

ing the streets south of the United States arsenal grounds in Indianapolis; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. CARLISLE, for one week, on account of important business; and

To Mr. SWANN, for Monday, Tuesday, and Wednesday, of next week.

Mr. HARTZELL. I move that the House do now adjourn.
The motion was agreed to; and accordingly (at four o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BALLOU: The petition of a committee of type-founders from Philadelphia and New York, that the duty on foreign type may remain specific and not be changed to ad valorem—to the Committee of Ways and Means.

By Mr. BICKNELL: The petition of the publisher of the New Albany (Indiana) Deutsche Zeitung, for the abolition of the duty on type—to the same committee.

By Mr. CHITTENDEN: The petition of type-founders of New York and other cities of the United States, that the tariff on type remain unchanged—to the same committee.

Also, the petition of William M. Thomas and others, of Brooklyn, New York, against reviving the income tax—to the same committee.

By Mr. DANFORD: The petition of D. G. Green and 51 other citizens of Noble County, Ohio, that the tariff on wool and woolen goods remain unchanged—to the same committee.

By Mr. DEERING: The petition of citizens of Iowa, for a commission of inquiry concerning the alcoholic liquor traffic—to the same committee.

Also, the petition of type-founders of the United States, that the duty on type remain unchanged—to the same committee.

By Mr. DICKEY: A paper relating to the establishment of a post-route from Dunbarton to Cherry Fork, Ohio—to the Committee on the Post-Office and Post-Roads.

By Mr. DUNNELL: Memorial of the Legislature of Minnesota, asking that the Fort Ripley military reservation be opened to settlement—to the Committee on Military Affairs.

By Mr. ERRETT: Resolutions of the Legislature of Pennsylvania, against discriminations in railroad freights on interstate roads—to the Committee on Commerce.

By Mr. EVINS, of South Carolina: A paper relating to the establishment of a post-route between Jackson Hill and New Prospect, South Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. FRYE: The petition of Reuben Boynton and other citizens of Westborough, Massachusetts, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Judiciary.

By Mr. HARDENBERGH: The petition of type-founders of New York and other cities of the United States, that the tariff on type remain unchanged—to the Committee of Ways and Means.

By Mr. HARMER: The petition of the type-founders of the United States, that in order to prevent fraud in the introduction of foreign type into the United States the duty may remain a specific one, as in the bill now before Congress, and not be changed to an ad valorem duty—to the same committee.

Also, the petition of citizens of Philadelphia, Pennsylvania, against reviving the income tax—to the same committee.

By Mr. HARTRIDGE: Memorial of a committee of delegates from the municipalities of Norfolk, Charleston, Port Royal, Savannah, Darien, Brunswick, Saint Mary's, Fernandina, Jacksonville, Saint Augustine, Cedar Keys, and Pensacola, in reference to quarantine regulations—to the Committee on Commerce.

By Mr. HAYES: The petition of the type-founders of the United States, that the duty on type remain unchanged—to the Committee of Ways and Means.

By Mr. HUMPHREY: Memorial of the Legislature of Wisconsin, for the extension of time to the Northern Pacific Railroad—to the Committee on Public Lands.

Also, memorial of the Legislature of Wisconsin, asking the completion of the breakwater and entrance to the harbor of refuge at Sturgeon Bay, Wisconsin—to the Committee on Commerce.

Also, memorial of the Legislature of Wisconsin, for the establishment of a post-route and tri-weekly mail between White Hall and Eau Claire, Wisconsin—to the Committee on the Post-Office and Post-Roads.

By Mr. HUNGERFORD: The petition of citizens of Hornellsville, New York, for the repeal of the war taxes imposed on national, State, and savings banks—to the Committee of Ways and Means.

By Mr. JAMES: The petition of the publisher of the Times, Gouverneur, New York, for abolition of the duty on type—to the same committee.

By Mr. KEIGHTLEY: The petition of Mr. O. A. Williams and 105 others, that the tariff on wool remain unchanged—to the same committee.

By Mr. LUTTRELL: The petition of the publisher of the Golden

Era, San Francisco, California, for the abolition of the duty on type—to the same committee.

By Mr. MCMAHON: The petition of J. K. McIntyre, McKee, Weakly & Co., George Kneesley, and other wholesale and retail grocers, for a uniform duty on sugars—to the same committee.

By Mr. O'NEILL: Resolutions of the General Assembly of Pennsylvania, in relation to the passage of an act to provide for equity in the rates of freight upon certain property carried by railroads and by other means of transportation—to the Committee on Railways and Canals.

By Mr. PEDDIE: Resolutions of the Legislature of New Jersey, relating to American shipping—to the Committee on Commerce.

By Mr. PUGH: The petition of Elizabeth A. Van Pelt, for compensation for property taken and used by the United States authorities—to the Committee on War Claims.

By Mr. RICE, of Ohio: The petition of the publisher of the Allen County (Ohio) Democrat, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. RIDDLE: Memorial of the Chamber of Commerce of Memphis, Tennessee, in favor of a subsidy for a line of steamers from New Orleans to Rio Janeiro, Brazil—to the Committee on Commerce.

Also, the petitions of the publishers of the Gallatin (Tennessee) Examiner and Tennessean and of the Springfield (Tennessee) Record, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. ROBBINS: The petition of 46 citizens of Ashe County, North Carolina, against abolishing the western judicial district of said State—to the Committee on the Judiciary.

