175 00
192.	Salaries besides school teachers, fire department, engineer department, water department, sinking fund, board of health, police and asylum as per last year		$113,341 45
255.	Estimates for engineer department		1,516,017 05
256.	Estimates for water department in excess of receipts		1,195,684 13
323, 324.	Estimates for new buildings and repairs for ensuing year:		
	Schools	$324,250 00	
	Markets	202,900 00	
	Station-houses	72,600 00	
	Hay-scales	210 00	
	Engine-houses	25,000 00	
	District offices and police court	195,000 00	
		819,960 00	
	Deduct proceeds from District buildings recommended for sale	65,700 00	
			754,260 00
4.	Support of inmates of Reform School as last year		14,000 00
197.	Advertising as per last year		65,174 00
	Total expenditures as per estimates		5,553,338 51
	The present resources, taken from the last fiscal year, are:		
	Taxes on $92,000,000 of assessed property, at $1.50	$1,380,000 00	
	Revenue from licenses	175,000 00	
	To be contributed from the District		1,555,000 00
	Leaving the people of this country to foot a bill of		3,998,338 51

Revenue from water rents is deducted from estimated expenses for water department.

That must be appropriated by Congress to keep up this District government according to the statement of the commissioners. This is of course in addition to another list included in the regular Book of Estimates transmitted by the Secretary of the Treasury for the expenses of the Metropolitan police and salaries and improvement of public grounds.

Mr. SARGENT. Will the Senator——

Mr. BAYARD. If there is any point that the Senator wishes to correct, I will allow him to do it.

Mr. SARGENT. I only wish to call attention to the fact——

The PRESIDING OFFICER, (Mr. MERRIMON in the chair.) Does the Senator from Delaware yield to the Senator from California?

Mr. BAYARD. Certainly.

Mr. SARGENT. I merely call the attention of the Senator to the fact that the statement which he reads of probable expenses of the District is simply the estimates put in by subordinate officers in many cases. For instance, the $1,250,000 is an estimate put in by Hoxie, engineer, for improvements which may or may not be made improvements which he suggests. It is very well known that the Book of Estimates submitted to Congress for the expenses of the Government contain millions more than the appropriations made and more than the actual expenses.

Mr. BAYARD. The Senator from California will find that I shall go much further presently, and we will not come to estimates; we will come to absolute outlays. I am speaking of the coming year, because, in considering this question, I do not propose to be limited in my inquiry or my comments by the mere question whether we shall apply the money to pay the interest now due on these bonds. I think in doing that it is proper for us to look into what other appropriations we may be called upon to make and to understand ourselves

to what we are committed under the construction of law adopted by this commission, and what they propose to commit us to in the future. I will just state one fact, that so far from these estimates being likely to be reduced, if we take the history of the past, they are likely to be quadrupled; I mean the history of the past where estimates were made by Shepherd and by his people—yes, and by this present commission. I will presently show the Senator that they have exceeded them twenty-fold, and then he may have an opportunity to explain if he is willing or able to do so.

For instance, here is the estimated cost of repaving Pennsylvania avenue, which was paved with wooden blocks in 1871, and is to-day one of the worst streets to ride over imaginable, and none of us but would prefer a common country road that it does not cost $100 per mile annually to keep in order to drive over than Pennsylvania avenue. The estimated cost at page 255 of this book is $286,666. Pennsylvania avenue is now graded, and all that is to be done is to take up the present blocks and put others down, and much expense that was originally incurred when the pavement was laid is thereby made unnecessary. There are between the Capitol and Fifteenth street 67,890 square yards superficial area of this wooden pavement. You will not find that in this report, but you will find it from the survey made and reported to Congress at the time the first pavement was laid. But at page 237 of the report the commissioners give a statement of the cost of laying pavement. They say a concrete pavement of more than the usual thickness cost $3.70 per square yard because its thickness was increased from six to ten inches when compressed. Estimating the concrete pavement at $3.70 per square yard, if paid for in 3.65 bonds, and you would have an equivalent of $2.59 in cash, at one hundred cents to the dollar, which would be $175,835. My attention has been drawn to the fact that between Ninth and Tenth streets, on the Avenue, a square has been already laid in concrete which cost $8,800, which may be deducted from the cost of laying 67,890 square yards, making the actual cost $167,000, and not $286,666, as this commission estimate.

There is a case in which what ought to be the cost, if you figure it out, is put against the excessive estimate. But I want to turn to something else. I have said before that this is a proposition of spending five and a half million dollars in the next year upon streets which the joint committee were led to believe and reported unanimously as being although "expensive to inaugurate yet easily kept in order in future, making the burden of expense of carriage-ways comparatively light." If these be "light" burdens, Heaven help us when we come to bear what this commission shall consider heavy ones!

When Mr. Shepherd was examined before this committee in 1874, and was legislated out of office, he made a statement under oath, under the direction of the committee, and submitted tabulated statements of the contracts for "improvements made by the District government or any department thereof, their lists, their dates, the names of the contractors, the nature of the work to be done, the prices to be paid therefor, when and in what medium of funds to be paid; and the aggregate cost under each contract, if completed; and how much has been paid under each contract not yet completed, and how much remains to be paid thereon." According to the report of the committee in 1874, found at page 4 of their report, he submitted "a list of contracts not yet completed, with the estimated cost of the completion of the work under them, amounting in all to $1,325,911.62;" and for that sum he submits a careful estimate or tabulated report as to each claim, set down according to the demands of the committee. Instead of that, the commission in 1874 spent some $600,000, and in 1874-'75 they spent $4,200,000 and upward, on this same alleged uncompleted work. To use the language of the committee, "the *total* amount that may be funded" for all the debts, including Mr. Shepherd's $1,325,000, was $8,305,886.50, I read from page 14 of their report, and this day there have been issued $13,775,900. That amount was issued up to the 25th of January. I presume and hope none has been issued since; but it is proposed to increase that to $15,000,000, so that instead of having this $1,325,000 due on incomplete contracts, we will have more than $5,000,000 in excess of that amount.

I want to show upon what a system of estimates this has been done. I take one as a specimen of numerous cases, for I do not care to detain the Senate now, and this matter will become I am sure, and I trust by the unanimous vote of both Houses of Congress, the subject of a careful investigation; for if there be misapprehension, if there has been by me misapprehension or injustice done anywhere or to any one, I shall feel it a favor if I shall be permitted to undo it so far as I may. My object here is to be perfectly just to every man and to condemn no one without a fair hearing, at the same time not to shrink from the unveiling and correction of a wrong, let who will suffer by the disclosure. There was a claim reported by Mr. Shepherd, No. 131, which is to be found at page 249 of his answer, in the first volume of the committee's report; and I will ask those who take an interest in this matter simply to follow the history of this claim. Mr. Shepherd reported that claim, No. 131, was founded on a contract dated the 3d of November, 1871, to grade and gravel B street north, to commence at First street east and run to Eleventh street east. This contract was awarded to Joseph S. Weems. The estimated cost was $975.45, and a marginal note states the "cost so far as done by Weems." At page 342 of the same book we find from Mr. Shepherd's report claim No. 131, that Joseph S. Weems had been paid $1,450; that the estimated cost was $975; that the actual cost over the estimate was $474; which is 50 per cent. additional. Mr. Shepherd returns that contract as "complete." Now I turn to page 396 of the present commissioners' report, under the tabular statement of contracts under the board of public works recognized by the commissioners of the District subsequent to their report of November, 1874, and allowed to proceed. This was a contract which was stated by Mr. Shepherd to be "complete." It had already been overpaid 50 per cent., and they state that they allowed it to proceed. Now let us see how it "proceeded." Report No. 131, a contract entered into on the 3d of November, 1871, with Joseph S. Weems, to "grade and gravel B street north, from First to Eleventh streets east." This contract was extended to Joseph Smolinski, to "grade B street between First and Eleventh streets northeast." It was further extended to "set curbs and lay brick foot-walks on the north side of B street between Eighth and Eleventh streets northeast." That is one side of three blocks of curbing. There was paid to Mr. Smolinski $17,890.68 for a contract originally contracted to be performed for $975. A marginal note states that it was—

Brought up for consideration by petition of citizens for completement of improvement. Additional work partially completes the improvements. Mr. Smolinski put on in place of former contractor, deceased.

It will be answered that there was additional work to be done. That is true; but what was the additional work to be done? It was the curbing for three blocks on one side and then laying brick walks. Deduct liberally; if you please, take $3,000, which is more than any amount I ever heard in any other town than Washington, for the work of paving one side of the sideway of three blocks, and you have an estimate of less than $1,000, while here you have a payment of thirteen or fourteen times that amount. Let the honorable Senator from California [Mr. SARGENT] suppose that in this estimate we are to have the same ratio, and that for every thousand dollars estimated for we are to pay fourteen or fifteen or seventeen or eighteen thousand, and then I think he will be as much shocked as I, and as much disappointed as when he supposes that the actual outlay always shrinks below the original estimate. We know as a fact that it is just the other way. The original estimate and the original contract are the entering-wedge, and when they once put it in under this system they drive it easily quickly to the head.

There was another claim, No. 561, John J. Shipman, which was referred to by the honorable Senator from Massachusetts [Mr. DAWES] yesterday, and therefore I do not care to detain the Senate by again reading it. I will give the figures, however. The claim is found, first, on page 288 of the governor's answer. It is specifically stated in detail. The work to be executed is there stated plainly. He understood the work to be done because it is set forth at length. He contracted to execute the contract for $2,500, and up to this day he has been paid $202,000, and $18,000 more remain to be expended to complete the work. Those figures all appear on these reports. These are but two cases. I will not say that they may not be explained. I will not say that they involve turpitude at all in the commissioners; but, whether the commissioners act by ignorance or act from the worst motive, (which I do not at all impute to them, I prefer to have the facts; and when I have them I will make the statement of the charge directly if it be warranted.) At this time I admit that these figures may possibly be open to an explanation, and I think it is one that the American people will insist upon having before they will permit this state of things. We continue to wonder that the debt of this District is $25,000,000 or more when an estimate for work upon a road-way, which every man understands, can grow from $2,500 to upward of $200,000. No country can stand it. There is a limit to human capacity to pay. We all know that when men are pressed too hard their honesty and their desire to meet their contracts will be worn out. It is vain to sing pæans to public credit and to national honor, and do those things which make it impossible to preserve either. I do not know the fact, but I have been credibly informed that, while the tax-payers of this District were with their private moneys fighting Shepherd and his confederates before the joint committee and Shepherd was defending himself, as he had a perfect right to do, by counsel, the private counsel of these discarded officials were paid in the same 3.65 bonds very large fees for defending that which was admitted to be so wrong that it was legislated out of existence. Is that so or is it not so? I am told those counsel have been paid, paid by the people of the United States, paid by the people of this District, for defending a wrong so flagitious that the very capacity to perform it has been swept from the statute-book by an almost unanimous vote of Congress. I am told that they have paid $25,000 in money to one of their party papers for advertising the testimony taken before that committee which exposed the disgrace of those to whom power had been intrusted by this District. Is this so? I do not know that it is so, but I am told that it is so. Gentlemen who have interrupted me in this debate perhaps may know. The fact, however, I trust will be easily ascertained; and I say it behooves those who mean to defend the action of the commissioners to answer such a respectful question as that.

It is not necessary for me to read more specimens of the manner in which these claims have been exaggerated from thousands into tens of thousands, from tens of thousands into hundreds of thousands, to be paid for by the people of this country. I will only say that I have had handed to me papers in abundance, which I trust some committee charged with this subject shall hereafter investigate. One illustration is sufficient. If it be so in one case it is enough to warrant our action and to arrest the possibility of such things continuing in the future.

This commission did not proceed in ignorance. There was a protest made by the tax-payers' meeting. They called upon these gentlemen, communicated with them in writing, sent them copies of resolutions adopted, besought them to stay this system of expenditure, and asked for legal warrant for what was being done then, but it had no effect. It certainly did not stop it. They were received, they say, with politeness, but it was an empty politeness because no answer was secured and no redress obtained. They were, so to speak, simply bowed out of their presence. Now, I state it as a fact known to every member of the Senate, that such a state of affairs would be impossible in a community which had the right of self-government. There is not a town in the State in which the honorable Senator from Ohio lives, nor of his friend from Illinois, which would permit for one hour after the fact was known the continuance in office of men who created or consented to such expenditures. The people of any town would be horrified; they would know it meant bankruptcy to them and disgrace to their credit. They would know it meant robbery under the shape and forms of taxation. Vigilance committees have swept city governments from existence before now for one-half the wrong that has been done in this District. This is the state of things that we are asked to approve. This is the state of things we are asked to continue, and then go back to our people and tell them we have represented your interest in the Congress of the United States. We cannot as honest men stand by and see wrongs done and not denounce such conduct if it is in our power. No, Mr. President; we must stop the capacity to issue bonds, which has been so misunderstood and so maladministered. We are not safe when such things can be; and the reformation must be deep and thorough in that respect. More than that; we must not only stop the bonds, but the influences which have prevailed in this District since 1871 must be changed. We owe it to the credit of the American people to change it. A public opinion, honest and determined and intelligent, will check it, and it calls upon us to-day to do that which we may for the purpose of arresting further steps in this direction.

Something has been said about these bonds going to protest. I think the interest could be paid by these commissioners if they chose to take the money they have now instead of waiting to appropriate it for subsequent expenditures. If they are solicitous about the honor of the District bonds let the money they have in their hands be applied to them, and let Congress be applied to for the purpose of finding funds to meet any other obligations which they may justly incur hereafter. Under the law the bonds issued by authority of the Government are to be numbered, and they are to be registered, so that each man who receives them will be known. The person entitled will receive them. He will take them subject to the law. I do not agree with my friend from North Carolina, [Mr. MERRIMON,] not now in his seat, when he states that beyond all peradventure the people of this country are bound to pay either the interest or the principal upon those 3.65 bonds if fraud and excess of power in the agent intrusted are proved to have caused their emission. At any rate it is due to the people of this country that the case shall stand upon its own merits. If the public creditor shall be proven to have in good faith taken these bonds for value received then my voice will be given to pay him to the uttermost farthing of his debt. If we know more of the delinquency of these subordinates and if we are responsible for their acts, we should meet the obligation however painful were its performance; but I do not know this to be the case. If, from the partial unveiling that we have had of the manner of these accounts, it shall turn out to be true that gross speculation, reckless or fraudulent expenditure, has been incurred, then I shall hold these bonds subject to the equities and let the law of the land decide how far the people of this country are to be held more responsible than would be the private principal for the acts of his dishonest or unauthorized agent. The House provisions which were stricken out are in my opinion wholesome and necessary:

Provided, That any further issue of 3.65 bonds is hereby prohibited: *And provided further*, That nothing in this resolution contained shall involve the Government of the United States in any obligation to pay principal or interest of any such bonds which have been issued contrary to or not in pursuance of law.

Those are wholesome and necessary provisions to be put in. The law itself under which the bonds are issued forms not only an implied notice, a constructive notice, but it forms an absolute notice, and of its own force it enters into that contract and controls it. That at least is my opinion as a lawyer. I trust it will be in order, and it is in order, I believe, and it is my purpose, if I be present at the time when this is decided, to move again the restoration of those provisos when the bill comes into the Senate. They have been stricken out in committee I understand. It was done without debate. No vote was called upon it, and I and most of those who favor the presence of these provisos were really unaware that the Senate had acted upon it. So far from agreeing to the amendment of the Senator from California, [Mr. SARGENT,] that these bonds shall be issued still further to the extent of $15,000,000, I say stop to-day. Not one should go out in the light of the facts which we have had here before the Senate. The present emission is $13,775,900 of these bonds. They have been issued. The question can be considered hereafter whether there has been covin, whether there has been collusion between the parties who received and the parties who caused the issue. Let that be decided hereafter, but do not let us act hurriedly on behalf of a people so needing care, so needing consideration as the people of this country do to-day, for the sake of keeping up the price of these bonds which are held in the District, and held in large quantities, and held for the purpose of being advanced in price and the consequent profit. I say that consideration weighs not with me at all. On the contrary, I cannot say that I have any sympathy with those who have speculated upon the issue of bonds like these, issued under such laws and under such circumstances as the public records of the Senate disclose. For that reason I shall move at the proper time that these provisos be restored. I do not care to detain the Senate longer. I think the subject one of grave importance, and therefore have said what I have, only wishing that I would, as, if my duties had assigned me to the appropriate committee, I certainly should, have examined the question more fully than I have; but knowing as much as I do now, as I was informed, I should have felt myself delinquent if I had failed in stating my conclusions to the Senate.

Mr. MORTON. Mr. President, I call the attention of the Senate, in the first place, to the simple character of this bill and what it proposes to do:

To transfer to the Treasurer of the United States, for the payment of the interest due the 1st of February, 1876, on the bonds of said District, issued under the provisions of the act of Congress approved June 20, 1874, entitled "An act for the government of the District of Columbia," &c., "the sum necessary to pay the same from any unexpended appropriations heretofore made by Congress, or from any revenues derived by taxation on the property of said District of Columbia, subject to the requisition of said commissioners, excluding funds raised for the support of public schools."

On that bill we have had a disquisition upon the affairs of the District under the old District government; the history of the board of public works has been reviewed; the charges of maladministration have been renewed and presented in the strongest possible colors; and the present commissioners of this District have been substantially charged with having increased this debt $5,000,000 since they came in, and with having done so in violation of the law.

Mr. President, as I said yesterday, I did not vote for this law, and so far as any personal responsibility is concerned it does not rest on me. The Senator from Delaware has wholly failed to show—and that was the point it seems to me for him to show—how and wherein these commissioners have violated the law. An attempt was made yesterday to show that they had given to this law a wrong construction, and that the officers of the Treasury had treated a class of claims as included in it, and had issued for them 3.65 bonds, that were not included under the law. It was a very nice construction contended for, and I believe wholly unsound. I think the claim was entirely answered by showing that they had given to this law its reasonable and proper construction. Those who voted for the law are therefore responsible for its legitimate operation. If the completion of these contracts is properly covered by that law, then the responsibility does not rest with the commissioners, but rests with the Congress that made the law. The fault in that case is not with the commissioners, but the fault is with the law; and I understood from the Senator from Ohio [Mr. THURMAN] that but one Senator voted against it. The law certainly was not a republican measure in any sense. If I am not mistaken, my friend from Ohio had much to do with the framing of that law, and if, under the proper construction of it, these bonds have been issued, I would like to know whether it can be laid at the door of the Administration or of the republican party, or if political capital can be made out of it. If it is intended to charge these commissioners with fraud—and that is the only thing that is left; if they have not improperly construed the law but otherwise there has been maladministration, it is fraud, it is misconduct, or it is gross recklessness on their part—I say, if it is intended to make that charge, I shall leave their vindication for the present to their general character. They are men of as high character as any men in the Senate; men hitherto of spotless reputation, I believe, so far as integrity is concerned; and I presume they can stand the test of any examination that can be made.

An examination of this report will show that this $5,000,000 of increase of debt has not been made by these commissioners. The most of it is the unliquidated debt that came down from the board of public works that has since been audited and put into a certified form, and for which bonds have been issued. They have carried out some of these contracts, and they were required to do it by the law. If the contracts were valid, they could not repudiate them any more than the board of public works who made them could repudiate them, and this law expressly gave them power to make new contracts to carry out old contracts. The fault then is with the law and with the law-makers, and not with the commissioners.

The Senator from Delaware made a remark in the conclusion of his speech to which I call the attention of the Senate. After enumerating all these alleged wrongs, he said that such a state of facts could not exist in any community in which the people have the right of self-government. Who voted to destroy the right of self-government in this District? Who is now in favor of ruling this District by commissioners or by regents, or whatever the name may be? I believe myself that outrages cannot be continued under popular government, either here or elsewhere; that the necessity of accounting to the people every year, or every two years, will stop these things, I do not care how ignorant the voters may be. Popular government was stricken down here, and it was stricken down with the approbation of every democratic member of the Senate, so far as I know. The Senator himself says that in a community where the right of self-government exists these wrongs could not take place.

Now, we have to deal with the existing bonds. We are providing for paying the interest upon them. The Senator from Delaware has not undertaken to show wherein a wrong construction has been given to this law. These bonds are the creation of a law which received almost the unanimous support of this body. If there is anything wrong about these bonds, throw the responsibility upon the law and not upon the commissioners or upon the board of audit. They have undertaken to act, and, so far as I know, I believe they have acted, in good faith in the execution of this law. They found contracts executed by the board of public works. They could not repudiate them. They were bound by the terms of the law to carry them out so far as those contracts were legal. If the amount of those contracts exceeded the estimate that had been made by the old board of public works when the examination took place, are they responsible? Certainly not. The estimate might have been an underestimate; it might have been a false estimate; but who will hold these commissioners responsible for a false or a mistaken estimate? They were bound to execute these contracts if they were valid, and if they greatly exceeded the amount supposed at that time the fault is not theirs.

Mr. BOGY. I wish to ask the Senator one question. Where is the evidence of the facts which he states now? I know of no such evidence submitted to us.

Mr. MORTON. The evidence of that fact is found in the report of the commissioners themselves.

Mr. BOGY. I have not seen it.

Mr MORTON. They report for what purpose these bonds have been issued, and they report, I believe, the amount of debt for which the parties holding them are entitled to have new bonds. Has their report been discredited? Their report will be taken as evidence here until it is contradicted by evidence of a higher character, I undertake to say. It is an official report, and it will be taken as *prima facie* correct until there is something brought to contradict it.

Senators talk about these repairs and these street improvements. I again call my friends back to this simple proposition that I spoke of yesterday: Whether this law has been properly construed or not is not the question. When you struck down popular government in this District, when you gave to Congress absolute control of these people and took away from them all political right whatever, you took upon you the responsibility of providing for these streets.

Mr. STEVENSON. May I ask the Senator if under the popular suffrage which did exist here all these corruptions did not spring up, and whether a majority of his own party, by a committee here, during that popular suffrage, did not report that the frauds and outrages in this District could scarcely be enumerated?

Mr. MORTON. I do not think the report said "could scarcely be enumerated." If there is such a clause as that in the report I have not seen it.

The Senator from Kentucky asks me the very pertinent question whether all these alleged wrongs did not grow out of popular government by the people of this District. I have understood heretofore that the board of public works which has been charged with these enormities was not an elective government but an appointed government. Am I right? My friend says he does not know. I think almost everybody else does know that the board of public works was appointed by the President and was not elected by the people. That is the thing I complained of in the beginning, that this debt that is complained of was not saddled upon these people, whether rightfully or wrongfully, by the government elected by themselves, but was saddled upon them by an appointed government; and, as my friend from Delaware said, perhaps no community governed by itself would have done that thing. I understood my friend from Ohio [Mr. THURMAN] yesterday to say that this board of public works had gone on to make these contracts without authority of law and without receiving that sanction of the territorial Legislature which the Congress of the United States had required. I think I am not mistaken about that. He himself said it was a disregard of the popular part of the old government that brought these things upon the people.

Mr. STEVENSON. Let me ask the Senator whether the committee, a majority of which were republicans, did not recommend a change of government in this District, and whether their report was not founded upon misgovernment?

Mr. MORTON. I believe the committee perhaps were unanimous in recommending that change. So far as I know, they were. In striking down that government and putting this one in its place it was only intended to be temporary. By its own limitation the existing government by commissioners was to expire in nine months. Am I right about that?

Mr. THURMAN. Yes, sir.

Mr. MORTON. It was to supply an interregnum, and then a committee was appointed by the two Houses to prepare a system of government; but when it was offered, that system of government was rejected, and that temporary government has become a permanent government; at least it looks as if it had.

Mr. President, the complaint in regard to popular government fails. If Senators complain of an appointed government, let them remember that they are responsible for it in part. When the old board of public works was appointed it was not a party measure. It was created, I believe, by the votes of both parties. That government was not in its character a party government. Then the simple question is in regard to paying the interest on these bonds. The Senator from Delaware wants to re-assert the provision that bonds which have been unlawfully issued shall not be paid. That leaves the intimation that some of them were unlawfully issued and throws discredit upon the whole of them. Three-sixty-five bonds are now selling for only sixty-nine or seventy cents on the dollar. Who is responsible for that bond? I thought it was a mistake in the beginning; I never should have voted for the issuing of a bond of that character. That was not a party measure. It belonged equally to both sides of this Chamber. If the bond was a mistake it cannot be said to be a republican mistake. If any party capital is to be made it cannot come out of the bond question, and I conclude by the simple proposition that the Senators and Representatives who voted for that law voted to complete the contracts made by the board of public works, be they many or be they few——

Mr. BAYARD. Legal or illegal?

Mr. MORTON. No, sir; legal. They voted to complete them, be they many or be they few, and they voted to pay them in 3.65 bonds; and we should not now repudiate them.

Mr. SHERMAN. They left the question of legality to the board of audit.

