

## JOHN KELLY.

Mr. TUCKER introduced a bill (H. R. No. 4056) for the relief of John Kelly, of Alleghany County, in the State of Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## RELATIVE VALUE OF GOLD AND SILVER.

Mr. HEWITT, of New York, by unanimous consent, introduced a bill (H. R. No. 4057) to authorize a commission to inquire into the change in the relative value of gold and silver; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

Mr. SAVAGE. Are these bills being introduced by unanimous consent?

The SPEAKER *pro tempore*. They are.

Mr. SAVAGE. I objected as distinctly as I could to the introduction of bills by unanimous consent.

The SPEAKER *pro tempore*. It is too late for the gentleman to object now.

## MONETARY SYSTEM.

Mr. GIBSON, by unanimous consent, introduced a joint resolution (H. R. No. 159) for the appointment of a commission to consider the monetary system; which was read a first and second time by its title.

Mr. CONGER. I call for the reading of the joint resolution.

The joint resolution was read in full, referred to the Committee on Banking and Currency, and ordered to be printed.

Mr. COX. I have a similar resolution which I ask to have referred to the same committee, and I hope that to-morrow the committee will be able to report, as we have leave to report at any time.

Mr. COX then, by unanimous consent, introduced a joint resolution (H. R. No. 160) providing for the appointment of a joint committee to consider the silver and other financial questions, &c.; which was read a first and second time by its title.

Mr. KASSON. I call for the reading of the joint resolution.

The joint resolution was read in full, referred to the Committee on Banking and Currency, and ordered to be printed.

## ORDER OF BUSINESS.

Mr. HOOKER. I ask unanimous consent to introduce a bill for consideration at the present time.

Mr. HANCOCK. I object.

Mr. HOOKER. Then I move to suspend the rules.

The SPEAKER *pro tempore*. That cannot be done at this time.

## FORT JONES MILITARY RESERVATION.

Mr. LUTTRELL, by unanimous consent, introduced a bill (H. R. No. 4058) declaring the lands constituting the Fort Jones military reservation in Siskiyou County, California, subject to pre-emption and homestead entry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## JOHN E. TAYLOR.

Mr. KIDDER, by unanimous consent, introduced a bill (H. R. No. 4059) granting a pension to John E. Taylor, of Yankton, Dakota; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. BEEBE. I move that the House do now adjourn.

Mr. O'BRIEN. I call for the yeas and nays on that motion.

The yeas and nays were not ordered.

## LEAVE OF ABSENCE.

Mr. VANCE, of Ohio, was granted leave of absence for four days.

Mr. DE BOLT was granted leave of absence indefinitely.

Mr. HILL was granted leave of absence for ten days.

Mr. SPARKS was granted an extension of the leave of absence heretofore granted to him, for ten days.

Mr. SEELYE was granted leave of absence for ten days.

## WITHDRAWAL OF PAPERS.

On motion of Mr. CUTLER, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the claim of Mrs. Powers; no adverse report.

On motion of Mr. HENKLE, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Mrs. M. Linz; no adverse report.

On motion of Mr. LAPHAM, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Major Foster H. Hixon, the bill having passed the House and the Senate and become a law.

## ENROLLED BILLS SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker *pro tempore* signed the same:

Joint resolution (H. R. No. 154) prohibiting supply of special metallic cartridges to hostile Indians.

The question was taken on the motion to adjourn; and on a division there were—yeas 79, noes 59.

Mr. HOLMAN. I call for tellers.

Tellers were ordered; and Mr. HOLMAN and Mr. BEEBE were appointed.

The House divided; and the tellers reported—yeas 92, noes 62. So the motion was agreed to; and accordingly (at four o'clock and three minutes p. m.) the House adjourned.

## PETITIONS, ETC.

The following petitions and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. HEWITT, of New York: The petition of citizens of New York, for the restoration of the fast-mail train on the Hudson River and New York Central Railroad, to the Committee on the Post-Office and Post Roads.

By Mr. LUTTRELL: The petition of Henry Jones and 100 others, citizens of California, for the passage of a bill to enable married women to settle upon public lands under the pre-emption laws, notwithstanding their coverture, to the Committee on Public Lands.

Also, the petition of John P. Sutton and other citizens of California, of similar import, to the same committee.

Also, the petition of A. J. Gilman and other citizens of California, of similar import, to the same committee.

Also, the petition of D. H. Epperson and other citizens of California, of similar import, to the same committee.

Also, resolutions of the Grand Army of the Republic of California, favoring the payment of the California Hundred and California Cavalry Battalion, who returned after their discharge to California, of additional pay on account of expenses incurred in traveling, to the Committee of Claims.

Also, the petition of James Barry and other citizens of California, that the right of way through the arsenal at Benicia, California, be granted for a narrow-gauge railway, to the Committee on Military Affairs.

Also, resolutions of Farmington (California) Grange of the order of Patrons of Husbandry, favoring the admission of grain and wool sacks free of duty, to the Committee of Ways and Means.

Also, resolutions of the Sebastopol (California) Grange of the order of Patrons of Husbandry, of similar import, to the same committee.

Also, resolutions of the Petaluma (California) Grange of the order of Patrons of Husbandry, of similar import, to the same committee.

Also, resolutions of Little Lake (California) Grange of the order of Patrons of Husbandry, of similar import, to the same committee.

Also, the petition of B. R. Spellman, for the establishment of a post-route between Live Oak and North Butte, Sutter County, California, to the Committee on the Post-Office and Post-Roads.

Also, concurrent resolutions of the Legislature of California, requesting the establishment of triweekly mail service between Crescent City, California, and Jacksonville, Oregon, to the same committee.

By Mr. PLATT: The petition of citizens of Ithaca, New York, for the re-establishment of the fast-mail trains on the New York Central Railway, to the same committee.

By Mr. WHITE: The petition of Joseph McKinney, late a private in Company B, Thirteenth Regiment Kentucky Infantry Volunteers, to the Committee on Invalid Pensions.

Also, the petition of Alanson Williams, late a private of Company C, Fifth Regiment Kentucky Volunteer Cavalry, of similar import, to the same committee.

By Mr. YOUNG: The petition of Clara E. Bryan, of Shelby County, Tennessee, for compensation for the destruction of her property in Memphis, Tennessee, by order of General Hurlbut, of the United States Army, to the Committee on War Claims.

## IN SENATE.

TUESDAY, August 1, 1876.

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

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

## HAMBURGH RIOTS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

In response to the resolution of the Senate of July 20, 1876, calling upon the President to communicate to the Senate, if in his opinion not incompatible with the public interest, any information in regard to the slaughter of American citizens at Hamburg, South Carolina, I have the honor to submit the following inclosures, to-wit:

No. 1. Letter of the 22d of July, 1876, from Governor D. H. Chamberlain, of South Carolina, to me.

No. 2. My reply thereto.

No. 3. Report of Hon. William Stone, attorney-general of South Carolina.

No. 4. Report of General H. W. Purvis, adjutant and inspector-general of South Carolina.

No. 5. Copy of evidence taken before a coroner's jury investigating facts relating to the Hamburg massacre.

No. 6. Printed copy of statement of M. C. Butler, of South Carolina.

No. 7. Printed letter from the same to the editors of the Journal of Commerce.

No. 8. Copy of letter from Governor Chamberlain to Hon. T. J. ROBERTSON.

No. 9. An address to the American people by the colored citizens of Charleston, South Carolina.

No. 10. An address by a committee appointed at a convention of leading representatives of Columbia, South Carolina.

No. 11. Copy of letter of July 15, 1876, from the district attorney of Mississippi to the Attorney-General of the United States.

No. 12. Letter from same to same.

No. 13. Copy of report of a grand jury lately in session in Oxford, Mississippi. These inclosures embrace all the information in my possession touching the late disgraceful and brutal slaughter of unoffending men at the town of Hamburg, South Carolina. My letter to Governor Chamberlain contains all the comments I wish to make on the subject. As allusion is made in that letter to the condition of other States, and particularly to Louisiana and Mississippi, I have added to the inclosures letters and testimony in regard to the lawless condition of a portion of the people of the latter State.

In regard to Louisiana affairs, murders and massacres of innocent men for opinion's sake, or on account of color, have been of too recent date and of too frequent occurrence to require recapitulation or testimony here. All are familiar with their horrible details, the only wonder being that so many justify them or apologize for them.

But recently a committee of the Senate of the United States visited the State of Mississippi to take testimony on the subject of frauds and violence in elections. Their report has not yet been made public; but I await its forthcoming with a feeling of confidence that it will fully sustain all that I have stated relating to fraud and violence in the State of Mississippi.

U. S. GRANT.

EXECUTIVE MANSION, July 31, 1876.

The message was ordered to lie on the table and be printed.

#### EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the Senate of the 24th instant, a statement of the number of employes borne upon the civil list of the War Department from 1859 to 1875, inclusive, compiled from the Biennial Register; which was ordered to lie on the table, and be printed.

#### CONSULAR AND DIPLOMATIC BILL.

The PRESIDENT *pro tempore* appointed Mr. SARGENT, Mr. BOUTWELL, and Mr. NORWOOD conferees on the part of the Senate at the fourth conference upon the disagreeing votes of the two Houses upon the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

#### PETITIONS AND MEMORIALS.

Mr. ALLISON presented the petition of John Barry, John W. Pumphrey, jr., William F. Marr, and others, citizens of the District of Columbia, praying for the passage of the bill (H. R. No. 3435) providing for the adjustment of claims against the District of Columbia, and for other purposes; which was referred to the Committee on the District of Columbia.

Mr. LOGAN presented the petition of M. D. Manson, L. A. Foote, Charles W. Elmore, and others, officers and soldiers in the late war, citizens of Indiana, praying for the passage of the bill (H. R. No. 58) to equalize the bounties of soldiers who served in the late war for the Union; which was ordered to lie on the table.

Mr. DORSEY presented a joint resolution of the Legislature of Arkansas, in favor of the passage of a law authorizing the adjustment and settlement of the claim of the widow and heirs of the late Peter T. Crutchfield, deceased, for moneys alleged to have been taken from him by the State of Arkansas while acting as United States marshal; which was referred to the Committee on Claims.

#### HAND-BOOK FOR THE USE OF CONGRESS.

Mr. ANTHONY. The Committee on Printing, to which was referred a resolution inquiring into the expediency of preparing a hand-book for the use of Congress, giving a brief account of the several Executive Departments of the Government, &c., have instructed me to report it back and ask to be discharged from its further consideration. The committee have adopted the suggestion, for which they are indebted to the Senator from North Carolina, [Mr. MERRIMON,] in the Congressional Directory, and I believe in a way which will meet his approbation and accomplish the object which he had in offering the resolution. It is a very desirable addition, and we think it will improve the value of the Congressional Directory.

Speaking of the Directory, I will state that I found yesterday a copy of one of the last Directories that had been issued under the old régime, before the present so-called "extravagant and corrupt system of public printing" was adopted. I should like to have some of the new Senators, some of these boys who have come in since 1865, and never have seen the old Directory, to look at it and compare it with the new one. It contains scarce a tenth of the useful information and it is full of gross inaccuracies. The Directory used to be printed after the session was well under way. The last but one, I think, was not printed until the latter part of February, that being a short session, when we adjourned on the 4th of March; and they cost fifty cents a piece, which is about four times the cost of the present Directory.

Mr. FRELINGHUYSEN. Who was chairman of the Committee on Printing then?

Mr. ANTHONY. I had the honor to be its chairman, but the Directory was not then printed under the supervision of the Committee on Printing. It was a private speculation of one of the officers of the House of Representatives; and in consequence of the incorrect character of the work, so incorrect as to mislead rather than inform, a resolution was passed directing the Committee on Printing to have it printed under "the extravagant and corrupt system of the Printing Office."

Mr. WITHERS. What year was the Directory printed to which the Senator refers?

Mr. ANTHONY. In 1864.

The report was agreed to.

#### REPORTS OF COMMITTEES.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred the petition of employes in the Bureau of Engraving and Printing praying for a short leave of absence to visit the Centennial, to ask to be discharged from its further consideration and that it be referred to the Committee on Finance. The Bureau of Engraving and Printing is in no sense under the supervision of the Committee on Printing, but belongs to the province of the Committee on Finance.

The report was agreed to.

Mr. WRIGHT. A few days since the Committee on the Judiciary reported back the bill (H. R. No. 3168) relating to partition of real estate in the District of Columbia. The committee have since had the matter informally under consideration. We reported at that time an amendment in the nature of a substitute. I am now instructed to report a substitute for such substitute, and move that it be printed.

The motion was agreed to.

Mr. WRIGHT. As that is a very important matter to the citizens of this District and the real estate here and the practice under it in the courts, I shall if possible endeavor to obtain the floor to-morrow morning to ask for the consideration of the bill.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (H. R. No. 3503) for the relief of Philip Rohr, of Virginia, for tobacco seized for use of the Army, submitted an adverse report; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. FRELINGHUYSEN, from the Committee on Finance, to whom was referred the bill (H. R. No. 2967) to amend section 2958 of the Revised Statutes, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WADLEIGH, from the Committee on Claims, to whom was referred the petition of Mrs. Anna M. Orne, of New Jersey, widow and administratrix of Henry A. Orne, formerly of Memphis, Tennessee, praying for indemnity for certain damage, &c., to the property of her husband by the United States, submitted an adverse report thereon; which was ordered to be printed.

He also, from the Committee on Patents, to whom was referred the bill (H. R. No. 3392) for the relief of John R. Harrington, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BRUCE, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1496) granting a pension to Mary A. Allen, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

#### DECLARATION OF INDEPENDENCE.

Mr. HOWE. I am instructed by the Joint Committee on the Library of Congress, to whom was referred the joint resolution (H. R. No. 77) providing for the restoration of the original Declaration of Independence, to report it back without amendment and recommend its passage. As it is a very simple affair and appropriates no money, and as this is the centennial year, my friend [Mr. EDMUNDS] suggests I ask for the present consideration of the resolution.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It empowers a commission, consisting of the Secretary of the Interior, the Secretary of the Smithsonian Institution, and the Librarian of Congress, to have resort to such means as will most effectually restore the writing of the original manuscript of the Declaration of Independence, with the signatures appended thereto, now in the United States Patent Office; and provides that the expense attending the same be defrayed out of the contingent fund of the Interior Department.