By Mr. ROBERTS: The petition of Samuel Bentz, for the extension of a patent—to the Committee on Patents.

By Mr. ROSS: The petition of type-founders of the United States, against a reduction of the tariff on type—to the Committee of Ways and Means.

By Mr. SAYLER: The petition of the Cincinnati Society of Natural History, favoring the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. SMITH, of Georgia: The petition of the publisher of the Albany (Georgia) News, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. SPRINGER: The petition of citizens of Christian County, Illinois, for the establishment of a post-route from Bdinburgh, by way of Bolivia, to Mechanicsburgh, Illinois—to the Committee on the Post-Office and Post-Roads.

By Mr. STEWART: Resolutions of the Legislature of Minnesota, favoring the opening of the Fort Ripley reservation to entry under the homestead laws—to the Committee on Public Lands.

By Mr. TOWNSEND, of Ohio: The petition of 3,000 workmen of Cleveland, Ohio, for the passage of Mr. Wright's bill granting aid to settlers on homesteads furnished by the Government—to the same committee.

By Mr. TOWNSEND, of New York: The petition of soldiers of the war of 1861 of Argyle, New York, that soldiers discharged for disease may have the same bounty as those discharged for wounds—to the Committee on War Claims.

By Mr. WILLIS, of Kentucky: The petition of Wooten & Co. and other grocers, of Louisville, Kentucky, that the tariff on sugar be fixed at so much per pound, without regard to color or quality—to the Committee of Ways and Means.

IN SENATE.

MONDAY, March 11, 1878.

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

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, in response to a resolution of the 28th ultimo, concerning securities taken by the Union Pacific Railroad Company for aid afforded to the Colorado Central and other railroads, &c.; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of the Senate of the 18th ultimo, a copy of a report of Major C. R. Suter, Corps of Engineers, on the condition of the works for removing a bar in the Arkansas River near Fort Smith, Arkansas; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the Senate of the 4th instant, an estimate of the amount of money necessary to be appropriated to enable the Government to coin both gold and silver at the United States mint in the city of Denver, Colorado; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Edward Perry, late of Company A, Sixth Regiment of Connecticut Volunteers, praying for an increase of pension and for arrears of pension; which was referred to the Committee on Pensions.

Mr. ANTHONY presented the petition of the Methodist Episcopal church of Saxonville, Massachusetts, signed by the pastor, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was ordered to lie on the table.

He also presented a memorial of William C. Cornwell and others, remonstrating against the proposed transfer of the life-saving service from the Treasury to the Navy Department; which was ordered to lie on the table.

Mr. CAMERON, of Wisconsin, presented the petition of the Baptist church of Clinton, Wisconsin, signed by the pastor, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was ordered to lie on the table.

Mr. McMILLAN presented a resolution of the Legislature of Minnesota, in favor of the passage of an act by Congress authorizing the lands of the Fort Ripley reservation to be entered under the pre-emption and homestead laws; which was referred to the Committee on Public Lands.

Mr. FERRY presented a memorial of James A. Venn and 50 others, citizens of LeLand, Michigan, remonstrating against the proposed transfer of the life-saving service from the Treasury to the Navy Department; which was ordered to lie on the table.

Mr. WINDOM presented a resolution of the Minnesota State Horticultural Society, in favor of the passage of an act to provide for sending a commissioner to examine the forests of Europe; which was referred to the Committee on Agriculture.

Mr. MORRILL presented the petition of Reuben Boynton and other citizens of Westborough, Massachusetts, and the petition of the First Congregational Unitarian church of East Bridgewater, Massachusetts, signed by the pastor, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which were ordered to lie on the table.

Mr. DAWES presented the petition of S. F. Root & Company, citizens of Berkshire, Massachusetts, and the petition of Samuel Baxter Taylor, of Franklin County, Massachusetts, praying for an amendment to the fifteenth section of the "act to revise, consolidate and amend the laws relating to pensions," approved March 3, 1873, extending the time of limitation for obtaining arrears of pension until the 4th day of July, 1880; which were referred to the Committee on Pensions.

He also presented the petition of the Congregational church of Bernardston, Massachusetts, signed by the pastor, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was ordered to lie on the table.

Mr. DORSEY presented a memorial of the mayor and city council of Fort Smith, Arkansas, in favor of an appropriation for the removal of the sand bar in the Arkansas River opposite that city; which was referred to the Committee on Commerce.

Mr. PADDOCK. I present the petition of J. E. Boyd, Ezra Millard, W. W. Lowe, Thomas L. Kimball, and C. W. Hamilton, a committee of the citizens of Omaha, Nebraska, praying for the establishment of a branch mint in that city. In this memorial there appear certain statistics in relation to the amount of business done at the Omaha works for smelting gold and silver ore, which are the largest and best appointed works in the United States. I should like to call attention to a few figures in reference to it. The base bullion shipped over the Union Pacific Railroad during the year 1875 amounted in value to \$50,379,071. Of this amount, \$26,304,605 were shipped to Omaha; nothing was shipped to Chicago; \$4,450,835 were shipped to Saint Louis; \$3,194,910 to Mansfield, Ohio; something over \$100,000 to Boston and \$3,000,000 and something over to New York; \$12,394,736 to Newark, New Jersey; \$211,420 to Baltimore.