Mr. MORTON. Certainly, they voted to leave the question of legality to the board of audit, officers of the United States Government. That board have decided it; and, until it be shown they have decided it ignorantly or have decided it falsely, there ought to be no very serious charges made against this commission who never issued a bond and cannot issue a bond. Therefore, in conclusion——

Mr. STEVENSON. Will the Senator allow me? Just now he asked me whether the board of public works was elective or not, and he said that all these alleged frauds arose from the action of the board of public works. Will he now allow me to ask whether the Legislature, which was elected by popular suffrage, did not approve of these contracts, and did they not thereby make them their own?

Mr. MORTON. I will simply answer the Senator from Kentucky in the language of the Senator from Ohio [Mr. THURMAN] yesterday. It was a point made by him that the contracts made by the board of public works did not receive the sanction and were not provided for by appropriations by the District Legislature as the law required; and I understood my friend from Ohio to throw the responsibility upon the board of public works. All the occasion I have to talk about the board of public works here to-day—for I am neither entering into its defense, nor am I meeting it with crimination—is simply to say that these wrongs that are talked about, whatever they may be, were not made by popular government, but were made by an appointed government; and I conclude what I have to say by the simple statement again that those who voted for this law voted to complete every legal contract made by the board of public works, be they few or be they many, and voted to pay therefor in 3.65 bonds.

Mr. THURMAN. Mr. President, I do not think I should have troubled the Senate with another remark on this subject but for the extraordinary speeches that have been made by the Senator from Indiana. I do not know that they can be considered extraordinary either, for perhaps some who hear me say that would think they are of the most ordinary course of his speaking. It seems to be impossible to assail corruption in the Government in any of its various forms that the Senator from Indiana does not consider it an attack upon the republican party, and feel it to be his duty to put on his armor, take his shield on his arm and his sword in his hand, and come to the defense of that organization. I think that up to the time the Senator from Indiana entered into this discussion not one word of a partisan character had been uttered in the debate. I am sure I uttered none in the remarks I submitted to the Senate the other day. No one could have told from anything that I said what were my politics or what were my inclinations. I heard nothing of the kind from any source; but as soon as the Senator from Indiana got the floor he commenced by assailing the law and ended by assailing what he called the deprivation of popular sovereignty, or popular election; I do not think he used the word "sovereignty," for he has a great dislike to that word; but he urged that the popular principle was destroyed by this bill, and he forthwith went to work to arraign Congress because it had destroyed the popular principle of representation in a bill that was confessedly but a temporary measure, merely to provide a temporary government until Congress should form a permanent government, and which no one who advocated the bill when it was before the Senate supposed would last more than nine months at the outside. Then there arose a great cry upon the destruction of the republican principle of our Government and the destruction of popular suffrage, as if the Congress of the United States had entered into a conspiracy to deprive the people of the United States of the right of suffrage. Well, sir, it was a very large structure upon a very small basis. There was the slightest possible occasion for coming out here as a great defender of the right of suffrage. This District had to be put in the hands of some kind of a commission for nine months until a government could be framed, and we put it in by the vote of every Senator here but one, and into the hands of these commissioners by the vote of every Representative in the other House but twenty-two. No measure perhaps of equal importance ever received such unanimous support. But now comes the Senator from Indiana and says he did not vote for it. Why did he not vote against it? Why did he not speak against it? He says he was never in favor of these 3.65 bonds. Why did he not denounce them?

Mr. MORTON. Do you want an answer?

Mr. THURMAN. I should like to have an answer.

Mr. MORTON. I was not present that afternoon when it passed.

Mr. THURMAN. It would have been very easy to move a reconsideration, or get some one to move a reconsideration. That bill did not go through in the dark. That bill was not forced through by any previous question either here or in the other House. That bill was subjected to discussion. It was easy enough for the Senator before that Congress adjourned to have asked some friend to move a reconsideration, and to have opposed the bill, and have opposed this 3.65 bond proposition if it was wrong.

But, sir, it did not stand on that alone. The Senator had an opportunity afterward, when he was in the Senate. Before the President signed that bill, he sent a message to Congress asking us to put the rate of interest on the bonds at a greater rate than 3.65 per cent. Where was the Senator from Indiana then? That message was referred to the committee that reported the bill. The motion to refer was a debatable motion; it opened the merits of the whole question. Then the Senator from Indiana had the fullest opportunity to show that this proposition to pay in 3.65 bonds was unwise or unjust, if such were indeed the fact. But the Senator was as dumb as an oyster when this thing was being done; and now, nearly two years afterward, he comes to read us a lecture, in the light of his after-acquired wisdom, and to censure the Senate and the House of Representatives for passing a law which the whole Senate then, with the exception of one member, and the whole House of Representatives, with the exception of twenty-two, thought was the best thing that then could be done.

Mr. President, I shall not go over the points that have been so fully discussed; but one thing I must say in reference to this Legislature. I was on the committee of conference that reported the first bill, under which the Shepherd government was organized, as it has been called, and for brevity may be called, in 1871. I was utterly opposed to it. I refused to sign the conference report. I thought it was establishing altogether too magnificent a government for this District. I refused to sign the report, therefore, and voted against the bill. So no responsibility rests on me for that government, which fell, and so disgracefully fell, at the end of three years. That government went on. It found this District with an indebtedness of something over $4,000,000; it left it with an indebtedness of more than $20,000,000 in three years. How did that come to pass? The Senator from Indiana says that was not the fault of the representative clauses in that government. I say it was in part the fault of them, but not alone; for how was it? That organic act declared that no contract made by the board of public works for improvements should be valid unless an appropriation had previously been made to defray the expense of the work. It submitted to the Legislative Assembly what was called its comprehensive plan of improvements, estimating the cost at $6,000,000 in round numbers. The Legislative Assembly approved the plan, but with this limitation, that they might contract for the work, provided they did so at a cost of 20 per cent. less than the estimated cost; thus cutting down the appropriation to $4,000,000 instead of $6,000,000, the estimated cost. What attention did the board of public works pay to that limitation or to the provision in the organic law? Really scarcely any attention at all; and now was there no blame on the part of this Legislative Assembly? Did not the Legislative Assembly see this board of public works violating the law day by day, and involving the people of this District into this enormous debt beyond the appropriation; and did it interpose? Did it do anything to stop it? No, sir; nothing at all; but, on the contrary, it was as notorious as that the District exists itself that the Legislature was the mere creature of the board of public works. Instead of the popular branch of the government defending the rights of the people and the interests of the District against this encroaching and usurping board of public works, there was never a slave in this District perhaps more completely owned by his master than was that Legislative Assembly by the board of public works. Every one is conversant with the facts, and every one who heard the testimony that for more than three months your committee was engaged in taking knows that to be the fact. Why, sir, it had no will of its own. It was the creature of the board of public works, and the board of public works was one man in effect. That is the true history of this business.

That government failed. It has been said that there were no charges in our report of corruption on the part of particular individuals. That has been said a great deal, and the absence of such charges has been taken as a vindication of the officials in that government. Such never was the intention of the committee. I must say something on that subject to correct this popular error.

That committee sat nearly four months. No committee of this body or of Congress ever performed as much labor, except perhaps some of the committees that went perambulating the whole country. No one ever performed a more disagreeable labor. No committee ever performed its labor in more perfect good faith and more freedom from partisanship of any kind. I say it, although I belonged to it. I know the labors we performed; I know what suffering they entailed upon us in ill-health, in discomfort, and in being deprived of our seats in the Senate and in the House; and I am not disposed to hear that committee criticized unjustly in the light of other people's doings long after that committee has ceased to exist. That committee went on taking testimony. It had to employ an engineer to remeasure the work; and after we had sat until June, and the session of Congress was approaching its termination, we had, so to speak, but barely got into the crust, barely broken the shell of the egg. Some of the most important testimony that we received grew out of the remeasurements made by the engineer the committee employed—a most able and honorable man—and they showed in almost every instance that the District officials had overestimated, had returned false measurements; exaggerated measurements; and not only that, they showed further that more than the contract price had been paid even upon these exaggerated estimates—estimates of work done greatly in exaggeration of the truth, and then payments upon the contracts in excess of these exaggerated estimates. We got instance after instance of it. It would have taken perhaps six months of engineering, of remeasuring the work, of ascertaining what was the condition of the streets and alleys and the like at the time that the contracts were let so that an engineer could remeasure the work to ascertain the whole extended enormity of these overmeasurements and of these overpayments.

Sir, as I said, with this vast volume of testimony before us and the session of Congress nearly at an end, what could that committee do? We were unanimous that the government was a shameless failure; we were unanimous that that government ought to be put an end to; but if we had gone into specific accusations against this man or that man or the other man, there would have been no doubt a diversity of opinion among the members of the committee and great injustice would have been done, for the committee executed its duties from a public point of view. The committee did not consider that it was a grand jury to return indictments against particular individuals, but that it was a public, political committee to see whether or not the government then existing ought to be perpetuated or ought to be abolished. There were higher public duties than the indictment of any particular individual; and to these higher public duties that committee devoted itself and devoted itself faithfully; and we made the report therefore which we could make, unanimously, that the District government was a failure, and that some other government ought to be inaugurated in its stead. Had we taken the other course and brought in an indictment against this man and that man and the other man, no measure of redress would have been passed at all; the whole time of the session would have been wasted in discussions upon the guilt of particular individuals, instead of Congress devoting itself to relieve the District from a government that was wrong and oppressive, and that had utterly failed.

Therefore, Mr. President, the truth is that no inference whatever in respect either to the guilt or innocence of any officer of the old government, or of any individual, is to be drawn from the silence of the committee on that subject. The committee confined itself to the public consideration in order that it might be unanimous in its report; that it might unanimously report a bill, and that that bill might secure the approbation of both Houses of Congress and become a law in the few remaining days of the session.

I have said thus much in vindication of the committee as it seemed to be necessary because the Senator from Indiana keeps reminding the Senate that, if anybody is to blame, it is the law that is to blame, and that I had some share in that committee. Yes, sir, I had, and in the framing of this law, and never did I bestow more pains upon any work and endeavor to do it more to my own satisfaction under the adverse circumstances by which we were surrounded, and I am here to defend it and to say that that law, upon a fair construction of it, upon a fair interpretation of it, was a good, wise, and proper law.

Now, says the Senator, that law made it the duty of these present commissioners to carry out all the legal contracts that had been entered into by the board of public works. Suppose that were so, did that give them power to do what it is said has been done? When I spoke the other day I had not looked into their recent report at all. I had not seen it. I had seen their report of last year, but I had not read that, and I had not even seen their report of this year. But let us see what that law authorized them to do. Certainly it did not authorize them to execute any but legal contracts. Nobody will pretend that it did more than that. The very organic law under which the board of public works existed provided that no contract made by them which was not in writing, and no contract for which an appropriation had not been made, should have any validity. Will anybody pretend that all these contracts were contracts for which appropriations had been made? It cannot be pretended for a moment; the fact is not so, and if they had availed themselves, as they had a right to do, and as they are doing at this very day—these very commissioners are doing it now—of that clause in the organic law that the contract was void because it was made before any appropriation was made for it, they would have had no millions of contracts to carry out in the way that it is said they supposed they had. I say they avail themselves now of the defense they are making, for they understand it. What does their report say? What does the report of the solicitor of the District show? It shows that suits have been brought by contractors against this District; and these very three commissioners have come in and filed their answer, by way of defense, alleging that there was no appropriation for that work for which the contract was made, and therefore the contract under the organic law was void. A perfectly sound and valid defense, and one that might have been used far more, I fancy, than it has been used.

But the Senator from Indiana harps upon the point that they could make new contracts to execute old contracts; but does he suppose

that that this law, under the authority to complete a contract, gave them the power to make a new contract, which was to enhance the expense three or four fold? Is that carying out the old contract? What was the reason that that provision was put in? I explained it the other day. The work on the streets was nearly done; nobody was doing any more work on the streets. The contracts for improvements on the streets that had been made were scarcely one of them valid, because they were made without any appropriation having been made beforehand. Again, a large amount of work had been done under what were called awards, wholly illegal, without any written contract at all. A man sent in a bid that he would lay a wooden pavement at so much a square yard, or concrete at so much a square yard, or the like, and it was filed with the board of public works, and some time afterward he would go to Mr. Shepherd, and Mr. Shepherd would assign him such a street, or a portion of such a street, for him to go to work upon, without any written contract at all, none whatever such as the law contemplated. There were those things. They were not bound to pay the least attention to them. They amounted, according to Lieutenant Hoxie's report of 1874, to $480,000. It would have taken that sum to complete these contracts under what were called awards, not one of which was a legal contract.

Mr. MORTON. Not in writing?

Mr. THURMAN. No, sir.

Mr. SARGENT. I am informed that every one of those was rejected by these commissioners.

Mr. THURMAN. That is just what I suppose they have done. They ought to have rejected every one of them, and I suppose they have done it. Rejected them, why? For two reasons: first, that they were not in writing as the organic law required them to be; and, in the second place, because no appropriation had been made for those works. Therefore they were forbidden by the organic law.

But, sir, there were contracts for which appropriations had been made, for which written contracts had been executed, and some of those were incomplete when this law passed. What was expected of these commissioners? That they were to go on with such means as they had during their little interval of government here of nine months and preserve these works from destruction, and to let them be executed as far as it was in their power to do it. That was it; but was it the idea that they were to enter into any comprehensive scheme of improvements? No, sir; and they did not so understand it at first, for what did they do? They went into power in June or July, 1874; they made their first report in December, 1874. Had they then embarked in any of this comprehensive scheme of improvements which has since been carried on in the last year? No, sir; nothing of that sort; but as Congress failed last winter to establish a permanent government for this District, then the idea seems to have gotten into somebody's head in this District that this commission was to be the permanent form of government here, and then, all at once, there is an enlargement of idea as to the powers of the commission, and a very different interpretation placed upon this act under which they were appointed.

This law which we enacted, in view of the provision of the organic act that contracts should be in writing, authorized the board of audit to audit claims arising out of contracts, written or oral, made by the board of public works. It may be said, why is that provision "oral" put in there? Because of this state of facts: It was not the intention of the organic law that when the board of public works employed a clerk or a messenger or a servant to sweep out their room or make their fires they were to enter into a written contract with him. The contracts referred to in the organic act were contracts for public improvements and not contracts for the mere clerical or menial service that might be required by that board. Furthermore, the board could itself, with its own engineers and its own laborers, as I said the other day, go on and do a great deal of this work. The organic law did not require that the work should be let by contract. When it did that it was not expected, of course, that a laborer, although he might be employed for a day or half a day, should have a written contract with the board of public works. They were employed orally, just as laborers are employed by contractors. There was a very considerable amount due to them; they were considered among the most meritorious persons, and therefore that clause was put in which embraced their case under the word "oral."

While I am on this subject let me call the attention of the Senate to another thing. I spoke the other day of our estimate that at the outside not over $12,000,000 of 3.65 bonds could be issued. I did not advert at the time to the fact that the amount which we estimated would be issued, or ought to be issued, was only something rising $8,000,000. That will be found in the report; and perhaps some one has already called the attention of the Senate to it. We estimated this floating indebtedness, including what it would take to complete the contracts that were then incomplete, at something less than $12,000,000; but we estimated the amount of debt which would be funded into 3.65 bonds at only a little over $8,000,000. Why was that? Why was it that we did not estimate the amount of bonds all the way up to eleven million dollars and a fraction? Because we recommended an appropriation by Congress to pay a large portion of that public debt, and upon our recommendation Congress did pass an act at that very session by which they appropriated, I think, over $1,000,000. I will thank the chairman to tell me exactly what it was.

Mr. ALLISON. One million three hundred thousand dollars.

Mr. SARGENT. For current expenses.

Mr. ALLISON. We levied a tax of 3 per cent. also.

Mr. SARGENT. To raise an equal amount to govern the District the next year.

Mr. ALLISON. Not at all.

Mr. THURMAN. That $1,300,000, I think it will be found on looking at it, nearly or quite the whole of it, was to pay the laborers who were unpaid. They were not to take 3.65 bonds, but it was to pay these very laboring men, if I am not mistaken, and if I am I wish my friend from Iowa to correct me.

Mr. ALLISON. A portion of it was to be used to pay laborers; a portion to pay immediate debts that had been created by the government of the District of Columbia, such as bank debts in New York and various things of that sort.

Mr. THURMAN. Yes, sir; I remember it now. Here was the state of the case—a very nice piece of financiering indeed. The District government had gone to New York and borrowed money, and had pledged collaterals at a perfectly ruinous rate—the securities of the District—the bonds or certificates of indebtedness of the District. I think it had pledged none of them perhaps at less than $2 of collateral for $1 of debt. Those securities were liable to be sold on the stock exchange in New York, or wherever they would be permitted to be sold, at any moment, and thus double the debt of the District, unless Congress would come to their aid and pay off the debt; and part of that $1.300,000 was for that purpose—to prevent doubling the debt of the District by the sale of these collaterals by the money-lenders who had loaned money upon them.

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

Mr. THURMAN. Yes.

Mr. SARGENT. I should like to inquire if the Senator would have us to understand that all the appropriations made by Congress at that time were for past indebtedness of the District? In other words, whether it left the District to struggle along by the commissioners getting what they could from taxation without any help from the General Government except wiping off old scores?

Mr. THURMAN. I did not say any such thing. Congress acted with great liberality toward the District. All that I said was that Congress made this appropriation of $1,300,000, part of it to pay laborers and the rest of it to pay for this same floating debt, for it belonged to the floating debt, which was held in the city of New York; and just to the extent of that appropriation ought the amount of 3.65 bonds that were to be issued to be reduced.

That was the state of the case. And now, sir, I do say again that when Congress had put in all these safeguards it never was imagined that this government, which was to be a mere temporary government, would eventuate in less than two years in a debt of nearly $15,000,000 of 3 65 bonds instead of about eight millions, which we estimated would be the full amount. No, sir, it will not do. I am making no charges against anybody of corruption; but it is the greatest misfortune that ever befel a people, it seems to me, that we cannot put anybody in power in this District, no matter how honest he may be, that he does not forthwith become imbued with the spirit of extravagance, and think that the money must be expended here as if this was a mine of jewels and of gold, which it is only necessary to dig into in order to heap up riches. The grandeur of the city, the grandeur of the public structures, the beauty that is to be found in the city seem to take possession of the mind of everybody who has to deal with it, and forthwith he launches out in a system of extravagance which I agree would not be tolerated elsewhere than in Washington.

Now, Mr. President, a few words more. While we are on this District subject it is just as well to call attention to some other matters, although they have nothing particularly to do with the immediate question which is before us. First let me call your attention to the cost of this government. Take it from the report last made to us. I ask Senators just to listen to the figures taken from that report, and see what the cost of this District government is. I will begin with the board of health. How much do you suppose, Mr. President, was paid for the board of health in the last year? As you may see by reference to page 4 of the report of these District commissioners, $61,481.38. One would certainly suppose that that included everything that could contribute to the health of the city of Washington, but it is not the half of it; for right on the same page we find that the commissioners themselves have paid for removing garbage $6,208; for cleaning and sweeping streets, $43,101; for cleaning alleys, $7,866; for cleaning and sweeping streets and alleys under act of Congress approved March 1, 1875, $21,213; making $78,390 to be added to the $61,481 disbursed by the board of health. All of these subjects, coming really within the province of the preservation of the health of the city, amount to the sum of $139,871; a larger sum than is expended by the State of Vermont for her whole State government. That single board of health and the street cleaning here cost more than it costs to maintain the State government in one of the States of this Union.

Let us pass from that to the fire department. The expenditures for the fire department, including a new fire-alarm telegraph were $173,243. Taking out the new fire-alarm telegraph, which might not be considered part of the ordinary expenses, you have $98,000 for the fire department of Washington City.

Then the board of audit; how much, pray, has this board of audit cost for employés and the like? No less a sum than $45,339.

Mr. SARGENT. They are not responsible for it.

Mr. THURMAN. I do not say they are responsible for it. I am not talking about the responsibility of individuals. That is wherein my friend mistakes all the while. I am not speaking of individuals; I am speaking of a system. But pass that by. Let us come to the engineer department; and what do we find there? For pay of assistant engineer—for mark, the chief engineer is an officer of the Army and has his Army pay, and no extra pay by reason of his being detailed to the duty of engineer here—but for assistant engineer, employés, and expenses of the engineer department, $182,382. That is not making streets; that is not doing work on streets or sewers or the like. That is engineering work. I may be mistaken in saying that it is not for any work done on streets; some of it may be for work that has been done without any contract, under the immediate supervision of the assistant engineer. Probably, therefore, some portion of this—and I do not know how much of it, because we cannot tell—was used to pay laborers who have worked under the direct supervision of the assistant engineer and his assistants. The amount for the engineer department is $182,382. Then the water department is $118,965.

Now I come to what are called salaries, and so on, of the officers and employés of the late board of public works—unpaid salaries—$28,169. Then we come to the salaries of officers and employés and expenses of the several officers of the District government proper, not the engineer department, not the water-works department, not the fire department, not the board of health, but what is called the District government proper, whatever that may be—those people, I suppose, engaged mainly in the collection and disbursement of taxes. How much do you suppose the salaries of those employés and officers of the District government proper come to? the annual amount? $98,864. Then for the office of register of wills, $326.79.

Now, sir, recapitulating these matters, and leaving out the board of audit, we find that the sums for the engineer department, fire department, water department, board of health, cleaning streets, &c., and salaries of other officers aggregate $742,273—about as much as pays every officer of the State of Ohio who holds a State office. Leaving out county and township and municipal officers, and only including those who are State officers, and their clerks, and employés, I venture to say, without having looked at the statistics lately, that the State of Ohio does not cost in all as much as this cost of the District government.

I hope, Mr. President, that these matters will engage the attention of the District committees, so that, both for the sake of the United States and for the sake of this people, some mode of retrenchment and reform and simplicity and economy in government may be inaugurated. It will not be inaugurated, I venture to say, by the system which the Senator from Indiana would advocate, unless he puts upon it such restrictions as I have never yet seen put upon any such government. But whatever the government may be, whether it is to be part appointed or part elected, our duties are plain, and they are two. One is to say what proportion of the expenses will be paid by the United States; and the other is so to lessen expenses that the government shall not be a burden and a disgrace.

Mr. MORTON. Mr. President, this costly government which the Senator has so painfully enumerated was created by the bill which he drafted. He ought to have devised some cheaper form of government. He enumerates the board of health and tells us of the extravagance of the board of health. I believe it may be said in justification of that expenditure that this has been shown to be the healthiest city in the United States and the death rate has been the smallest. The board of health have been at great pains to look to the health of the Senator and of his friends. He complains also of the expenditures for the water department. Well, Mr. President, those who do not like water may think that is extravagant. [Laughter.] I shall not go into any defense upon that ground. And then he complains of the expenditures of the board of audit. Who created the board of audit? My friend by the little bill which he drafted and caused to be enacted by this body.

Mr. BAYARD. May I ask the Senator from Indiana, as it especially applies to him just now, whether he had not on the score of health a memorial, the result of some public discussion by his peculiar friends the colored people of the District, complaining that they died too fast, four to one of the white men? Ought not that to excite his sympathies?

Mr. MORTON. Well, Mr. President, I understand the meaning of that question. It is that I sympathize with the colored people a great deal more than I do with the white people. I know that it has been the common argument offered in reply to the republican party for twenty years: "You like the nigger a great deal better than you do the white man; don't you want your daughter to marry a nigger?" It was just the same sort of question precisely. I do not think it necessary to answer that any further. I think the health of the colored people should be looked after just as well as the health of the white people and the health of the whole city should be looked after.

But, Mr. President, the Senator from Ohio began his speech with some heat, and he intended to be somewhat offensive, I think. He said first that my speech was extraordinary, as if I had uttered something dreadful; and then he said it was an ordinary speech. Now, the Senator from Ohio labors under one difficulty; he never can be severe without being a little personal. He said, in speaking of this law, that when it was under consideration I was as dumb as an oyster. That is an elegant expression! The fact is my friend is always elegant, never otherwise. But he said that in a Pickwickian sense and did not mean to harrow up my feelings particularly. If he had intended to wound me deeply he would have said that I was as dumb as a Bourbon; but only saying I was as dumb as an oyster was a mere phrase.

He went on to excoriate this commission here terribly because they recognized verbal contracts on the part of the board of public works. Yes, sir, verbal contracts, contracts not in writing, contracts therefore not legal he said. He came down fearfully upon them for that reason. My friend has a cunning memory, and after he had gone through all this he happened to remember that in this law which he had drafted this peculiar provision was inserted, which I always thought was pretty loose—I do not think I would have put it in if I had been drafting the law—that this board of audit shall audit claims existing or hereafter created for which no evidence has been issued "arising out of contracts, written or oral." After having himself expressly provided that this board of audit should recognize verbal contracts, contracts not valid in law, mere verbal understandings, he brings that home to this commission as a high offense that they have committed in recognizing contracts not valid in point of law, after having, as I think, very loosely provided for doing it. I would not have done it.

Mr. THURMAN. The Senator, I suppose, does not wish to misrepresent me. I did not say, and I do not say, that this law provided for their issuing 3.65 bonds for any but legal contracts; and it does not provide for recognizing one single oral contract that was not a legal contract. I went on and explained that certain contracts which were oral contracts might be legal contracts. When the Senator says that I have admitted that the law sanctioned or ratified illegal contracts, I tell him I said nothing of the sort.