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

#### IDAHO PENITENTIARY.

Mr. MORRILL. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. No. 1972) to authorize the construction of an inclosure around the United States penitentiary at Boise City, in the Territory of Idaho, to report it favorably. It is only a few lines, and it merely provides for fencing in the rascals who are now confined in the penitentiary of Idaho. I take it nobody will have any objection to having them fenced in. The bill appropriates \$1,500 for that purpose. I ask for the present consideration of the bill, if there is no objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates \$1,500, or so much thereof as may be required, to construct a wooden inclosure around the United States penitentiary at Boise City, in the Territory of Idaho, to be expended by the United States marshal for the district of Idaho, under the direction of the Attorney-General of the United States.

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

#### WRECK OF THE MONITOR TECUMSEH.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to whom was referred the joint resolution (H. R. No. 148) in

reference to the wreck of the United States monitor Tecumseh, to report it back with an amendment and with a recommendation that when amended it pass.

I will state to the Senate that the question about which the resolution was sent to the Committee on the Judiciary arose out of some supposed legal difficulty concerning the situation of this monitor. The monitor was a part of the United States Navy, and ran against a torpedo in Mobile Bay, in the year 1864, and sank in forty feet of water, and the place of sinking was marked by a buoy. Afterward Congress passed, in 1870, a joint resolution which authorized the Secretary of the Treasury to take such steps as he saw fit for the collection, sale, &c., of any "wrecked, abandoned, or derelict property which ought to go to the United States," was the expression describing the class of property to which the resolution referred; and then it went on to speak also of dues that might be owing to the late government of the so-called Confederate States. Under the authority, as the Secretary of the Treasury supposed, of this resolution, he sold this wreck, if it be called a wreck, to a gentleman named Slaughter, and also the wreck of one of the vessels of the rebel government, for the sum of \$50.

When this vessel went down, all on board went with it. About one hundred and fifty officers and sailors were buried in that iron tomb, and there are their remains to this day of course. The assignee of the man who claims to be the owner proposes to blow up the vessel in order to get the old iron. The House passed a joint resolution instructing the Secretary of the Navy to prevent that, unless these bodies or remains are carefully removed, "decently and in order," and if that cannot be done, to tender back the money and take possession.

The committee, or a considerable portion of it, was inclined to the opinion that the joint resolution of Congress of 1870 did not authorize the Secretary of the Treasury to do anything about this vessel at all, inasmuch as it always was the property of the United States, and was in the legal possession of the Navy Department, as much so as if it had been at the navy-yard in this city, although it was on the bottom of the bay, but it was buoyed out. I think a majority of the committee are of opinion that this act of Congress did not refer to any such property at all, which was in the possession of the United States and belonged to us, in charge of the Navy Department, and therefore that this gentleman got no title; but, however that may be, we are of the opinion that this sacrilege of blowing the bones of these poor fellows everywhere over the bottom of the sea ought not to be permitted at whatever cost. Therefore we report an amendment, without any recitals or preambles which admit anybody's title, simply providing that the Secretary of the Treasury shall tender this \$50 and interest to the party who paid it to him, and that the Secretary of the Navy shall protect this ship and keep it from disturbance; but he is authorized in his discretion, if it can be done in a suitable and decent way, to let the parties who now claim it have it on terms which under his supervision will provide carefully and effectually for removing these remains and having them properly buried on land. That is the amendment which we propose. I have taken the time to explain it now in the nature of a report, in order that everybody may be notified of the grounds we take.

Mr. WEST. Why not have it considered now?

Mr. EDMUNDS. As it is a matter which does not involve very great responsibility, my friend suggests that I might as well ask for the present consideration of the resolution, and if there is no objection I will. Of course if anybody would rather have it lie over, I do not ask it.

The PRESIDENT *pro tempore*. The joint resolution will be read, subject to objection.

The CHIEF CLERK. The Committee on the Judiciary report to strike out the preamble of the resolution and all after the enacting clause and insert:

That the Secretary of the Treasury be, and he hereby is, directed to return and tender to the party claiming to have purchased the United States monitor Tecumseh the sum of \$50, with interest at 6 per cent. added from August 7, 1873, to the day of tender, said sum of \$50 being the sum paid by James E. Slaughter on what purported to be the sale of said monitor, then lying in Mobile Bay.

SEC. 2. That the Secretary of the Navy be, and he hereby is, directed to assume the control and protection of said monitor, and he is authorized to dispose of the same to the party who paid said money, or his assigns, on just terms, providing in such disposition for the removal from said monitor and the proper burial of the remains of the persons carried down when she sank; such removal from the said monitor and burial to be under the protection and supervision of the Secretary of the Navy.

Mr. WEST. Do you appropriate the money necessary?

Mr. EDMUNDS. We direct the Secretary of the Treasury to pay it.

Mr. SAULSBURY. I desire to ask the chairman of the committee a question. I understood the second section to authorize the sale to the same party of the vessel after the bodies shall be removed?

Mr. EDMUNDS. Yes, sir.

Mr. SAULSBURY. I want to inquire if that contemplates the same price which was paid to the Secretary of the Treasury?

Mr. EDMUNDS. No; it only contemplates the sale at a just price, and no sale at all unless decent provision can suitably and properly be made for the removal of these remains and their due burial.

Mr. SAULSBURY. The point I wanted to make is that it seems to me \$50 is wholly inadequate even for the iron there, and I wanted to inquire whether the sale was authorized at the former price.

Mr. EDMUNDS. No, sir; it provides for the sale on just terms. It

is an authority to sell on just terms if the situation will authorize it, with due regard to these bodies.

Mr. WITHERS. I inquire of the chairman of the Committee on the Judiciary whether I understood him to say that the Judiciary Committee were of opinion that the sale which had been made for \$50 was not a legal sale?

Mr. EDMUNDS. That is, as I understand it, the opinion of the committee. Some of the gentlemen doubt whether that is the strict construction of the act. I will say for myself I have no doubt at all; it appears clear to me that the act did not authorize the Secretary of the Treasury to dispose of that property at all.

Mr. CRAGIN. This matter was before the Committee on Naval Affairs and by them committed to the Committee on the Judiciary. There is one point in the case that has not been brought out. In addition to the iron that surrounds this vessel, there was a safe on board containing a considerable amount of money, somewhere from \$5,000 to \$20,000, and these parties who have bought the vessel, I am told, may get their remuneration in that money which they will find, and therefore it is not to be raised so much for the iron. It will be very expensive to raise the vessel.

Mr. EDMUNDS. Nothing of that sort appeared in the papers that we had; but I will state that a copy of the sale by the Secretary of the Treasury, the professed sale, was before us, and, according to my recollection, the papers there—I am quite sure I am right—agree that all that the Secretary sold was the monitor Tecumseh. The sale does not include any personal property or money of the United States that may happen to be on board any more than it includes the bones of these poor sailors who went down in it, and if they get it up the money in the safe will belong to the United States.

Mr. SPENCER. Is this joint resolution before the Senate by unanimous consent?

The PRESIDENT *pro tempore*. It is not yet before the Senate. The Chair was going to put the question on taking it up. Is there objection to its present consideration?

Mr. SPENCER. I object to its consideration. I should like to look at it.

The PRESIDENT *pro tempore*. The Senator from Alabama objects, and the joint resolution will be placed on the Calendar.

#### BILLS INTRODUCED.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1010) for the relief of Julius S. Bohrer, master in the United States Navy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1011) to extend the time for the completion of the Green Bay and Sturgeon Bay and Lake Michigan Ship-canal in the State of Wisconsin, and to repeal section 5 of chapter 32 of the acts of Congress of 1866; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1012) for the relief of Charles Clinton, late assistant treasurer of the United States at New Orleans, Louisiana; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 21) defining the meaning and intent of the act of June 11, 1870, entitled "An act in relation to the Hot Springs reservation in Arkansas;" which was read twice by its title, and ordered to lie on the table and be printed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 22) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

#### MILITARY ACADEMY BILL.

Mr. ALLISON. I move to take up the report of the committee of conference on the bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877. The report has been heretofore submitted and read.

The motion was agreed to; and the Senate proceeded to consider the report.

The PRESIDENT *pro tempore*. The question is on concurring in the report.

Mr. EDMUNDS. Let us have the report explained.

Mr. ALLISON. This bill appropriates \$74,675 less than a similar bill last year. The bill as it came to the Senate from the House appropriated \$259,231, to which the Senate added \$49,610. The conference committee reduced the amount \$18,776 below the bill as it passed the Senate.

I will say that these reductions from the amount appropriated last year chiefly arise from the fact that in the bill this year there is no appropriation for the continuation of the hospital building at West Point. Last year we appropriated \$30,000 for a new hospital there, which all the officers at the academy state is very necessary; but in the spirit of economy of this year this hospital is left in an incomplete state, having been completed I think to the first story. The estimates called for \$42,000 to complete this hospital. The House

omitted that item entirely, and the building must remain in an incomplete condition.

There is also an incomplete system of sewerage at this post. The Senate inserted \$8,000 for the purpose of completing the sewerage; but the House insisted that in this time of economy they could not afford to allow this sewerage to be completed.

Mr. EDMUNDS. That it would be a healthful measure to leave as it is?

Mr. ALLISON. That seems to be the impression in the House. Therefore that item was omitted. I believe these are the principal items of omission in the bill of this year compared with the last.

Mr. WEST. Will the Senator permit me to ask him a question? Are the matters in dispute with reference to the conduct of affairs at the Military Academy in the pay of the professors remitted by this report to the committee to be appointed by the respective presiding officers of the two Houses or not?

Mr. ALLISON. That subject is not remitted in terms. The fourth section of the Army appropriation bill that passed a few days ago provides for a commission to take into consideration the propriety of re-organizing the line and staff corps of the Army. The officers of the Military Academy being a portion of the Army, it was supposed that this commission or committee would take charge of that subject also. Therefore all matters of pay at the Military Academy at West Point remain as provided by the Senate in its amendments to the bill of the House.

I will say with reference to the Military Academy band that the Senate conferees made some concessions.

Mr. WEST. How much did they give up?

Mr. ALLISON. They reduced the appropriation from \$14,800 to \$11,000.

Mr. EDMUNDS. Are there any changes of the law in this bill?

Mr. ALLISON. There are no changes of the law in this bill.

The report was concurred in.

#### EXPENSES OF COMMITTEE ON CHINESE IMMIGRATION.

Mr. SARGENT. I submit the following resolution:

*Resolved*, That the disbursing officer of the Senate shall advance such parts of the sum appropriated to pay the expenses of the Joint Select Committee on Chinese Immigration and paid into the contingent fund of the Senate to the Sergeant-at-Arms of the Senate as the chairman of said committee shall in writing direct for the purposes aforesaid, and the Sergeant-at-Arms shall, as soon as may be, make a detailed report of the expenditure thereof with proper vouchers, which, when so made, shall be received by said disbursing officer and returned with his accounts to the proper officer of the Treasury Department.

I have adopted the form that has been usual in such cases; and it is necessary in order to enable the fund to be drawn.

Mr. EDMUNDS. No doubt about that; but the question is whether the resolution ought not to be referred to the Committee on Contingent Expenses.

Mr. SARGENT. I have no objection to its being referred.

Mr. EDMUNDS. I do not care anything about it, if you are sure you are right.

Mr. SARGENT. Let it be referred to the Committee on Contingent Expenses. I make that motion.

The motion was agreed to.

#### W. WHEELER HUBBELL.

Mr. WALLACE. I ask unanimous consent to reconsider the vote by which the bill (H. R. No. 3192) for the relief of William Wheeler Hubbell was indefinitely postponed. The report was based on imperfections of certain papers from the Patent Office, and I ask to have the vote reconsidered and the bill referred to the Committee on Patents.

By unanimous consent, the motion was agreed to.

#### DEPOSIT OF INDIAN FUNDS.

Mr. INGALLS. I move that the Senate disagree to the amendment of the House of Representatives to the bill (S. No. 614) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment.

The amendment was read, being in line 12 to strike out the word "five" and insert "four and a half."

Mr. INGALLS. That relates to the amount of interest to be paid on the funds. The Committee on Indian Affairs believe that treaty stipulations require in certain cases 5 per cent. to be paid, but not being certain they desire a committee of conference to ascertain.

The motion was agreed to; and the President *pro tempore* was authorized to appoint the committee of conference.

#### PUBLIC BUILDING AT HARRISBURGH.

Mr. CAMERON, of Pennsylvania. I ask the Senate to take up the bill (S. No. 1006) authorizing the Secretary of the Treasury to use the surplus of certain moneys heretofore appropriated for public buildings at Harrisburgh in the prosecution of the work after the land shall have been paid for. The facts are about these: At the last session an appropriation of \$160,000 was made by Congress to purchase a proper site for a public building in the city of Harrisburgh. For various reasons it was difficult to make the purchase at the time, and the reduction in the values has enabled the Government to purchase this site for about one-third of the amount appropriated. It is desirable that the additional sum not to be used in the purchase of the property shall be used immediately in preparing the ground and

getting materials for the building. This will afford time enough by the next meeting of Congress to enable a proper appropriation to be made for the whole. I ask no appropriation now, but that that part of the appropriation that stands over may be used in preparing for the building.

The motion was agreed to; and the bill (S. No. 1006) authorizing the Secretary of the Treasury to use the surplus of certain moneys heretofore appropriated was considered as in Committee of the Whole.

The Committee on Public Buildings and Grounds reported the bill with amendments.

The amendments were to strike out in lines 4 and 5 the words "post-office and Government offices" and insert "public buildings;" and in line 9, to strike out "to" and insert "for;" so as to make the bill read:

That after purchasing the site and obtaining a valid title to the land authorized to be purchased for public buildings at Harrisburgh, Pennsylvania, by the act of March 3, 1875, the Secretary of the Treasury is hereby authorized and directed to use any moneys left of the appropriation made by said act of Congress for the improvement of the premises so purchased, with a view to the use of the same as a post-office and Government offices, as named in the said act.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill authorizing the Secretary of the Treasury to use the surplus of certain moneys heretofore appropriated for a site for public buildings at Harrisburgh, Pennsylvania."