Thus it will be seen that in the shipments of base bullion the total going to Omaha was more than to all other points combined, being over 52 per cent. of the total shipments of bullion. The shipments to and through Omaha in 1866 amounted to \$56,733,702, and in 1877, out of a total production of \$98,000,000 in the whole country, Omaha alone handled over \$60,000,000. A very large proportion of this enormous shipment to Omaha was stopped there for smelting. Had it been shipped to Kansas City, or Saint Louis, or Chicago, or Indianapolis, the additional cost of transportation for this amount which stopped at Chicago, and which was put in a condition to be coined, would have been about \$100,000, and if shipped to Philadelphia the additional cost would have been \$200,000. I state these points for the present information of the Senate, and to call the attention of the committee to them particularly, with the hope that they may be considered carefully when this subject is before them. If the element of economy is to weigh with the Government in purchasing and coining gold and silver, a mint will be established at Omaha. I shall have more to say on this subject hereafter. I now move the reference of the memorial to the Committee on Finance.

The motion was agreed to.

Mr. SARGENT. I present the memorial of grape-growers and cultivators, residents of California, who represent that the grape industry is one of the most important in the State of California; that in the county of Los Angeles, in that State, there are large tracts of val-

uable land planted in vines, which have attained to a great age; that the older the vines are the more prolific they become and the better the quality of the grape; that the tax on grape brandy is excessive, amounting to a prohibition of the profitable culture of the same; that many of the vineyardists have been compelled to sell their crops of grapes during the present and past years at the rate of a quarter of a cent per pound or \$5 per ton; that notwithstanding the enormous yield of an old vineyard in Los Angeles County the money realized at such a price has not paid the cost of the cultivation and the vintage; that the only profitable use to which a great portion of their product can be put is in the production of brandy, otherwise it becomes a dead loss; that if the tax at present imposed upon the manufacture of brandy from their grapes were repealed or so reduced as to afford them a chance to compete with the foreign manufacturers they could build up an industry which would conduce to the general good of the whole country. They state that the California grape is producing a brandy fully equal to the best French brandy; that many of the oldest and best vineyards have been grubbed up by their owners, it being a matter of the utmost impossibility for them to carry on the industry. They further show in this memorial that the manufacture of grape brandy bears an entirely different relation to grape culture as an industry from what the manufacture of whisky does to the culture of and production of grain and sugar-cane as an industry; that the culture of the grape depends entirely upon the ability of the producer to turn it into brandy, whereas the culture of grain does not depend upon its being turned into whisky. It is a fact that California with its soil, climate, and magnificent yield of grapes is capable of building up an industry that will take the place of that of France, not only in this country but in the civilized world, in case this excessive taxation, now and heretofore imposed upon it, does not crush it out. It is having that effect, and it will be well for Congress to consider whether it is not worth while to lighten the burdens of taxation upon this particular industry and give a chance for this immense development of the grape interest. I move the reference of the memorial to the Committee on Finance.

The motion was agreed to.

Mr. SARGENT. I also present a memorial signed by a large number of vintners and dealers in native wines, referring to the proposed revision of the tariff now under consideration in the National Legislature, the restoration of the ad valorem duty on imported wines, and the reduction of the duty on the inferior wines of Europe from forty to twenty-five cents per gallon; and they earnestly protest against any such change of the tariff, and show that the ad valorem duty of 25 per cent. per gallon on wines valued at forty cents or less per gallon at the point of shipment admits under that tax nine-tenths of all the foreign wines imported into the United States; that the low-priced foreign wines admitted at twenty-five cents per gallon are those which most strongly tend to displace pure native wines in our market; that the ad valorem system has in times past been productive of fraud, perjury, and mercantile and commercial demoralization. Two years ago they say the honest and reputable importers united with them in petitioning Congress to abolish the ad valorem tax and to substitute a specific tax of forty cents per gallon on all classes of foreign-still wines; that the substitution of the specific for the ad valorem tax has been of great advantage to the revenue, to native wine-growers, to wine-consumers, and to mercantile and official morality. They also speak of the great growth of this wine interest on the Pacific coast, which promises to be a leading industry, and they pray that there may be a continuation of the present protection of that industry as will enable it to be properly developed. I move the reference of this memorial to the Committee on Finance.

The motion was agreed to.

Mr. HAMLIN presented a memorial of the Universal Peace Union, of the city of Philadelphia, protesting against the transfer of the management of the Indians to the War Department; which was referred to the Committee on Indian Affairs.

He also presented the memorial of A. J. Gibson and others, legal voters of the town of Cutler, Maine, remonstrating against the proposed transfer of the life-saving service from the Treasury to the Navy Department; which was ordered to lie on the table.

Mr. EATON presented the memorial of M. G. Elliott and others, citizens of New Haven, Connecticut, remonstrating against the passage of any law imposing a tax on incomes; which was referred to the Committee on Finance.

Mr. CHAFFEE presented the petition of Carleton Spaid, of Chicago, Illinois, praying compensation for loss sustained by him on account of the annulling of his contract for carrying United States mails; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CONKLING. I present the proceedings of the Chamber of Commerce of the State of New York, being a preamble and resolutions touching the automatic signal-buoy which has been so thoroughly tested at the entrance of New York Harbor. The resolutions set forth the reasons of the chamber for believing it a very important matter that this buoy shall be more generally introduced, and they beg attention to it, and ask appropriations by Congress to the end that it may be planted in other harbors. I move the reference of the resolutions to the Committee on Commerce.

The motion was agreed to.