Mr. MORTON. Why, Mr. President, after my friend had discoursed at some length about the high misdemeanor on the part of the commissioners in recognizing contracts that were not in writing, and that were not legal contracts because they were not in writing, he then, remembering, as I think, that there was a provision of that kind in the law, undertook to make a little explanation of it which I say, with all respect to my friend, was somewhat lame. Now, he says that the law did not provide that these oral contracts should be paid off by 3.65 bonds. My friend is just as unfortunate in that——

Mr. THURMAN. I did not say any such thing.

Mr. MORTON. Just now?

Mr. THURMAN. No, sir; I said nothing of the sort. I said there was no provision there that 3.65 bonds should be used to pay illegal oral contracts. I did not say they might not be used to pay valid oral contracts.

Mr. MORTON. My friend, I think, only gets a little deeper into the mire in every explanation that he makes. The law provides for paying with 3.65 bonds every one of the class of claims here enumerated, and among this class of claims are unwritten contracts. You may say they were illegal. I would say that a contract that is not valid and binding is not a legal contract, and, therefore, I might assert the converse of the proposition that it is an illegal contract; but I am speaking of their recognizing legal contracts, and they were specially authorized by the law to recognize contracts that were not legal because they were not in writing.

So much upon that point. Now I come to my other proposition. I say that this whole debate on the other side, especially the last speech of my friend from Ohio, is an attempt to fix upon the commissioners, either as a crime or as a blunder, the legitimate consequences of the law which my friend drafted, that the responsibility and the blame, if there be responsibility and blame, are not with the commissioners but with the distinguished legal gentleman who prepared that bill.

One word further and I am done, Mr. President. The Senator from Ohio said that I do not like the use of the word "sovereignty." Well, sir, I do not like the use of the word "sovereign" in connection with the States, but I do love it in connection with the nation, and there is where I differ from my friend. He is fond of the term "sovereign" and "sovereignty" when he speaks of the States, but I think he has never been heard to use it—if he has, it has been very gingerly—when speaking of the nation. There is a great gulf between us on that point. I hope that if it is ever crossed it will be from his side to mine.

I believe, sir, I have said all that I want to say. I can only add that the question here is simply one of providing for the payment of interest upon bonds that so far as we know have been issued in conformity with the act of Congress for which my friend from Ohio, I think, is a little more responsible than any other Senator on this floor.

Mr. THURMAN. Mr. President, one word. The Senator from Indiana conceives himself to be exceedingly smart to-day. He keeps hammering away with an iteration and iteration that justifies the old collocation in the classics of "damnable iteration." He says the responsibility is with the framers of this law. Let us see what kind of logic that is. If Congress frames a law, and those who are to administer it maladminister it, the responsibility is upon Congress! Let us apply that to my friend. He voted for the whisky tax. He voted for the present whisky law. I voted against it, but he voted for it and supported it. *Ergo*, he is responsible for all the frauds of the whisky ring! That is his logic. Why do not they indict him and try him out at Saint Louis with McKee and the rest of them there? What a monstrous thing it is to say that McKee is to blame, that

McDonald is to blame, that McGrew is to blame, that Babcock is to blame. Why do they not say that the responsibility is on Morton? He made the law. [Laughter.] That is logic! It is not necessary to say anything more on that subject, I think.

The Senator says that I happened to think of this word "oral." I knew this law; I helped to make this law, and I am always ready to take my fair responsibility for it. But here [exhibiting some sheets of paper] are the notes that I made the other day when the Senator was speaking, in which I put down this very word "oral," in order to explain it when I should take the floor next, because owing to the interruptions I had neglected to explain it before. It was no new thought with me. The Senator says he would not have had it in the law. He would not have allowed the poor fellows who had swept out the office or brought in the coals to make the fire, or the poor laborers on the streets who had worked in all sorts of weather, good, bad, and indifferent, to be paid. Is that what the Senator means to say? And yet he says that he would not have allowed these oral contracts to be paid. I repeat, Mr. President, there was a class of oral contracts, as I explained, that were perfectly valid, and those it was intended might be paid; but there is not one single word in this law that authorizes the payment, either in money or in 3.65 bonds, of any illegal contract whatsoever, whether written or whether it be unwritten.

The PRESIDING OFFICER, (Mr. MERRIMON in the chair.) The question is on the amendment of the Senator from California to the amendment of the Senator from Iowa.

Mr. SARGENT. If there is any hope that a vote can be taken I am willing to forego any remarks. Otherwise, I desire to offer some observations to the Senate. If a vote can be taken I am willing to yield the floor.

The PRESIDING OFFICER. The question is as stated by the Chair.

Mr. THURMAN. I wish the exact state of the question would be stated to the Senate.

The PRESIDING OFFICER. The Clerk will report the amendment.

Mr. THURMAN. Has any amendment been made?

The PRESIDING OFFICER. The amendment reported by the Committee on Appropriations has been agreed to.

Mr. THURMAN. Striking out the proviso in the House bill? Now, what is the pending question?

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from California to the amendment offered by the Senator from Iowa.

Mr. THURMAN. Let both be reported.

The PRESIDING OFFICER. The Clerk will report both the amendments.

The CHIEF CLERK. The amendment of the Senator from Iowa is to add to the resolution:

Provided, That any issue of said bonds beyond the sum of $15,000,000 is hereby prohibited.

The amendment of the Senator from California is to add this proviso:

And provided, That the certificates heretofore issued by the board of audit, including those converted into 3.65 bonds and those which have not been so converted, and the certificates hereafter to be issued by the board of audit or their successors in office shall not exceed in the aggregate the sum of $15,000,000.

The PRESIDING OFFICER. The question is on the amendment last read as an amendment to the amendment first read.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Iowa as amended.

Mr. BAYARD. I move now to amend the amendment by striking out $15,000,000 and inserting—

The PRESIDING OFFICER. The word "$15,000,000" occurs in two places in the amendment.

Mr. BAYARD. I mean to strike it out in each place where it occurs and insert "$8,775,900."

Mr. KERNAN. Will the Senator from Delaware allow me to ask him to accept this which, I think, will be better? I move to insert in place of the proviso of the Senator from Iowa a proviso in this language:

Provided, That any further issue of 3.65 bonds under or by virtue of said act of Congress approved June 20, 1874, is hereby prohibited.

The PRESIDING OFFICER. Does the Senator from Delaware accept the amendment suggested by the Senator from New York?

Mr. BAYARD. I do.

Mr. SARGENT. That leaves the certificates outstanding which by the law already existing are to be converted into these bonds. What are you going to do with the certificates? You prohibit the issue of bonds, but leave the certificates afloat. The proposition of the Senator from Iowa amended by the proposition which I offered was that neither of certificates nor bonds shall there be issued beyond the limited amount named.

Mr. KERNAN. In the light of the facts disclosed in this debate it seems to me we should not allow another bond to be issued. I do not interfere with certificates. I propose to allow the other amendment to be as it is; but I offer this amendment because it seems to me we should provide for adjusting those certificates by looking into them before we issue negotiable securities for them if they have not been issued.

Mr. SHERMAN. The Senator from New York may not be aware that these certificates are negotiable, transferable from hand to hand. I had one here the other day. They are convertible into 3.65 bonds, they are issued by the board of audit, and they are convertible into 3.65 bonds, which are delivered to bearer either in registered or coupon bonds. Therefore we cannot preclude the holders of the present certificates from converting them into 3.65 bonds without violating the obligation of the law and the contract.

Mr. DAWES. I should like to inquire if they could be converted after the amendment of the Senator from New York became part of the law?

Mr. SHERMAN. Certainly not. They could not be converted after the amendment was adopted.

Mr. DAWES. Then what makes them negotiable?

Mr. KERNAN. There is nothing in the law that makes them negotiable securities. They are certificates that there is so much due a man, and I think they are not negotiable; and if they be wrongfully made, if they evidence a debt which ought not to be paid without investigation, we have an opportunity to investigate it while it is held by the man who must adjust it on the right basis. My object was to prevent negotiable bonds getting out for certificates which seem to have been made, judging from this debate, without much regard, it would appear to me, to some of the provisions of this law. What I propose is just. It leaves every man to stand on his equities.

Mr. SHERMAN. All I know about this matter is what I learn from others, and that is that the outstanding certificates are not necessarily the last certificates issued. Perhaps they may be the first certificates that were issued. Many of the persons who received these certificates in payment of honest debts due them for work and labor performed by them refused to convert them into 3.65 bonds, and have always insisted that they had an equitable claim for the full amount of the certificates in money. It may be, therefore, that you are denying to the holders of the most honest debts that privilege which the law gives them, when all those whose claims may be doubtful or which may have been tinctured with fraud were converted at once into 3.65 bonds.

Mr. KERNAN. Permit me to say that if there are men who have heretofore refused to take the 3.65 bonds and the certificates, they probably do not care for the certificates now, but prefer to stand on their rights. If they have an honest debt, they will get it; but if there be a certificate made yesterday for something that is not honest and not legal and bonds be given for it, there some honest man is cheated by taking those bonds or we do not do our duty. I think we should not issue any negotiable paper for any of these certificates which have not been converted into bonds before this time.

Mr. SHERMAN. The answer to that is the same answer that has been given by my colleague and the Senator from Indiana, who agreed in that, if in nothing else, that it was a pretty hard thing to require the creditor of the District to take a 3.65 bond. But the law did that. We said "We are willing to pay in 3.65 bonds, and will not give any more." Now you propose to refuse to give them the 3.65 bonds. What follows? The people who hold these certificates to the amount of a million of dollars have a plain, palpable right to demand the money of you, every dollar of it in full; and thus, by refusing to do what you have agreed to do, you make the burden more burdensome and compel us to pay the money.

Mr. KERNAN. It seems to me that if they have an honest debt against the District there ought to be provision to pay it. My objection is to issuing bonds, which may be issued for what is not an honest and legal debt, and yet the District and the people would have to pay it because there was a negotiable security issued for it. I am not familiar with this subject; but I have read this law, and I can find nothing in it by which certificates would be negotiable instruments. I do find that the board of audit may audit a claim and give a certificate, and the party at his election may take that. All he could ask would be that we should provide for his being paid what is justly due him.

Mr. MORTON. This amendment comes in now to wrong the Government. The first provision for 3.65 bonds was a wrong on the creditors of the Government, as I believe. These commissioners under this law were authorized to make contracts to carry out the contracts made by the board of public works. They have made such contracts; and the contractors knew that under the law they were to be paid in 3.65 bonds worth only sixty-five or seventy cents in the dollar. They made their bids accordingly, I doubt not. They were not prudent men if they did not make them accordingly. Now you propose to pay them not in 3.65 bonds, not at the rate of seventy cents on the dollar, but you propose now to pay them one hundred cents—to cut off the issue of 3.65 bonds and pay them at par in cash, because if you now cut off the power of issuing 3.65 bonds you have to pay these men in money, and pay them the face of the contract. So that it comes in in precisely the wrong place, I think.

Mr. KERNAN. Mr. President, my motive was not to cut off, and I did not suppose it would touch the people who had done work and got certificates years ago. My object was to prevent 3.65 bonds going out for such cases as the Senator from Massachusetts [Mr. DAWES] detailed to us yesterday, where there had been a contract by the board of public works to pave a square on Capitol Hill at the price of $8,000, and it had been extended to M street and to Fifteenth street, and

$116,000 paid out with an estimate that they would want $10,000 more. I believe I am right in the figures from memory. My object was to cut off such cases. If there be any of the old honest debts which were audited, not of this illegal character, and the parties have up to this time declined to take 3.65 bonds when it was optional with them to do it, I am willing to adjust with them fairly. But let us not go on issuing bonds for such work as has been detailed to us here from the reports by the Senator from Massachusetts and the Senator from Delaware, because then we shall have upon us hereafter the same arguments, You have issued a negotiable security, and now you cannot go back and look into the validity of the debt which was audited.

Mr. MORTON. One word. The effect of the Senator's amendment—and I call his attention to it directly—is to pay at par in cash upon contracts which were to be paid in bonds worth only sixty-nine or seventy cents on the dollar. It would thereby have the effect to make them exorbitant contracts.

Mr. STEVENSON. How could that be?

Mr. MORTON. How could that be? If a man makes his contract knowing that he is to be paid in a bond worth only sixty-nine cents on the dollar, he will put in his bid accordingly. Now you cut off the right to pay in bonds and pay him in cash, and you pay him 30 per cent. more than he expected to get. That is the effect precisely.

Mr. STEVENSON. I do not agree with the Senator from Indiana, [Mr. MORTON.] His argument rather begs the question. He assumes that the commissioners in this District have not in creating this colossal debt exceeded the authority conferred upon them by this act. That is the very point in contest. During this entire debate the sole question has been, Did these commissioners in making these new improvements violate this law? Had they any power to create this debt of five millions over and above the estimate? If they have exceeded their authority, if they have violated the law, then comes the question, How far are their contracts in excess of law valid? By the construction insisted on by the commissioners, and defended by their friends in the Senate, there is no limitation on their power to create obligations, because there is no limit, says the Senator from Indiana, [Mr. MORTON,] to their power to contract for improvements. I utterly deny any such construction of this act to be valid. The pending bill, when it came from the House of Representatives, contained a proviso forbidding the issue of any of the 3.65 bonds beyond fifteen millions. The House deemed an investigation into the creation of this enormous debt by the commissioners a proper and legitimate subject-matter of inquiry, and hence their limitation upon the issue of these bonds beyond the amount named in the proviso.

But the Senate Committee on Appropriations struck out all that proviso. The Senate concurred with the amendment proposed by the committee, and the proviso has been stricken out.

I do not intend to be drawn into the debate, which has been so able and interesting, and which has taken so wide a scope. I am sure the country as well as the Senate will be astounded at some of the facts commented on by my distinguished friend from Delaware [Mr. BAYARD] in his argument. I rise only to express my cordial assent to the amendment offered by the Senator from New York, [Mr. KERNAN.] It seems to me to be apposite, pertinent, and proper. The interest of the people of the entire country, and especially of this District, demands its adoption. Nobody can be injured by it. If the commissioners have wrongly construed this law, and contracted a debt of $5,000,000 more in improvements than they had authority to do, are we to stand still and allow the thing to go on? I cast no reflection on these commissioners. I will express no opinion upon their course until there is an investigation. But if they have erred in their construction of this act, if they have been wrongly advised, shall Congress stand still and allow such excess of unauthorized power to culminate in increased indebtedness without limitation and without investigation, because the commissioners are men of character? Shall we not stop the issue of illegal bonds at once, before they are negotiated and before they come into the hands of innocent parties for value? I think so. Every consideration of enlightened and just legislation demands the prompt adoption of this amendment.

I have no doubt in my own mind that this law has been violated. I speak with great deference, but I speak sincerely when I say that few courts of last resort in this broad land would, in my opinion, have construed this act as these commissioners have done. I confess my amazement when I hear distinguished Senators on this floor, lawyers of eminent and acknowledged ability, arguing that the commissioners, under the head of repairs as used in this act, might go on *ad infinitum* with new improvements and *ad infinitum* with incalculable obligations. Such a construction denies all limit to the power of these commissioners. The remedial character of the act in constituting this temporary government and putting a stop to the extravagance of the former government is utterly ignored by such a construction. If I am correctly informed, the commissioners gave no such construction to the act when they first came into power. On the contrary, they then believed that their power as to repairs was limited to the localities and streets and boundaries where improvements had actually been commenced, and did not extend to any boundary on the same street beyond the actual improvement contracted for. In support of this view I refer to a detailed statement of these commissioners made on 18th of February, 1875.

I have before me the CONGRESSIONAL RECORD, volume 3, part 2. On page 1295 I find that in a debate in the House of Representatives on the 15th of February, 1875, a detailed statement of items comprised under the heading of general fund on estimates for the fiscal year ending June 30, 1876, from the comptroller's office in this District, dated February 13, 1875, and addressed to the commissioners, the estimate for repairs to wood pavement per estimate of the engineer, was $63,293.93, and repairs to concrete payment by the engineer's estimate was $45,918, making a total of $101,216.93 for repairs by engineer's estimate to both wooden and concrete pavements. The amount of 3.65 bonds was then estimated at $10,000,000, and yet with such estimates by the engineer for the District of Columbia of amounts required for repairs to these pavements, and which were made to the commissioners and cited in Congress, I am informed that these commissioners have, under the power to repair and preserve, extended these wooden and concrete pavements to streets for squares and squares where no improvement had been commenced, and instead of an outlay of $109,219.93, as estimated for, they have expended, as I am told, nine hundred and seventy-odd thousand dollars for wooden and concrete pavements alone; and instead of ten million of 3.65 bonds we have now a debt of fifteen million; and if the construction of this act insisted upon by the Senator from Indiana [Mr. MORTON] as the true one, these commissioners can go on without limitation and make the debt twenty million. Sir, a limitation ought at once to be placed on this power of the commissioners; a thorough investigation ought to be had into all this expenditure. It can injure nobody. The high character of these commissioners is no guarantee against error.

I have not and I will not impeach their motives until I have seen their whole administration investigated, but if these commissioners were ten times as exalted in private life as they are, they still are subordinate to the law of the land, to its limitations, and to its restrictions. I believe they have erred in the exercise of power, and in the creation of a debt of millions not authorized by the letter or spirit of the law which created them. It will not do for Senators to attempt to sustain these commissioners in a wrong construction of any act of Congress by which a debt of millions of dollars is saddled upon the people by telling us of their worth and high character. O, no, sir; no! The highest as well as the lowest in this land must become servants of the law. Without it there is no popular safety.

Mr. President, if George Washington himself could rise from the grave he would delight to be and he should be subordinate in every official action to the requirements of the law. I will not say a word against these gentlemen except to say what I believe, that their action is not justified by the law. I believe that they have exercised powers and created debts that Congress did not contemplate and which no just and valid construction of the statute creating the commission authorized.

Our feelings should never allow any of us to forget that this is a government of law. Grant to these commissioners all the high qualities that their friends claim, both in public and private, it can confer upon them no valid authority to contract a debt not authorized by law. It can never authorize any construction of a statute which its language, context, subject-matter, and intendment clearly forbid. Honest men often err; dishonest ones more frequently. St. Paul's sincerity in his bloody mission to Damascus was never questioned; but in his own eyes it did not lessen or diminish his error.

It is our duty to check the error, whether honest or dishonest, and to check an illegitimate and unauthorized increase of the public debt. I say that we should go further, and investigate this alarming and extraordinary increase of this the public debt. No cry of danger to the public credit will make me hesitate by my vote to forbid the issue of another bond until the limitation proposed by this amendment is placed upon the power of these commissioners. In addition, I hope an investigation will be speedily had, and let the country be enlightened as to what contracts were valid and what were invalid, and to ascertain what is the legitimate indebtedness of the Government of the United States for improvements in this District. Gent emen cannot frighten me by talking about protests of government bonds. The commissioners should themselves rejoice in such an investigation. The speech of the Senator from Massachusetts [Mr. DAWES] and that of the Senator from Delaware will and should arouse the country. We have heard enough and seen enough to demand, as it seems to me, of every Senator to forbid the issue of another bond until a thorough and full scrutiny into all those transactions has taken place. After all that has been said in this debate it is just to the commissioners, it is just to ourselves, and it is just to the country. For my own part, if mine was the only vote I would go for the limitation proposed by this amendment, and I am quite sure this bill will never become and never should become a law without so just and salutary a restraint.

Mr. MCDONALD. Mr. President, the objection which my colleague takes to the amendment offered by the Senator from New York is that it will cut off converting certificates that have been issued under contracts made since the passage of the law authorizing the issuance of these new bonds. Now, as many Senators believe that these commissioners had no authority to make such contracts, that the act c eating this commission conferred no such authority, it seems to me that it is right and proper that we should stop at this point and investigate that question before we pass these certificates into the form of negotiable securities.

But the Senator from Ohio [Mr. SHERMAN] insists that this will cut off the conversions of the old certificates which are held by parties who have declined to avail themselves of the provisions of this act. If there is that class, (and it seems that the friends of the commission do not exactly agree in regard to the character of these outstanding certificates,) as has been well remarked their claim cannot be prejudiced. They have not availed themselves of this privilege thus far; and it is not to be presumed that they propose to rush in now and take these bonds in lieu of an indebtedness which they regard as good to them dollar for dollar.

Mr. FRELINGHUYSEN. Do I understand that the amendment of the Senator from California has been adopted?

The PRESIDENT *pro tempore*. It has been.

Mr. FRELINGHUYSEN. That limits the amount to $15,000,000.

The PRESIDENT *pro tempore*. So the Chair understands.

Mr. FRELINGHUYSEN. That limits the amount of bonds and certificates to $15,000,000, and the amendment of the Senator from New York says that there shall be no further issue of bonds.

Mr. KERNAN. If the Senator will allow me, I moved that as an amendment, striking out the proviso of the Senator from Iowa [Mr. ALLISON] and substituting mine.

Mr. FRELINGHUYSEN. It seems to me that, if we adopt the amendment of the Senator from New York, the law will be in the right condition. It gives the right then to issue fifteen millions, and that is what we all want to limit it to.

Mr. SARGENT. No; it would be entirely inconsistent with the amendment which has been adopted. It would be, impossible I think, for anybody to construe them together.

Mr. KERNAN. My motion is offered as a substitute for the proviso offered by the Senator from Iowa, which is:

Provided, That any issue of said bonds beyond the sum of $15,000,000 is hereby prohibited.

I move to perfect the amendment pending by striking that out and substituting what was read forbidding any further issue.

Mr. LOGAN. Mr. President, I have listened to this discussion for two or three days, and heard quite a number of Senators arguing that the issue of these bonds amounting to nearly $5,000,000 was clearly in violation of the law. I presume that, if this amendment should be adopted prohibiting any further issue and after that bonds should be issued, that issue would be clearly in violation of the law. Now, I should like to inquire of some of the Senators who have made that character of argument whether they would afterward, if this prohibition is fixed upon the bill and bonds be issued by these commissioners exceeding that amount, vote then that the Government should pay those bonds next session because they had been issued? I would like the Senator from Iowa to answer me that question, or the Senator from Massachusetts, whether he thinks there would be any obligation on the Senate, if that provision was fixed in the law and bonds should be issued afterward, to vote to pay them.

Mr. DAWES. I will answer the Senator. I would indict the officials.

Mr. LOGAN. If you would indict the officials you would propose that the Government pay. I merely want an answer. Would you advocate the payment of bonds issued contrary to a prohibition fixed upon this bill in reference to the amount? There would be nothing except that it would be invalid because the law made a limit.

Mr. DAWES. The distinction between that case and the existing one is this: According to the construction put upon the law at present by those who are clothed with the execution of it, there is no limitation upon the amount. The complaint I made yesterday was that they had put that construction upon it. They are upheld in this Chamber by very able lawyers. They go to work in good faith. They believe in that construction. They have been led into that construction. We find them putting a construction upon the law which we do not believe to be sound. We take away that discretion absolutely by an express enactment. From that hour if they issue a dollar of bonds they issue it in absolute fraud, as much as if they manufactured a similitude of an existing bond, as much as if they sat down and made a 5.20 bond and put it upon the market; and if we could detect them in that we would send them to the penitentiary, and if we could detect one of the bonds they made we would treat it as we would a counterfeit of a 5.20 or a counterfeit of a greenback.

Mr. LOGAN. I merely wished to get at something that would satisfy my mind about this matter. I must confess that I am very much confused in reference to this question by the debate. When I know that a bond has been illegally issued I do not believe it ought to be paid. The illegal issue of these bonds, if they are illegal and if the law has been violated, is just as much a violation of the law as if this prohibition had been in the law before, and they issued the bonds in violation of it. How Senators can argue on this floor that these bonds had been issued without any authority whatever, and then turn around and vote for the Government paying them, and then ask for a prohibition to prevent other bonds being issued, is something I cannot get through my brain; and I must confess it is merely that cloud which is on my mind that I desire to remove. I do not believe in making the Government responsible year after year for violations of law. We have heard this thing in this Chamber for years.

I tried to find out yesterday, not by questions put in open Senate but by asking Senators, how much had been expended for the benefit of the city of Washington by the action of Congress since 1870. I cannot tell; I cannot find out; no one knows; Senators stand up and tell us that the law has been violated by issues amounting to millions of dollars and at the same time they tell us that they are in haste for the Government to pay them. I cannot understand it I must confess. I know I always opposed the organization of the late government in Washington; I opposed the spending of money by the Government for the beautifying of streets here except around the Government property. I said at the time it was done that the Government would finally pay at least $30,000,000, and I have been trying to ascertain if they have not paid that much. I am satisfied that they have paid over $15,000,000 already, because we have that right before us, besides the amount of assessment that has been made and taxes collected. If the Government is responsible for it I have nothing to say; but I merely wish to give my reasons for not being a party to it. If these commissioners had no authority to issue these bonds Congress should have stopped them and Congress should not pay them. You put a prohibition on and they violate it. It is no more a violation of the law than you already have right here before you.