REUBEN DAVIS.

Mr. BAYARD. I move that the Senate proceed to the consideration of Senate bill No. 990.

The motion was agreed to; and the bill (S. No. 990) to remove the political disabilities of Reuben Davis, of Mississippi, was read the second time and considered as in Committee of the Whole.

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

#### LAND DISTRICT IN WYOMING.

Mr. PADDOCK. I ask unanimous consent to proceed to the consideration of House bill No. 1336. It is a local bill reported unanimously.

By unanimous consent the bill (H. R. No. 1336) to establish a new land district in the Territory of Wyoming was considered as in Committee of the Whole. By it all the public lands in the Territory of Wyoming lying west of the thirty-first meridian of longitude west from Washington are to constitute a new land district to be called the Evanston district.

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

WILLIAM S. ROBINSON.

Mr. WRIGHT. I move to proceed to the consideration of Senate bill No. 436.

The motion was agreed to; and the bill (S. No. 436) for the relief of William S. Robinson, of Malden, Massachusetts, was considered as in Committee of the Whole.

The preamble recites that William S. Robinson, of the town of Malden, and Commonwealth of Massachusetts, was lately the clerk of the house of representatives of the Legislature, or "general court," of that Commonwealth, and it is represented that as said clerk of one of the legislative branches of the government he was assessed and paid income taxes on his salary for the period of ten years under the internal-revenue laws of the United States as then construed and executed; and that by reason of the serious illness of Robinson, and his absence from the country and from home considerable periods of time consequent thereon, since these assessments and payments, he was not informed that they had been held by the proper authorities to be illegal, and that the same would be refunded by the Treasury Department, in time to prepare and present his claims therefor within the period required by section 44 of the act approved June 6, 1872, but were not, as is alleged, presented until the time and limitation in that act had expired; the bill therefore directs the accounting officers of the Treasury Department to examine the claims of Robinson, presented for that purpose in the manner heretofore prescribed by the Treasury Department for the presentation of the like claims, and to reject the claims or to refund the taxes the same as if the claims had been presented within the period fixed by section 44 of the act approved June 6, 1872.

The Committee on Claims proposed to amend the bill in line 8 by inserting after the word "taxes" the words "to his legal representatives."

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

Mr. WRIGHT. I can state the facts of the case. There is not any question as to the facts; there is no question as to the service of this party, and no question that he paid these taxes; nor is there any question but that these taxes would have been refunded if the application had been made in time. When the matter was originally before the committee there was no sufficient ground shown why this application was not made in time under the law. After that the bill was recommitted, and then it appeared by the statement of the widow of this person, as also by the statement of one of the members on this floor from Massachusetts, the junior Senator, [Mr. DAWES,] that this

person had been in such a diseased state of mind that he was unable to attend to this business, and for that reason the application was not made in time.

Mr. EDMUNDS. When did the time of limitation expire?

Mr. WRIGHT. I do not remember the time exactly now. I only state the fact that it was by reason of this condition of his mind that he was unable to attend to business.

Mr. DAWES. I think the time expired about a year ago.

Mr. WRIGHT. I think longer ago than that.

Mr. EDMUNDS. It is very dangerous to remove the statute of limitations about any claim against the United States, more so indeed than it is a statute of limitations in respect to interests between private parties. At least I think so. But if the chairman states that this man was insane so that he had not the mental power to protect his rights and had not any guardian, then I do not know but that it is well enough to let the bill go through.

Mr. WRIGHT. The facts are found as stated in the report. We did not set out all the testimony leading to this conclusion, but we found the fact that he was unable to attend to his business by reason of his mental condition.

Mr. EDMUNDS. Do I understand that his mental condition was such as to make him incapable of attending to business?

Mr. WRIGHT. I do not know that I expressed it in that language, but I certainly think my language implies all that the Senator states.

Mr. EDMUNDS. The Senator means that now, as I understand?

Mr. DAWES. I do not think the Senator would wish to leave on record quite that impression that he was incapable of doing business. He was not in one sense incapable of it, but his mental condition was very much impaired, and it was a condition approaching that, and he went abroad for the purpose of relief, so that the statute expired without any knowledge of that fact on his part; but I do not desire to have the Senate vote on the impression that he was not in his right mind. He had a difficulty about his mental condition that rendered it impossible for him to take care of his own business. That is just what it was—an absolute nervous prostration. He was found dead in his bed in the morning. It was a sort of nervous paralysis. Precisely the same reasons governed both Houses in passing a bill a few months since in reference to a judge in Ohio, who from impaired health was unable to attend to business, and I think went abroad; and on the recommendation of the committee that bill was passed. There was an entire absence of any evidence when this committee reported the first time; but it being exactly like that case, I took the pains to present it to the committee again and they were without any doubt on the subject upon the testimony presented.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill for the relief of the legal representatives of William S. Robinson, of Malden, Massachusetts."

#### REFORM AND RE-ORGANIZATION OF THE ARMY.

The PRESIDENT *pro tempore*. The Chair appoints as members on the part of the Senate on the commission to which was referred the subject of the reform and re-organization of the Army provided for in the act, fourth section of the act making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes, the Senator from Louisiana [Mr. WEST] and the Senator from Missouri, [Mr. COCKRELL.]

#### BILLS BECOME LAWS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the following bills having been received by the President on July 19, and not having been returned by him to the Senate within the ten days prescribed by the Constitution, have become laws without his signature:

A bill (S. No. 123) for the relief of Philip S. Wales, medical inspector in the United States Navy; and

A bill (S. No. 627) making an appropriation to pay the claim of Butler, Miller & Co.

#### LAND DISTRICT IN IDAHO.

Mr. KELLY. Mr. President, in behalf of the people of the Territory of Idaho, I move that the Senate proceed to the consideration of Senate bill No. 538.

The motion was agreed to; and the bill (S. No. 538) to create an additional land district in the Territory of Idaho was considered as in Committee of the Whole.

The Committee on Public Lands proposed to amend the bill in line 8 by inserting the word "south" before "boundary," and in line 9 inserting the word "north" before the words "of base-line;" so as to read:

That all that part of the Territory of Idaho, described and bounded as follows, namely: commencing at the southeastern corner of said Territory; thence running west on the line between said Territory and the Territory of Utah to the line between ranges No. 23 and No. 24 east, Boisé meridian; thence north to the south boundary of township No. 10 north of base line; thence east to the eastern boundary of Idaho Territory; thence southerly, following the eastern boundary of Idaho Territory, to the place of beginning, shall constitute a separate land district, to be called Oneida land district, &c.

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.

#### IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. The hour of twelve o'clock having arrived, legislative and executive business will be suspended, and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

#### LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative session. The Chair will lay before the Senate the unfinished business.

Mr. EDMUNDS. I move that the Senate take a recess for fifteen minutes.

#### COUNTING OF ELECTORAL VOTES.

Mr. THURMAN. It will be remembered that in the early part of the session a bill was reported by the Committee on Privileges and Elections respecting the counting of electoral votes for President and Vice-President, and after a long discussion was finally passed. I voted for it and moved to reconsider the vote by which it was passed, and that motion has never yet been taken up. I am now informed that if taken up it will lead to a discussion, and that at this late period of the session would be fatal to any measure whatsoever on this subject. I therefore suppose that the only way in which the two Houses can come to an arrangement is for the bill to go to the House and let the House propose such amendments as it may in its wisdom deem to be proper. I therefore ask leave to withdraw the motion to reconsider.

The PRESIDENT *pro tempore*. The vote on the passage of the bill (S. No. 1) to provide for and regulate the counting of votes for President and Vice-President, and the decision of questions arising thereon, was reconsidered, as the record shows; and the question is on ordering the bill to be engrossed for a third reading.

Mr. THURMAN. I do not think any vote was taken on the reconsideration.

Mr. EDMUNDS. I move that the Senate take a recess for fifteen minutes and we can look into that.

Mr. CONKLING. Was the vote reconsidered?

The PRESIDENT *pro tempore*. It is so on the record.

Mr. CONKLING. Therefore another vote is necessary to pass the bill.

The PRESIDENT *pro tempore*. The question is on the third reading of the bill. The Senator from Vermont moves to take a recess for fifteen minutes.

The motion was agreed to; and (at two o'clock and twenty-five minutes p. m.) the Senate took a recess for fifteen minutes.

The PRESIDENT *pro tempore*. (at two o'clock and forty minutes p. m.) The recess having expired, the Senate resumes its session.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. No. 36) to restore the name of Captain Edward S. Meyer to the active list of the Army.

The message also announced that the House had passed a bill (H. R. No. 4060) to provide for the payment of certain indebtedness incurred in the construction of the New York court-house and post-office building; in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 36) to restore the name of Captain Edward S. Meyer, to the active list of the Army; and

A joint resolution (H. R. No. 154) prohibiting supply of special metallic cartridges to hostile Indians.

#### OSAGE LANDS IN KANSAS.

The PRESIDENT *pro tempore*. The unfinished business is before the Senate as in Committee of the Whole, which is the bill (H. R. No. 3625) providing for the sale of the Osage ceded lands in Kansas to actual settlers. The pending question is on the—

Mr. CONKLING. There is no quorum obviously of the Senate present, and I suggest that there should be a call of the Senate or a quorum present before business proceeds.

The PRESIDENT *pro tempore*. The Chair was only stating the question. The Secretary will call the roll of Senators.

The Secretary called the roll.

Mr. STEVENSON. I move that the Senate adjourn.

Mr. ALLISON. I hope not. It is not three o'clock.

The motion was not agreed to.

The PRESIDENT *pro tempore*. A quorum is found to be present,

and the Secretary will report the pending question on the unfinished business.

The CHIEF CLERK. The amendment of the Senator from Kansas [Mr. INGALLS] is to strike out in section 5, commencing in line 5, the words—

Upon the payment by each purchaser to the receiver of the proper land office the sum of fifteen cents per acre in addition to the sum heretofore paid, to cover in part the expense incurred in litigating the title to said land set up by said railroads.

And in lieu thereof to insert:

Subject to any valid adverse claims that may have accrued before or since such sale or cancellation.

So that if amended the section will read:

SEC. 5. That all entries heretofore made of any of said lands, and set aside or canceled by the Secretary of the Interior, on the ground that the said railroads had a prior grant of said lands, be restored by the said Secretary of the Interior subject to any valid adverse claims that may have accrued before or since such sale or cancellation.

Mr. INGALLS. The object of the amendment is simply to permit any adverse claims that may have accrued before or since the entries were set aside by the Secretary of the Interior to be adjudicated properly, and the change of the section is rendered necessary from the fact of the eighth section being stricken out and the price reduced from \$1.40 to \$1.25 per acre. The latter part of the section from line 4 to line 9 is incongruous with the remainder of the bill.

Mr. EDMUNDS. I think my friend from Kansas is correct; but the section itself ought to be changed a little. It provides:

That all entries heretofore made of any of said lands, and set aside or canceled—

Without describing the nature of the entry. I think it ought to be "all legal or regular entries," so that if neither party had any right, and one man entered under the railroad and another entered under the Secretary of the Interior, and they had conflicting claims, they should be left on exactly common ground. As the man under the railroad, it turned out, had no law to support him, if the other man had not any law to support him, we ought to leave the first possessor in possession.

Mr. INGALLS. I agree to that amendment.

Mr. EDMUNDS. There is no objection to the amendment of the Senator. The one I shall propose will be afterward.

Mr. INGALLS. The Senator, as I understand, suggests the insertion of the word "lawful" after the word "all" and before the word "entries" in the first line.

Mr. EDMUNDS. That is it.

The PRESIDENT *pro tempore*. That amendment will be made if there be no objection. The Chair hears none. The question is on the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. EDMUNDS. I move to amend by adding a section:

SEC. —. This act shall not take effect until said tribes of Indians shall file their assent thereto with the Secretary of the Interior.

The amendment was agreed to.

Mr. ALLISON. I desire to call attention to a proviso on page 2 of the bill in the first section stricken out in committee. I wish to know what is done with that.

The PRESIDENT *pro tempore*. The amendment to strike out was disagreed to. The proviso is in the bill.

Mr. ALLISON. That ought not to be disagreed to.

Mr. EDMUNDS. What proviso is it?

Mr. ALLISON. The first proviso.

Mr. EDMUNDS. No; the striking out ought to be agreed to.

Mr. ALLISON. I appeal to the Senator from Kansas to allow that amendment to be agreed to. We have no more right to take these sixteenth and thirty-sixth sections from these Indians than we have to take any other land belonging to any individual in the United States.

Mr. INGALLS. The joint resolution of April 10, 1869, in express terms declares that the sixteenth and thirty-sixth sections shall be reserved in these lands for the use of the State of Kansas for school purposes. The Secretary of the Interior has already decided that the right of the State does not attach. The committee agreed that this provision should be stricken out, in which I very cheerfully concurred with them. When the question came to the Senate, on the motion of the Senator from Ohio, [Mr. SHERMAN,] the amendment was disagreed to contrary to my judgment and against what I believe to be the law in the case. So far as I am concerned personally, I am entirely willing that the words shall be stricken out, believing as I do that neither the law nor the treaty provides for the reservation of these sections for school purposes.

Mr. ALLISON. Then I move a consideration or ask unanimous consent that this amendment reported by the committee but disagreed to in Committee of the Whole shall prevail.

Mr. EDMUNDS. Before we take that question I should like to ask the chairman of the Committee on Public Lands to explain how that would leave us?

Mr. OGLESBY. The sixteenth and thirty-sixth sections in these Indian lands belong to the Osage Indians and were ceded under this treaty that has now become familiar to the Senate, and were in no sense public lands. They were in no sense lands to which the ordinance for the admission of the States into the Union ever applied. They could not be reserved for school purposes in the ordinance of admission. They were Indian lands under the control of the Indians

with an unextinguished Indian title. It would not be fair to take these lands now and give them to so good a purpose as is provided for in the proviso, a purpose that everybody heartily indorses, the common schools; but it is wrong to take those sections for that purpose. They properly belong to the Indians and ought to be exempted from reservation for school purposes.

Mr. ALLISON. I want to call the attention of the Senator from Illinois to the fact that these lands were absolutely donated by the treaty of 1867 to the education and civilization of the Indian tribes.