Mr. CONKLING. I present the petition of a number of citizens of

Plattsburgh, Clinton County, New York, and of Mooers, Clinton County, New York, touching their wish and judgment that the bounty laws should be so amended as to give bounties to those who suffered in the service of the United States. I move the reference of these petitions to the Committee on Military Affairs.

The motion was agreed to.

Mr. CONKLING presented the memorial of Mackellar, Smiths & Jordan, of Philadelphia; James Conner's Sons, and Farmer, Little & Co., of New York, a committee representing the type-founders of the United States, in favor of a tariff on imported type; which was referred to the Committee on Finance.

Mr. CONKLING. I present also the memorial of a number of citizens of New York, remonstrating against the passage of either of the House bills referred to in the paper or any other bill to revive the income tax. This memorial is cogent in the reasons it states, and is signed by great weight of names. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. CONKLING. I also present the memorial of a number of citizens of Buffalo, New York, remonstrating against the passage of the proposed bill transferring the life-saving service from the Treasury to the Navy Department, giving their reasons therefor; and a similar memorial from citizens of Northport, Long Island, making the same representations. The Senator from California [Mr. SARGENT] inquires of me if these memorials are printed. I answer him that they are in print; but unless they be exceptions to the rule, one of the noticeable things about petitions on this subject which has struck me is that the petitioners, in almost all cases, have prepared their own petitions, setting forth in varying phraseology their reasons for remonstrating against this change. But the Senator from California calls my attention to the fact that the petitions now presented are printed. I call his attention to the fact that they are not copies of each other. Most of the memorials which have passed through my hands relating to this topic are written specially, and not printed, nor resembling each other in the form or mode in which they present their statement.

Mr. SARGENT. A question which I intended to ask privately of the Senator from New York he answered audibly in the Senate. I wish merely to remark that my object in asking the question whether these petitions were printed was that I understand that petitions for this purpose have been printed at the Treasury Department and sent broadcast over the country. That method of petitioning we have seen once on the proposition to abolish the franking privilege. It is a very expeditious and effective way of getting at the public sentiment. That was my only object in asking the question.

Mr. CONKLING. I quite sympathize with the spirit of the remark of the Senator from California. We have seen that way of getting up petitions; but I can assure him and assure the Senate that having scrutinized the memorials on this subject very carefully, I have never known an instance in which there was a more total absence of appearance of all organized effort than there is among the officers of the boards of trade, the ship-owners, the ship-sailors, and the many different classes of people who have united so numerously in protesting against this proposed change.

Mr. SARGENT. I would merely like to remark that I think we have not heard from them all yet. We may hear from others. The subject will bear the fullest light, and let us have it.

The VICE-PRESIDENT. The memorials will lie upon the table.

Mr. CONKLING presented the petition of Captain Egbert Thompson, United States Navy, on the retired list, praying to be restored to the active list of the Navy; which was referred to the Committee on Naval Affairs.

Mr. MATTHEWS. I present four memorials remonstrating against the passage of any act of Congress reviving the income tax. They are printed and are alike, but they are numerously signed by very intelligent persons, of whom I know a very large number. I am quite satisfied that notwithstanding the fact that the memorials are in print and are copies of each other the signers knew exactly what they were doing when they signed them, and therefore the fact that they are in the form in which they are presented ought not to detract from their weight. I move their reference to the Committee on Finance.

The motion was agreed to.

Mr. KERNAN. I present the memorial of 723 citizens residing on the south coast of Long Island, remonstrating against the passage of the pending bill in relation to the life-saving service on the coast. I will say that the memorialists state in the paper the reasons why in their opinion the present service should not be changed. I ask that the memorial lie upon the table.

Mr. SARGENT. Is it printed?

Mr. KERNAN. It is a printed document, so that any man can read it easily.

The VICE-PRESIDENT. The memorial will lie upon the table.

Mr. KERNAN presented the petition of A. G. H. Wood and others, citizens of New York, praying for an amendment of the pension laws extending the limitation of the time for obtaining arrears of pension to July 4, 1880; which was referred to the Committee on Pensions.

Mr. GARLAND presented the petition of G. W. Lawrence and others, citizens of Hot Springs, Arkansas, praying to have refunded rents paid by them to the receiver appointed by the Court of Claims, that the same may be applied to the relief of the sufferers by the late fire at that place; which was referred to the Committee on Finance.

He also presented papers relating to the application of George E. Petly and others, citizens of Arkansas, for the establishment of a post-route from Osceola to Chickasawba, in that State; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WALLACE presented the memorial of H. S. Donnell and others, citizens of Philadelphia, Pennsylvania, and the memorial of S. M. Felton and others, of Philadelphia, Pennsylvania, remonstrating against the passage of any law imposing a tax on incomes; which were referred to the Committee on Finance.

He also presented a memorial of the Legislature of Pennsylvania, in favor of the passage of a law granting pensions to the soldiers of the Mexican war; which was referred to the Committee on Pensions.

He also presented a memorial of the Legislature of Pennsylvania in favor of the passage of a statute to prevent discrimination in freights upon interstate commerce; which was referred to the Committee on Commerce.

He also presented the memorial of William Downey and 500 others, citizens of Erie, Pennsylvania, and the memorial of John Carter and others, citizens of Erie, Pennsylvania, and the memorial of C. W. Lord and others, citizens of Erie, Pennsylvania, remonstrating against the proposed transfer of the life-saving service from the Treasury to the Navy Department; which were ordered to lie on the table.