I want Senators who have argued that this was a violation of law, a monstrosity, an outrage against everything, a violation of the law as understood by the Senate when they passed it, and all that, to reconcile that with their votes. That is all I rose to say.

Mr. EATON. Mr. President, I will occupy the time of the Senate for but a moment. I agree somewhat with the Senator from Illinois. If there has been a violation of law, then I say the United States ought not to pay the interest on any of these bonds. I understand that to be the position which he assumes. I do not believe we ought to go any further with this matter until it is thoroughly examined. I want to know about it. My people desire to know about it. It is useless to talk to me about the public credit suffering. Somebody said yesterday that this bill had to be passed immediately or the United States would go to protest. We have been in protest for the last ten years for $450,000,000 three hundred days every year.

I desire that this matter should go over. I shall move that the Senate do now adjourn, and, if the motion be carried, to-morrow morning I desire to move that this whole matter be referred to a committee for examination. If what Senators have said here in the Senate is true, then there ought to be an examination, and a thorough one. It does not injure the public credit to see whether the public securities are honest securities or dishonest. If they are dishonest securities, they ought not to be paid; if they are honest, they ought to be paid. I move that the Senate adjourn.

Mr. PADDOCK. I hope the Senator from Connecticut will withdraw his motion to adjourn, in order to allow me to move that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. We do not want to do either yet.

Mr. EATON. I will modify my motion and move that the Senate now proceed to the consideration of executive business.

The question being put, there were on a division—ayes 32, noes 19.

Mr. MORRILL, of Maine. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 34, nays 24; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Booth, Cameron of Wisconsin, Caperton, Clayton, Cooper, Davis, Eaton, Goldthwaite, Hamilton, Hitchcock, Johnston, Jones of Florida, Kelly, Kernan, Key, Logan, McCreery, McDonald, Maxey, Merrimon, Norwood, Oglesby, Paddock, Randolph, Ransom, Robertson, Saulsbury, Stevenson, Wadleigh, Wallace, and Withers—34.

NAYS—Messrs. Allison, Boutwell, Cameron of Pennsylvania, Christiancy, Cockrell, Conkling, Cragin, Dawes, Edmunds, Ferry, Frelinghuysen, Hamlin, Ingalls, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Sargent, Sherman, Spencer, West, Windom, and Wright—24.

ABSENT—Messrs. Anthony, Bruce, Burnside, Conover, Dennis, Dorsey, English, Gordon, Harvey, Howe, Jones of Nevada, Patterson, Thurman, and Whyte—14.

So the motion was agreed to.

HOUSE BILLS REFERRED.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate bills from the House of Representatives.

The bill (H. R. No. 810) making appropriations for the Military Academy at West Point for the fiscal year ending June 30, 1877, was read twice by its title and referred to the Committee on Appropriations.

The bill (H. R. No. 26) to remove the political disabilities of Francis T. Nichols, of Louisiana, was read twice by its title and referred to the Committee on the Judiciary.

DEATH OF SENATOR O. S. FERRY.

Mr. EATON. I desire to state that owing to the absence of one of my colleagues in the other House, who has gone to Connecticut to attend the funeral of the late Mr. Starkweather, I shall not present resolutions upon the death of my late colleague, in the Senate, to-morrow, but will reserve them for a future day.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After thirty-eight minutes spent in executive session the doors were re-opened, and (at five o'clock and eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 1, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

READING OF THE JOURNAL.

The Clerk began the reading of the Journal; but before concluding,

Mr. HURLBUT said: I desire to inquire if the Clerk is reading the Journal as actually made up? I notice that in reading he merely gives the name of the member introducing the bill and the number of the bill, but neither the title nor the committee to which it is referred.

The SPEAKER. The Chair will inform the gentleman from Illinois [Mr. HURLBUT] that the Clerk is not reading the Journal as actually made up, but is abbreviating the respective entries by giving the numbers of the bills and the names of the members introducing them. That is a custom which has been very often followed by previous Clerks of this House. Does the gentleman object to the present Clerk continuing the practice? It is often very desirable when the Journal is very long, as it is this morning.

Mr. HURLBUT. I do not, provided the record is made up so as to show the actual proceedings of the House.

The SPEAKER. The Chair will direct that the Journal be read in full, if the gentleman asks that it be done.

Mr. HURLBUT. I do not ask that the Journal be read in full. I only desire to ascertain whether, as actually made up, it is a full record. I do not desire to have the time of the House taken up by having it read in full.

The SPEAKER. The Journal is very full; in the usual form.

The Clerk concluded the reading of the Journal, and it was then approved as correct.

TROUBLE ON TEXAS BORDER.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in response to a letter of inquiry from the Select Committee on the Texan Frontier Troubles, correspondence in relation to troubles on the Rio Grande border; which was referred to the Committee on the Texan Frontier Troubles.

DISTRICT OF COLUMBIA AFFAIRS.

The SPEAKER also laid before the House a letter from the commissioners of the District of Columbia, transmitting, in compliance with House resolution of the 6th instant, the information therein asked for; which was referred to the Committee for the District of Columbia.

CLAIMS FOR INDIAN DEPREDATIONS.

The SPEAKER also laid before the House letters from the Secretary of the Interior, transmitting claims of certain persons for Indian depredations; which were referred to the Committee of Claims.

TONKAWA INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in response to House resolution of the 20th instant, papers touching the number and condition of the Tonkawa Indians at Fort Griffin, Texas; which was refered to the Committee on Indian Affairs, and ordered to be printed.

QUARTERMASTER-GENERAL M. C. MEIGS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in response to House resolution of the 25th instant, copies of the orders and instructions under which Quartermaster-General M. C. Meigs is traveling abroad; which were referred to the Committee on Military Affairs, and ordered to be printed.

MIAMI INDIANS OF KANSAS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, upon the subject of the consolidation of the Miami Indians of Kansas with the confederated bands of Peoria, Piankeshaw, Kaskaskia, and Wea Indians in the Indian Territory; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PATENT OFFICE REPORT.

The SPEAKER also laid before the House a letter from the Commissioner of Patents, transmitting the annual report of the Patent Office; which was referred to the Committee on Patents, and ordered to be printed.

WINNEBAGO AND POTTAWATOMIE INDIANS IN WISCONSIN.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in response to a resolution of the House of the 6th instant, an account of the disbursements from the appropriations for the care of stray bands of Winnebago and Pottawatomie Indians in Wisconsin, prior to the year 1871; which was referred to the Committee on Appropriations, and ordered to be printed.

SAN JACINTO RIVER AND GALVESTON SHIP-CANAL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers on the ship-canal between the mouth of San Jacinto River and Bolivar channel, Galveston Harbor; which was referred to the Committee on Commerce, and ordered to be printed.

DEPOSITS OF MONEY WITH ARMY PAYMASTERS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the petition of Colonel Andrews and other officers of the Army, relative to legislation providing for making deposits of money with paymasters; which was referred to the Committee on Military Affairs, and ordered to be printed.

STEAM-VESSELS OF WAR.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting, in response to a House resolution of the 5th instant, a communication from the Chief of the Bureau of Construction, relative to the cost of constructing eight steam-vessels of war; which was referred to the Committee on Naval Affairs, and ordered to be printed.

PRESIDIO MILITARY RESERVATION.

The SPEAKER also laid before the House a letter from the Secretary of War, reporting, for the information of the Committee on Military Affairs, that no objection exists to the passage of the bill (H. R. No. 322) providing for relinquishing to the city and county of San Francisco a portion of the Presidio military reservation; which was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

An act (S. No. 34) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the land district.

The message also announced that the Senate had passed without amendment a bill of the following title:

An act (H. R. No. 785) to extend the time for stamping unstamped instruments.

DEPOSITS OF MONEY WITH ARMY PAYMASTERS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a petition of Blair D. Taylor and others, for legislation to enable Army officers to make deposits of money with paymasters; which was referred to the Committee on Military Affairs, and ordered to be printed.

FORT BUTLER MILITARY RESERVATION.

The SPEAKER also laid before the House a letter from the Secretary of War, in response to an inquiry of the Committee on Military Affairs dated the 21st instant, relative to the Fort Butler military reservation; which was referred to the Committee on Military Affairs, and ordered to be printed.

FUNDS TO BE COVERED INTO THE TREASURY.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a copy of a communication from the Indian commissioners, inclosing draught of a bill providing for covering into the Treasury certain funds therein named; which was referred to the Committee on Appropriations, and ordered to be printed.

ENLISTED MEN EMPLOYED IN WASHINGTON.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with House resolution of the 19th ultimo, a statement of the enlisted men employed in Washington, in the District of Columbia; which was referred to the Committee on Military Affairs, and ordered to be printed.

JURISDICTION OVER INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, presenting the draught of a bill in relation to jurisdiction over Indians in certain States named therein; which was referred to the Committee on Indian Affairs, and ordered to be printed.

RED CLOUD AGENCY.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, on the subject of supplies required at the Red Cloud agency; which was referred to the Committee on Indian Affairs, and ordered to be printed.

SALE OF GOVERNMENT PROPERTY AT HARPER'S FERRY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a statement of the sale of United States property at Harper's Ferry, in the State of West Virginia, in November and December of the year 1869; which was referred to the Committee on Military Affairs, and ordered to be printed.

PIKESVILLE ARSENAL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the draught of a bill for the sale of Pikesville arsenal, in the State of Maryland; which was referred to the Committee on Military Affairs, and ordered to be printed.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, responding to resolution of the House of Janu-

ary 24, 1876, asking for information relative to the transactions of the Freedman's Savings and Trust Company; which was referred to the Select Committee on the Freedmen's Banks, and ordered to be printed.

SEAL VS. LYNCH.

The SPEAKER also laid before the House papers in the contested-election case of Seal *vs.* Lynch, sixth congressional district State of Mississippi; which was referred to the Committee of Elections.

TONKAWA INDIANS, TEXAS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting information in relation to the Tonkawa Indians in Texas, called for by House resolution of January 20, 1876; which was referred to the Committee on Indian Affairs.

HOMESTEAD ENTRIES WITHIN RAILROAD GRANTS.

Mr. CROUNSE. Mr. Speaker, I move by unanimous consent to take from the Speaker's table Senate bill No. 34 to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department for reference to the Committee on Public Lands.

There was no objection, and the bill was taken from the Speaker's table, read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

Mr. RANDALL moved to reconsider the vote by which the bill was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE S. HAWKINS.

Mr. COX. I move by unanimous consent to take from the Speaker's table a bill (S. No. 204) to remove the political disabilities of George S. Hawkins, of Florida, in order that it may be put on its passage at this time. I filed his petition asking for the removal of his political disabilities with the Committee on the Judiciary, and this bill has already passed the Senate.

There was no objection, and the bill was taken from the Speaker's table and read a first and second time.

The bill, which was read, provides (two-thirds of each House concurring therein) that all political disabilities imposed by the fourteenth amendment of the Constitution of the United States by reason of participation in the rebellion be removed from George S. Hawkins, of the State of Florida.

The bill was ordered to a third reading; and being read the third time, it was passed, (two-thirds of the House concurring therein.)

Mr. COX 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.

MORNING HOUR.

The SPEAKER. The morning hour begins at ten minutes before one o'clock, and committees will be called for reports of a public nature.

Mr. HAMILTON, of New Jersey. I ask unanimous consent to take up a Senate bill for reference.

Several MEMBERS objected, and called for the regular order of business.

ADVERSE REPORT.

Mr. TUCKER, from the Committee of Ways and Means, reported back adversely a bill (H. R. No. 687) to amend chapter 7 of title 34 of the Revised United States Statutes; and the same was laid upon the table.

CHANGES OF REFERENCE.

Mr. BRIGHT. The Committee on Claims have examined the bill (H. R. No. 979) for the relief of Ella P. Murphy, widow of Patrick Murphy, deceased, and have directed me to report it back to the House as having been improperly referred, and to move that it be referred to the Committee on Indian Affairs, at the request of the claimant.

The motion was agreed to, and the bill was referred to the Committee on Indian Affairs.

Mr. BRIGHT. The Committee on Claims have also directed me to report back the following bills and memorials as improperly referred, and to move that the committee be discharged from the further consideration of the same, and that they be referred to the Committee on War Claims:

The bill (H. R. No. 68) for the relief of Louis Pelham;

The bill (H. R. No. 1391) for the relief of James Glover, of Pennsylvania;

The petition of Josiah Cunningham, for relief;

The petition of Pryor N. Lea, of Washington County, Arkansas, for relief;

The petition of G. Alfred Hall, for relief;

The memorial of John S. Harper and others, claim for prize-money on cotton captured at sea during the rebellion;

The memorial of Lieutenant Julius M. Carrington, claim for services as lieutenant United States Army in 1863-'64; and

The memorial of James and William Vance, for rent of barracks in San Antonio, in 1865.

The motion was agreed to, and the bills and memorials were referred to the Committee on War Claims.

HEIRS OF JAMES B. ARMSTRONG.

Mr. PHILIPS, of Missouri, from the Committee of Claims, reported back, with the recommendation that it do pass, the bill (H. R. No. 101) amendatory of the act entitled "An act for the relief of the heirs and next of kin of James B. Armstrong, deceased," approved March 3, 1873; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM H. NESSLE.

Mr. BRADLEY, from the Committee of Claims, reported back, with the recommendation that the same do pass with an amendment, the bill (H. R. No. 37) for the relief of William H. Nessle; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

HAWAIIAN BARK ARCTIC.

Mr. PIERCE, from the Committee on Commerce, reported a bill (H. R. No. 1796) to grant an American register to the Hawaiian bark Arctic; which was read a first and second time.

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

The bill, which was read, authorizes and directs the Secretary of the Treasury to issue an American register to the Hawaiian bark Arctic, owed by Charles Brewer & Co., of Boston, Massachusetts.

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

The question was on the passage of the bill.

Mr. HOLMAN. I ask that the bill may be again reported.

The bill was again read.

Mr. HOLMAN. I take it for granted that this bill is reported with a view to ascertaining the sense of the House in reference to granting American registers to foreign-built vessels. This vessel, I presume, was built at a foreign port, and the only ground on which it is sought to grant it an American registry is that it is now owned by citizens of the United States. Will the gentleman who reports the bill inform me on that point; whether that is the state of facts in this case?

Mr. PIERCE. I request that the report of the committee accompanying the bill be read for the information of the House.

The report was read, as follows:

On the petition of Charles Brewer & Co., of Boston, that an American register be granted to the Hawaiian bark Arctic, owned by said firm, the following report is submitted:

It appears that the bark was built at Rochester, Massachusetts, in 1850; was purchased by Messrs. Brewer & Co. in 1861, and was used by them in carrying, from New Bedford and Boston to Honolulu, supplies for the American whaling fleet in the North Pacific. This was a highly important service, and any interruption of it would have caused a serious injury to American interests. In 1863 it was found necessary, in order to prevent the capture and destruction of the vessel by rebel cruisers which then infested the Pacific Ocean, to place her under the Hawaiian flag; and that was accordingly done, although the service and the ownership continued unchanged. It is evident from what took place immediately after the transfer to a foreign flag that the vessel would have been captured if the transfer had not been made, thereby depriving the whalers of supplies necessary to the continued pursuit of their vocation. The vessel continued in this business until 1869, when she was fitted at New Bedford as a whale-ship, and from that time to the present has been engaged in the whale-fishery, refitting from time to time at Honolulu and shipping her catch of oil and bone to New Bedford. Being under a foreign flag, although owned and commanded by American citizens, her oil is subject to a duty of 20 per cent. *ad valorem*, and she cannot enter an American port without being subject to tonnage-dues. The owners, therefore, labor under a serious disadvantage in carrying on their business; and, considering the circumstances which forced them to seek protection under another flag, they feel justified in asking the Government to cure the disability under which they labor by the grant of an American register.

This briefly stated, is the case presented by the petitioners.

We will now refer to the law bearing upon the subject, and the action of the Government in similar cases.

In 1866 an act was passed (United States Statutes, volume 14, page 3) providing that no ship or vessel which had been recorded or registered as an American vessel pursuant to law, and which should have been licensed or otherwise authorized to sail under a foreign flag, and to have the protection of any foreign government during the existence of the rebellion, should be deemed or registered as an American vessel, or should have the right and privileges of American vessels except under the provisions of an act of Congress authorizing such registry.

The substance of this provision was incorporated into the Revised Statutes, section 4135. It appears, then, that the matter is specially confided to the discretion of Congress to determine each case, as presented, upon its own merits, just the same as the changing of the name of a vessel.

In the first session of the Forty-third Congress, an act was passed (chapter 145) authorizing an American register to be issued to the bark Azor, an American-built vessel employed as a packet between the island of Fayal and the United States, which had been transferred to a British subject in 1863, and after the war retransferred to the heirs of Charles W. Dabney, late consul of the United States at Fayal. It appears from the facts set forth in the petition in that case that the circumstances under which the transfer was made were almost the same as those under which the Arctic was transferred. The Azor was at that time the only vessel sailing regularly between the United States and the island of Fayal, and afforded the only means of communication between these places. The liability to capture by rebel cruisers was so great that the premium of insurance demanded amounted to a substantial prohibition. On this statement of facts there appears to have been no hesitation on the part of the Committee on Commerce in recommending, or on the part of Congress in affording, the relief applied for.

There have been several cases in which registers have been granted to ships transferred during the rebellion, and in which there appear to have been no special claims for consideration.

By resolution No. 70, (second session, Forty-second Congress,) American registers were granted to the British bark Live Oak, owned by citizens of New Bedford, and the Agra, owned by Thomas B. Wales & Co., of Boston. These vessels had been placed under the British flag during the rebellion.

In the first session, Forty-third Congress, the Canadian schooner George Warren (Chapter 56) and the British ship Alhambra (Chapter 408) were granted American registers. The Alhambra was built in Boston in 1859, surrendered her register at

New York in 1863, and was placed under a foreign flag for safety. It does not appear that she was engaged in any service of special value to the Government or to American interests.

In reply to a request addressed to the Treasury Department for information upon the subject, the Secretary states, in a communication of the 17th January, that applications for American registers in cases similar to these had not been numerous, and that the policy of the Department had been against the return of such vessels to the flag of the United States.

The Secretary of the Treasury who held office in 1870, having been asked by the chairman of the Committee on Commerce of that year as to the expediency of granting an American register to the Alhambra, advised against it; but Congress nevertheless granted the register.

Considering the special claims which Messrs. Brewer & Co. have for favorable action in their case, the precedents already established, and the fact that the lapse of time since the rebellion precludes many applications of a similar character, it is recommended that the prayer of petitioners be granted, and that the accompanying bill be passed.

Mr. WOOD, of New York. There is a principle of some magnitude, in my judgment, involved in this proposition, and if the House will bear with me a few minutes I think I may be able to state what the case is as presented by the report, which I had not heard before it was read just now from the desk.

It will be recollected that during our late civil war an effort was made by a great many ship-owners in the country to avoid the dangers of the ocean to their vessels and cargoes by denationalizing themselves. And I have often thought, sir, that one of the great reasons why the United States has lost its navigation, its carrying trade, that we had in a superior degree to any other maritime nation in the world before the war——

Mr. KASSON. Except Great Britain.

Mr. WOOD, of New York. Was because our ship-owners endeavored to avoid the dangers of the ocean by changing the flag and sailing under the protection of foreign governments. Thus our tonnage fell down in less than three years to a minimum of only 20 per cent. of what it had stood at previous to the rebellion.

Now the question presented in the bill under consideration is this: whether, after the passage of a law by Congress that in every case where a vessel had changed its flag, had placed itself under the protection of a foreign government, and had endeavored to avoid the consequences of a condition of revolution in this country by escaping from the responsibilities and liabilities and consequences of the rebellion, it should be restored, as it could have been under the law as it stood previous to the rebellion.

In this case presented by my honorable friend from Boston it appears that this vessel, owned in Boston, had been a whaler and was, in the course of business, necessarily in the Pacific Ocean, which we know was infested with rebel cruisers and privateers. To escape from liability to capture she comes under the Hawaiian government flag. She sails under that flag. She is under the protection of that flag. In short, she denationalizes herself. As if, sir, you or I should go to Europe to escape a calamity of any kind in our own country, and should absolve ourselves from all allegiance to the Constitution and Government of the United States and seek the protection of a foreign government, virtually becoming, not an American, but a foreign citizen. How far we can, in the first place, absolve ourselves from our own natural allegiance, and how far we may be entitled to the protection of a foreign government afterward, is a question which has been discussed here very often, and is not yet adequately settled between the governments of Europe and that of the United States. But in this case, the question now presented is whether, having no longer any danger from capture, the owners in Boston shall be allowed to resume the protection of our Government and get rid of the duties imposed on their cargoes in consequence of sailing under a foreign flag; whether a vessel shall be returned again to an American register and become in fact entirely an American vessel. Being owned at Boston and sailed by Americans under the Hawaiian flag, the question is whether we shall grant this vessel what is sought in the bill before the House.

So far as the mere question now before the House is concerned, I have no particular concern or interest; but I do insist upon it that those upon the ocean, as well as upon the land, shall take their just responsibility of that terrible condition of things so disastrous to life and property and public and private liberty in the United States, as was the case in the civil war; and I can only say that, if Boston, loyal Boston, endeavors to escape from her just proportion of that calamity, it is an example set to other portions of the Union that probably did not claim to be so loyal as Boston claimed to be.

Mr. PIERCE. I desire to say to my friend from New York that the general question whether vessels which were placed under foreign flags during the rebellion shall be returned to our flag is not involved in this bill, and was not considered by the committee. This is a special case, and there are special reasons why the request of the petitioners should be granted. The whaling business is a peculiar business; it is concentrated at the port of New Bedford to the exclusion of all other ports in the world. That is the only place in this country where any whaling business is carried on to any extent. Now, sir, this vessel was employed from 1861 during the rebellion in carrying supplies to our whalers in the Northern Pacific. The supplies which those vessels require are peculiar and special. They can only be obtained at New Bedford. They cannot be obtained at any other port or city of this country. It was essential to the prosperity and success of the whaling fleet that these supplies should be regularly furnished to them, and they could be furnished only from New Bedford. This vessel was employed in carrying those supplies and in no other way. She was not engaged in the whaling business at that time. She had to pass directly across the track of the rebel cruisers. The result shows that if she had not been put under the Hawaiian flag she would have been destroyed, and these supplies could not have been carried to the whaling fleet, and the fleet would have been seriously restricted in its operations.

The general question, I say to my friend from New York, is not involved at all, and was not considered.

Congress has once before granted a similar request under precisely the same circumstances. There was a vessel, the bark Azor, plying between Boston and Fayal, directly in the track of the rebel cruisers, and it was deemed important that that communication should be kept open. The risk had become so great that the insurance companies would not insure except at enormous rates, which amounted to practical prohibition, and therefore the vessel had to be placed under a foreign flag. Congress for that special reason, believing that the vessel had done a valuable service to the country and that under the circumstances it was right that she should be transferred to a foreign flag, subsequently granted the request of the owners to return to our flag. Precisely the same necessity existed in this case.

Mr. HEREFORD. I must confess, Mr. Speaker, that I was a little surprised at the position taken by my friend from New York, [Mr. WOOD.] I had thought that this side of the House—even putting it as broadly as the gentleman from New York has placed it—that this side of the House was in favor of general amnesty. I do not put this case exactly upon those terms, as the report will not justify it, but I put it on the broadest terms that the owners of vessels did who did desire to shield themselves from this responsibility to confederate cruisers. Supposing even that they were confederate, yet if they come back here now at this time and ask amnesty for the past, I am equally willing to grant amnesty to a vessel from the city of Boston, as I am and have always been in favor of granting universal amnesty to every man throughout the length and breadth of the land; so that I do not see that this is a proper objection, especially in this centennial year.

Mr. WOOD, of New York. I submit to the gentleman's argument, and will withdraw all objection.

Mr. HEREFORD. I do not think that in this centennial year we should be punishing vessels or the owners of vessels for their participation in the late unpleasantness.

There is one additional remark that I desire to make. I shall not take up the time of the House to discuss this question at any length. I simply throw out one idea, and no one is responsible for my views but myself.

So far as I am concerned, I see no good reason why, if we desire to increase the carrying trade of the United States, to improve our commerce and to bring our tonnage back to where it was before the war—I see no good reason why any person may not be allowed to buy a vessel anywhere in any country and bring it here, and if it belongs to an American citizen, if it is owned by an American citizen, then let it be registered as an American vessel. So far as I am concerned, I would that all the vessels which changed their registration from that of the United States to that of foreign countries, by which, as my friend from New York [Mr. WOOD] says, we lost the carrying trade, should all come back. If we lost the carrying trade in that way, and if it should come back under American registration, then as a matter of course it will to that extent bring back the carrying trade to the United States again. I can see no good reason why this bill should not pass, even upon the broadest grounds that the gentleman has indicated. As a matter of fact, however, the report says that this is an exceptional case, and the vessel should be allowed to come back again under American registration.