Mr. OGLESBY. Unquestionably.

Mr. ALLISON. Now it is proposed to take these sections from the Indian tribes and place them under the control of the State of Kansas.

Mr. OGLESBY. What the Senator from Kansas says is exactly true that it is taking this land from the education of the Indians generally in the United States and giving it to the education of white children. It belongs to the Indian fund; it belongs to the Indian families, and ought in my honest judgment to be kept there.

Mr. EDMUNDS. I see that the act of admission of Kansas, January 29, 1861, provides that—

The following propositions are hereby offered to the said people of Kansas for their free acceptance or rejection, which, if accepted, shall be obligatory on the United States and upon the said State of Kansas, to wit: First, that sections Nos. 16 and 36 in every township of public lands in said State, and where either of said sections or any part thereof has been sold or otherwise been disposed of, other lands, equivalent thereto and as contiguous as may be, shall be granted to said State for the use of schools.

Of course it is plain under the present state of the law as decided by the Supreme Court, that these were not public lands in the judicial and legislative sense at that time, but a provision was made that "lien lands," as I believe they are called, should be given to the State of Kansas for schools to make it up. So I confess I do not see why the Indians should not have the benefit of these sections, and in that case the proviso ought to be stricken out.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the proviso will be stricken out.

Mr. BOOTH. I move to amend section 2 by striking out of lines 3 and 4 the words "not exceeding one hundred and sixty acres;" so as to read:

SEC. 2. That any person who is a citizen of the United States, or has declared his intention to become such, who in good faith had purchased any portion of said land from either the Leavenworth, Lawrence and Galveston Railroad Company or the Missouri, Kansas and Texas Railroad Company.

As the bill now stands, section 2 allows all persons who have bought in good faith from the railroad companies to acquire title from the United States by paying the sum specified to the extent of one hundred and sixty acres. There are persons, the Senator from Kansas I believe said there were one hundred, who had bought of the railroad companies in good faith tracts of land exceeding one hundred and sixty acres, had paid the full price, and made valuable improvements. I think the same principle of equity that would give the purchaser of one hundred and sixty acres the right of pre-emption from the United States ought to be extended to those who have bought larger tracts. That will be effected by the amendment I propose.

Mr. PADDOCK. I hope the Senator from Kansas will accept the amendment of the Senator from California.

Mr. INGALLS. I cannot accept the amendment. I am entirely willing the Senate shall vote upon it without any further discussion.

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

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

#### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the Speaker *pro tempore* of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 4053) to further authorize the Commissioner of Indian Affairs to purchase supplies for the Indian Bureau in open market;

A bill (H. R. No. 4054) to continue the provisions of an act entitled "An act to continue the provisions of an act entitled 'An act to provide temporarily for the expenses of the Government;'"

A bill (H. R. No. 4055) to continue the public printing;

A bill (H. R. No. 1972) to authorize the construction of an inclosure around the United States penitentiary at Boise City, in the Territory of Idaho; and

A joint resolution (H. R. No. 77) providing for the restoration of the original Declaration of Independence.

#### RIVER AND HARBOR BILL.

Mr. ALLISON. I move to take up House bill No. 3022, known as the river and harbor bill.

The motion was agreed to; and the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and comple-

tion of certain public works on rivers and harbors, and for other purposes, was considered as in Committee of the Whole.

Mr. EDMUNDS. Let the bill be read.

Mr. DAVIS. Before we proceed to the consideration of the bill I desire to give notice that on Thursday morning after the morning hour, if I do not interfere with some appropriation bill or conference report, I shall ask the Senate to permit me to make some remarks upon the report of the Committee on Finance in regard to Treasury discrepancies.

Mr. KELLY. At the conclusion of this bill I shall ask as a favor of the Senate to dispose of what is known as the Klamath land bill, which my friend from Vermont [Mr. EDMUNDS] has so ably argued on the other side.

Mr. EDMUNDS. I beg to say as to the Klamath Indian bill that I have not begun to argue the other side on that question yet. The case has hardly been opened. I wish to give notice, as I have done about twenty times before, that when this bill is over I shall try to have the Senate dispose of the Pacific Railroad question, which is still on the President's table.

Mr. PADDOCK. I also desire, in a modest way, to give notice to the Senate that after this bill is finished, whatever the result may be, I shall ask that the bill for a partial restoration of the franking privilege be considered—

Mr. EDMUNDS. Impartial you mean.

Mr. PADDOCK. Very partial, and very impartial, too; I accept the amendment of my friend from Vermont.

The PRESIDENT *pro tempore*. The bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, is before the Senate as in Committee of the Whole.

Mr. ALLISON. This bill has been read so often and is so familiar to the Senate that I trust Senators will waive any special reading.

Mr. EDMUNDS. This particular bill has never been before the Senate heretofore, because it is reduced about two-sevenths and where the reductions come in we do not know. It will not take long to read it, and in order to get a general run of the bill so that we can tell where the amendments come in, I insist that the bill be read.

Mr. SARGENT. Then let us act on the amendments in order as we go through the reading of the bill.

Mr. EDMUNDS. No. Let it be read through in order to provide the great security to each State so much insisted on hitherto.

Mr. ALLISON. Would it not satisfy the Senator from Vermont if the Clerk should read the amendments proposed by the Committee on Appropriations? I think we can gather practically all there is in the bill from reading the amendments.

Mr. EDMUNDS. Perhaps we shall, as it is mostly a bill of amendments, but we cannot understand the effect of the amendments without seeing what the amendments leave. Therefore I beg in the most modest way to ask the indulgence of the Senate to have this bill read once that we may see what it is.

Mr. CAMERON, of Pennsylvania, (at three o'clock and five minutes p. m.) I believe it is always in order to move an adjournment of the Senate. Therefore I move that the Senate do now adjourn.

Mr. ALLISON. I hope the motion of my honorable friend will not be agreed to.

Mr. EDMUNDS. The motion is not debatable.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Senate do now adjourn.

The question being put, there were on a division—ayes 12, noes 18; no quorum voting.

Mr. LOGAN. I think we ought to have a short executive session.

The PRESIDENT *pro tempore*. There is no quorum.

Mr. WITHERS and others. Let us have the yeas nays on the motion to adjourn.

The yeas and nays were ordered; and being taken, resulted—yeas 6, nays 38; as follows:

YEAS—Messrs. Cameron of Pennsylvania, Hitchcock, Jones of Florida, McCree, Robertson, and Stevenson—6.

NAYS—Messrs. Allison, Anthony, Barnum, Bayard, Booth, Christiancy, Conkling, Cooper, Davis, Dawes, Eaton, Ferry, Gordon, Harvey, Howe, Ingalls, Kernan, Key, Logan, McDonald, Maxey, Merrimon, Mitchell, Morrill, Norwood, Oglesby, Paddock, Randolph, Ransom, Sargent, Saulsbury, Wadleigh, Wallace, West, Whyte, Windom, Withers, and Wright—38.

ABSENT—Messrs. Alcorn, Boggs, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Clayton, Cockrell, Conover, Cragin, Dennis, Dorsey, Edmunds, Frelinghuysen, Goldthwaite, Hamilton, Hamlin, Johnston, Jones of Nevada, Kelly, McMillan, Morton, Patterson, Sharon, Sherman, Spencer, and Thurman—27.

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The Secretary will proceed with the reading of the bill.

Mr. ALLISON. I rise to a question of order. This bill has once been read thoroughly, and I do not know whether it must be read again or not under the rules.

Mr. EDMUNDS. Since this bill was reported it has been recommitted, and is now reported as if for the first time fresh, and it must be read through. I do not ask its reading as a matter of form, but in order that every Senator may see what its general scope and effect is.

Mr. ALLISON. Very well.

The PRESIDENT *pro tempore*. The reading will proceed.

The Chief Clerk proceeded to read the bill. Having read to line 12,

Mr. HOWE. I ask the Senator from Iowa if it is not his purpose to have the amendments acted on as they are reached in the reading of the bill?

The PRESIDENT *pro tempore*. The Senator from Vermont has insisted on the formal reading of the bill through before action is taken on the amendments.

Mr. ALLISON. If my friend from Wisconsin can persuade my friend from Vermont that one reading of the bill is enough for us all to understand it, I think we may act on the amendments as we go on.

Mr. HOWE. I think the Chair could persuade him of that.

Mr. EDMUNDS. We are acting according to rules now.

Mr. HOWE. I ask if it is the right of a Senator to have this bill read through at length, it being the same bill which has once before been before the Senate and has been read at length, recommitted, and reported back again?

The PRESIDENT *pro tempore*. It is the same as a fresh bill, which requires to be read. It has been recommitted and reported on a different basis; substantially a fresh bill.

Mr. ALLISON. I ask unanimous consent that we consider the amendments of the committee as the bill is read. I think there will be no objection.

The PRESIDENT *pro tempore*. Is there objection?

Mr. EDMUNDS. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Vermont objects.

Mr. HOWE. I acquiesce in the decision of the Chair.

The Chief Clerk proceeded with the reading of the bill.

Mr. EDMUNDS. Is the Clerk reading the original House bill?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. EDMUNDS. I did not mean to insist upon that, but to ask that the amended bill as reported be read.

The PRESIDENT *pro tempore*. This is the bill, the Chair understands. The amendments constituting the changes will be read subsequently.

Mr. EDMUNDS. Now I do not understand what page the Secretary is on.

The PRESIDENT *pro tempore*. Page 6.

Mr. EDMUNDS. I thought the committee had reported an entire fresh substitute, but I see they have not.

The PRESIDENT *pro tempore*. Does the Senator insist on reading it through?

Mr. EDMUNDS. Yes, as it is altogether new. I thought the bill reported by the committee was a substitute for the House bill, and I did not ask in that case that the old bill should be read.

Mr. ALLISON. Do I understand the Senator from Vermont now to suggest that we read the bill with the amendments and act upon the amendments as they are reached?

The PRESIDENT *pro tempore*. The Chair asked the Senator from Vermont the question, and the Chair understood him to say he wished the bill read through.

Mr. EDMUNDS. My objection is that I wish to see for one the general effect of this bill and its general character, and that we shall see as the reading goes along. I do not ask for the reading for the purpose of taking up time, but in order that I may understand the bill.

The Chief Clerk resumed the reading of the bill, and read to the end of the first section, at line 519.

Mr. EDMUNDS. I do not ask for the reading of the second section. It is all stricken out by the committee.

The PRESIDENT *pro tempore*. If there be no objection, the reading of the second section will be omitted.

Mr. ALLISON. I find on looking over the bill what is a typographical error, I suppose. On page 20, line 464, where \$285,000 are to be expended on Muscle Shoals the committee recommend striking out "eighty-five" and inserting "fifty-two;" so as to make it \$255,000. Having changed the amount in the beginning of the paragraph, we must change the amount at the close and must insert "fifty-five" instead of "eighty-five."

Mr. EDMUNDS. That is one of the advantages of having the bill read.

Mr. ALLISON. I observe that the House on page 20, line 476, spell "jetty" "jettee." The Senator from Vermont suggests that we strike out "ee" and insert "y." I am not sure but that that is right.

Mr. EDMUNDS. I do not make any such suggestion, if the Senator will pardon me, in any public sense. Far be it from me to attempt to instruct the Committee on Appropriations in the art of spelling.

Mr. ALLISON. I beg pardon of the Senator. I will look into that matter and see what is the proper spelling. I think it is spelled correctly in the bill now.

The PRESIDENT *pro tempore*. The Chair will observe to the Senator from Iowa that any amendment is out of order until the amendments of the Committee on Appropriations have been considered.

Mr. ALLISON. These are amendments of the committee.

I desire to say a word or two with reference to this bill. It will be remembered that the bill came to us with an appropriation of \$5,572,000 in round numbers from the House of Representatives. The Committee on Appropriations, after a careful examination and consideration of the bill, with the aid of the examinations previously made by the Committee on Commerce, struck out a large number of the appropriations proposed by the House, regarding them as local in their character and not national, and inserted in lieu of these ap-

appropriations thus stricken out an increase of appropriations upon great national works that have been prosecuted for years and the necessity for the continuous prosecution of which still exists. That bill came into the Senate and all the amendments which were proposed by the Committee on Appropriations striking out appropriations were non-concurred in by the Senate, while all the amendments inserting appropriations upon these great national works were concurred in by the Senate, thus placing the Senate in the position of having increased this appropriation bill about \$900,000. The bill standing in this position was recommitted to the Committee on Appropriations with instructions to re-examine the bill and report it again, the Senate limiting the total aggregate of the bill to \$5,000,000. The Committee on Appropriations have carefully gone over every item of this bill in committee, reading the report of the engineers having charge of these works and making such examination in detail of each particular work as they could make within the two or three days allotted to this business. They now bring this bill back again to the Senate with amendments in exact accordance with the instructions of the Senate providing for an aggregate appropriation of \$5,000,000, not one cent more nor one cent less.

Mr. EDMUNDS. Does that include the last amendment?

Mr. ALLISON. That includes every amendment and every provision in the bill. We have carried out as faithfully as we could carry out the instructions of the Senate in this regard. We have been compelled, in thus endeavoring to carry out the instructions of the Senate, to strike out many works of a local character, to reduce appropriations of a national character largely, and in many respects perhaps we have done injustice to what are called the local interests in particular States; but I desire now to say that this bill, having thus received the careful consideration and attention of the Committee on Appropriations for the second time, if it shall be amended in any particular with reference to the amounts involved, in my judgment cannot pass at the present session—

Mr. EDMUNDS. Increasing the amounts?

Mr. ALLISON. Increasing, or reducing, perhaps I might add; I, however, will not say that; but I mean by interfering with the arrangement. In speaking of an arrangement I do not mean an arrangement with reference to States, but an arrangement by which all the various public works that are now in process of construction shall be continued without detriment to those works. I say if any material change is made in this respect, in my judgment the bill cannot pass at the present session.

Therefore I submit now to the Senate the proposition that these amendments shall be taken as a whole as proposed by the committee and concurred in or non-concurred in by the Senate.