He also presented additional papers in the case of Lieutenant John Gotshall, Tenth Infantry, praying to be reappointed to the rank of second lieutenant, which he held in the Army of the United States up to the 18th of October, 1873; which were referred to the Committee on Military Affairs.

Mr. BAILEY presented the petition of Portman Swaffler, of Calhoun, Tennessee, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. EUSTIS presented a resolution of the Legislature of Louisiana, against any reduction in the present rate of duty on imported rice; which was referred to the Committee on Finance.

He also presented a memorial of the Legislature of Louisiana, in favor of such legislation as will enable the Barataria Ship-Canal Company of that State to construct a ship-canal from the Mississippi River, opposite New Orleans, to Fort Livingston, on the Gulf of Mexico; which was referred to the Committee on Commerce.

Mr. DAVIS, of Illinois. Mr. President, the United States commenced the building of a breakwater at the lake entrance to the Sturgeon Bay Ship-Canal. The canal is likely soon to be completed; but this breakwater has not been finished, and the Board of Trade of the City of Chicago prays the Congress of the United States to grant an appropriation at the present session to complete the work already commenced. I present their petition for this purpose, and move its reference to the Committee on Commerce.

The motion was agreed to.

Mr. DAVIS, of Illinois. I also present a memorial of members of the Board of Trade of Chicago, owners of vessels, commanders of vessels, and seafaring men generally of that city, which is numerously signed, protesting against the transfer of the life-saving service from the Treasury Department to the Navy Department, and giving their reasons for the request. I move that it lie upon the table.

The motion was agreed to.

Mr. BOOTH presented a resolution of the Legislature of California in favor of the passage of a law donating to that State the proceeds of the sales of public lands hereafter to be made in that State for the purposes of irrigation and the protection of agricultural lands from the effects of mining debris; which was referred to the Committee on Public Lands.

Mr. GORDON. I present a memorial from the municipalities of Norfolk, Charleston, Port Royal, Jacksonville, Saint Augustine, Pensacola, and other ports along the southern coast, respectfully representing to the United States Congress the importance of a general law upon the subject of the quarantine of foreign vessels. With this memorial I shall introduce a bill for reference to the Committee on Commerce. I move that the memorial be printed and referred to the Committee on Commerce, as the matter is of very great importance to the whole sea-coast.

The motion was agreed to.

Mr. BECK presented the petition of James Metcalf, of Campbell County, Kentucky, and the petition of Mrs. Mary L. Hawthorn, of Campbell County, Kentucky, praying compensation for property taken by the United States during the late war, and that the papers in relation to their claims on file in the Quartermaster-General's Office be called for and made a part of their petitions; which were referred to the Committee on Claims.

He also presented the petition of Frederick Reinhart, of Covington, Kentucky; the petition of William Rambler, of Covington, Kentucky; the petition of John H. Perkins, of Covington, Kentucky; the petition of Joseph Havlin, of Covington, Kentucky; and the petition of John Davies, of Covington, Kentucky, each praying compensation for property taken by the United States during the late war, and that the papers on file in the office of the Third Auditor of the Treasury in relation to their claims be called for and made a part of their petitions; which were referred to the Committee on Claims.

Mr. COCKRELL presented papers pertaining to the application of Francis Vallé, junior, J. Baptiste Vallé, and Francis Vallé, senior, for the passage of a law confirming to them the titles to certain lands in the

State of Missouri; which were referred to the Committee on Private Land Claims.

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 318) to incorporate the Citizens' Mutual Fire-Insurance Company of Washington, District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

Mr. CONKLING. I am instructed by the Committee on the Judiciary to report favorably without amendment the bill (H. R. No. 912) to make persons charged with crimes and offenses competent witnesses in the United States and territorial courts. In making this report I wish to say that I shall ask at an early moment, if I can find one convenient to the Senate, that this bill be taken up for action.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (S. No. 561) granting a pension to William H. Nims, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Mary Wilkes, widow of the late Admiral Charles Wilkes, United States Navy, praying to be allowed a pension, reported a bill (S. No. 869) granting a pension to Mrs. Mary Wilkes; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. No. 535) granting an increase of pension to Theodore Gardner, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Rebecca Miller and Augusta Miller, asking for a pension on account of the services of their father, Brigadier-General James Miller, in the war of 1812, reported a bill (S. No. 870) granting a pension to Rebecca and Augusta Miller, daughters of Brigadier-General James Miller, war of 1812; which was read twice by its title.

He also, from the same committee, to whom was referred the petition of William Emerson, late a private in Company A, First Regiment Massachusetts Volunteers, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. No. 871) granting a pension to William Emerson.

The bill was read twice by its title, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3104) granting a pension to Kate Louise Roy, widow of J. P. Roy, late lieutenant-colonel United States Army, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, reported a bill (S. No. 872) granting a pension to Mrs. Ann W. Steele; which was read twice by its title.

Mr. ROLLINS. The Committee on the District of Columbia, to whom was referred the bill (H. R. No. 2371) to amend an act entitled "An act for the support of the government for the District of Columbia for the fiscal year ending June 30, 1878, and for other purposes," have instructed me to report it without amendment. I wish to give notice that it is desirable that action be taken at a very early day. I should like to call up the bill to-morrow, if there be no objection. Its consideration will take but a few moments.

Mr. WINDOM, from the Committee on Appropriations, to whom was referred the joint resolution (S. R. No. 17) supplemental to a joint resolution in relation to the international industrial exposition to be held in Paris in 1878, reported adversely thereon.