Mr. CONGER. I desire, Mr. Speaker——

Mr. KASSON. I believe the gentleman from Massachusetts [Mr. PIERCE] yields to me.

Mr. CONGER. I understood the Chair to recognize me.

Mr. PIERCE. I yield to the gentleman from Iowa, [Mr. KASSON.]

Mr. CONGER. I understood that the chairman of the Committee on Commerce [Mr. HEREFORD] had taken the floor in his own right.

The SPEAKER. That was the understanding of the Chair.

Mr. HEREFORD. The gentleman from Massachusetts [Mr. PIERCE] had the floor, having reported the bill.

Mr. PIERCE. I will first yield to the gentleman from Iowa, [Mr. KASSON,] and then to the gentleman from Michigan, [Mr. CONGER.]

Mr. KASSON. I desire to hold the floor but a few minutes. I recollect very well the circumstances under which the bill passed which is affected by this exceptional proposition. I remember, too, that I was one of those who opposed the entire policy of that bill. I should be glad to remind the gentleman from New York [Mr. WOOD] of the purpose avowed at the time that bill was passed, and the mistaken theory upon which it was adopted. It was thought that the effect would be to exclude these vessels from the American carrying trade, and produce a revival of ship-building in certain ship-yards in the United States. The bill entirely failed in this purpose, and in my judgment was itself one of the most significant causes of that failure.

I was then shocked by the proposition, because it prevented our own citizens from engaging American bottoms in the carrying trade of the United States, and put them upon the same footing as the owners of foreign bottoms. I had supposed that when a proposition was

made to this House to repeal that bill entirely from the statute-book, it would not find more than one-fourth, if that number, of the members to oppose it. Our tonnage is to-day diminished by thousands and hundreds of thousands of tons because that law has stood as long as it has. My only complaint of the Committee of Commerce—and I am glad to hear the chairman of that committee [Mr. HEREFORD] say that he concurs with me in opinion—is that they have not long since reported a bill to repeal that section of the Revised Statutes.

Look for a moment at the cause of the exclusion imposed by that law. We had not the Navy to protect our ships on the seas. We could not send a convoy for any one or any ten ships we had afloat. The gentleman from New York [Mr. WOOD] remembers well the paucity of our Navy at the time these changes occurred and the impossibility of sending a convoy for our trading vessels. Yet when our people sought to save to themselves, and in doing so to save to the country the wealth that was invested in their vessels and which was in danger of being sent to the bottom of the sea by rebel cruisers, it was proposed to punish them for having thus saved from destruction by the national enemy this wealth of the country. Do gentlemen on that side or on this side of the House contend to-day that the punishment shall be continued; that when they propose to restore this wealth to the United States we shall prohibit them from doing so?

Sir, I do not understand the ground of opposition to this bill. Did these men commit a wrong to the United States when they protected their own property in the only way possible to them, in the only way that was open to them? If these vessels had remained under our flag and had been sent to the bottom of the sea by hostile cruisers, as so many other vessels were, of what advantage would it have been to the United States? I repeat, it is impossible to understand the justification of the opposition to such legislation as this. If we ever expect to revive our commerce, to restore the prosperity of our flag, and to regain the profits that come from the carrying trade of this country, we must liberalize our legislation far beyond the proposition involved in this bill, and even beyond the proposition to repeal wholly this exclusive law.

I hope to see the day when any American citizen may buy ships wherever he can get them cheapest, and be allowed to register and sail them under our flag. Let this right of purchase exist for at least a limited time, say two or three years, so as to restore our men to the habits of the sea and our merchants to a knowledge of the commerce of the world, and then, if you please, you may restore the protective principle and require all future registered bottoms to be built in this country. But when our ship-yards have been silent for years, when the sound of the hammer is scarcely heard in them, do members on this floor still contend that it is necessary to protect the interests of American ship-building that we should positively prohibit these vessels which were built in America from coming under the American flag again? Certainly the gentleman from New York [Mr. WOOD] does not propose to build up our commerce on that theory in the face of historical fact.

So far as this single proposition is concerned, I support it only because it is a step in the right direction. I hope that the Committee on Commerce will do for all ship-owners in the same situation what this bill proposes to do for one.

Mr. PIERCE. I yield to the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. Mr. Speaker, this is one of several hundred cases of like character which have been presented to Congress within the last eight or ten years, and with the exception of the three cases mentioned in the report no one of all the hundreds of applications made for the granting of American registry to vessels that had sought the protection of other governments during the war has received the favorable action of Congress.

It is with no little regret that I find the chairman of the Committee on Commerce, [Mr. HEREFORD,] to whose especial care the navigation interests, the ship-building interests, the commerce of the United States are given in charge, should be so influenced by any consideration connected with amnesty or the Centennial or any other general measure of that kind as to declare himself in favor of a restoration to American registry of all that class of old ships that went out from our nationality during the war and have sought at this later day to regain the privileges of American ships.

Here, Mr. Speaker, let me remind the House of the character of the three cases referred to in the report, and the only three cases within my knowledge in which an American registry has been granted, while the records of the Committee on Commerce will show it has been refused within the last six years in hundreds of other cases. The first is the case of the Azor, the only vessel, as the report states, that had communication at the time between the island of Fayal and the United States; the only vessel that could bear the orders of our Government to the American officers stationed there. That vessel did seek the protection of another flag, and was afterward restored to an American registry, but not until it was shown to the Committee on Commerce that the vessel was the special object of the vengeance of a confederate vessel; that it was pursued upon the high seas, one object being to secure dispatches sent upon it; that it was in the interest of the United States as well as the owners of the vessel, and by the consent of the American authorities, that it did seek a foreign flag. For that reason, and that reason alone, a favorable report was made in the case of the Azor.

Another case was that of the Geo. Warren, a little coasting schooner for pleasure parties among the Thousand Islands of the Saint Lawrence, and for carrying provisions and furniture to citizens enjoying their summers on the different islands there. It was owned by an American, used by Americans and for American purposes. It was a little craft, so diminutive that it was of no consequence whether the registry was given or not, and for mere convenience an American registry was granted.

The other case was that of the Alhambra. If I remember aright, that vessel was rebuilt by an American owner to the extent of more than three-fourths its value, for it had been partially shipwrecked on the Pacific. The circumstances were such that if it had met with its injuries on the American coast, an American registry, after the rebuilding, could have been given by the Secretary of the Treasury without any application to Congress at all. Having received its injuries on the high seas, and having been rebuilt, as the law contemplates, to the extent of three-fourths of its value by American workmen, an American registry was granted in that case. This, if I remember rightly, completes the entire list.

In the case now before the House the vessel is eighteen or nineteen years old—an old craft. To-day, Mr. Speaker, the ship-yards of America, both of our Atlantic coast and on the great lakes, are silent as the grave. The thousands of men who have learned by long years of labor and practice to build American ships have been driven from our ship-yards, and are now securing other employment, because old crafts that have been sailing under foreign flags are doing the work that should be done by American vessels. Old crafts are sought to be restored to carry on that work upon the seas.

I do not wonder that my friend from the prairie region of Illinois, where they sail in large wagons, is a free-trader. The world knows that my friend is a free-trader. He never has been guilty, so far as I remember, of casting his vote in any manner for the protection of any American industry, but is for free trade in lumber, in salt, in ships, and in all products that can be brought from other countries. He may well commend himself to my democratic brethren on the other side of the House who are free traders. I should also expect my other friend from Illinois to be in favor of free ships. That was part of the theory of some gentlemen in this House in former days, and may be now. But that the Committee on Commerce, who have in charge especially the protection of ship-building and our navigation interests and our general commerce, should favor a policy which will allow these old worn-out ships to take the place of good new ships which our workmen are standing ready to build, anxious for the opportunity to labor, is a matter of surprise to me.

Now, Mr. Speaker, the theory of having free ships is not involved in this bill. The question is as to the propriety of allowing any man from Boston or from the Carolinas or elsewhere to use his ship in safety during the war under another flag, and that the flag of a little obscure island in the Pacific, and then come to Congress to have the old carcass restored to American registry. That such a proposition should meet with favor here surprises me.

Mr. PIERCE. I now yield for a few moments to the gentleman from New York, [Mr. WOOD.]

Mr. WOOD, of New York. Mr. Speaker, I wish to say but a word in reply to the gentleman [Mr. CONGER] who has last spoken and who has seen proper to introduce the question of tariff in connection with the simple proposition to change the nationality of a vessel. Sir, the ship-yards of this country are without employment because it has suited that gentleman's political friends to lay such a protective tariff upon everything entering into the construction of vessels that it is impossible to build them and place them on the ocean under the American flag without the loss of money.

If we could construct vessels as we do houses without paying subsidies to certain manufacturers in this country, then, sir, I believe the American flag would once more float upon the ocean, and American trade would be carried in American bottoms. But so long as every element entering into the construction and fitting out of vessels, copper, iron, bolts, sheathing, and every other article as well as furniture, is made to pay bounty to individuals in our country, just so long will our ship-yards be empty, silent, and without occupation.

In reply to the gentleman from Iowa [Mr. KASSON] I desire to say that I am an advocate of free ships. I always have been in favor of free trade, for I believe the industries of this country can stand up successfully in competition with the industries of any other country. For one I will not admit that American enterprise, American energy, American industry, American capital can anywhere be surpassed by that of any other land. I am glad, therefore, to hear that gentleman say he is in favor of the admission of ships wherever constructed into the ports of the United States free. But this is not the question here at this time. It is whether we will permit a vessel to be denationalized at the convenience of its owner for his safety and profit purely. I do not rise to oppose this bill, for so far as this individual case is concerned I make no opposition to it. My remarks were directed to the general question and not this particular case.

Mr. PIERCE. I now yield for five minutes to the gentleman from Texas, [Mr. REAGAN.]

Mr. REAGAN. Mr. Speaker, I concur in opinion with the chairman of the Committee on Commerce [Mr. HEREFORD] and the gentleman from Iowa, [Mr. KASSON,] that the policy of excluding these ships from the resumption of American registers is not a wise one. I do not rise, however, for the purpose of enforcing that view of the

matter, but merely to state that the committee in favoring this measure was influenced by the exceptional circumstances surrounding the surrender of the American register in this case. The gentleman from Michigan [Mr. CONGER] has called attention to two cases in which American registers were restored to vessels on account of like exceptional circumstances attending their surrender. The report of the committee in this case states facts showing exceptional circumstances. Let us see what they are.

The New Bedford Whale Fishing Company had a fleet of vessels in the waters of the North Pacific Ocean. It was necessary for them to communicate with that fleet, and to furnish it with requisite supplies. As the gentleman from Massachusetts has already told the House, it was the only whaling fleet then doing business of that kind in those waters. In order to reach a station upon the Pacific from which to supply this whaling fleet this vessel had twice to cross the equator and undergo the dangers then incident to American shipping because of the existing war. Liability to capture, under the circumstances, was very considerable, if the vessel retained its American register. Indeed, under the circumstances, its capture was almost inevitable, and if captured, that whaling fleet in the North Pacific would be cut off from the supplies essential to its success. It was not a vessel simply trading in any general business, or in any regular line of commerce, but a vessel carrying out supplies to an American fleet engaged in the whale fishery in the waters of the North Pacific Ocean. Therefore it was in the interest of that fleet that this vessel's American register was surrendered. It was for the purpose of taking out absolutely necessary supplies to this large fleet that her American register was surrendered. This makes the case an exceptional one, justifying a departure from the principle established, if the principle itself be a correct one, and such was the view taken by the Committee on Commerce. It was not the intention of the Committee on Commerce, as the report shows, to raise the question as to the policy of allowing all vessels to resume American registers when they have once been surrendered. It is allowed to be done in this case upon the ground, as I have said, of exceptional circumstances and equities created by the necessity of supplies being furnished to those in whose service she was employed. I will only say in addition that I do not know how we are to promote American shipping and ship-building interests by refusing to allow vessels in this condition to resume their American registers. I do not propose, however, to go into that general question at this time.

Mr. PIERCE. I now demand the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was passed.

Mr. PIERCE 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.

SALE OF INDIAN LANDS IN KANSAS.

Mr. GOODIN, from the Committee on Public Lands, reported back the bill (H. R. No. 163) providing for the sale of the Kansas Indian lands, in Kansas, to actual settlers, and for the disposition of the proceeds of the sale, with an amendment in the nature of a substitute and a recommendation that the bill, as amended, be passed.

The SPEAKER. If there be no objection, the substitute alone will be read.

There was no objection.

The substitute (H. R. No. 1797) was read, as follows:

A bill providing for the sale of the Kansas Indian lands, in Kansas, to actual settlers, and for the disposition of the proceeds of the sale.

Whereas the Secretary of the Interior, in pursuance of an act approved May 8, 1872, has caused to be appraised the lands heretofore owned by the Kansas tribe of Indians, in the State of Kansas, which, by the terms of the treaty made by the United States and said Indians, and proclaimed November 17, 1860, were to be sold for the benefit of said Indians; which appraisement also includes all improvements on the same and the value of said improvements, distinguishing between improvements made by members of said Indian tribe, the United States, and white settlers; and whereas the appraisement thus made was so high that neither settlers nor purchasers were able to pay the same, and the said land has remained unsold from the passage of the act: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each *bona fide* settler on any of the trust lands embraced in said act, heretofore reported as such by the commissioners appointed to make said appraisement, and the rejected claimants as *bona fide* settlers, who were recommended as such by Andrew C. Williams, acting under instructions to Superintendent Hoag, from the Indian Office, dated October 24, 1872, be permitted to make payment of the appraised value of their lands to the local land office at Topeka, Kansas, under such rules as the Commissioner of the General Land Office may adopt, in six equal annual installments, the first installment payable on the 1st of January, 1877, and the remaining installments payable annually from that time, and drawing interest at 6 per cent. per annum until paid: *Provided*, That, where there is timber on any of the lands to be sold under the provisions of this act, the Secretary of the Interior shall require the purchaser to enter into bond, with approved security, that he shall commit no waste on the timber or otherwise on said land until the last payment is made, and give his notes with a lien on the land to secure the purchase money thereof on the terms aforesaid.

SEC. 2. That all the remainder of the trust lands and of the undisposed portion of the diminished reserve shall be subject to entry at the local land office at Topeka, Kansas, in tracts not exceeding one hundred and sixty acres, unless a legal subdivision of a section shall be fractional and found to contain a greater number of acres by actual settlers, under such rules and regulations as the Commissioner of the General Land Office may prescribe. And the parties making such entries shall be required to make payment of the appraised value of the land entered and occupied by each in the following manner: One-sixth at the time that the entry is made and the remainder in five equal annual payments, drawing interest at 6 per cent. per annum, which payments shall be secured by notes payable to the United States and by mortgage on the premises, and the Secretary of the Interior shall withhold title until the last payment is made; and the Secretary of the Interior, where there is timber on the lands, shall in addition compel the purchaser to enter into bond, with approved security, to commit no waste by the destruction of timber or otherwise on the premises until final payment has been made; and the Secretary of the Interior shall cause patents in fee simple to be issued to all parties who shall complete purchases under the provisions of this act: *Provided*, That if any person or persons applying to purchase land under the provisions of this act shall fail to make payment or to perform any other conditions required by the provisions of this act or by rules and regulations that may be prescribed in the execution hereof, within ninety days after such payment shall become due or performance be required by the terms hereof or by the rules and regulations which may be prescribed in the execution hereof, such person or persons shall forfeit all rights under the provisions of this act and all claim or right to re-imbursement or compensation for previous action or payment by said person or persons under the provisions hereof; and the land proposed to be purchased by such person or persons shall again be subject to sale as though no action had been had in regard to the same.

SEC. 3. That the Secretary of the Interior shall inquire into the correctness of the appraisement of these lands, and if he be satisfied that they have been appraised at more than their present cash value he may appoint a new commission of three persons to re-appraise the same, the per diem and expenses of which, at the rates heretofore paid to such commissioners, shall be deducted from the proceeds of said lands.

SEC. 4. That in preparing or giving their testimony all settlers or purchasers of land under the provisions of this act may have such testimony taken, after due and legal notice to the opposing party in interest, before any notary public or person qualified to administer an oath, and may forward such testimony with their application to the land offices or parties authorized to dispose of said lands, which testimony shall be received as if taken before the officers of such land office.

SEC. 5. That the net proceeds arising from such sales, after defraying the expenses of appraisement and sale which have heretofore or may hereafter be incurred, and also the outstanding indebtedness, principal and interest, of said Kansas tribe of Indians, which has heretofore been incurred under treaty stipulations, shall belong to said tribe in common, and may be used by the Commissioner of Indian Affairs, under direction of the President of the United States, in providing and improving for them new homes in the Indian Territory and in subsisting them until they become self-sustaining; and the residue not so required shall be placed to their credit on the books of the Treasury and bear interest at the rate of 5 per cent. per annum, and be held as a fund for their civilization, the interest of which, and the principal when deemed necessary by the President of the United States, may be used for such purpose.

Mr. KASSON. I call for the regular order.

TERM OF PRESIDENTIAL OFFICE.

The SPEAKER. The morning hour having expired, the business before the House is the consideration of the joint resolution (H. R. No. 41) proposing an amendment to the Constitution, reported by the Committee on the Judiciary, and made a special order for to-day after the morning hour. The Clerk will read the joint resolution reported by the committee and the amendment submitted by the gentleman from Maine, [Mr. FRYE,] as the views of the minority of the committee.

The Clerk read the joint resolution, as follows:

Joint resolution proposing an amendment to the Constitution.

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

ARTICLE XVI.

No person who has held, or may hereafter hold, the office of President shall ever again be eligible to said office.

The Clerk also read the amendment offered by Mr. FRYE, as follows:

Strike out these words:

No person who has held, or may hereafter hold, the office of President shall ever again be eligible to said office.

And insert in lieu thereof the following:

From and after the 4th day of March, in the year 1885, the term of office of President and Vice-President of the United States shall be six years; and any person having been elected to and held the office of President, or who for two years has held such office, shall be ineligible to a re-election.

The SPEAKER *pro tempore*, (Mr. HOLMAN.) The question is on the amendment submitted by the gentleman from Maine, Mr. FRYE, on behalf of the minority of the committee. The gentleman from Kentucky, [Mr. KNOTT,] the chairman of the Committee on the Judiciary, is entitled to the floor.

Mr. KNOTT. I do not propose at this time to enter into a discussion of the reasons which influenced the Committee on the Judiciary in reporting this proposed amendment to the Constitution. I desire merely to state as succinctly as possible the conclusions at which they arrived. The committee appreciated the unanimity of opinion everywhere that there should be some limit to eligibility to the office of President. The only question upon which there was any contrariety of judgment, as is apparent from the report of the committee and the views of the minority, was as to the length of the term. As the House knows, there were a variety of propositions submitted to the committee: one to extend the term to six years and render the incumbent forever after ineligible to the office of President; another extending the term to six years and rendering the incumbent ineligible for the six succeeding years; another extending the term to six years and making the President a Senator for life for the United States at large, after the expiration of his term of office; another limiting the term to four years.

After considering these various propositions the committee concluded that they could give to the people of this country no good reason why the presidential term should be extended beyond its present limits. An amendment to the Constitution in this direction is evidently in the interests of the people themselves, jealous at all times as they should be of executive power. The committee, therefore,

were of opinion that no amendment extending the term beyond its present limits would meet the approbation of the people of this country, and that such a proposition would be entirely nugatory.

Neither could the committee appreciate the propriety or the importance of rendering the President eligible after the lapse of a given period of time. It occurred to them, I have no doubt, as it did to myself, that men make their calculations as though they expected to live always, and that a President in office, with an expectation of being elected again after the lapse of four or six years, would, if inclined to use his influence at all for the promotion of his own ambition, be under the same temptation as if he were immediatly re-elected.

The committee therefore submit to the House the proposition, simple and unadorned, that no person who has held or who may hereafter hold the office shall ever again be eligible for that office, believing that there never will be a time when suitable candidates cannot be found who will be more than willing to take the office upon those conditions. Whether I shall add anything more upon this question will depend upon what may be said by other gentlemen during the discussion. I now yield to the gentleman from Indiana, [Mr. NEW.]

Mr. NEW. I call for the reading of the joint resolution, introduced by myself, for information.

The resolution was read as follows:

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

ARTICLE XVI.

From and after the next election for the President of the United States the President shall hold his office during the term of four years, and, together with the Vice-President chosen for the same term, be elected in the manner now provided by law, or as may hereafter be provided. But neither the President, the Vice-President, nor any other person in the office of President, as devolved upon him by law, shall be eligible to the office of President a third time.

Mr. NEW. Mr. Speaker, it will be observed that the joint resolution just read leaves the matter of the presidential term where it is except that a third term by the same President is prohibited.

I shall not occupy much time. I cannot hope to present anything new, or which would not upon reflection occur to the minds of other members. The reasons which I shall assign in opposition to a one-term limitation, and in favor of eligibility to a second term with ineligibility to a third, will perhaps be familiar to all the members of this body. For the most part my arguments will be such as I have gleaned from reading the past history of this question and the history of the country.

We cannot overestimate the importance of the subject. We cannot fail to appreciate the disagreeable attitude in which we place ourselves, as also the possible serious consequences to the future of the country if our action here should lead to a change in the Constitution and that change should turn out to be a mistake. For one, sir, I admit now at the very threshold of my remarks that I am not fully convinced that the public safety requires any alteration in the Constitution relating to the executive term. But if any step is to be taken in that direction, then, sir, in my judgment the modification proposed in my proposition is the one and only one that should be made.

In the convention which framed the Constitution there was a marked difference of opinion among the delegates as to what should be the length of the President's term of office, as also the manner of his election and the powers with which he should be invested.

Luther Martin, attorney-general of Maryland, and one of the delegates in the Federal Convention, in an address delivered by him to the house of delegates of Maryland when that body was considering whether Maryland should ratify the Constitution, said:

Many of the members were desirous that the President should be elected for seven years and not to be eligible a second time. Others proposed that he should not be absolutely ineligible, but that he should not be capable of being chosen a second time until the expiration of a certain number of years. The supporters of the above proposition went upon the idea that the best security for liberty was a limited duration and a rotation of office in the chief executive department.

There was a party who attempted to have the President appointed during good behavior, without any limitation as to time, and not being able to succeed in that attempt they then endeavored to have him re-eligible without any restraint. It was objected that the choice of a President to continue in office during good behavior would at once be rendering our system an elective monarchy, and that if the President was to be re-eligible without any interval of disqualification it would amount nearly to the same thing, since, from the powers that the President is to enjoy and the interest and influences with they will be attended, he will be almost absolutely certain of being re-elected from time to time as long as he lives.

I find, Mr. Speaker, by reference to the debates on the Constitution, that on the 29th of May, 1787, Edmund Randolph, a delegate from Virginia, submitted to the convention certain resolutions or propositions as a draught or plan of national government. Charles Pinckney and others did the same. Mr. Randolph's proposition as to the executive was as follows:

That a national executive be instituted, to be chosen by the national legislature for the term of —— years, to receive punctually at stated times a fixed compensation for the services rendered, in which no increase or diminution shall be made so as to affect the magistracy existing at the time of the increase or diminution; to be ineligible a second time, &c.

Mr. Pinckney's article was as follows:

The executive power of the United States shall be vested in a President of the United States of America, which shall be his style; and his title shall be His Excellency. He shall be elected for —— years, and shall be re-eligible, &c.

Alexander Hamilton proposed that the supreme executive authority of the United States should be vested in a governor, to be elected to serve during good behavior. William Pattison, of New Jersey, thought the federal executive should consist of more than one person, to be elected by Congress, and be re-eligible.

Afterward, on the 19th of June, 1787, it was resolved that the executive should consist of a single person; to be chosed by the national legislature for the term of seven years, to be ineligible a second time. This proposition was soon afterward, together with others relating to the entire system of government, referred to a special committee of five, (Messrs. Rutledge, Randolph, Gorham, Ellsworth, and Wilson,) for the purpose of reporting a constitution. This committee, on the 6th of August, 1787, reported a draught of a constitution, section 1 of article 10 providing as follows:

The executive power of the United States shall be vested in a single person. His style to be "The President of the United States of America;" and his title shall be "His Excellency." He shall be elected by ballot by the legislature. He shall hold his office during a term of seven years, but shall not be elected a second time.

It would seem, Mr. Speaker, that the most democratic days of the Republic were not its earliest days. Subsequently a committee of revision was appointed, which, on the 12th of September, 1787, reported the Constitution in the form in which it was finally adopted.

The uncertainty and confusion which existed in the minds of the very foremost men of the convention as to what number of years should constitute a presidential term, as also whether he should be limited to one or more terms, and as to the manner of his election, is strikingly apparent to the student who carefully looks into the proceedings of that convention.

Mr. Madison, in a letter to Robert Lee of date February 22, 1830, said:

The question of re-eligibility in the case of a President of the United States admits of rival views, and is the more delicate because it cannot be decided with equal lights from actual experiment. In general it may be observed that the evils most complained of are less connected with that particular question than with the process of electing the Chief Magistrate and the powers vested in him.