Mr. CONKLING. Mr. President, the first twenty-two lines of the bill now reported contain amendments striking out altogether appropriations for four works, general and national in their character, interesting to general commerce, in respect of which I chance to know something, because they are located in the State of New York. The first of these amendments proposes to strike out everything for the harbor of Dunkirk, on Lake Erie. Dunkirk is the terminus of the Erie Railway, and but one fact known to me diminishes the importance which used to attach to the harbor of Dunkirk. In recent years the Erie Railroad has built a branch to Buffalo, and as that branch sends cars to the elevators in Buffalo, which as we all know are very superior elevators, where those cars can be loaded in bulk with corn and wheat cheaply and with surprising quickness, many propellers running to carry cargoes in bulk of wheat and corn that formerly plied to Dunkirk go now to Buffalo. The withdrawal of a part of that single branch or item of the carrying-trade is the only fact known to me rendering Dunkirk now less important as a harbor than Dunkirk ever was or might have promised in the past to be. Notwithstanding this diversion, Dunkirk remains a very important harbor; and between Buffalo and Dunkirk there is no harbor on Lake Erie. In respect therefore of the safety of vessels, in respect of its trade, in respect of all that makes a harbor valuable and necessary, Dunkirk is an important harbor. The first amendment, I repeat, withholds from Dunkirk all appropriation whatever. It appropriates nothing either to continue the work or to preserve the harbor, or to shield from the action of the elements the work already done and incomplete.

I do not state these facts, as Senators might suppose, for the purpose of opposing this amendment. Considering the strait of this bill, considering the condition of the country and of the Treasury, I do not feel warranted, because of an amendment which I regret so much as this, in attempting to upset or aid in overthrowing the work of the committee; but I call attention to it thus early for two or three reasons, one of which will suffice. If concurring now in this amendment the Senate shall hereafter go back and refuse to concur in other reductions or in other instances in which appropriations are stricken out, I do not wish to be held inconsistent when I maintain, as I shall, that if the Senate refuses to concur with the committee and begins to add to this bill, in the case of local improvements or even of general improvements, this improvement is precipitously one in which the Senate, should it adopt that line of action, ought to revise the recommendation of the committee.

The same remark I wish to make, so as not to vex the ear of the Senate again, touching the amendment striking out everything for the harbor at Olcott, everything for the harbor at Pultneyville, every-

thing for the harbor at Great Sodus Bay, and other recommendations striking out altogether appropriations for harbors on Lake Ontario, a coast so little indented that harbors are rare and important. I believe there was not, before the committee saw the bill, one single appropriation for a work located in the State of New York in any sense local. The chairman of the committee will bear me out when I say that there was not in any version of this bill an appropriation for any stream lying within the State of New York, and in any sense local. The appropriations were for improvements of arms of the sea, and of the Hudson River which for this purpose I might almost call an arm of the sea, and which certainly is a great national highway.

Mr. EDMUNDS. It is tide-water.

Mr. CONKLING. It is part of a highway extending from the western extremity of the lakes to tide-water, and a river in which the Senator from Vermont reminds me the tide ebbs and flows to the head of navigation. There may have been one appropriation in the bill not falling strictly within the description I have given, a single one relating to the improvement of Harlem River so as to connect, by means of the Spuyten Duyvil and the Harlem River, the North River with Long Island Sound. I should not describe that as a work applying to an arm of the sea, because in some sense and to some extent it was an attempt to create a channel by excavation and by other means. Omitting that, unless I have forgotten some appropriation, the bill contained none for a work located in the State of New York, except the harbors on the great lakes of Ontario and Erie, and improvement of the arms of the sea, and of this one great channel of national commerce.

Therefore I shall not be called in the after stages of this bill to insist, whatever may be the line of policy adopted by the Senate, that any local improvement shall be provided for in the bill, which improvement is located in the State which it is my privilege in part to represent. I wish, however, to file this general caveat, that if the committee shall be overthrown by the Senate, so that we are to revise their work touching national improvements which they have discarded, and more especially touching local improvements, then I shall hold myself convicted of no inconsistency, having agreed with the committee in the beginning, if I adopt what shall turn out to be the judgment and the action of the Senate as the rule to govern me touching appropriations which it may be considered more especially my business to understand and to regard.

The PRESIDENT *pro tempore*. The question is on the motion made by the Senator from Iowa, [Mr. ALLISON.]

Mr. EDMUNDS. What is that motion?

The PRESIDENT *pro tempore*. That the amendments reported by the Committee on Appropriations be agreed to in gross.

Mr. EDMUNDS. Is that in order?

The PRESIDENT *pro tempore*. Not if objected to.

Mr. CONKLING. It is only in order by unanimous consent.

Mr. EDMUNDS. I know I run some risk of being thought captious, but one who thinks he is doing his duty can bear that; and I may be allowed to say that that would be just like the previous question in the House of Representatives, and by and by, when we get to a conference, we shall be told by the House, whose appropriations we have reduced, "You have never considered this thing; a committee has fixed it up; and you behave just as we do."

Mr. ALLISON. I do not press the motion.

Mr. CHRISTIANCY. Do I understand the Senator in charge of the bill to consent to take the items separately?

Mr. ALLISON. One objection compels me to that course.

The PRESIDENT *pro tempore*. The Senator from Vermont objects, and it could not be done without unanimous consent. The first amendment of the Committee on Appropriations will be reported.

The first amendment of the Committee on Appropriations was to strike out lines 9 and 10, in the following words:

For the improvement of the harbor at Dunkirk, New York, \$18,000.

The amendment was agreed to.

The next amendment was in line 12, to increase the appropriation "for the improvement of the harbor at Buffalo, New York," from \$75,000 to \$85,000.

The amendment was agreed to.

The next amendment was to strike out lines 15 and 16, in the following words:

For the improvement of the harbor at Olcott, New York, \$6,000.

The amendment was agreed to.

The next amendment was in line 18, to increase the appropriation "for the improvement of the harbor at Oak Orchard, New York," from \$2,000 to \$5,000.

The amendment was agreed to.

The next amendment was to strike out lines 19 and 20, in the following words:

For the improvement of the harbor at Pultneyville, New York, \$5,000.

The amendment was agreed to.

The next amendment was to strike out lines 21 and 22, in the following words:

For the improvement of the harbor at Great Sodus Bay, New York, \$5,000.

The amendment was agreed to.

The next amendment was in line 24, to increase the appropriation



"for removing obstructions in the East River and Hell Gate, New York," from \$200,000 to \$290,000.

The amendment was agreed to.

The next amendment was in line 35, to reduce the appropriation "for the improvement of Eagle Harbor, Michigan," from \$15,000 to \$12,000.

The amendment was agreed to.

The next amendment was in line 38, to reduce the appropriation "for the improvement of the harbor at Marquette, Michigan," from \$5,000 to \$2,000.

The amendment was agreed to.

The next amendment was in line 40, to reduce the appropriation "for the improvement of the harbor at Frankfort, Michigan," from \$5,000 to \$3,000.

The amendment was agreed to.

The next amendment was in line 42, to reduce the appropriation "for the improvement of the harbor at Manistee, Michigan," from \$15,000 to \$14,000.

The amendment was agreed to.

The next amendment was to strike out lines 45 and 46, in the following words:

For the improvement of the harbor at Pent Water, Michigan, \$10,000.

The amendment was agreed to.

The next amendment was to strike out lines 47 and 48, in the following words:

For the improvement of the harbor at White River, Michigan, \$10,000.

The amendment was agreed to.

The next amendment was in line 56, to reduce the appropriation "for the improvement of the harbor at Menomonee, Wisconsin," from \$10,000 to \$8,000.

The amendment was agreed to.

The next amendment was in line 58, to reduce the appropriation "for the improvement of the harbor at Ahnepee, Wisconsin," from \$10,000 to \$8,000.

The amendment was agreed to.

The next amendment was in line 60, to reduce the appropriation "for the improvement of the harbor at Two Rivers, Wisconsin," from \$15,000 to \$5,000.

The amendment was agreed to.

The next amendment was in line 62, to reduce the appropriation "for the improvement of the Falls of Saint Anthony, Minnesota," from \$125,000 to \$120,000.

The amendment was agreed to.

The next amendment was in line 66, to reduce the appropriation "for the improvement of the harbor at Toledo, Ohio," from \$75,000 to \$60,000.

Mr. SHERMAN. I suppose it would be ineffective to make any opposition to this amendment, but I think I must complain, not only geographically but upon the ground of merit, of harbors like Toledo and Cleveland being reduced insignificantly to a sum barely sufficient to maintain the works there where the commerce is very great, and while \$275,000 is given for the improvement of the Kanawha River, a mere branch of a branch of a branch of a branch. I do not feel disposed myself to stand here and submit to a discrimination which I think is geographical in character throughout the bill. There is the breakwater at Cleveland, a work that has been undertaken by the Government of the United States, which is now in progress, an impediment to navigation, with a customs business of \$197,000,000 at that harbor. There is the harbor of Toledo which is a great *entrepot*, the great out-going place for all the produce of Indiana and Western Ohio. The town contains 35,000 or 40,000 inhabitants, and the commerce is very large; I have not the statistics before me. The House appropriated the very lowest sum the engineers supposed they could get on with, and it does seem to me that for the committee after appropriating for slack-water navigation on the Great Kanawha River \$275,000, and appropriating money for the mountain streams in some of the southern and western States, to refuse to make an appropriation for these great harbors is not making a bill which ought to be sustained by the Senate. It is wrong, wrong geographically, for this reason: The Kanawha is a stream that I am somewhat familiar with; at least with its geographical position. Just on the other side of the Ohio River, above it, is the Muskingum River which the State of Ohio has improved and spent all the money necessary to be spent on it, two or three million dollars. On the opposite side of the Ohio River there is another tributary of the Ohio, the Kanawha, and it is proposed that we shall make slack-water navigation there and spend I do not know how many millions of dollars in carrying out a system of improvement. One of the members of the Committee on Appropriations told me that this was part of a great line of improvements which if the Government undertakes will cost from thirty-five to seventy millions of dollars; that is, to carry the slack-water navigation over the Alleghany Mountains on the summit between West Virginia and Virginia. It seems to me that that class of work ought to be cut out of this bill if we are to bear reductions in all the great harbors of the country. I feel that now I cannot sit here and see the improvements on these harbors known to be of the very highest importance, like Toledo and Cleveland, cut down to a sum barely sufficient to make a show of work while there are other improvements through this bill that I supposed would be dropped out, such as the

improvement of the French Broad River, and especially the improvement of the Great Kanawha River, and the removal of snags out of the Little Kanawha, comparatively a very small stream. I do think that this ought not to be done.

Mr. ALLISON. I quite agree with the Senator from Ohio that more money could be judiciously expended at the harbors of Toledo, Cleveland, and Sandusky City. I perhaps might agree with him in what he says about the Kanawha, but I am not quite ready to do so. The Kanawha improvement is one that has been sanctioned by the Senate. Large appropriations have hitherto been made for this improvement, and the Committee on Appropriations were only carrying out what they believed to be the judgment of the Senate in regard to this work. The State of Ohio is chiefly to be benefited by this Kanawha improvement, the Kanawha itself emptying into the Ohio River, which river washes the shore of that State on its entire eastern and southern border, and if the voice of the Senator from Ohio comes up against the Kanawha improvement I do not know that I, located as I am upon the Mississippi, incidentally benefited by this improvement, should complain; but we supposed, an appropriation for the Kanawha River being in this bill, and the improvement having been sanctioned by an appropriation of Congress last year of \$300,000, that it was an improvement national in its character and not local. Therefore the committee did not feel at liberty to reduce the Kanawha appropriation more than \$30,000.

Mr. CONKLING. May I make an inquiry?

Mr. ALLISON. Certainly.

Mr. CONKLING. Upon the theory now suggested by the Senator, that finding in the House bill a work for which appropriation had been made before, they did not feel at liberty to strike it out, how comes it that when the committee find in the House bill the harbor of Dunkirk, for example, which they know to be an important harbor, which has a work incomplete and which will suffer for the lack of preservation, they not only reduce but strike out altogether an improvement of that sort which in everybody's view involves in its completion only a very limited sum, comparatively, and retain an appropriation for a work which, as the Senator from Ohio well says, and we all know him to be right, involves an immense expenditure with a very doubtful result?

Mr. SHERMAN. I think the entire system involves from thirty-five to seventy-millions of dollars.

Mr. ALLISON. In answer to the statement of the Senator from New York, I reply simply that the harbor at Dunkirk, New York, cannot be made with \$18,000 as appropriated in the House bill. Eighteen thousand dollars will make no progress toward the improvement of the harbor at Dunkirk. If we had felt at liberty to enlarge all the appropriations in the State of New York, as we did increase the appropriations at Buffalo, at Oswego, at New York City, and on the Hudson River, we might have been able and willing to have given the harbor at Dunkirk such an appropriation as would make an economical expenditure of the public money justifiable; but because we could not increase the appropriation for the harbor at Dunkirk we struck it out entirely, trusting to next year for a more ample appropriation. The harbor at Dunkirk is in as good a condition as any harbor in the United States, and is so reported by the Engineer Bureau.

Mr. CONKLING. What about the breakwater?

Mr. ALLISON. The breakwater is a large improvement, as a matter of course, and it ought to be extended; but \$18,000 will not extend it. We could not increase that appropriation and do justice to Buffalo, Oswego, and Hell Gate, and at the same time limit our total appropriations to \$5,000,000. I would be exceedingly glad to stand by the Senator from Ohio with his appropriations for the harbors on Lake Erie; but when you put the Committee on Appropriations in a vise and said "You must bring this bill down to a particular sum," we were compelled to cut off somewhere. The Senator from Ohio says we did not cut off the Kanawha appropriation. If he thinks that is an unjustifiable expenditure of public money, he is at liberty to move to strike out that appropriation entirely. The State of Ohio is more largely interested in that appropriation than any other State in this Union, not excepting even the State of Virginia or the State of West Virginia. It is a work especially calculated to improve and enlarge the commercial facilities of the State of Ohio. If a Senator from that State comes and says that this Kanawha appropriation is an absolute waste of the public money, it is time for us to consider whether it is important or not. But making the reductions which we deem advisable in all these States and with reference to all these appropriations we could not keep the harbor of Toledo, Ohio, at \$75,000, and therefore we reduced it \$15,000 so as to bring the general scope of the bill within the \$5,000,000. It is for the Senate to take this bill and either vote it up or vote it down. If the Senator from Ohio or any other Senator can stand the defeat of this bill, let him move to lay it on the table. I have no interest in the bill other than a general interest. I have endeavored, as has the Committee on Appropriations, to make the bill the best possible for every section and every interest, looking neither to the West, nor to the North, nor to the South, and having no regard whatever to personal interests, sectional interests, or political interests; and therefore if this bill is not satisfactory, vote it down. If you amend it so far as the amounts are concerned by enlarging the appropriations suggested by the committee, it will have the same effect.