The VICE-PRESIDENT. The joint resolution will be postponed indefinitely, if there be no objection.

Mr. SAUNDERS. If the Chair will allow me, I do not wish the joint resolution to be indefinitely postponed.

The VICE-PRESIDENT. It will be placed on the Calendar if the Senator desires.

Mr. WINDOM. Let it go to the Calendar.

The VICE-PRESIDENT. The joint resolution will be placed on the Calendar with the adverse report of the committee.

Mr. WINDOM. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 2507) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1879, and for other purposes, to report it with various amendments. I give notice that I shall endeavor to call up this appropriation bill to-morrow, if it suits the convenience of the Senate.

Mr. MATTHEWS, from the Committee on Railroads, to whom was referred the bill (S. No. 512) in relation to the Pacific Railroads, reported it with an amendment, and submitted a report thereon, which was ordered to be printed. He submitted a motion to print 500 extra copies of the report; which was referred to the Committee on Printing.

Mr. MERRIMON, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 1716) authorizing the commissioners of the District of Columbia to prosecute cases and take appeals without giving bond, reported adversely thereon, and the bill was postponed indefinitely.

Mr. DORSEY, from the Committee on the District of Columbia, to whom was referred the petition of citizens of Georgetown, District of Columbia, praying on behalf of Joseph Whitmore, late a member of the Metropolitan police force of the District of Columbia, that he may be reappointed on said force, reported adversely thereon, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Joseph Whitmore and Charles E. Cameron, late members of the Metropolitan police force of the District of Columbia, praying for a reconsideration of the statements made upon which they were dismissed from the said force, reported adversely thereon, and the committee were discharged from the further consideration of the petition.

Mr. BAILEY, from the Committee on Pensions, to whom was referred the bill (H. R. No. 742) granting a pension to Reuben J. Chewing, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Hannah Streets, widow of John W. Streets, late of Company B, One hundred and seventeenth United States Colored Troops, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. No. 873) granting a pension to Hannah Streets.

The bill was read twice by its title, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Alfred Richardson, late of Company A, Twelfth Indiana Volunteers, praying for a pension, submitted a report thereon, accompanied by a bill (S. No. 874) granting a pension to Alfred Richardson.

The bill was read twice by its title, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 2584) granting a pension to Margaret R. Colony, widow of the late Major Josiah B. Colony, First Maryland Infantry Volunteers, reported it without amendment.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom the subject was referred, reported a bill (S. No. 875) to provide a fire-proof building for the use of the Bureau of Engraving and Printing and the mechanical branches of the Treasury and other Departments; which was read twice by its title.

Mr. CONKLING. I am authorized by the Committee on Commerce to report a bill in aid of a Polar expedition designed by James Gordon Bennett, of New York. I ask that the bill be read a first and second time and printed, and I will seek an early opportunity to invite the attention of the Senate to it.

The bill (S. No. 876) in aid of a Polar expedition designed by James Gordon Bennett, was read twice by its title.

BILLS INTRODUCED.

Mr. KIRKWOOD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 877) providing the times and places of holding the circuit court of the United States in the district of Iowa, and the appointment of an additional judge in said district; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 878) to disapprove and annul an act of the Legislative Assembly of the Territory of New Mexico, passed on the 18th of January, 1878, by a two-thirds vote of both Houses over the veto of the governor of said Territory; which was read twice by its title, and referred to the Committee on Territories.

Mr. DORSEY. I present a certified copy of the act which this bill proposes to repeal, together with the veto message and the opinion of the attorney-general of the Territory. I move that these papers be referred to the Committee on Territories and printed.

The motion was agreed to.

Mr. DAWES (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 879) for the relief of Luther Hall; which was read twice by its title, and referred to the Committee on Patents.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 880) for the relief of Frederick Driscoll; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 881) to authorize the restoration of E. F. Winckbach to the rank of captain; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 882) to authorize the proper accounting officer of the Treasury to audit and pay the claim of the State of Tennessee for keeping United States military prisoners; which was read twice by its title, and, with the accompanying letter from the Second Auditor of the Treasury, referred to the Committee on Claims.

Mr. EATON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 883) granting a pension to Emma N. Haines; which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 884) for the relief of William H. Varney; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 885) to amend the act approved September 27, 1850, creating the office of surveyor-general of Oregon, providing for the survey and making donations to settlers of the public lands in Oregon; and also the act amendatory thereof approved February 14, A. D. 1853; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 886) authorizing the construction of a bridge across the Willamette River, at Portland, Oregon; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 887) making an appropriation for the improvement of the Coquille River, in the State of Oregon; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 888) making appropriations for the survey and buoying of Coos Bay Harbor, in the State of Oregon, and the bar at the entrance thereof; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 889) granting a pension to John Etzell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 890) for the relief of John Gotshall; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 891) to amend section 3963 of the Revised Statutes, relating to the postal service; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 892) to amend section 3955 of the Revised Statutes, relating to the postal service; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 893) to authorize the Secretary of the Treasury to examine the evidence of payments made by the State of Missouri since April 17, 1866, to the officers and privates of the militia forces of said State for military services actually performed in the suppression of the rebellion in full concert and co-operation with the authorities of the United States and subject to their orders, and to make report thereof to Congress; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL. I am requested by a reputable attorney of the city of Washington, Ex-Governor Lowe, to introduce two bills for the relief of constituents of mine for whom he is attorney. I know nothing about the merits of the bills.