It will be observed that this letter was written more than forty years after Washington's first election, and after Washington, Jefferson, Madison, and Monroe had each served two terms and Jackson was serving his first with an absolute certainty of a second.

At the date of Mr. Madison's letter there had been four double terms, so to speak, and but two single terms, those of John Adams and John Quincy Adams. It will be seen, therefore, that as to a service of two terms in succession by the same President more light had been received than as to single terms up to the time when that letter was written. No Government was ever more united, more prosperous, and more respected at home and abroad than was this during the second terms, as well as the first, of Washington, Jefferson, Madison, Monroe, and Jackson; and no Chief Magistrate ever retired from official place with personal and official honor more unsullied than did the Presidents just named. There is every reason to believe that, if the two Adams's had each been re-elected, their second terms would have been without stain or dishonor.

Mr. Lincoln was elected a second time in the midst of civil war. After entering upon his second term the conflict terminated with the Union preserved. The great issue involved in that unparalleled fratricidal conflict of arms was decided as he would have it. May we not hope and believe that it has been settled and unalterably adjudicated forever? The best blood of the fairest spot of God's creation—the land anointed—has been shed in atonement of our national sins. Before God, I declare it to be my honest belief that the Federal Union is to-day stronger at home and more respected abroad than ever before.

And at this point I cannot forbear saying that, while the healed wounds of our late struggle are not altogether free from sensitiveness and soreness and while those wounds in my judgment have been unnecessarily irritated and almost re-opened in this House, yet it will not be denied that there is now a better feeling among the members of this body and a more sincere purpose to move forward in the work of legislation, with oblivion for the past, for the future good of the whole country, than existed here for many years before our civil war. We have every reason for believing and declaring that we are now starting anew in the great race of national life with fewer weights and entanglements to impede and fetter our steps than ever before.

It has been said by a distinguished American patriot that there is no nation which has not at some period or other in its history felt an absolute necessity of the services of particular men in particular stations as vital even to the preservation of its political existence. Thus we have Madison entering upon his second term while the war of 1812 was in progress. Jackson had been voted for and elected the second time when, in December, 1832, it became necessary to promptly rebuke and put down nullification. The salutary effect will not soon be forgotten of the proclamation which he issued at that time, containing an exposition of the principles and powers of the General Government and expressing a determination to maintain the laws.

General Grant is now serving his second term. It is probably too soon to impartially judge of his first, while, as for the second, it is not yet concluded. Some of us, doubtless in some degree affected by party bias and political prejudice, think his executive services to the country not of extraordinary merit, but whether it would have been better

or worse for the people if some other aspirant had secured the prize we can never know. The fair thing probably in this regard would be to give all aspirants who failed to obtain the place the benefit of the doubt.

I maintain that no argument unfavorable to the second election of the same President can fairly be drawn from the past history of the country taken as a whole.

Would it be wise to limit the Executive to a single term in the future? I answer that it would not. If confined to one term, he would in my opinion be more inclined to overlook and disregard the public good where his own personal interest or ambition was in the way. If eligible to re-election there would be greater disposition and inducement to keep within the lines marked out for him by the Constitution, and to make his administration efficient and just, for to do this would be to give himself character with his countrymen and thus prepare the way for re-election. He would be more attentive to learn the will and the wants of the people. He would give less heed to the counsels of bad men and court the advice and good-will of those in whom the people have confidence and who by their public services and high character give tone to public opinion.

Again, sir, great measures, especially of practical reform, cannot always be undertaken and accomplished in one term, and therefore a President ineligible to a second election would be less disposed and his friends less apt to prompt him to undertake such measures; or, if undertaken, he, together with his cabinet and party, would feel less responsibility, and would be held to less accountability by the country, if for want of time the work could not be brought to a successful conclusion. And this argument applies with equal force to any plan where there is an intervening term of ineligibility prior to a second term, as in the minority report.

In this connection I wish to read from Story on the Constitution. He says:

> Another ill effect of the exclusion would be depriving the community of the advantage of the experience gained by an able chief magistrate in the exercise of office. Experience is the parent of wisdom. And it would seem almost absurd to say that it ought systematically to be excluded from the executive office. It would be equivalent to banishing merit from the public councils, because it had been tried. What could be more strange than to declare, at the moment when wisdom was acquired, that the possessor of it should no longer be enabled to use it for the very purposes for which it was acquired?

Again he says:

> In short, the exclusion, whether perpetual or temporary, would have nearly the same effects, and those effects would be generally pernicious rather than salutary. Re-eligibility naturally connects itself to a certain extent with duration of office. The latter is necessary to give the officer himself the inclination and the resolution to act his part well, and the community time and leisure to observe the tendency of his measures, and thence to form an experimental estimate of his merits. The former is necessary to enable the people, when they see reason to approve of his conduct, to continue him in the station in order to prolong the utility of his virtues and talents and to secure to the Government the advantage of permanence in a wise system of administration.

Mr. Speaker, it is too obvious to admit of any doubt that the tendency of ineligibility to a second term is to beget and continue uncertainty and instability—conditions of government all the while racking and straining its entire machinery. This is a homely thought, but the truth involved cannot be successfully controverted.

Chancellor Kent has said that the election of a supreme executive magistrate for a whole nation affects so many interests, addresses itself so strongly to popular passions, and holds out such powerful temptations to ambition that it necessarily becomes a strong trial to public virtue, and even hazardous to the public tranquillity.

But, Mr. Speaker, I maintain that a second election of the same President as his own immediate successor is less calculated to beget a dangerous political convulsion or revolution than where each election must furnish a new President, before untried.

I have heard it asserted that Jefferson was in favor of a single term with ineligibility forever thereafter. I have taken some pains to ascertain his opinions, and find that his declarations upon that subject, taken as a whole, are exactly the opposite of that proposition.

It may not be uninteresting to hear what Mr. Jefferson has said in this regard. I now read an extract from a letter written by him to Colonel Humphreys, March 18, 1789. He says:

> It has not, however, authorized us to consider as a real defect what I thought and still think one, the perpetual re-eligibility of the President. But three States out of the eleven having declared against this, we must suppose we are wrong, according to the fundamental law of every society, the *ex majoris partis*, to which we are bound to submit. And should the majority change their opinion, and become sensible that this trait in their Constitution is wrong, I would wish it to remain uncorrected as long as we can avail ourselves of the services of our great leader, whose talents and whose weight of character I consider as peculiarly necessary to get the Government so under way as that it may afterward be carried on by subordinate characters.

It will be observed that the point which he makes in this letter is against the "*perpetual* re-eligibility of the President."

Just the objectionable feature which is met by my joint resolution.

I read again from a letter written by him to James Martin, September 20, 1813. He says:

> I am for responsibilities at short periods, seeing neither reason nor safety in making public functionaries independent of the nation for life or even for a long term of years. On this principle I prefer the presidential term of four years to that of seven years, which I myself had at first suggested, annexing to it, however, ineligibility forever thereafter; and I wish it were now annexed to the second quadrennial election of President.

It thus clearly appears to have been the opinion of Jefferson that four years should constitute a presidential term, and that he should be permitted to serve a second term, but not a third. This letter was written twenty-five years after Washington's first election, and after Mr. Jefferson had witnessed the operations and progress of the Government under two terms of Washington, one of John Adams, two of his own, and one of Madison. He did not die until July 4, 1826. He left no modification of this belief that I have been able to find.

Those who advocate a single term, as also those who are willing to consent to re-election a second time with an intervening term of ineligibility, urge with much ardor and some plausibility that when eligible to an immediate second term the President may make use of his vast patronage to assure a second election.

There is not much force in this argument when carefully examined and when considered in the light of the past history of the country. It is not an unnatural or dishonorable ambition to desire a second term, and it is safe to assume that every President has had that aspiration and in some degree has arranged for that result during his first term. We have already had fifteen Presidents, not counting Harrison and Taylor, both of whom died soon after their inauguration. Eight of these, John Adams, John Q. Adams, Martin Van Buren, John Tyler, Millard Fillmore, Franklin Pierce, James Buchanan, and Andrew Johnson, were never re-elected, and I believe none of the eight, except John Adams and Martin Van Buren, secured a renomination, much less a second election.

The vast multitude of Federal office-holders it may be are ready to do the bidding of the official head that gives them official being. But it must be remembered that this class will work with no less zeal for the candidate of their political faith, whoever he may be, knowing that defeat will result in their displacement. Indeed, I am of the opinion that they will labor with even greater effect where the candidate is a new man of their party, hoping thereby that they will be continued in place as a reward of merit.

It might as well be said that members of this body, or of the Senate, should not be re-eligible for the like reason. It cannot be denied that Senators and Representatives will in the bestowment of favors prefer, as other people do, their friends, and thus indirectly at least benefit themselves in the future. This needs no denial or apology, for it is not undignified or dishonorable to do so when the favors are bestowed upon worthy friends. The fact is, Mr. Speaker, those who retain their seats here the longest are generally, to the credit of our form of government be it said, the wisest and best men of both parties, and I suspect that those of us who are here for the first time would cut a sorry figure without them.

If we were limited here to a single term, I doubt if we would be quite so careful in the discharge of our duties. In the very nature of things this is true. If an account of stewardship is not required, the temptation to subordinate the general welfare to private gain is greatly increased. The corrupt legislator would care little for investigation after he had passed beyond the penalty. Indeed, the incentive and effort to expose fraud would lose much, if not all, their momentum and value if after the exposure the unworthy public servant was practically free from responsibility.

I cannot see why these considerations do not apply with much greater force to the Executive; for his opportunities for dishonest gain are immeasurably superior to those of any other public officer or class of officers.

If it be said that my argument against a limitation to a single term applies to a second term with ineligibility thereafter, I answer that the President who discharges or tries to discharge his whole duty for the first four years, from whatever motive, is more apt to continue in well-doing than he who has made no such record. Moreover, as a general rule our Presidents are taken from the lists of those who by long public service are well known to the people and the past lives of whom give assurance of adequate ability and moral fitness. The American people are not slow in separating the drifting, floating dross from the pure metal.

The fear of the selection of unworthy men was the cause of much distrust in the early days of the Republic. Mr. Madison, in a letter written in May, 1830, said:

> In the mean time I cannot feel all the alarm you express at the prospect for the future as reflected from the mirror of the past. It will be a rare case that the presidential contest will not issue in a choice that will not discredit the station and not be acquiesced in by the unsuccessful party, foreseeing, as it must do, the appeal to be again made at no very distant day to the will of the nation.

Mr. Speaker, it may at wide intervals in the history of the country, in times of great excitement, when the minds of the people are fixed more upon startling passing events than upon the true merit of men, happen that an incompetent Executive will be chosen. Such periods will be rare with us. If the people make a mistake four years will give them ample time to take the second sober thought; and if they do not and will not prevent its recurrence I know of no remedy afforded by our political system.

When the people become so indifferent and dead to the preservation and enjoyment of their own liberties that with full knowledge of the unfitness of a candidate for President they will nevertheless elect him, what power will control them?

Whenever they reach that degree of moral and civil stolidity and unfitness for self-government, they will not hesitate to trample under their feet every constitutional limitation and restraint created for their benefit and protection.

It cannot be said with much plausibility that our elections are too

frequent. The difference between four years and six years (as recommended by the minority report) is hardly appreciable. So long as our people are possessed of the intelligence and education peculiarly essential to the stability and perpetuity of our form of Government there cannot be in the future, as there has not been in the past, any real danger to their liberties in holding a presidential election every four years. Whenever the people fall below the required educational standard, then it matters little how frequent or how seldom our elections are held, for our liberties will not survive long thereafter. An ignorant minority will not long respect the will of an ignorant majority.

Mr. Speaker, it is a most significant and instructive fact, that, determined as an overwhelming majority of the people are against all third-term schemes and ambitions, they have had little to say against a second term. And, sir, I believe it must be the deliberate sense of this body that if we adopt the majority report or take any action looking to one term only, or if we adopt the minority report, our constituents will be either opposed to or indifferent to such a result; because they have not been expecting it, do not ask it, and will decide, in my opinion, after all the arguments are heard and pondered, that such action was visionary and experimental, not suggested or demanded by anything in the past history of the Union, and not the product of clear-headed and non-partisan statesmanship.

It will be observed that the strongest arguments which can be adduced in favor of the majority report, or the minority report, are predicated upon dangers to public safety and liberty anticipated, and not upon dangers realized in the past. That a hundred years have elapsed without a single crisis attributable to the constitutional provision declaratory of the term of office of the President is an argument more potent and more convincing than any reasoning that can be produced favoring a change on the ground of events which may never transpire.

Mr. Speaker, I assert that even if it could be shown that all the fathers had in the most unmistakable language declared in favor of a single term, an argument resting upon that concurrent opinion would weigh only as the merest atom against the incontrovertible fact that from the election of the first President to the present time the constitutional provision upon that subject has been an unqualified success.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 279) to establish a land office in the southern part of Utah Territory, to be known as Beaver district, and for other purposes; and

A bill (S. No. 360) to establish certain post-routes in the State of Texas.

TERM OF PRESIDENTIAL OFFICE.

The House resumed the consideration of the joint resolution (H. R. No. 41) proposing an amendment to the Constitution of the United States, reported by the Committee on the Judiciary.

Mr. KNOTT. Before this debate proceeds further, I desire to say that there are a number of gentlemen who wish to be heard, but who cannot under the existing order of the House be heard, unless that order is modified. I propose, therefore, to ask the unanimous consent of the House that debate shall continue during the session of to-day, and that I may have the floor assigned to me immediately after the morning hour to-morrow, to move the previous question and close the debate. I suppose there will be no objection to that arrangement.

There was no objection, and it was so ordered.

Mr. FRYE. I desire to call the attention of the House in as few words as I can to certain suggestions, which seem to me practical, in relation to this proposed constitutional amendment. I would like the Clerk to report the amendment which is now pending as a substitute for the majority report.

The Clerk again read Mr. FRYE'S proposed amendment.

Mr. FRYE. Now, sir, the majority resolution is that no person who has held or may hereafter hold the office of President of the United States shall ever again be eligible to the office. There are no party politics, as I understand it, involved at all in the question before the House, and, as I understand further, this is a serious proposition, made, I suppose, in answer to demands from some source, from somewhere, that the Constitution shall be amended. Therefore, whatever action we take looking thitherward, of course we have got to consider primarily the question whether or not the proposition we offer shall be approved by three-fourths of the States, which are required for its adoption, else our work is all useless.

Now there seem to me, Mr. Speaker, two or three well-founded objections to the majority resolution. And first, the term of office is too short. Why, sir, there are no men in the country who understand better than members of Congress of how great importance experience is in this matter of office for the better performance of its duties. When I came here to the Congress of the United States, for the first two years I found myself a complete, ignoble, unworthy cipher, and in my modesty and humility again and again in the thoughts by day and in the dreams by night I determined to resign the position and get out of a place where I was so utterly useless. I suppose that there is not a modest or sensitive man in the House who has not again and again experienced the same feelings. There are a dozen men of experience in this House, having been here term after term, holding commanding positions and swaying the legislation of the House hither and thither just as they please. Whence comes that power? From pre-eminent ability? From superior intellect? From excellence in learning? No, sir. From experience in the performance of the duties devolving upon members of Congress. They in everything else have their peers in hundreds of men on this floor who are here to-day for the first term. And, sir, it seems to me that the same rule holds good in the office of President of the United States. If he is fit to be elected to the position he will be a better man the second term than in the first. He will perform his duties more wisely during the second term than the first. I submit therefore to the House that when you limit the presidential term to four years you are forcing upon the country a loss of valuable experience which it might otherwise enjoy, in my opinion, without any prayer from the people, even against their wishes.

I, sir, do not believe for one that they have ever asked any such proposition as this. I never have seen it in any press representing the people and their voice. I submit if they have desired any change in the term at all it has been in favor of one of six years, not one limited to four and that no man shall be eligible to a second term.

Again, sir, there is a serious objection to it. It provides that no person who has held the office of President shall be eligible to a re-election. Then, sir, suppose a Vice-President who by the death of the President has held that position for two hours' time or two days' time, he will be forever ineligible as President of the United States. Sir, it seems to me that proper consideration has not been given to that, for there is no reason why a Vice-President accidentally taking office for a few days or a few weeks shall be made ineligible to the office of President of the United States. In those days or those weeks he cannot by any possibility have gained that control of the patronage of the country which will endanger the liberties of the people or improperly secure his election. He may be the man of all others we desire for that high office, and yet we cannot be gratified.

Again, sir, I submit that this amendment never can be adopted by three-fourths of the States of this Union. And why? Suppose the democratic party—a forced hypothesis I admit—come into power and elect its President in the next election. It has been out of power for fifteen years. It went out of power when the patronage of the Government was comparatively small; it will come back again into power when the patronage of that Government is immense, so immense that to-day it has frightened the people, if they have sought it, into seeking an amendment of the Constitution so that that patronage shall not be used. Now, sir, I submit to my democratic friends, if they elect the next President of the United States and he has that patronage in his hands, is there a hod-carrier in the remotest town of all our borders who will not be instructed by their party, then in power, to vote at the polls against this amendment to the Constitution? You know this will be so; it is absurd were we to ask the question. Will they not say, We are in power; we have the patronage now and can retain power by its use and re-elect the President of the United States. Shall not we, as republicans, if we prevail, instruct our men to vote against the adoption of that amendment? Certainly we would do it, and under no such circumstances would three-fourths of the States be induced to adopt it, and it would thus become mere child's-play.

The minority of the committee submit a different proposition, one for a six-year term; and I have given my reasons why I prefer that. It provides, somewhat curiously perhaps to those who have not reflected upon the subject, that, if adopted, the amendment shall not take effect until the year 1885. Why 1885? Because when we propose a resolution to the House we propose it seriously, thinking that the people need it and that they may adopt it. Now suppose that we had said that from and after the next election this amendment should go into effect, what would be the result? The very first question, a very serious one, presented would be this: Would it affect the term of office of the next President? If it does, then, being adopted six months or a year after the election of the next President, it would make a six-year President out of one elected for four years.

Now, suppose that the democrats should elect their candidate for President at the next election. Is it possible that the republican voters of the country will vote for the adoption of an amendment to the Constitution which will give that democratic President two years longer of office than he was entitled to on the day he was elected? Of course not; and every republican in the country will vote against the adoption of such an amendment as that.

Suppose, then, you put it off until 1881, as has been proposed. Then you are in this condition: Suppose that next year we elect our candidate for President. The amendment as adopted will take effect in 1881, making the term of office six years and the President ineligible for re-election. Having elected our President, how natural is it for us to say, Our President is a good man, and every President hitherto elected has had an opportunity for re-election; ours only of the men elected to the office is limited to this one term of four years; the next one to be elected and all thereafter will have six years of office. That will be an invidious distinction against the President of the party in power, and every member of that party will vote against the adoption of such an amendment, and you cannot get three-fourths of the States to adopt it, and the amendment will fall through.

Now put off the operation of the amendment if adopted until 1885, and you will have removed it from all these difficulties which otherwise beset it. You have made it certain that if it commends itself to the

people it will be adopted by them. No party, as such, would necessarily be arrayed against it.

Now, while I have reported this amendment in behalf of the minority of the committee, I am free to confess that I do not see any necessity for it. I am free to confess that I have heard no voice from the people demanding that their rights shall be thus protected, telling us that their liberties were in danger, and that their privileges were being unduly limited. I see no necessity whatever for any amendment to the Constitution in relation to this subject. Feeling, however, that an amendment was demanded by members of this House and by the press, and that one was liable to be recommended to the people for adoption, I preferred the proposition of the minority to that of the majority of the Committee on the Judiciary.

Hitherto in amending the Constitution of the United States there has seemed to be an impending and inevitable necessity existing for such action. Just look at the several amendments to the Constitution which have from time to time been adopted. First is the following:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

That was adopted from a pure spirit of religion, in order to remove religion from political strife and to keep the hand of power of the state from it. For that purpose it was absolutely required that such an amendment should be ingrafted upon the Constitution. The second, third, fourth, and fifth amendments are as follows:

A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

And so all the way through the amendments which have hitherto been adopted. The rights, the liberties, the privileges of the people are protected by them. Look at the thirteenth amendment prohibiting slavery in the United States. It had been almost the death of this Republic. By the inevitable logic of war slavery itself had died. Was it not a necessity, an impending, an imperative necessity to provide in the Constitution that there should be no resurrection of it forever and ever in this Republic? And that was done.

Then came the fourteenth. Four millions of people held in slavery had been made free and left in the country where they had been slaves. Did not their safety demand that they should be made citizens? Ah! sir, human nature is such that the people of this Republic dared not trust those men only as freemen in the hands of their old masters. There were thousands and tens of thousands of them who would have dealt kindly, fairly, and generously with them; but there were also thousands who would have reduced them to peonage worse than slavery, where they would have had all the unrequited toil and none of the protective influences of slavery. Therefore you amended the Constitution so as to make them citizens of the United States.

Then you provided by the fifteenth amendment that these persons being citizens, those States where a majority might wish to legislate in the interest of that majority and against the interest of this poor minority should be prevented from taking from them the right of suffrage, should have no power to do so. Did not the liberties, rights, and privileges of the people demand this action?

Now comes a proposition for the sixteenth. Look these articles through from one to sixteen, as now proposed. I ask if you can find existing to-day anywhere any such an abiding, impending, or imperative necessity as existed when each one of the other amendments to the Constitution was proposed and adopted? Why is it, then, that Congress here to-day is offering to the people this sixteenth article for their adoption? It has been whispered in my ear why it is done. The power of the press of this country is an overwhelming power; it is almost omnipotent. Since I have been in Congress I have learned that it legislates on the floor of this Hall again and again and again; that its influence controls my vote and yours. O, that it might be always a power for good, a power for righteousness, a power for justice and humanity. But it is a power, and as such must be recognized in the land.

Now, sir, a paper, powerful, in its resources wonderful, in the ability of its management marvelous—one paper of the metropolitan press—sent out one day through the country, sent up a cry of "Cæsar! Cæsar!" and up Cæsar's ghost sprang into the air, and from that day till now that ghost will not down at any man's bidding. That raven "still is sitting" there; and no power seems to be able to drive him from the perch where that great paper put him.

But, sir, did the people of the country fear the ghost of Cæsarism? Did they fear that a new Cromwell had sprung up? I tell you no. The press in that case was ahead of the honest toiling people. They knew that if you look for the highest type of the purest integrity you will find it in the officers of the Army and Navy of the United States; and when they heard that voice of the greatest living soldier saying to them again and again, in the simplest language, "I have no thought for a third term, I am not expecting a third term," they believed him, they trusted him, as I do, and the third term "spook" was only a myth. When his voice came to them they required no affidavit, no solemnities of oath from the loved commander. The great scare seemed to affect our democratic friends alone. They tremble for the safety of the Republic, and Cæsarism is their terrible nightmare.

True I have met politicians now and then outside of the democratic party who quivered with fear of a "third term" and talked about this immense patronage. Whose patronage is it? Why, sir, in my city, a city of twenty-two thousand inhabitants, there is one Federal office-holder. Suppose the President of the United States sends to him and tells him to secure delegates from that section of the State in a national convention, what fearful result would follow? Why, he has hardly the power of an ordinary citizen; his office hampers him. His voice would not be heard; his touch would not be felt. Whose patronage is it? Who appointed that man to his Federal office? Why, sir, I did; not the President of the United States. The President signs his commission; but we understand perfectly well that we the representatives of the people really appoint these officers. They come to us; they look to us; and if anybody has patronage, it is members of this House and of the Senate—men who are close to these office-holders, whom they can touch and handle and direct and control in their own cities and their own districts. There is the danger, if there is danger anywhere.

But, sir, I learned long ago that the patronage which a member of Congress has is weakness to him, not power. Why not then weakness to the President of the United States? If this patronage is such a fearful power to put into the hands of the President, why not adopt a constitutional amendment limiting the term of office of Senators of the United States? I say they have a closer control over the fruits of patronage than the President has. If this is a power to be used for harm, why not adopt a constitutional amendment prohibiting us from holding more than one term?

I have heard, sir, that the members of this House use the patronage of their districts to secure their re-election. I have heard that they travel from Department to Department getting clerks into office; that they fill the custom-houses in their districts with men of their own selection; that their appointees overrun the navy-yards of the country; and that the power which they thus heap up is used by them to secure their renomination and re-election. Why not then introduce a constitutional amendment providing that no member of Congress shall be re-elected? Limit Congressmen to a single term, and then God save the country and the legislation of the country. The folly of utter inexperience would be fearfully apparent.

As I have already stated, I have submitted the minority report simply because it seemed to me the House would adopt either that or that of the majority; and I believed, for the reasons I have given in this feeble, off-hand manner, without any special preparation or thought, that if any proposition on this subject was to be submitted to the people this was preferable in all its parts to the other. I am free to say that if the amendment should be adopted I shall still vote against the passage of the joint resolution, because I believe we shall all find after the republican party have elected their next President—a man chosen from those whom we respect and love—the man of our choice, wise, sagacious, and patriotic—your third-term goblin is then damned for ever and ever; and after that damnation you may propose your constitutional amendment to the people, and hardly a man, white or black, naturalized or native, would be scared enough to vote for it.