Mr. SHERMAN. I wish to say only a few words now in regard to this matter.

Mr. DAVIS. I ask the Senator from Ohio to let me say a word in reply to what he has said and then he can reply to me.

Mr. SHERMAN. Certainly.

Mr. DAVIS. Mr. President, the Senator from Ohio apparently has selected the Kanawha River to make an attack upon it. That Senator perhaps has forgotten that he himself recommended that the Kanawha should be improved. I think the committee of which he was a distinguished member was unanimous, after making a personal examination of the Ohio River, that the Kanawha should be improved to its falls, no matter what became of the through water-line between the two Virginias.

Mr. EDMUNDS. What county are the falls in?

Mr. DAVIS. In Kanawha County.

Mr. SHERMAN. Above Charleston.

Mr. DAVIS. Above Charleston, thirty or forty miles. The Kanawha River, which the Senator from Ohio calls "the branch of a branch of a branch," is as we all know probably fully as large as the Ohio River is above its junction with the Kanawha.

Mr. SHERMAN. Above the junction of the Ohio with the Monongahela?

Mr. DAVIS. I say the Kanawha River is as navigable now for as large capacity of boats, except some shoals, and floats perhaps as much water as the Ohio does above its junction with the Kanawha. Further than that, the Kanawha River has been examined within the last twelve months by a board of engineers consisting of the engineer-in-chief, General Wright, and another whose name I do not recollect, and their report was unanimous that the river ought to be improved and would if improved be of great general benefit. Again the commerce on that river is greater perhaps than on any river in the West, other than the Ohio itself. It is a well-known fact that in the Book of Estimates for the present year the engineers estimate that \$1,000,000 should be expended for this year upon the Kanawha River. Not only that but I say now that in proportion to the recommendations of the Engineer Department there is less appropriated for it than for any other improvement of a general character.

I do not want to take up time in talking of the Kanawha River. Of course there is a great deal that can be said. The Senator from Ohio as well as my friend from New York concurred in a report which was unanimous that that river should be improved, no matter whether the canal was built or not.

Mr. CONKLING. Has the Senator the report here?

Mr. DAVIS. I have just sent for it.

Mr. CONKLING. I wish the Senator would read where we said that improvement ought to be made.

Mr. DAVIS. I will do so, if I can lay my hand on it. I will do so in a moment.

Mr. SHERMAN. I certainly do not want to interfere with the local interests of the State of West Virginia and the river Kanawha, but I feel bound to say to Senators that if they will look at a map of the river Kanawha they will find that it is a mountain stream until it reaches what are called the falls above Charleston. I do not know the distance exactly from the falls to the Ohio River.

Mr. DAVIS. About a hundred miles; not beyond that distance.

Mr. SHERMAN. It runs in a northern direction until it strikes the Ohio River and is one of the tributaries of the Ohio. As a part of a great system of internal communication my impression is that the Senator from New York and myself did sign a report to the effect that if this whole system of internal navigation was to be adopted it would be necessary to improve the Kanawha. We signed a general report giving the statistics and the facts. But let me state to the Senate that a short distance above the mouth of the Kanawha there is another river which enters into the Ohio which is about the same size as the Kanawha, that is the Muskingum. It is probably as large as the Kanawha, and yet the Muskingum is improved entirely by the State of Ohio and has never been improved at all by the General Government. The navigation of the Kanawha is simply local in its character. The products of that region of country are nearly all coal and timber, and the like, valuable, of course, and they no doubt contribute to the commerce of the Ohio River; but to compare the Kanawha River, which is to get \$275,000 of money by this bill, with the harbor at Cleveland or the harbor at Toledo is comparing a mole-hill to a mountain. I do not want to say that the Kanawha is not an important river. There is appropriated by this bill about \$200,000 for the Ohio River, which is a thousand miles long from the city of Pittsburgh to the mouth of the Ohio. It carries through a devious course a vast internal commerce, estimated at \$700,000,000 per annum. The Kanawha is but a branch of the Ohio, and the Ohio itself is but a branch of the Mississippi River.

It seems to me that to make these large appropriations for interior rivers, which are only the commencement of great works of internal improvement which the Government of the United States will never probably make to the prejudice of harbors of daily service and daily use, is not doing the best that can be done with a limited sum of money. I am disposed myself to stand by the Committee on Appropriations for \$5,000,000; and yet I see two of the harbors of my State struck out entirely which are strongly recommended by the engineers. My colleague now brings me evidence that appropriations for two of the harbors proposed to be stricken out were recommended even since

the proposed reduction by the Engineer Corps. The great harbors at Toledo, Cleveland, and Sandusky, which command not only the commerce of Ohio, but the commerce of many States, are reduced to a paltry sum, one from \$75,000 to \$60,000, another from \$75,000 to \$50,000, and the other from \$30,000 to \$25,000. The harbor of Toledo is cut down now for the first time. In the last bill it was not reduced. It seems to me that this creates a clear case of geographical injustice as well as of commercial injustice. Therefore I cannot, for one, submit to see this done without making an explanation to the Senate and showing that while the committee have no doubt done the best they could under all the circumstances, they have allowed local interests to control to a greater or less degree their decision in this matter. They probably have not fixed the relative importance of these different improvements. I happen to know something about the Kanawha River. As the Senator from West Virginia says, it flows into the river Ohio. I have been along the river Ohio many times, not much to the Kanawha, though once. It seems to me the committee have discriminated, against the great harbors of the country, where the commerce of the country is being conducted, in favor of local improvements. They have given to the river Kanawha more money than they have given to the river Ohio, a thousand miles long, and more money than they have given to all those great harbors that I speak of at Cleveland, Toledo, Sandusky, and other points. It seems to me therefore that they have discriminated in favor of local and State improvements against the improvements of the nation which affect the interests of many States.

Mr. CHRISTIANCY. I have no doubt of the importance of the harbors at Toledo, Sandusky, and Cleveland, and all the other harbors along the lake. I agree with much that the Senator from Ohio has said. Those harbors are on navigable water, and stand upon the same footing as appropriations for harbors along the sea-coast. But when I say that of Ohio it applies equally to all the harbors of Michigan. They are all upon navigable waters, all upon inland seas, none of them being rivers away up in the interior. They are all ports along the border of those inland seas; and yet for a coast of nearly eighteen hundred miles this bill, including the appropriation for the Saint Mary's Canal and the harbor of refuge, appropriates \$357,000 only. It is my belief that a proper disposition of the \$5,000,000 would apply more of it along those lakes; but I take into consideration the fact that here are a great multitude of local interests. I do not speak of them in an offensive sense as mere local improvements, although some of those provided in this bill may be such, but every Senator is expected to look to those appropriations which fall within his own State, not that he would or should vote for one in his own State which he would not vote for in another if it were equally deserving, but there is a clashing of separate interests. The whole sum to be appropriated is to be brought down by the determination of the Senate to \$5,000,000. The committee have taken this matter in charge. They have looked over it with the best lights before them, and more than any one Senator possesses outside of the committee, and they have, I have no doubt, conscientiously and carefully done the best they possibly could to distribute this \$5,000,000 among the works which are deserving of improvement. I foresee unless we stand by the committee and support the amendments generally which they have recommended, that we shall find ourselves where we found ourselves at first on the same bill. We shall find ourselves utterly at sea, and get a bill which cannot either pass this Senate or the House of Representatives, and the entire appropriation for rivers and harbors at this time must fail. For one, therefore, although I do not think that justice has been done to the harbors in the State of Michigan, and perhaps not in Ohio, perhaps not in any of the States, and that such appropriations are proposed as ought to be made, yet as we are to be limited within the \$5,000,000, and the committee are better qualified for distributing that than the Senate as an entire body when all the local interests come to clash with each other, I think it is much better for us to support the committee than to undertake individually to change the different appropriations.

It seems to me there is but one result, if we begin to cut up this bill as it is now recommended by the committee, and that result will be similar to the result the other day of the bill when it came from the House. I hope therefore the committee will be sustained throughout.

Mr. HOWE. I want to say a word on this subject. When the Senator from Ohio complains of this appropriation, I sympathize with him, because undoubtedly the importance of that harbor demands a larger appropriation and the true interests of the Government require a larger appropriation. The engineers say it will take \$200,000, in addition to former appropriations, to finish the work, and that that ought to be appropriated in one bill and expended in one season.

It seems to me if any business man in Christendom was doing that work on private account and had the means, he would make the expenditure in one season and finish the work; and I have no sort of doubt that that is what good sense requires of Congress; but we have deliberately refused to do it. It does not make any difference practically to the people of the United States whether we expend that \$200,000 this year, or part this year and part next and part the year after next. But we have arbitrarily said to the committee "You must limit this appropriation to the sum of \$5,000,000." That is the duty we assigned them. I suspect they have done the best they could. That they could be absolutely just in the distribution of a

given sum of money is not easy to suppose. It would be more than human if they were so. I think the great mistake was made by us the other day when we instructed them to cut these appropriations down to an arbitrary sum. I think it was unnecessary, and yet the committee was bound by that vote and I think we had better abide by that vote and abide by the consequences of that vote. The committee which has executed that trust was as fair a one as we could select, and I have no doubt it has discharged that most difficult trust on the whole as well as any other committee would. And so, although there are some features of this bill which are extremely unwelcome to a representative from Wisconsin, I think we had better "accept the situation" and take the bill as it stands.

Mr. MAXEY. Mr. President, before the vote is taken on the amendment now pending I desire to say something in reference to the general frame-work of this bill.

It seems to be conceded that the committee should have reported appropriations for great national works, and that it ought to be the policy to appropriate the main portion of the \$5,000,000 which they were instructed to report to these works of great national importance. Now I find, when I come to look at the report of this committee on the appropriations for the State of Texas, that for continuing the work on the outer bar at Galveston Harbor they have given us \$150,000 instead of \$200,000 as in the House bill. The Senator in charge of this bill will see that the appropriation recommended by the Chief Engineer was \$350,000, and he urged the entire appropriation for one year. As I explained the other day, that harbor is a necessity for a people now of a million and a half in the State of Texas, besides the commerce that goes out of that bay from the Indian Territory, and I will appeal to the Senators from Kansas who have had their commissions down at Galveston, time after time, negotiating in regard to getting their shipments through that harbor, because it is about one-half nearer to salt water for them than the route by New York or any other route. It is hoped by the people of Kansas that the improvement of that harbor will be of such a character as to justify them in getting to salt water through that harbor, because it will be their cheapest route. The same is true of Nebraska. When we come to such a work of undoubted national importance, because it is the undoubted policy of this Government to get the vast shipments of cotton that go through that harbor as well as the vast amount of wheat that can go out from that harbor either in the shape of wheat or flour, it is unreasonable to cut down this appropriation of \$350,000 recommended by the Chief of Engineers for the most important harbor, in my judgment, on the Gulf coast save and except that of New Orleans, a harbor that sends out now 600,000 bales of cotton, besides the immense outflow of wheat and of cattle; a harbor which is seeking to obtain the business of Kansas and Nebraska by making it cheaper for them to go out in that way than in any other way because it is about one-half nearer salt water than any other route. I ask if it is reasonable that this appropriation should be cut down, not only to the amount given by the House, \$200,000, but to only \$150,000, as against \$350,000 which the Chief of Engineers says is a necessity to the improvement of the outer bar so as to save the vast amount of lighterage, which I explained the other day the people have to pay by reason of that bar being there.

Then when I come to the appropriation for Galveston Bay above the city of Galveston, carrying all the vast trade that accumulates at the city of Houston, I find that they have reduced that from \$100,000 down to \$75,000. It would be useless to talk about a comparison between the vast trade that goes through Galveston Bay and over the outer bar at Galveston and the trade of rivers for which they give double the amount which is given here. Upon what theory this bill is based, as it is now presented, I must confess I am totally unable to understand.

I make these remarks now because I fully appreciate the statement made by the Senator from Ohio, and I for one shall vote to non-concur in the amendment made here. I will, in other words, vote for all those works which are unquestionably of national importance, such as those that I represent and which have already received the indorsement not only of the House but the indorsement of the Senate, and on a test vote of three to one were decided in my favor; and yet the committee have utterly disregarded in this bill the action of the House and the action of the Senate on a test vote. I do not think that is right, and I for one shall not vote in favor of this bill of the Senate committee.

Mr. ALLISON. I move that the five-minute rule be applied to this bill.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the five-minute rule be applied to this bill. Is there objection? The Chair hears none.

Mr. SPENCER. What is the question before the Senate?

The PRESIDENT *pro tempore*. On agreeing to the amendment pertaining to the harbor of Toledo, Ohio.

Mr. SPENCER. If in order I wish to make an amendment on page 9.

The PRESIDENT *pro tempore*. It is not in order until the amendments of the committee have been acted upon.

Mr. SPENCER. It is an amendment which the committee will accept, I think.

Mr. SARGENT. It can be offered afterward.

Mr. THURMAN. This bill comes back after having been recom-

mitted with instructions to report a bill so that the aggregate amount of appropriation should not be over \$5,000,000. I am of course opposed to increasing the aggregate amount of this bill beyond five millions. I said in the debate before that if there were more meritorious cases than those in Ohio I for one was willing that the Ohio appropriations might be cut down, although they were very small indeed. Well, the committee have cut them down, I see, without a single exception, and I do not complain of that if the appropriations they have made are more meritorious than those that are contained in the bill for Ohio; but I for one do not quite understand that they are; it may be for want of information. There are some things that I really do not think are at all as meritorious as the provisions of the bill in respect to the ports in Ohio.