By unanimous consent, leave was granted to introduce a bill (S. No. 894) to confirm certain land claims in the State of Missouri; which was read twice by its title, and referred to the Committee on Private Land Claims.

By unanimous consent, leave was granted to introduce a bill (S. No. 895) to confirm certain land claims in the State of Missouri in favor of Jacques Clamorgan and Peter Provenchese; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. BOOTH (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 896) for the relief of Gilbert Jessup; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 897) to establish a court of patents, and for other purposes; which was read twice by its title, and referred to the Committee on Patents.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 898) to prevent the introduction of contagious or infectious diseases into the United States; which was read twice by its title.

Mr. GORDON. I should be glad, if the morning hour permitted, to make some remarks in advance upon the importance of this question. However, I will reserve what I have to say until the bill is reported from the Committee on Commerce, to which I move that it be referred.

The motion was agreed to.

Mr. HILL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 899) to aid the Great Southern Railway Company (consolidated) to construct a line of railway in the States of Georgia and Florida; which was read twice by its title.

Mr. HILL. I wish to say that I know nothing about the bill and do not commit myself to its merits one way or another. I was requested to introduce it. I move its reference to the Committee on Railroads.

The motion was agreed to.

Mr. CONKLING (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 900) for the relief of Egbert Thompson; which was read twice by its title, and referred to the Committee on Naval Affairs.

REGENT OF SMITHSONIAN INSTITUTION.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 21) filling an existing vacancy in the Board of Regents of the Smithsonian Institution.

Mr. HAMLIN. I ask the consideration by the Senate of the joint resolution at this time.

By unanimous consent, the joint resolution was read three times, and passed. It provides that the existing vacancy in the Board of Re-

gents of the Smithsonian Institution of the class other than members of Congress, shall be filled by the appointment of William T. Sherman, in place of George Bancroft, resigned.

CLASSIFICATION OF MAIL MATTER.

Mr. FERRY. I offer the following order:

Ordered. That the arguments before the Committee on Post-offices and Post-roads on the bill (S. No. 539) providing for the classification of mail matter and rates of postage thereon, be printed for the use of the committee.

The VICE-PRESIDENT. The order will be referred to the Committee on Printing.

Mr. FERRY. An extra number is not asked to be printed.

The VICE-PRESIDENT. The usual number?

Mr. FERRY. The usual number.

The VICE-PRESIDENT. To this the Chair hears no objection, and the order is agreed to.

THE FISHERIES COMMISSION.

Mr. BLAINE. I desire to call up the resolution of inquiry which I offered some days since, and I wish to make a few remarks upon it. I may possibly exceed by two or three minutes the morning hour, if the Senator who is entitled to the floor at that time will indulge me. ["Agreed."]

The Senate proceeded to consider the following resolution, submitted by Mr. BLAINE on the 26th of February:

Resolved. That the President of the United States be respectfully requested to communicate to the Senate at the earliest practicable day, if not in his judgment incompatible with the public interest, copies of all correspondence between our Government and the government of Her Britannic Majesty in regard to the selection of M. Maurice Delfosse, envoy extraordinary and minister plenipotentiary from Belgium, as the third commissioner under the twenty-third article of the treaty of Washington on the question of the fisheries.

Mr. BLAINE. This resolution of inquiry, which I offered a fortnight since, having been objected to and laid over, I will briefly explain my reasons for desiring its adoption. For some time past there have been rumors of an unpleasant character touching the mode in which M. Delfosse, the Belgian minister accredited to this country, was urged by the British government as the third commissioner under the treaty of Washington on the question of the fisheries. These rumors come in a form that enforces attention, and while I do not pretend to vouch for their entire accuracy, I think they are sufficiently grave to call for authentication or denial.

It appears by these reports that during the conference of the Joint High Commission in April, 1871, Lord Ripon, speaking for the English government, said in relation to the several proposed arbitrations that were under discussion, that it would not be a proper thing for England to offer Belgium or Portugal as arbitrators; and he especially spoke of Belgium as being incapacitated for the function by reason of her peculiar relations with England. This declaration was promptly and emphatically assented to by the American commissioners. With the understanding thus volunteered by Lord Ripon, the Halifax commission of three arbitrators on the fisheries was agreed to; our Government to name one, the British government to name one, and the two governments conjointly to name the third. And it was stipulated that if the two governments could not agree on the third commissioner within three months, that then the Austrian ambassador at London should name him. As soon as the fishery clause of the treaty went into effect in July, 1873, Mr. Fish urged the British minister, Sir Edward Thornton, to confer with him as to the third commissioner, but he found him without instructions from his government, and after delaying for some days Mr. Fish took the initiative and submitted quite a number of names for Sir Edward's consideration. Among these, scattered over a large field, were Mr. Mariscal, of Mexico; Offenbergh, minister from Russia; Borges, from Brazil; Polo, from Spain; the Count de Noailles, from France; Westenberg, from Holland, and others.

Mr. Fish did not include M. Delfosse among these, as he considered that his name had been fairly excluded by the understanding of the Joint High Commission.