Mr. MCCRARY. Mr. Speaker, I have no desire to discuss this question at any great length. There seems to be a general agreement on both sides of the House that an amendment to the Constitution upon this subject shall be submitted to the Legislatures of the several States. It is in no sense a party question. During the long series of years when the democratic party was in power in this country no proposition of this kind was ever submitted. The public sentiment in favor of it has grown up within the last few years, and has, I think, had its origin in the vast increase of the power and patronage of the Chief Executive of the nation. In my opinion the public sentiment in favor of such an amendment is well founded, and I doubt not that gentlemen on both sides favor it from the highest motives. I differ from my friend and colleague on the committee, the gentleman from Maine, [Mr. FRYE,] in the position taken by him, that there is no public sentiment in favor of a one-term amendment. It has been and is earnestly advocated by many of the best and ablest men in the land of both parties.

The Committee on the Judiciary are quite unanimous in the opinion that an amendment on this subject shall be submitted. The only matter of difference in the committee was as to the form of the amendment. It being agreed that we shall submit an amendment limiting the incumbent of the presidential office to a single term, the first question, of course, is as to the length of that term. The majority have recommended that it be limited to four years, and in some cases, as I shall show presently, they have recommended that it be limited to a very much shorter period. The minority recommend that the term of the President shall be six years.

Now, Mr. Speaker, there is a great deal of good in the old plan

which our fathers adopted and embodied in the Constitution. What we should desire is to preserve as far as we can all the good there is in the old plan and yet secure as far as we may all the good that is proposed by the new plan. The good of the old plan is that it gives to the people of the country the benefit of experience in this great office of President. Can we not preserve that, and at the same time avoid the evil which exists and the danger which threatens under the present Constitution growing out of the immense patronage of the executive office? I think, sir, we can, and I think we may do it, at least in a large measure, by the adoption of the report of the minority.

This amendment to the Constitution which we now propose is in some sense anti-democratic in its character. It takes from the people of the United States the power which they have always held under the Constitution, and which, whatever other gentlemen may say, I venture to assert they have always exercised with wisdom—the power to decide for themselves, after a man has served in that office for four years, whether they will continue him for four years more. The proposition is to take from the people the right to re-elect. Now, sir, if we do that, is it not fair and reasonable that we should give to the people in return the right to appropriate the experience of a man who has served in the office of President for four years? Why not give them the services for two years more of the experienced President under conditions that will secure the people against an abuse of power?

The reason why an amendment to the Constitution is demanded, if it be demanded, is that the patronage of this office has, since the adoption of the Constitution, grown to such enormous proportion that, in the hands of a bad man, it would become an exceedingly dangerous power, by the use of which he might perpetuate, or at least seek to perpetuate, his own rule. But we may get rid of that evil by adopting the six-year term, and yet not be compelled in all cases to dispense with the services of a President at the very time when those services have become most valuable. The fact that so many Presidents have been re-elected shows that the people value the right of re-election. They value it because they know the value of experience in this office.

Experience is of great value in all places of public trust, but especially so in this place. Our vast and intricate foreign and internal concerns are of such a nature and so extensive that time and experience are absolutely essential, in order that the President may master them and fit himself for the proper and efficient discharge of the duties of his office. So I think, Mr. Speaker, that by making the term of the President six years, instead of four, we give to the people the benefit of experience in this office, and by making the President ineligible to re-election we at the same time avoid the danger that exists under the Constitution as it now is.

But, Mr. Speaker, there is another reason why I believe the term of the President should be six years instead of four. In my opinion presidential elections are too frequent. The great excitements, the upheavals, the convulsions of the body-politic which always attend these presidential struggles produce an injurious effect upon all the interests of the people of the country. The time, the labor, the money that are taken from other channels and absorbed in these great political contests, if used in other directions, would be of incalculable value and benefit to the people. These evils incident to a great popular commotion are not, of course, to be compared with the benefits of our system of popular government, but they are real evils nevertheless, and to be mitigated as far as they may be without injury to that system.

Presidential elections are especially injurious to the business and financial interests of the country. They always involve the question whether the policy of the Government on these subjects shall be changed or not, and whether the result of the election determines that the old policy shall be continued or that it shall be set aside and a new one inaugurated; there is in either case a long period of uncertainty and suspense. I believe if our elections, State and Federal, were not so frequent it would be better for the interests of the country, because in that case our people would take more interest in them. There are many of our best citizens who refuse to give any time or attention whatever to public or political affairs. They say one struggle is scarcely over until another is begun, and that if they give their attention to these things they must neglect their private interests and business affairs. This is the excuse which many of the best people of the country give for neglecting what ought to be regarded by every citizen as the most important and sacred duty. With a presidential election once in four years, with annual State, county, and municipal elections in most States, and with biennial elections for Representatives in Congress, what wonder is it that too many people have come to regard politics as a trade which only a few understand and follow.

But, Mr. Speaker, there is another objection to the report of the majority to which I would like to call the attention of the House. That report provides that—

> No person who has held or may hereafter hold the office of President shall ever again be eligible to said office.

That, of course, includes the case of a person who shall be elected and hold the office for four years, but it also includes the case of a Vice-President or acting Vice-President who may succeed to the office of President and hold it for a single day, because every man who has ever held the office of President for any period of time, however short, is rendered forever ineligible to be elected again. Why is this? The reason for the exclusion of a man who has held the office for four years does not reach the man who has held the office for a single day or a single week or a single month.

The Vice-President may succeed to the office of President, and he may not exercise one of the great powers of the office. He may appoint no man to office. He may do no single executive act. And yet, if the powers and duties of the office have devolved upon him for a single day, under the report of the majority, he is to be rendered forever ineligible. The theory upon which the one-term amendment is defended—and the only theory upon which it can be defended—is that the incumbent may during his first term misuse the patronage of the office for the purpose of securing a re-election. This theory, however, does not apply to the Vice-President who has succeeded to the office and held it only for a brief period.

The minority report, therefore, provides that whoever has been elected to the office of President or whoever has succeeded to that office *and held it for two years* shall be forever ineligible. And in that respect I think the minority report is vastly superior to that of the majority. Mr. Speaker, I desire to say in conclusion that, unlike my friend from Maine, [Mr. FRYE,] I am earnestly in favor of this proposition. I am in favor of it because I believe it to be a step, although perhaps but a short step, in the direction of a great reform. But, sir, I do not regard this proposition as reaching the real source of the evil. The great evil and the great difficulty are not that the President is eligible to re-election. The great evil and the great difficulty come from the fact that has already been alluded to, that the power and the patronage of the President of the United States have grown to such enormous proportions that it is more and greater than any one person in this country ought to hold in his hands.

Sir, the remedy is not in limiting the President to a single term, but the remedy is in such wise and well-considered measures of constitutional amendment as shall take from the President a great part of the patronage which he now has and shall vest it in the people. There is no difficulty in adopting measures of this character. When the Constitution of the United States was adopted there were but about seventy-five post-offices in the United States. To-day the number is very nearly fifty thousand. Every one of the postmasters in this country ought to be elected by the people in the vicinity where the post-office is located. If there is an officer under the Government of the United States who ought to be chosen by the people who have to transact business with him it is the postmaster. That officer deals daily with all classes of the people, and his dealings with them relate to matters which touch some of the most sacred relations in life. Had Congress authority to provide for their election, how easy it would be to designate by some competent authority the limits of each post-office district within which residents and voters who are to choose the postmaster shall reside. The same thing is true of numerous other Federal officials whose duties are local. I hope, sir, that this House, before dismissing this question entirely from its consideration, will propose another amendment to the Constitution which shall provide for the election of all such. By that means more than half of this great power and patronage which overwhelm the President will be taken from him. I care not, sir, how honest, I care not how able, how patriotic a President may be, it is simply impossible that he should discharge the duties which now devolve upon the presidential office with that understanding, with that information, with that knowledge concerning each and every one of his official acts which every officer of the Government ought to possess. No one man can appoint ninety or one hundred thousand Federal officials and act in any large proportion of the cases upon any information except that which he derives from others.

It is said, sir, that this is the patronage of members of Congress. Practically it is so, but I submit that that does not help the matter; that, on the contrary, is one of the evils which we wish to get rid of. What right have I, sir, to say who shall be postmaster at every post-office in the district which I represent? What right have I to determine for the people of my district who shall serve them in these places? The people themselves are the parties who alone are interested and who should determine that question. Besides, sir, it sometimes happens, I will not say that it happens very often, but it does sometimes happen that members of Congress regard the appointments which are supposed to be under their control as so much capital, with which they can control so much influence and command so many votes. This may happen; it is one of the possible evils under the existing system, and as we are legislating to remove possible dangers it is my opinion that we ought to remove this, as it is not only a possible but a real and a present evil.

I say, sir, then I am in favor of the proposed amendment. I believe that it is demanded by a just public sentiment. I believe it is right and I believe it is a step in the right direction; but I am by no means ready to admit that by the adoption of this proposition the great evils of which the country complains will be cured. On the contrary, I think that further and more radical measures than this will have to be adopted.

Mr. CAULFIELD rose.

PACIFIC RAILROADS.

Mr. LUTTRELL. I ask the gentleman to give way to me for a moment. I desire to rise to a question of privilege.

Mr. CAULFIELD. I yield to the gentleman.

Mr. LUTTRELL. I find that in the CONGRESSIONAL RECORD of yesterday there is an injustice done to me in the report of the proceedings. In printing the resolution which I introduced for the investigation of the several Pacific railroads, the RECORD omits the Central Pacific Railroad, the very first on the list. I have examined the original resolution, now in the hands of the Clerk, and I find it correct. I hope the correction will be made in the RECORD, and I ask that the resolution be reprinted.

There was no objection, and it was so ordered. The preamble and resolution are as follows:

Whereas the several railroad companies hereinafter named, to wit, the Central Pacific, the Kansas Pacific, the Union Pacific, the Central Branch Union Pacific, the Western Pacific, the Southern Pacific, the Sioux City and Pacific, the Northern Pacific, the Texas and Pacific, and all Pacific roads or branches to which bonds or other subsidies have been granted by the Government, have received from the United States, under the act of Congress of July 1, 1862, act of March 3, 1871, and the several acts amendatory thereof, money subsidies amounting to over $64,000,000, land subsidies amounting to over 220,000,000 acres of the public domain, bond subsidies amounting to $——, and interest amounting to $——, to aid in the construction of their several roads; and whereas it is but just and proper that the Government and people should understand the status of such roads and the disposition made by such companies in the construction of their roads of the subsidies granted by the Government: Therefore,

Be it resolved, That the Judiciary Committee be, and are hereby, instructed and authorized to inquire into and report to this House, first, whether the several railroad companies hereinbefore named or any of them have, in the construction of their railroad and telegraph lines, fully complied with the requirements of law granting money, bond, and land subsidies to aid such companies in the construction of their railroad and telegraph lines; second, whether the several railroad companies or any of them have formed within themselves corporate or construction companies for the purpose of subletting to such corporate or construction companies contracts for building and equipping said roads or any portion thereof, and, if so, whether the money, land, and bond subsidies granted by the Government have been properly applied by said companies or any of them in the construction of their road or roads; third, whether the several railroad companies or any of them have forfeited their land subsidies by failing to construct and equip their road or roads or any portion thereof as required by law; fourth, that for the purpose of making a thorough investigation of the several Pacific railroads, or any of them, the Judiciary Committee shall have full power to send for persons and papers, and, after thorough investigation shall have been made, shall report to this House such measure or bill as will secure to the Government full indemnity for all losses occasioned by fradulent transactions or negligence on the part of such railroad companies or any of them, or on the part of any corporate or construction company, in the expenditure of money, bonds, or interest, or in the disposition of lands donated by the United States for the construction of such roads or any of them or any portion thereof, and for the non-payment of interest lawfully due the Government or any other claim or claims the United States may have against such railroad company or companies.

TERM OF PRESIDENTIAL OFFICE.

Mr. CAULFIELD. Mr. Speaker, one of the amendments referred to the Judiciary Committee upon the question of a change of the Constitution in regard to the presidential term of office was offered by myself. That joint resolution was very much the same as the one which has been reported by that committee and now under consideration.

I have listened with great pleasure to the arguments which have been made upon both sides of this question and upon both sides of this House. I have thought much over this question before it was argued here to-day, and the result of the arguments here and of my previous reflections only tends to confirm me in the conclusion at which I long since arrived, that is, that the tenure of the Presidency of the United States should be confined to a single term and that term should be four years. I believe that the dangers arising from the increasing patronage in the hands of the President and that the changes that have taken place since the Constitution was adopted render it absolutely necessary that something should be done to stay the evils that are festering upon our body-politic.

The objections which my friend from Indiana [Mr. NEW] on this side of the House and which my friend from Maine [Mr. FRYE] on the other side of the House urge to the one-term principle seem to be these: first, that the person elected to the Presidency of the United States for but a single term has scarcely learned how to discharge the duties of his office when he is compelled to abandon it; and, secondly, that a second term should be held out as a reward for the services of the incumbent during his first term and as a goal toward which his ambition may stimulate him to a proper discharge of his duties during his first term. These reasons carried out would be an argument for a third or a fourth or even a term for life. For these reasons among others I am opposed to anything but a single term, be it for four or six years. Can it be that this vast country, having grown in importance in the eyes of the world until she now occupies a position if not first at least second to no other nation on earth, must now begin to educate her Presidents by first electing them to that position, instead of selecting statesmen of experience and capacity in the first instance, so that the first term of the Presidency is to be considered but an apprenticeship in which he shall be educated for a second term? Let the people determine that there is but a single term for each President and they will learn to select no man for that office who is not a statesman of experience, capable of discharging the duties of that office in the first instance with honor and profit to the country. Let the people be careful in the selection of the incumbent of this, one of the highest offices in the gift of any people, and feel that their liberties may be endangered by placing an inexperienced person in the discharge of such important duties, and none but the best will be selected. I believe if we have but a single term this desirable end will be greatly promoted.

Sir, we cannot liken the presidential office to the office of Congressman as the gentlemen have done who preceded me. But one man in the nation can fill that office at one time, while there are three hundred men in the nation who do fill the offices that we fill to-day. The inexperience of some is corrected and counteracted by the experience of others, and thus the evils flowing from the inexperience of all is partially if not entirely prevented. It is not to be expected that a man who comes to Congress, it may be at twenty-five years of age, shall be a full-grown statesman. But the man selected to fill the highest place in the gift of this people should be second in experience and statesmanship to no man in the land. Sir, this House may be the arena in which the growing aspirant for presidential honors may prove himself worthy of them. We have marked and remarkable instances before us already of men, not only in this House but at the other end of the Capitol, who are aspiring to this high position. Can it be said to the discredit of these aspirants that they are seeking positions to which they are not equal and that they desire to serve an apprenticeship in the White House for four years in order to fit them for a second term of four years more? Let us understand that we are to place no man in that high position who is not fitted for it in the first instance; let us select none but men capable, honest, and fitted in every possible way for the position the moment they take the reins of government in their hands; let us trust the reins of government to no tyro; let us put them only in the hands of experienced men, and then they will serve four years, not as an apprenticeship, but four years of great usefulness and honor to the country.

But it is said that a second term should be held out as an inducement to the occupant of the office for a first term to discharge the duties of that office with honor to himself and profit to the country in order that he merit the premium of the second term. Is it then to be understood that the people of the United States can place in the presidential chair a man whose honor is of so slight a texture that he may not be induced to the conscientious performance of the sacred duties which his oath and the people have imposed upon him except by extending to him a reward for the discharge of his plain duty? Sir, let us understand that there is to be but one term, and we will place in that position no man who will not discharge his duties from conscientious motives, without hope of reward, except that which may flow from the hearts of a grateful and well-served people. No man who needs a reward of a second term for the proper performance of the duties of his office is fitted in the first instance to fill it at all. Sir, these arguments are freighted with their own refutation. We must make the President of this Republic occupy such a position before the world that no citizen of this or any other country can question either his ability or his integrity.

But, Mr. Speaker, my friend from Indiana [Mr. NEW] has taken up the old debate in the constitutional convention which framed our present Constitution, and from that he has deduced an argument in favor of two terms of four years each. Let me remind the gentleman that the most of the arguments made upon that subject in that convention were when the proposition was under consideration that the President or the Governor, whatever he might be called, should be elected by the Legislature; that is, by the Congress of the United States. Those arguments were all made with reference to the influence of the Legislature upon the President to be elected by them, to the power that they might hold over him. The discussion in the convention extended over a period of three or four months. Some proposed a term of seven years, one proposed a term of three years, others six years, the question of eligibility or ineligibility for a re-election entering into the arguments throughout. The term of four years, with the question of re-eligibility left to the people, was agreed upon as a compromise between the various conflicting sentiments upon that subject then existing in the convention. It was a compromise; there was no question whatever whether there should be one or more terms of office for the same person. That question was left to be determined by the experience of the people in time to come.

Mr. NEW. Will the gentleman permit me to make a suggestion?

Mr. CAULFIELD. Certainly.

Mr. NEW. I would remind him in this connection that Mr. Jefferson, twenty-five years after Washington's first election, expressed himself in favor of a second term with ineligibility to a third; and furthermore Mr. Jefferson had himself served a second term.

Mr. CAULFIELD. That I understand; I was speaking of the debates in the convention. I understand that the letter the gentleman refers to was written long afterward. At the time the convention was held the population of this country was small and the offices to be filled comparatively few. It was impossible for those who were framing that Constitution to look forward a hundred years and see what we now behold around us. Now we have a population of over 40,000,000, instead of the 3,000,000 for which they were legislating at that time. They little foresaw that patronage which would fall under the control of the Presidents who should come after them. They little foresaw that our large cities and our little towns were to be crowded with officeholders of the kind and character now to be seen. They little foresaw that those places would be filled by men selected alone for their capacity to elect a President for a second term rather than for their ability to discharge properly the duties of the offices to which they were assigned.

That is the difficulty now pressing upon us. The President who has before him the possibility of a second term will be induced in

his appointments to select men who are wire-workers in politics, men who have but little moral character, who possess but slight ability for the positions to which they are assigned, but who are fitted by a resort to all kinds of political devices to increase the chances of the then incumbent for a second term. They little foresaw that in a hundred years from that time 80,000 office-holders would have much more to do in nominating a man to occupy the seat for the next presidential term and helping to elect him to it than in the discharge of their own official duties.

If men were elected and appointed to positions only because of their capacity to fill them, do you suppose this nation would to-day be looking to Saint Louis and Chicago for the punishment of men who had been placed in position more for their capacity for wire-working and political intrigue than for their integrity and ability to discharge the duties of the offices they have filled?

The Constitution provides that Congress may propose amendments whenever it shall deem it necessary. Now, I admit that we are not to propose amendments simply from mere whim or caprice, or for the purpose of advancing some political and personal design of the proposer, but whenever Congress shall deem it necessary for the public good. It is our sworn duty under the Constitution to propose no amendment unless we deem such amendment necessary and called for by the people. It has been said upon the other side that the people are not calling for this amendment. If I have heard the voice of the people aright, I say that they are calling for an amendment upon this very question. Is such an amendment necessary? If it is important to stop the abuses that are now increasing in our midst, then it is necessary.

The public mind is uneasy at the bare possibility that such a contingency as a third term may happen. Much controversy has arisen upon this subject throughout the country. During the first and second term of the present incumbent the question of eligibility to a succeeding term has been much discussed. The evils of Government have been so rapidly multiplying that the people, who are anxious to maintain the Government in its original simplicity and as far removed as possible from the blandishments of patronage, are seeking for a remedy against the increase of power which the growth of our country and its resources are constantly augmenting in the hands of those who wield it.

The question is, how shall the remedy be applied? I regard the constitutional amendment limiting the tenure of the presidential office to but a single term of four years as one very important step toward securing this end. The incumbent of so high a position should have no stimulant to any other ambition but a strict performance of his duty, by which he will impress an honorable name upon the history of his country. Let him feel that his appointments to office must be from that class of men whose integrity in the discharge of their duties will be of lasting benefit to the country and add luster to his administration, and he will keep an eye single to the appointment of none but honest and capable men to office. But let him feel that he must, in order to secure a second term, make his appointments from that class of politicians whose influence is likely to secure him a second term and their own continuance in office, and the offices of the country will be filled by wire-working politicians, who stop at no means to secure a continuance of power in the hands of their patron and themselves. I believe that if the Presidency was confined to a single term we would see that the efforts of the President would tend in the direction of diminishing the number of office-holders and holding them to a strict and economical discharge of their duties. Under the present system the number of office-holders is so increased out of the class of political wire-workers that no other aid need be invoked for procuring a nomination for the Presidency than that which this large and well-spread army of presidential parasites is ready to furnish. The war and the debt thereby created have furnished for the collection of the various taxes newly imposed large re-enforcements to the standing army of office-holders already in the service of the Government. In adopting means for the collection of the taxes of the Government no regard has been had to the collection of these taxes in the simplest and cheapest manner, but the question has been, how can we adopt means to multiply the number of persons for the collection of these taxes so as to secure the largest number of workers for the Administration and the next term in each district and State in the country?

This, Mr. Speaker, is the evil which this amendment is intended more particularly than anything else to arrest; and if it be arrested we shall have taken a most important step toward the purification of the offices of the country and the diminution of the expenses of the Government, and there will be some chance of our return to the original simplicity and economy which our fathers intended should be a guarantee against the evils which now beset and threaten our Government.

Mr. LAWRENCE. Mr. Speaker, I do not desire to occupy the attention of the House at any great length in the remarks I shall make on the subject before us. I was not aware of the fact, or at least had forgotten it, that this subject was to be discussed to-day until it was announced from the Chair.

The proposition before us is one of very considerable importance, because it seeks to make a radical change in the fundamental law of the land. I am in favor of the amendment to the Constitution which is proposed by the minority of the Judiciary Committee, and I am opposed to that which is reported by the majority of the committee. I will give in a very few words some reasons which influence me in arriving at the conclusions to which I have come.

What is the proposition of the committee? Allow me to read it It is that—

> No person who has held or shall hereafter hold the office of President shall ever again be eligible to said office.

This proposition embraces two material principles or objects. The first of them will, in my judgment, be utterly ineffectual for any purpose whatever and the second is very objectionable in many respects. What is the first branch of this proposition? It is that no person who *has held* the office of President shall ever again be eligible to said office. So far as that may be applied to any person who has heretofore held or now holds the office of President, it is wholly unnecessary, because neither the present Chief Magistrate nor any citizen who has held that high office is now seeking a re-election to it. If it is aimed at President Grant it is utterly ineffectual for the reason that this amendment to the Constitution cannot by any possibility be adopted before the next presidential election. It therefore can be of no value. It is a mere *brutum fulmen*, announcing a purpose which can be of no practical utility, one which cannot be carried into effect until it shall have been defeated by the lapse of time. So far, then, as that portion of the amendment proposed by the committee is concerned it is worse than useless, merely *vox, et præterea nihil*. The amendment proposed by the minority would equally exclude him if it could be adopted before an election.

What next? The second part of this proposed amendment leaves the presidential term at four years, but declares that no person who may hereafter hold the office of President shall ever again be eligible to that office.

Sir, in my judgment, that is very objectionable for several reasons. It has been well said that this will apply to a Vice-President who succeeds to the office of President and holds it for only a month or a day. It has been determined that he becomes a *de jure* President. And as such, though holding the office of President but for a day, he would, if this amendment be adopted, be rendered ineligible for election. The people might very much and properly desire to elect to this high office a worthy citizen who had been elected to the office of Vice-President, and who for but a brief period had succeeded to the office of President. No reason exists why they should not.

But assuming what would probably be generally the case, that this amendment would only apply to a person who had been elected to the office of President and held it for four years, I regard it still as very objectionable.

There are some things essential to the success of an administration, some so manifestly so that I think there can be no doubt or dispute about them. They are, as I conceive, substantially three: first, that the President in office shall *have sufficient time* to give an *effectual trial* to any policy which he or the party elected to power with him may choose to adopt; second, the advantages resulting from experience in the office; and, third, the administration of the office without any personal or selfish motive, as for instance an effort to secure a re-election regardless of the public welfare. These three things are essential to a successful administration of the national Government and to the prosperity and happiness of the people of the country. They are essential to the success of any business undertaking or enterprise. Let an administration come in, backed up by a majority in both branches of Congress, and let it adopt a policy on currency, finance, revenue, no matter what; if you limit the term of its power to four years, with ineligibility to re-election, you have no stability in your measures of policy, but constant change all the time—change always detrimental to the public interests. Four years do not give the time necessary to establish a policy of government and thoroughly test it on any great measure. People will not fully embark in commercial, manufacturing, and other enterprises on a system of laws or policy which is likely to change in every period of four years. Extend it to six and its wisdom will be so firmly established that it cannot be changed or its folly will be so fully demonstrated that it cannot demand a new lease of power to further test it. The public peace demands a permanent government; the interests of agriculture, commerce, and manufactures are always interrupted by sudden or radical changes in finance, currency, or revenue laws affecting them.