For the improvement of the harbor at Toledo, Ohio, the House appropriated \$75,000. The committee cut it down to \$60,000, a reduction of \$15,000.

For the improvement of the harbor at Sandusky City the House appropriated \$30,000. The committee have cut it down to \$25,000.

For the improvement of the breakwater at Cleveland Harbor the House appropriated \$75,000, and the committee have cut it down to \$50,000, and I believe they have stricken out the appropriations for Ashtabula and Fairport, and perhaps one other. At the same time that they have stricken out those they have increased the House appropriation for the improvement of the harbor at Oswego, New York, from \$70,000 to \$90,000, being an increase of \$20,000; for the improvement of the Hudson River from \$25,000 to \$66,000, being an increase of \$41,000.

Mr. CONKLING. But the Senator must remember there that another appropriation for the Hudson River is stricken out altogether. It is all put together in that one appropriation.

Mr. ALLISON. There were two twenty-five thousand dollar appropriations in the House bill for the Hudson River. We put both in one appropriation.

Mr. THURMAN. Then the increase is \$16,000 for the Hudson. Then for the improvement of the Missouri River above the mouth of the Yellowstone the committee put in of their own motion \$20,000.

Mr. WITHERS. That is to facilitate military operations.

Mr. PADDOCK. Mr. President—

Mr. THURMAN. If I am to be interrupted, my five minutes will soon be out.

Mr. PADDOCK. I will not interrupt the Senator.

Mr. THURMAN. Then, for the improvement of the Rush Chute, in the harbor of Burlington, Iowa, \$10,000 is appropriated. That is new matter; for the improvement of the harbor at Fort Madison, Iowa, \$10,000; and so on.

Now let me say one word about the specific amendment before the Senate as to Toledo. There are but two ports in all the United States whose business in grain equals that of Toledo. They are Chicago and Milwaukee. Toledo is the third port in the United States for the shipment of grain.

Mr. CONKLING. Where is Buffalo?

Mr. THURMAN. I speak of the shipments. Toledo is the third port as shown by the reports of the boards of trade of the various cities. In addition to that it has an immense business in iron from Lake Superior and in lumber from Michigan. It is one of the most important ports on Lake Erie, and there is no city on the lake that is growing much more rapidly than the city of Toledo, and there is no harbor on the lake that needs improvement much more than that. The only trouble in my mind is whether there is any difference really between \$60,000 in a year and \$75,000, the difference is so small. The truth is, if the situation of the Treasury permitted it, the appropriation ought to be large enough to go on with the work necessary there to complete it, but it is not. But I do think really that while I will not vote to increase the aggregate of this bill one dollar, there are appropriations that might much better be left off than to strike down Toledo from \$75,000 to \$60,000.

Mr. SARGENT. Mr. President, the committee have done their best to obey the instructions of the Senate. I doubt if the committee supposed that as the result of their work Senators would be satisfied where reductions were made in the appropriations for works in their States; and yet, by the vote of the Senate almost unanimous, not quite, it was determined in effect that these reductions should be made. Now, it is very well perhaps to criticize item by item, and say "Why did you cut off here and why there, and why not cut off more in another place?" The committee can only reply generally that we did the best we could. There is one rule, however, to be observed when Senators from States like Ohio and New York rise to criticize the changes which have been made in the items referring to their States. All those harbors to which special reference has been made have had heretofore the fostering care of the Government, and immense amounts of money have been expended upon them, upon some of them reaching to millions. This very harbor of Toledo has had appropriated and expended by the Government for it heretofore \$437,700. That ought to leave a harbor somewhere in a decent condition to receive the commerce which enters it, and Toledo, as the committee understand, is in very good condition. Of course there is some new work, but the position of that work at the present time is not of such a character that ought to require the sum of \$75,000 this year more than it requires the sum of \$60,000 or \$150,000. That is to say, the amount of money which the committee report for Toledo can

be judiciously and economically expended and will advance the work so much. If this were an entirely new harbor, with this commerce pressing to enter it, with this business to be done, there would be some force in the objection which is made that we make but a small appropriation. But, on the contrary, as I have said, this and some others have received from time to time, year after year, before any of us Senators had seats on this floor, appropriations at the hands of Congress for the purpose of accommodating their commerce, which has been growing up gradually year by year, and the improvements have kept pace with it.

I do not know but that the criticism might be just of some of the matters which are retained in the bill. It is barely possible that the committee should have disregarded the fact that the Great Kanawha River received last year \$300,000 from the Government in accordance with the recommendations of the engineers and the apparent support of the Committee on Transportation making some recommendation on the matter; that the House had considered this still of great importance, and had made an appropriation of that amount to continue the works which were begun upon a considerable scale last year. We did not feel authorized to say, "This is a useless work." The Committee on Transportation were entirely mistaken so far as they sanctioned it; the previous Congress were throwing away \$300,000 appropriated for it. I do not remember in the debates on the bill of last year that these objections were made when the pretty blunt edge of a wedge was about to be inserted in the Treasury for the benefit of this appropriation, that we were then told by the Senator from Ohio or anybody else that it was throwing away \$300,000, and that the Muskingum, which had been improved by the State of Ohio at its own expense, was of equal importance, and this ought to be improved at the expense of the State of West Virginia. We got none of that information at that time when we might have paused. But now that \$300,000 have been expended by the silence of these gentlemen who seem so well informed, we are told that this committee errs greatly because it comes in and recommends another appropriation less in amount but for the objects then sanctioned.

I do not know that I am entirely satisfied with this bill myself. I think I could do a little growling so far as my State is concerned. Nearly one-half in amount and one-third in number of objects there are cut down. Still I may vote for the bill because I think there are some objects in this bill, one of them in my own State and many in other States, where to omit all appropriation whatever would lead to an injury to the public service, there would be a deterioration of work; there are some which are in such a condition that they ought still to be carried on; and therefore I am disposed to vote for the bill although there may be items in the bill both of reduction and of addition, which if we could do exactly what is right would be changed; but I defy any committee to use more care than the Committee on Appropriations did use in this matter or to exercise a greater desire of impartiality or to labor more earnestly than we did to carry out the instructions of the Senate in the reduction of this bill.

If the line is broken in any particular, if the recommendation of the committee is not stuck to by the Senate and you increase Toledo, then I ask why shall we not increase Dunkirk; why shall we not restore some items which have been struck out and which are considered to be something more than of local importance? We were under the necessity of reporting the bill back in the shape in which it now is, if we wish to follow the instructions of the Senate, and any further changes made would simply have increased the dissatisfaction of some Senators while they might have gone a little way to relieve the dissatisfaction of others, but the general result would have been about the same.

Mr. WRIGHT. Before the vote is taken on this question, I wish to say one word. Thus far this session, and at previous sessions for that matter, in all appropriation bills my habit has been to follow the committee. It is utterly impossible that I or any other member of the Senate should undertake to follow the work of these appropriation bills and see what just should be done. In following the committee when the bill was before us heretofore, it was not because I approved in every respect their recommendation either increasing or decreasing amounts or changing in any way the House bill, but because I felt that they understood the question very much better than I did, and that it was safer for me to follow them.

Mr. President, my happiness is only extreme and unmixed during a session of the Senate when we come to an appropriation bill for rivers and harbors, for while I know that upon other appropriation bills and other bills that are brought in here personal considerations influence, local considerations influence, partisan considerations influence, when we come to an appropriation bill for rivers and harbors every person is disinterested and no member of the Senate is influenced in the least by personal and local considerations, and we come to its consideration entirely divested of anything of this kind. It has been so heretofore; it is so now. I know that sometimes when the questions have been before us I have occasionally heard my friend from North Carolina talk about the French Broad Creek.

Several SENATORS. River.

Mr. WRIGHT. River; I beg his pardon for calling it a creek.

Mr. EDMUNDS. It was a creek last year. It has grown to be a river now.

Mr. WRIGHT. I hear something from other Senators about Mus-

cleshell Shoals. I am always certain to see my friend from West Virginia on hand taking care of the Great Kanawha as he ought to, my two friends from North Carolina ever diligent in taking care of the interests there, while my friend from New York, if it becomes necessary, has something to say about Hell Gate, and my friend from New Jersey, not unmindful of the interests of New Jersey, but of course entirely disinterested and not influenced by any local consideration, also takes care of the interests of that State. I have never failed to observe that our excellent President is watchful of that seventeen, not thousand, but hundred miles of coast that Michigan has. We have heard year after year about the seventeen hundred miles of coast of Michigan, and his good Christian friend and assistant here is always ready to back him in that. Occasionally my colleague also has something to say about Iowa, taking care of the interests of that State. We have not very much this year. I am sure we could get more, not from any interested or selfish consideration, but because we are looking to the interests of that great State washed by those great rivers which flow, as has been said, like the affections of a people to an inseparable union. We ask a very little thing for the Mississippi so far as Iowa is concerned. I confess that I have regretted somewhat that my colleague who has the bill in charge has neglected entirely the interests of the place where I reside. I reside, sir, at the capital of that great State. There, sir, is a great river running entirely through that State; its two main branches come together at that town; and saying nothing of the coal that is floated upon it, nothing of the wood, nothing of the immense commerce that there is there in every other respect, I feel warranted in saying from actual statistics that there are from nine hundred and sixty-five to nine hundred and seventy pounds of maple-sugar coming down there every year. [Laughter.] Yet that is neglected entirely in this bill.

I say, therefore, that I am always extremely happy when this bill gets before us, because I feel that we can legislate entirely disinterestedly about it and are not influenced at all by local considerations. I followed the committee before and I propose to do it again, and I humbly submit that the best thing we can do in this, the almost closing hour, I hope, of this session, is to take this bill as it is reported and dispose of it. It will be utterly impossible that any one of us can have this bill just as he would like to have it. I was more than pleased that the Senator from New York opened by saying that while there were important interests to be consulted in connection with the ports to which he referred, he surrendered them all. Others have done the same thing; and now I propose that we shall vote this bill through as it stands; and if others can surrender so far as Hell Gate and Toledo and these other places are concerned, I shall not insist upon an appropriation so far as my own town is concerned.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 68, to reduce the appropriation for the improvement of the harbor at Sandusky, Ohio, from \$30,000 to \$25,000.

The amendment was agreed to.

The next amendment was in line 72, to decrease the appropriation for a breakwater at Cleveland Harbor, Ohio, from \$75,000 to \$50,000.

Mr. SHERMAN. I hope my friend from Iowa and the whole Senate will be generous. There is a work that ought to be continued in the manner in which it has been commenced. I will not make a bargain with the Senator, but I shall probably behave myself very well if he will allow this item to stand as the House left it, because I know there is a great city where this work is going on and I know it is important. I hope he will therefore not insist on the amendment, but let the appropriation stand as it came from the House.

Mr. WITHERS. We give you \$8,000 for the pier.

Mr. SHERMAN. But if you do not mend the pier you will have to pay \$150,000 next year.

Mr. ALLISON. I trust my friend from Ohio will waive the question of this \$25,000 this year. I think the harbor of Cleveland can get along with the amount we reported, especially so as the engineer says that is an ample sum to carry on the work.

Mr. SHERMAN. O, no; he does not say that.

The amendment was agreed to.

The next amendment was to insert, as lines 73 and 74, the following:

For repair of east pier at Cleveland, Ohio, \$8,000.

Mr. EDMUNDS. I should be glad to have the Senator in charge of this bill read to us the recommendation of the engineer for that performance.

Mr. ALLISON. I am rather taken by surprise at the request of the Senator from Vermont. I read it here when this question was under discussion before. This is an old pier and it is important that it should be repaired, and the amount required is \$8,000.

Mr. EDMUNDS. But is there any estimate or recommendation for it from the Chief of Engineers?

Mr. ALLISON. There is a letter from the Chief of Engineers. I have in my hand a letter of the Secretary of War relating to this subject.

Mr. EDMUNDS. Let us hear it read, Mr. President.

Mr. ALLISON. I will send it to the desk.

Mr. EDMUNDS. I am in pursuit of information.

The Chief Clerk read as follows:

WAR DEPARTMENT,  
Washington City, June 19, 1876.

SIR: I have the honor to transmit letter of the Chief of Engineers and plan of Cleveland Harbor, illustrating the encroachments of railroad companies on the United States east pier, and the condition of the inner end of said pier, in reply to your letter of the 2d instant, and beg to say that these papers exhibit the state of the case. As the question of title to the property and the right of the Pittsburgh and Cleveland Railroad Company to occupy it is now being investigated by the Department of Justice, this Department feels unable to make any specific recommendation in regard to the improvement of the pier.

Very respectfully, your obedient servant,

J. D. CAMERON,  
Secretary of War.

Hon. H. B. PAYNE,  
House of Representatives.

Mr. ALLISON. There is also a letter from the Chief of Engineers. Mr. EDMUNDS. Let it be read.  
The Chief Clerk read as follows:

OFFICE OF THE CHIEF OF ENGINEERS,  
Washington, D. C., June 3, 1876

SIR: I submit herewith copy of a communication of the 2d instant from Hon. H. B. PAYNE, and have to state that the condition of the inner end of the east pier of Cleveland Harbor is such as to require immediate repair to prevent its destruction and material injury to the harbor of Cleveland, and that the needed repairs may cost some \$8,000.

Respecting this pier, built by the United States, it is to be remarked that as far back as 1853 it was taken possession of and occupied by certain railroad companies for their own especial use and benefit, and has been retained in their possession to the present day, they having refused to vacate it even for repair, the necessity for some of which has grown out of their abuse of the structure. As the Engineer Department has been unable to get possession of the pier, no part of any appropriation by Congress has been expended upon it for repair. The subject was submitted to the attention of Congress in the report of the Chief of Engineers January 26, 1867, but no remedy has been provided.

For these reasons I have not felt authorized to recommend that any money should be expended upon the repair of the pier by the United States, but have suggested to the honorable Secretary of War to require the Pittsburgh and Cleveland Railroad Company to make the needed repairs, and to take steps preliminary to a suit to eject the company from its occupancy and use. Whether it is probable that these efforts will effect the object sought, I am unable to surmise even.

It is further submitted whether the circumstances would not justify the granting of authority to the Secretary of War to yield the free occupancy and use to the Pittsburgh and Cleveland Railroad Company of such portion of the east pier as he might deem advisable upon the condition that the company immediately repair the pier and keep it in repair in future, the United States reserving a right of way over it at all times.

I would suggest that this letter be transmitted to the Committee on Commerce of the Senate, which has the river and harbor bill before it.

A sketch of the harbor piers is inclosed.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,  
Brigadier-General and Chief of Engineers.

Hon. J. D. CAMERON,  
Secretary of War.

Mr. ALLISON. As the Senate will observe, here is a pier built by the United States many years ago, taken possession of by a railway company in part and a dispute arising between the railway company and the proper engineer officers at this port. Having these letters before us, the committee believed the true way to test the right of the United States to this property was to make a specific appropriation for the repair of this pier, and in that manner have the proper officers of the United States take possession of it. Until some specific arrangement of this sort is made, as a matter of course this railway company will continue to encroach upon the rights of commerce at this harbor and to occupy a portion of this great work belonging to the United States. With this view, the committee inserted this small item of \$8,000.

Mr. WEST. The condition of the pier impairs the harbor.

Mr. ALLISON. Undoubtedly. That is clearly shown in the letters.

Mr. EDMUNDS. Mr. President, this illustrates this river and harbor bill very well. Many years ago the United States built what is called the east pier on the eastern side of the Cuyahoga River, which empties into Lake Erie, a little tributary that falls in there, which makes a handy harbor for the town undoubtedly. The State of Ohio granted to the Cleveland and Pittsburgh Railroad Company—as I assume, because I have not the books before me but I take it it must be so—the right to build a railway to the navigable waters of Lake Erie, on the shores of the Cuyahoga Creek. They built down alongside of this east pier, as is shown in the diagram which my friend has handed me, from the Engineer Department, and so building down they took possession of this east pier, being within the jurisdiction and on the soil of the sovereign State of Ohio under that grant, and have occupied it for their warehouses and tracks and for lading vessels alongside their tracks, and so on. Now, after many years of uninterrupted and adverse occupation, the railway company denying and defying the authority of the United States to interfere with their rights under the State of Ohio, it is proposed to test their title to that property by appropriating \$8,000 to repair it. That is rather the most extraordinary proposition that I have ever heard set forth lately since we have dissolved the mob and got into regular constitutional jurisdiction again.

If the object of the Committee on Appropriations is to test the right that this railway company has exercised for many years in occupying this pier under a grant from the State of Ohio, the best way to do it is to direct the Attorney-General of the United States to institute proceedings, and eject them from that property of the United States; and if the Senate wishes to appropriate \$8,000, if that be necessary, to put the wheels of the law in motion to ascertain whether the

United States has a right to the pier, or whether this railway company has, which it now occupies, and has for many years under the State of Ohio, I should not much oppose it; but this proceeds on the idea that you are going to trouble this railway company and disturb its claim, and test it by repairing the wharf, which it will be very glad indeed to have us do. If that be so I do not understand the best methods of testing a disputed title.

You will perceive in the report of the Secretary of War, and in the report of the engineer in charge, coming through General Humphreys as I suppose it does, that the War Department has thought it improper to recommend any money to repair the pier until the right of the United States to have the pier at all shall first be tested. Here is a corporation under the laws of the State of Ohio occupying this property as a wharf and for store-houses and things of that sort, and now we are blandly called upon in this time of public distress to give \$8,000 to repair that property in order to show that we have got a right to it.

Mr. President, I ask for the yeas and nays on adopting this amendment.

Mr. SHERMAN. The Senator from Vermont assumes a fact that is not true in order to base his argument against the Government repairing its own pier. Take these papers together, and this is the fact: The State of Ohio has never granted to this railroad company a single thing that belongs to the United States of America. The pier was built by the United States on its own ground. It is a double line of piers running into the lake at the mouth of the Cuyahoga River just as the piers do at the mouth of Buffalo Creek. The river itself is not a very large river, but forms a very fine harbor, which does a business of about \$200,000,000 a year. It is not a very large stream, but the piers are the property of the United States. The State of Ohio has given to a railroad company a grant of a right of way along certain lands. The railroad property lies alongside this pier. They own the land, they own the riparian rights, and like all other riparian owners they have extended gradually their property out, out, out into the lake to get wharfage and ground on which to do a very large railroad business. Still the right of the United States to its pier is intact; so far as I know no one questions that right, no one disputes that right.

Mr. EDMUNDS. The engineer says the contrary.

Mr. SHERMAN. No; there is no dispute as to the right of the United States to this pier; but there is a controversy between the United States and the railroad company as to the encroachments on the outer bank of the pier and as to the right of the railroad company to fill in its ground toward the lake. The railroad company may be a trespasser. If so, the United States ought at least to assert its rights in its own courts and maintain its rights.

Now, what is the question presented by this amendment? In the march of time there is a wear and tear and gradual encroachment on the east pier of this great harbor. The map drawn by the engineers shows the exact condition of affairs. A part of the wall is crumbling into decay on the east pier. Remember that crumbling is in the harbor, as is shown here. The wall is crumbling away and it is almost broken, until it now threatens to endanger the whole of the pier. The railroad company owning property on the outside of the pier have filled it up and are using it for their railroad operations in loading chiefly iron and coal in the great business between Lake Superior and the coal regions. They have filled in and are occupying this, but this breach is in the Government pier and in the harbor.

Mr. CONKLING. Now, may I ask a question? Is it not true that the business brought that pier by the railroad has caused, or assisted in, this injury?

Mr. SHERMAN. I do not know that; but suppose it to be so, then ought not the United States to assert its power to prevent this? Will it in the mean time allow this pier to be broken down in the controversy between the United States engineers and this railroad company? As to the effect of the building of these works, which they built under their riparian rights, would you allow this great pier and this great harbor to be obstructed for the want of \$8,000? That is the whole case.

#### DEATH OF HON. EDWARD Y. PARSONS.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, communicated to the Senate a copy of the proceedings this day had in the House in reference to the death of Hon. EDWARD Y. PARSONS, late a member from the State of Kentucky.

Mr. McCREERY called for the reading of the proceedings of the House of Representatives.

The Chief Clerk read as follows:

IN THE CONGRESS OF THE UNITED STATES,  
IN THE HOUSE OF REPRESENTATIVES,  
August 1, 1876.

*Resolved*, That this House has heard with deep regret of the death of Hon. EDWARD Y. PARSONS, late a member of this House from the State of Kentucky.

*Resolved*, That as a testimony of respect to his memory the officers and members of this body will wear the usual badge of mourning for the space of thirty days.

*Resolved*, That a copy of these resolutions be transmitted by the Clerk of this House to the family of the deceased.

*Resolved*, That the Clerk be directed to communicate a copy of these proceedings to the Senate, and that as a further mark of respect to the memory of the deceased this House do now adjourn.

Mr. McCREERY. My friend and colleague of the House of Representatives, Hon. EDWARD YOUNG PARSONS, is no more. He has been

cut off in the flower of his youth and in the strength of his manhood. He entered political life at the opening of this session of Congress, and before its close his mortal remains have been consigned to the grave. He inherited the stalwart form, the easy grace, and the commanding talents of his father, whose fame as an actor and as a pulpit orator is still fresh and green in the memories of the American people. If the son had been spared, his gentleness, his culture, and his genius would have placed the name on a foundation more solid and enduring. In person, in acquirement, and in mental endowment he stood far above ordinary men, and, take him all in all, we are not likely soon to "look upon his like again." But he is gone! The devoted husband, the fond father, the steadfast friend, and the able and incorruptible public servant sleeps with his fathers. We will forget his faults and remember his many virtues.

Mr. STEVENSON. Mr. President, the sad event announced so feelingly to the Senate by my colleague admonishes us that death comes to the young as to the old. EDWARD YOUNG PARSONS was among the youngest members of the House. He took his seat for the first time at the beginning of the present session. Gifted in intellect, of high culture, and possessed of varied information, he gave promise and great hope of brilliant distinction; but death has set its seal upon all these bright hopes. Young as he is, he sleeps in a new-made grave.

I beg leave, sir, to offer the following resolutions:

*Resolved*, That the Senate has received with sincere sorrow the announcement of the death of Hon. EDWARD YOUNG PARSONS, late a member of the House of Representatives from the State of Kentucky.

*Resolved*, That from a sincere respect for the memory of the deceased the members of the Senate will wear the usual badge of mourning for thirty days.

*Resolved*, That as a further mark of respect for the memory of the deceased the Senate do now adjourn.

The resolutions were agreed to unanimously; and (at five o'clock and five minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

TUESDAY, August 1, 1876.

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

The Journal of yesterday was read and approved.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. No. 4053) to further authorize the Commissioner of Indian Affairs to purchase supplies for the Indian Bureau in open market;

A bill (H. R. No. 4054) to continue the provisions of an act entitled "An act to continue the provisions of an act entitled 'An act to provide temporarily for the expenditures of the Government;'" and

A bill (H. R. No. 4055) to continue the public printing.

The message further announced that the Senate having proceeded, in pursuance of the Constitution, to consider the bill entitled "An act for the relief of Nelson Tiffany," returned to the House of Representatives by the President of the United States with his objections, and sent by the House of Representatives to the Senate with the message of the President returning the same, the Senate had passed the bill, two-thirds agreeing to the same.

The message further announced that the Senate was ready to proceed with the trial of the impeachment of William W. Belknap and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

### IN MEMORY OF HON. EDWARD Y. PARSONS.

Mr. JONES, of Kentucky. I ask unanimous consent that it may be regarded as the order of this House that this day at four o'clock p. m. the House will proceed to pay the last honors to the memory of our late colleague from Kentucky, Hon. EDWARD Y. PARSONS.

There being no objection, it was so ordered.

### CAPTAIN EDWARD S. MEYER.

Mr. BANNING. I ask unanimous consent to take from the Speaker's table House bill No. 36, which has been returned by the Senate with a slight amendment. It is a bill restoring to the active list of the Army Captain Edward S. Meyer. The General of the Army wishes to assign him to the Seventh Cavalry, which is now in great need of officers. I ask that the bill be taken up and the Senate amendments concurred in at this time.

Mr. BLAND. I demand the regular order.

Mr. BANNING. I hope the gentleman will not do that now. The unfortunate Seventh Cavalry is very much in need of officers, and the General of the Army desires to assign Captain Meyer to that regiment.

Mr. BLAND. I have this to say; there is a bill now pending in the morning hour—

Mr. BANNING. There will be no debate.

Mr. BLAND. Very well. I give notice that I will call the regular order after this bill has been disposed of.

There was no objection, and the bill (H. R. No. 36) to restore the name of Captain Edward S. Meyer to the active list of the Army was taken from the Speaker's table with the Senate amendment thereto.

The amendment of the Senate was to add to the bill the following:

*Provided*, That the time he has been on the retired list shall not be counted in his service in getting promotion.

Mr. BANNING. I move that the amendment of the Senate be concurred in.

The motion was agreed to.

Mr. BANNING moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### EXPENDITURES IN THE NAVY DEPARTMENT.

Mr. BEEBE. The Committee on Expenditures in the Navy Department have instructed me to submit their report to the House at this time. There are two reports, one by the majority, and one by the minority prepared by my colleague, [Mr. BAKER,] and they ask that the reports be printed and recommitted to the Committee on Expenditures in the Navy Department, with leave to report at any time.

Mr. HALE. I object to reporting at any time.

Mr. BEEBE. Will the gentleman object to making the report a special order at some particular time?

Mr. HALE. I must object to that now.

Mr. BEEBE. Then I ask that the reports be printed and recommitted.

Mr. HALE. I have no objection to the testimony being printed—

Mr. BEEBE. The testimony is already printed.

Mr. HALE. And to the reports being printed, in order that both sides may be represented.

Mr. BEEBE. Does the gentleman object to the reports being made a special order?

Mr. HALE. Yes, for I do not know what time we may want to adjourn or what other business of greater importance may come before the House.

The SPEAKER *pro tempore*. Is there objection to receiving the report of the majority of the Committee on Expenditures in the Navy Department, together with the views of the minority, and having them printed and recommitted?

Mr. HURLBUT. Not to be brought back by a motion to reconsider.

The SPEAKER *pro tempore*. That will be understood.

There was no objection, and the order to print and recommit was made.

### PERSONAL EXPLANATION.

Mr. BLAND. I now call for the regular order.

Mr. HEWITT, of New York. I rise to a question of personal privilege.

The SPEAKER *pro tempore*. The gentleman will state his question of privilege.

Mr. HEWITT, of New York. In a remark which I made yesterday during the speech of the chairman of the Committee on Naval Affairs [Mr. WHITTHORNE] I referred to a contract made by the Navy Department with Messrs. Seyfert, McManus & Co., of Philadelphia, and I characterized that contract as improvident, wasteful, and extravagant. I have received within a few minutes a telegram from Seyfert, McManus & Co. which I deem it my duty to place before the House. It is as follows:

Our contract with Navy Department embraced considerable quantities of iron, for which we paid ten cents per pound, and for the beam we paid six cents, less 2½ per cent. Will you please correct your statement in reference to price of latter, as an act of justice to the Department and ourselves?

I desire to have this telegram entered upon the RECORD in justice to the Secretary of the Navy and in justice to Messrs. Seyfert, McManus & Co. But at the same time I desire to repeat the statement which I made yesterday, that if the Secretary of the Navy had advertised this contract—

Mr. BANKS. I rise to a question of order. If the gentleman from New York [Mr. HEWITT] wishes to re-open this question in regard to the Secretary of the Navy there are others who desire to reply to him. The reading of the telegram is a proper thing; but I do not think it is the gentleman's right to go into an argument upon that question.

The SPEAKER *pro tempore*. The Chair thinks that any extended discussion of this matter could hardly be regarded as a question of privilege; but he has great confidence in the discretion of the gentleman from New York.

Mr. HEWITT, of New York. The question of privilege which I wish to bring before the House—

Mr. BANKS. This is no question of privilege at all.

Mr. HEWITT, of New York. When the correctness of my statement is called in question, I certainly have the right to re-affirm it as a matter of fact.

Mr. BANKS. I make the point that this is no question of privilege at all. It is altogether by the grace of the House that the gentleman speaks.

The SPEAKER *pro tempore*. It certainly is not a question of privilege.