And then, sir, it is very desirable we should have in the office of President the advantage of experience. In every office within the gift of the people experience is desirable, and it must be especially so in the high office of President, as well as in legislative and other offices of the Government. This has always been regarded as valuable in this Hall. The gentleman from Maine [Mr. FRYE] has demonstrated this. The people of the South before the war understood it, and had largely the advantage of the North, because they kept their Representatives in Congress long in office. The people of the East understand this and they, too, profit by it. The people everywhere are beginning to learn it. But this plan of limiting the presidential term to four years, with ineligibility to re-election, proposes to throw away all of the advantages which might result from the means I have indicated for giving success to the administration of a President. For the reasons, then, which I have stated, and others I might mention, I regard the amendment proposed by the majority of the Judiciary Committee as very objectionable. It would be vastly better to leave the Constitution as it is than change it as proposed.

The experience of our country has demonstrated the wisdom of securing a party in power for more than four years. If during the war of the rebellion you had made the President ineligible to a re-election, it might have been fatal to our national existence, fatal to all the great interests of the Republic. A new administration would have brought a change of policy, and this could not have failed to be disastrous. During the war we had a presidential election. It was unfortunate it was so. The party out of power hoped to get in by a change of the policy of the administration. This encouraged those in arms against the Government. It prolonged the war. It would have been better if the presidential term had been six years. That would have given time to bring the war to a close without the contest over a presidential election. Then the energies of the people would have been directed to one great object, for the policy of the Administration was settled, and its success required time uninterrupted by the distractions of party contests. Any policy of government in war or in peace requires all this. For these and other reasons I might name I am opposed to the amendment recommended by the committee.

Now what is the amendment proposed by the minority of the committee as a substitute for that of the majority? I will read it:

From and after the 4th day of March, in the year 1885, the term of office of President and Vice-President of the United States shall be six years; and any person having been elected to and held the office of President, or who, for two years, has held such office, shall be ineligible to a re-election.

The change which is sought to be made by this amendment is in brief to fix the presidential term at six years with the feature of ineligibility to re-election.

Now, sir, what are the advantages of having a President to hold his office for six years? I have already stated some of them. I will not now attempt to enumerate all of them, but will state some particulars in which I conceive this is an improvement upon the present term of office. In the first place, then, terms of six years would save the interruption of business, the trouble, the expense, the excitement of presidential elections as frequently as we now have them. Secondly, a six-years term would give the advantage derived from the experience of each successive year for six years *absolutely*, without the possibility of interruption as now at the end of four years.

Thirdly, it would aid in avoiding the greatest danger our system of government is liable to encounter. The greatest danger of our present system lies in or may grow out of the mode of declaring the result of the returns of a presidential election. This is the weak point in our system. The votes of the electoral colleges of the several States are sent up and counted by the President of the Senate and the Speaker of the House of Representatives, in the presence of the two Houses. It happens sometimes that there is a question as to whether the vote of this or that State shall be received. On one occasion it was made a question whether the electoral vote of Wisconsin should be received, because the electors of that State, in consequence of a snow-storm, were unable to meet and cast the electoral vote on the day fixed by law. Within my experience it was made a question whether the vote of Louisiana should be counted in the presidential election. At one time the question was made as to whether the electoral vote of Missouri should be counted. Fortunately the result would not have been changed, no matter what might have been the determination of the convention of the two Houses in the particular cases where questions arose as to whether the votes of those States should be received. It is not precisely clear what power the convention of the two Houses has in passing on these questions, or whether the Houses shall act jointly or separately on them. But suppose, sir, your President is eligible and a candidate for re-election, and the joint convention of the two Houses throws out the vote of a State or refuses to receive it, and the President in office insists they did wrong and that he has been elected. Then, sir, being in office, he has the Army and Navy and a host of retainers at his back, all ready to stand by him in declaring, in defiance of the result as announced by the joint convention of the two Houses, that he is the President. Here is presented a great danger which may result in civil war. God grant that it may never co :e. That is a good reason why the President should not be eligible to re-election, so that he should not have this inducement to defy the result as declared by the joint convention of the two Houses. As I have already remarked, that is the weak point in our system, and there is indeed much more necessity for an amendment of the Constitution to remedy that, the most dangerous feature of our system, than to remedy the evil which this amendment proposes to remedy. And I trust before this Congress shall adjourn something will be done to relieve our system of the danger which threatens us from the sources to which I have alluded.

But a fourth reason for making the presidential term six years is that it will relieve the virulence of party spirit. We now hold a presidential election every four years, and this event is always attended with excitement; the business of the country is interrupted, parties are arrayed against each other advocating different policies, and while the uncertainty lasts as to which policy shall prevail the business of the country is largely interrupted. The earnest and sometimes bitter contests over political principles, and, if you please, the scramble for the more than seventy thousand offices in this country, sometimes may be liable to enkindle a spirit of hatred and party rancor and virulence not desirable even if not fearful to contemplate. It is desirable that the people should be relieved from all these things as much as possible. If we make the presidential term six years, the bitterness and strife engendered by a presidential contest will die out and will rarely ever be revived, at least not so fully as when kept alive by presidential elections occurring every four years. Reason, calm, reflecting judgment, rather, will take the place of mere party contests. The country will find repose, and good government and morality will come to reward the change. I believe in political parties organized in manly, honorable, and intelligent contest over principles which are really debatable among statesmen and political economists. But when they go beyond this and seek success by excitement and passion rather than reason, they are dangerous to good government and to civil liberty. The proposed amendment would contribute to organize the rule of reason rather than the reign of party spirit and passion.

There are advantages in a term of six years which you cannot have in a term of four years. As I have already remarked, a President in office, like every other officer of the Government, learns by experience. Six years will give him time to settle not only an internal policy for the country but one with all foreign nations, and in that respect the extension of the presidential term will be of great advantage. But I have no time fully to discuss the question as to the expediency of extending the term to six years. I think I have said enough; I think I have presented sufficient reasons to the House for extending the presidential term to six years.

Another feature of this proposition of the minority of the Judiciary Committee is ineligibility to re-election after the term of six years. This, I conceive, will be attended with some advantages, and I will state in brief, without going into detail fully, some of the reasons why it is in my judgment desirable that the President after holding office for six years should be ineligible to re-election.

Among the advantages of ineligibility will be these: First, it will relieve the President of the care of a re-election, and will enable him to devote his time exclusively to the public interests; second, it will remove all temptation to use the patronage of the Government to secure support from those who are in office or to influence the public judgment in his behalf; third, it will remove the inducement to extend the patronage by law, with a view to command additional influence to enable the President to secure a re-election; fourth, it will remove from the President the restraint which he otherwise would be under in recommending a reduction of patronage and a reduction of the expenses of the Government.

In all these respects he will be perfectly free to act upon his own unbiased judgment, with no personal motive, no object in view, but to secure the common good of the whole country. The anxiety for a re-election will give place to a desire to go down in history as the benefactor of his country and mankind. I conceive, sir, that these are sufficient reasons for this feature of ineligibility. Why, sir, we all know that the result of a presidential contest may depend upon the vote of a single State; and the vote of a single State may depend upon the vote of a single city. And the administration may have power to throw into that city immense patronage, corrupting where it goes, influencing the public judgment, buying all corrupt enough to be bought, holding out promises to those who may seek for future office, as well as those who are in office. By all these means an administration may bring the immense power and patronage of the Government to bear upon the result of a presidential election. The temptation to use it may become very great. "Lead us not into temptation" is a prayer so essential to human nature that its divine origin is manifest. Let us so write the Constitution now that a President in office will scarcely have need to utter it so far as the improper use of patronage is concerned.

Sir, I have no time to discuss this subject fully, but we all know from our past history that the power and patronage of the Government have been employed exactly for these purposes. We know at least as far back as the time of President Van Buren that the corruptions which were festering under his administration were systematically covered up, concealed from the people, and public officials guilty of public robbery were shielded, lest their exposure might be detrimental to the presidential prospects of Mr. Van Buren when a candidate for re-election in 1840. Sir, I speak this in no party sense, but with the hope that all parties may take warning by this part of our history, and that we may in future shun the evils which have been shown to exist in the past.

These are evils the magnitude of which could not have been foreseen by the framers of the Constitution. Our growth as a people has been the marvel of history. With it offices have multiplied, until it has become a serious question how far it is safe to give the power of appointment substantially to the control of one man. And now we are met with the question whether we should not write in the Constitution a provision which will hold out no inducement to a President to retain bad or incompetent men in office, but make it an object to remove them when the public good may require, with no fear as to the consequences.

I have been asked by a gentleman why it is proposed in this amendment that it shall only be applied from and after the 4th day of March in the year 1885. I will state in a very few words the reason for this. Indeed it has perhaps already been sufficiently done, I think, by my colleague on the Judiciary Committee, the gentleman from Maine, [Mr. FRYE.] This amendment we all know cannot be adopted before the next presidential election. If it should be made applicable to the President to be elected this year, extending his term to six years, the party who in the next election should be defeated would vote solid against adopting it in order that they might have an op-

portunity to succeed, if possible, in a new election at the end of four years.

As it requires the assent of three-fourths of the States to adopt the amendment, we all know it cannot be adopted by any one political party. We desire to put it in a shape that no political party or administration shall oppose it on grounds of present or temporary expediency. We desire success as a means of securing a great reform in the Constitution.

If the amendment should leave the President to be elected this year to hold a term of four years only, with ineligibility to a re-election, he and all his political friends would oppose it in the hope of securing a re-election. This would be fatal to the amendment. These in brief are the reasons why this provision is put into the amendment as to the time when it shall take effect.

The words of this proposition have been carefully considered. I can speak from my personal knowledge on this subject. They have been written in a form to secure the desired object without encountering unnecessary opposition from any source. I have given to the words employed no little consideration in their preparation, and I believe they are free from all objection if the principle they embody shall be found correct.

Now, I have given some of the reasons which induce me to vote against the amendment reported by the majority of the committee and in favor of that submitted by the minority. It seems to me they are sufficient. This is a subject worthy of the gravest and most mature deliberation. Every change of the fundamental law ought to command our most serious and thoughtful consideration. Especially should this be so when it relates to the highest office in the gift of the people. If the proposed amendment should be adopted, it will make a material, a vital change in our Constitution. I have taken occasion in a few hurried words to present this subject to the House, and I hope it will receive the consideration which its importance demands and which the people we represent have a right to expect at our hands.

Mr. HARRISON. I do not intend to make many remarks. The line of argument that I should have pursued has been so completely exhausted by my friend from Iowa [Mr. McCRARY] that I feel indisposed to say more than a few words; and I shall say those for the purpose of having a recommittal of the subject to the committee, that they may report back an amendment to the Constitution, coupling with it an amendment suggested by the gentleman from Iowa, [Mr. McCRARY,] taking from the President the patronage now belonging to his high office.

I dislike exceedingly to differ from a committee, especially when the majority of that committee is from this side of the House. But, sir, I believe that that committee has mistaken the feelings of the people when it comes here with a recommendation for a term of office for the President lasting only four years. The very grave objection to a second election of the President will be existing still. Every four years since you and I can remember, sir, the business of the country has been jeopardized by the presidential election, by the intense excitement engendered by it, and the consequent demoralization. The excitement, however, is not the only ground of this demoralization. It grows also out of the uncertainty in regard to the policy of the incoming Presidency. Financial men, men of means, are indisposed to put their money in commercial schemes or any other enterprises when they do not know what the policy of the Administration may be in the course of a few months. For, sir, you remember, and all of us remember, that it is a constant expression during every presidential year, "O, the good times will come when the presidential election is over."

Now, sir, I think that what we ought to attempt now is to answer the call of the people and get rid of this excitement and this uncertainty. A term of four years will not do it.

As I said, I do not intend to make any extended remarks, because I am simply going over the ground which the gentleman from Iowa [Mr. McCRARY] has so fully covered, but I wish to say to the chairman of the Committee on the Judiciary that it is impossible to pass his amendment making the term for four years; but he can pass a resolution fixing the term at six years. There are, however, some points in the minority report not wholly acceptable to this side of the House. What we want is an amendment acceptable to two-thirds of this House, and which we may hope to be acceptable to the people of the country.

I would therefore move to recommit the whole subject to the Committee on the Judiciary to report at an early day, hoping that they will report an amendment making the term six years instead of four.

Mr. COX. I would inquire if the gentleman from Illinois has the floor to make that motion now?

The SPEAKER *pro tempore*, [Mr. ELY.] The Chair understands that the motion of the gentleman from Kentucky [Mr. KNOTT] was that the session this afternoon should be confined to discussion only.

Mr. HARRISON. I recall the motion. I did not mean to make the motion now. I will make it to-morrow. I merely suggested that that motion will be made.

Mr. WOODWORTH. Mr. Speaker, I had not expected to participate in this debate until a few moments ago, and especially not at this hour, when the House presents a beggarly array of empty benches, and I would not ask consent to occupy the floor for a few minutes at this unfortunate hour were it not for the fact that I feel that the importance of this proposition to change our fundamental law touching the highest office in the nation warrants me in presenting to the House very briefly the reasons which will control my action, and which, I think, ought to control the action of the House when the vote is called, and were it not for the further reason that a further reply, in my judgment, is demanded than what has been made by the gentleman from Maine [Mr. FRYE] to the senseless third-term outcry which has led to the offering of this amendment. For the purpose of making that reply, I ask for a few moments the attention of the House.

Mr. McCRARY. I ask the gentleman from Ohio if he would not prefer to yield for a motion to adjourn; the usual hour for adjournment has come.

Mr. WOODWORTH. I would gladly yield but for the fact that, as I understand the order of debate to-day, by so doing I should lose entirely my right to the floor to-morrow.

The SPEAKER. Under the order made before this debate was commenced this afternoon, the privilege was conceded to the gentleman from Kentucky [Mr. KNOTT] to take the floor to-morrow after the morning hour and move the previous question, and that would cut off the gentleman's right to be heard.

Mr. McCRARY. I ask unanimous consent that the gentleman from Ohio be allowed to proceed after the morning hour—for how long?

Mr. WOODWORTH. Fifteen or twenty minutes will suffice.

Mr. McCRARY. I ask unanimous consent that he be allowed to proceed for twenty minutes, and if that consent be granted I will move that the House adjourn.

The SPEAKER. The Chair inquires whether the House is now willing to give consent that the gentleman from Ohio, who has the floor upon this subject, shall be permitted to-morrow at the close of the morning hour to occupy the attention of the House in the further discussion of this measure for twenty minutes, and that then the right of the gentleman from Kentucky to move the previous question shall attach?

There was no objection; and it was so ordered.

Mr. McCRARY. I move that the House adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted to Mr. JENKS for one week, on account of important business; to Mr. BLISS for one week, on account of important business; and to Mr. DOBBINS for one week, on account of sickness.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. VAN VORHES to withdraw from the files of the House papers in the cases of Henry M. Davis and Peter M. Ward.

By unanimous consent, leave was granted to Mr. WALLACE, of Pennsylvania, to withdraw from the files of the House papers in the case of Dorathy Irons, mother of Lieutenant Joseph F. Irons.

By unanimous consent, leave was granted to Mr. COX to withdraw from the files of the House the petition in the case of B. L. Britton.

The question was then taken on Mr. McCRARY'S motion to adjourn, and it was agreed to; and accordingly (at four o'clock and thirty 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. G. A. BAGLEY: Papers relating to the claim of John C. Duff, to the Committee on War Claims.

By Mr. BUCKNER: The petitions of citizens of Saint Charles and of Louisiana, Missouri, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. CANNON, of Illinois: The petition of Jacob Taylor, to have his name placed on the rolls of Company K, First Missouri Cavalry, to the Committee on Military Affairs.

By Mr. CASWELL: The petition of citizens of Mazo Manie, of Lake Mills, and of Watertown, Wisconsin, of similar import, to the same committee.

By Mr. CATE: Remonstrance of William Graves and others, against the construction of a ponton bridge across the Mississippi River at Winona, to the Committee on Commerce.

By Mr. CONGER: Papers relating to the petition of the heirs of George W. Hunt, for an extension of his patent in paper collars, to the Committee on Patents.

Also, the petition of Allen B. Wilson, for an extension of his patent on friction-feed sewing-machines, to the same committee.

Also, the petition of S. V. Benet, for a reconsideration by the Commissioner of Patents of his rejected application for a patent for a cartridge, to the same committee.

Also, papers relating to the petition of Horace L. Emery, for an extension of his patent for improvements in cotton-ginning machines, to the same committee.

By Mr. CRAPO: The petition of heirs of Samuel Mercer, for a pension, to the Committee on Invalid Pensions.

By Mr. CROUNSE: The petition of citizens of Lincoln and of Beatrice, Nebraska, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. CUTLER: The petitions of citizens of Cresskill, of Passaic, of Carlstadt, of Hackensack, and of Paterson, New Jersey, of similar import, to the same committee.

By Mr. DURHAM: Papers relating the application of J. Atkins, for

an extension of his patent on harvesting rakes, to the Committee on Patents.

By Mr. FARWELL: The petitions of N. T. Quarles and George Kerr, for property destroyed by fire in a United States hospital, to the Committee of Claims.

By Mr. GAUSE: The petition of Eli T. Diamond, for a reconsideration of his claim, disallowed by the claims commission, to the Committee on War Claims.

By Mr. HANCOCK: The petition of J. E. Wilson, for relief, to the Committee on Claims.

By Mr. HATHORN: The petition of citizens of Spraker's Basin, of Johnstown, of Canajoharie, of Saratoga, of Schuylersville, of Mechanicsville, of Fort Plain, of Northville, of Broadalbin, and of Waterford, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. HOPKINS: Papers relating to the claim of Nicholas J. Bigley, for compensation for coal and steam-tug used by the United States, to the Committee on War Claims.

By Mr. HOUSE: Papers relating to the claims of Alfred Fly and Duncan Marr, to the same committee.

Also, papers relating to the petition of Reinhart Breinneiss and others, for relief, to the same committee.

By Mr. HUNTON: The petition of Benjamin Chambers, for additional compensation for executing a contract to build a screw-pile light-house at the entrance of Hampton Roads Harbor, to the Committee of Claims.

By Mr. LEVY: The petition of Marie Elina Metoyer and others, for compensation for property taken and used by the United States Army, to the Committee on War Claims.

By Mr. LUTTRELL: Resolutions of Calusa Grange of the Patrons of Husbandry, California, for the repeal of the duty on grain sacks and bagging, to the Committee of Ways and Means.

By Mr. MACKEY, of South Carolina: The petition of citizens of Charleston, South Carolina, for the repeal of the stamp tax on safety matches, to the same committee.

By Mr. McDILL: Papers relating to the application for a pension by Nathan Johnson, to the Committee on Revolutionary Pensions.

By Mr. O'BRIEN: Papers relating to the claim of James Millinger, to the Committee on War Claims.

By Mr. PARSONS: Papers relating to the claim of J. B. Fishback, for pay for services as guide and detective for the United States Army in Kentucky and East Tennessee, to the same committee.

By Mr. PIPER: The petition of citizens of San Francisco, California, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. PIERCE: Two petitions of citizens of Boston, Massachusetts, of similar import, to the same committee.

By Mr. ROBBINS, of Pennsylvania: The petition of citizens of Philadelphia, Pennsylvania, for aid to be extended the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

Also, the petition of Elizabeth McCluney, for a pension, to the Committee on Invalid Pensions.

By Mr. ROSS, of New Jersey: The petitions of citizens of Freehold and of Plainfield, New Jersey, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. SAVAGE: The petition of citizens of Oxford, Ohio, of similar import, to the same committee.

By Mr. SWANN: The petition of citizens of Baltimore, Maryland, of similar import, to the same committee.

By Mr. STOWELL: Papers relating to the claim of Colonel John C. Lemmons, to the Committee on Military Affairs.

By Mr. THORNBURGH: The petition of A. P. Rambo, for relief, to the same committee.

By Mr. THROCKMORTON: The petition of United States Army officers at Fort Griffin, Texas, and citizens of Shackelford, Eastland, and Worth Counties, Texas, for a post-route from Stephensville to Fort Griffin, to the Committee on the Post-Office and Post-Roads.

Also, the petitions of citizens of the United States, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. VANCE, of North Carolina: The petition of Thomas Mitchell, for an extension of his patent on hair-brush handles, to the Committee on Patents.

By Mr. WADDELL: The petitions of citizens of Wilmington and of New Berne, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

Also, the petitions of Shade Pate and John A. Williams, for a rehearing of their claims rejected by the claims commission, to the Committee on War Claims.

By Mr. WALLING: The petition of Robert Y. Wood, of similar import, to the same committee.

By Mr. A. S. WILLIAMS: The petition of D. W. Brooks and Louis K. Gillson, for a change of the law relating to attorneys' fees in pension claims, to the Committee on Invalid Pensions.

By Mr. YOUNG: The petitions of Nancy Seawright, Needham Branch, Mathias App, Mrs. E. G. Abbott, Henry C. Dollis, James G. Moore, Francis Malitor, William McKnight, Mary E. McGregor, Z. C. Nolen, Thomas T. Somerville, Henry O. Sykes, and Robert Talley, for a rehearing of their claims rejected by the claims commission, to the Committee on War Claims.

IN SENATE.

WEDNESDAY, *February* 2, 1876.

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

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

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of War, transmitting the petition of Benjamin C. Card, praying that the date of his commission as major and quartermaster in the United States Army be corrected; which was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. INGALLS presented a petition of the county commissioners and various other officers of Johnson County, in the State of Kansas, praying for action that will settle the titles to that portion of the Shawnee Indian reservation lying in that county; which was referred to the Committee on Indian Affairs.

He also presented the petition of citizens of Kansas, praying for the establishment of a mail-route from Ellis, Kansas, to Orleans, Nebraska; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WALLACE presented the petition of John S. McMillan, of Pennsylvania, praying compensation for extrahazardous service and for confirmation of an award heretofore made; which was referred to the Committee on Claims.

Mr. KERNAN presented the petition of R. N. Eddy, late lieutenant of the One hundred and fourteenth Regiment of New York Volunteers, praying the passage of an act for his relief; which was referred to the Committee on Military Affairs.

Mr. CAMERON, of Wisconsin, presented the petition of 250 citizens of Winnebago County, Wisconsin, praying for an appropriation for the speedy completion of the Fox River improvement, and also for the construction of a canal along the banks of the Wisconsin River from Portage City, Wisconsin, to the Mississippi River, in accordance with the third plan recommended to the Government by Major-General Warren, of the United States Engineer Corps; which was referred to the Committee on Commerce.

Mr. SHERMAN. I present a number of petitions of residents of Cleveland, Ohio, praying an early repeal of so much of the act of Congress approved January 14, 1875, as provides for the payment of United States legal-tender notes in coin upon the 1st day of January, 1879, and so much of the said act as authorizes the Secretary of the Treasury to sell and dispose of the bonds of the United States for the purpose of enabling him to redeem such legal-tender notes; and representing that in their judgment the existing law will be disastrous to the leading interests of the country. While I do not agree with the request of these petitioners, I know many of them to be of high character, whose views are worthy of consideration. I move that these petitions be referred to the Committee on Finance.

The motion was agreed to.

Mr. ENGLISH presented a petition of H. Killam & Co., and 170 other citizens of New Haven, Connecticut, praying for the issue of fifty-year 3.65 gold-bearing bonds; which was referred to the Committee on Finance.

Mr. McMILLAN presented a joint resolution of the Legislature of the State of Minnesota, requesting the same modifications of the laws of the United States for the ports of Saint Paul and Du Luth as are now extended to other ports in various States; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Whereas the vexatious delays and expenses incident to the appraisal of foreign goods at the Atlantic ports of the United States, more especially at the port of New York, have prevented the proper development of the legitimate trade appertaining to the designated ports of entry and delivery of the State of Minnesota, which embargo has been obviated by statute enactment of the United States, so far as the ports of Evansville, (Indiana,) Milwaukee, (Wisconsin,) &c., are concerned: Therefore,

Be it resolved by the Legislature of the State of Minnesota, That the Senators and Representatives in the Congress of the United States from the State of Minnesota be requested to urge a modification of the law of the United States, so that the privileges accorded to certain enumerated ports in the various States by sections 2990, 2991, and 2997, Revised Statutes of the United States, be extended to the ports of Saint Paul and Du Luth in this State.

Resolved further, That the secretary of state be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

W. R. KINYON,
Speaker of the House of Representatives.
J. B. WAKEFIELD,
President of the Senate.

Approved January 25, A. D. 1876.

J. S. PILLSBURY,
Governor.

STATE OF MINNESOTA,
OFFICE OF THE SECRETARY OF STATE.

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State, this 27th day of January, A. D. 1876.

J. S. IRGENS,
Secretary of State.

Mr. McMILLAN. I desire to give notice that to-morrow, or some early day, I shall introduce a bill in pursuance of the request of the Legislature of Minnesota.