Sir Edward Thornton made no response for several weeks and then answered Mr. Fish, declining to accept any of the names submitted by him and proposed in turn the single name of M. Delfosse. It was understood, I believe, that Sir Edward was acting under the direct instructions of Lord Granville, British secretary of foreign affairs. Mr. Fish promptly and peremptorily declined to accept M. Delfosse and quoted Lord Ripon's remark in regard to Belgium, and he again urged Sir Edward to accept one of the names proposed by him or else to propose some names himself. In answer to this Sir Edward stated that Lord Dufferin, the Governor-general of the Dominion of Canada, speaking for the Canadians, objected to any one accredited to our Government being taken as the third commissioner. And immediately after this declaration Sir Edward appeared at the State Department with fresh instructions from Lord Granville to insist on M. Delfosse, though at that very moment M. Delfosse was accredited to our Government. The only alternative presented by Sir Edward was that his government would accept some "Dutch gentleman" that might be chosen at the Hague by the American and British ministers. The three months within which the two governments were to act conjointly having been thus exhausted, apparently by the design of the British government, the matter was by the treaty remanded to the Austrian ambassador at London. A delay of some years then ensued

in consequence of the negotiations for a reciprocity treaty, and the correspondence was not renewed until 1876.

The result of the whole was that in February, 1877, the Austrian ambassador at London named M. Delfosse as the third commissioner. It is now reported on the authority of an interview recently published in the New York Herald that Mr. Fish finally assented to the appointment of M. Delfosse by the Austrian ambassador. This may or may not be so, but it is not material to the issue; for the matter had lapsed absolutely into the hands of the ambassador, and as he was resident in London, in easy communication with the British ministry, they had means of influencing the decision that were not within our power. And Mr. Fish may well have thought that as the appointment of Delfosse was inevitable and unavoidable it was prudent and expedient to submit to it gracefully and in such a way as not to incur the personal ill-will of the third commissioner. I can well see how a wise Secretary, like Mr. Fish, might in the end have been thus influenced after having exhausted every effort as he so ably, energetically, and fearlessly did, to keep M. Delfosse off the commission.

I do not intend in any remarks I am making to cast reflections on M. Delfosse, who is known as an honorable representative of his government. I only mean to imply and to assert that, if Lord Ripon is to be credited, M. Delfosse was not in a position to be an impartial arbitrator; and that in my judgment Great Britain never should have proposed him and Mr. Fish was justified in resisting his appointment so long as resistance promised to be effectual. Nor do I mean to impute any conduct that was not strictly honorable to Sir Edward Thornton, the highly esteemed representative of the British government at this capital, who in all he did was simply following the instructions of Lord Granville. But I do mean to say that, if I am correctly informed, the correspondence for which my resolution calls will disclose a designed and persistent effort on the part of the British government to secure an advantage in the selection of the third commissioner on the question of the fisheries. I have never heard that Lord Dufferin had any agency in bringing about the appointment of M. Delfosse, and I specially mention this lest a previous remark might seem to reflect on an honored official, not less esteemed by Americans than by Canadians. At the same time it is but just to remark that the Dominion of Canada had no more right to interpose in the matter than had the States of Massachusetts and Maine; and that the governors of those States had the same right to speak for their people in regard to selecting a third commissioner as had Lord Dufferin to speak for the people of the Dominion. The negotiation was between two great nations, and subordinate States and provinces had no right to dictate, or even to suggest, unless called upon.

It may be somewhat premature to speak of the award made by the Halifax commission, but as it is already discussed in the press of both countries, a brief reference to it here and now may not be out of place. The extraordinary nature of that award can only be appreciated when the surrounding facts are understood. In the original discussion of the fishery question by the Joint High Commission in 1871, the American commissioners could be induced to offer only \$1,000,000 for all the fishing privileges subsequently embodied in the treaty. The British commissioners declined this offer, and would enter into no negotiation that did not include the admission of the products of the Canadian fisheries into the American market free of all duty. This concession, highly advantageous to Canada and disastrous to our country, was finally inserted in the treaty, and it was further agreed to submit to arbitration what amount of additional compensation should be paid Great Britain for our right to use the inshore fisheries of Nova Scotia for twelve years. And the Halifax commission took the subject into consideration, and two commissioners (both in effect selected by Great Britain) determined that we should pay her five and a half millions of dollars in gold coin, or at the rate of nearly half a million dollars per annum. The duties on the products of Canadian fisheries imported into this country (all remitted by the treaty) would be almost another half million dollars per annum; so that under this award we should be actually paying nearly a million of dollars per annum in gold coin for the privilege of inshore fishing on the coast of Nova Scotia, where the total catch by American fishermen, beyond what we had the right to take without this treaty, would not amount to much over \$300,000 per annum. In other words, we are paying to Great Britain a million of dollars per annum for the privilege of catching less than four hundred thousand dollars' worth of fish. Such is a mere outline of the facts of the case, and the injustice of the award is so palpable that it is difficult to treat it with the respect due to all subjects involving international relations.

The question as to the binding force of the award is naturally and necessarily one of the gravest interest, not only on account of the large amount involved but on account of the very peculiar circumstances under which the decision against us was reached. Whether we should pay it is a very important question in all its bearings and one that should be most carefully considered and determined. The award was signed only by Sir Alexander Galt, the British commissioner, and by M. Delfosse. The American commissioner, Mr. Kellogg, refused to sign it, and affirmed his dissent in writing; declaring it to be his deliberate opinion that "the advantages accruing to Great Britain under the treaty were greater than those conferred on the United States;" and he further declared that he deemed it his duty to state that "it is questionable whether it is competent for the

board to make an award under the treaty except with the unanimous consent of all the arbitrators." Mr. Dwight Foster, the agent of our Government, stated that he had no instructions as to what he should do under the circumstances, but he could not keep silent, and give ground for the inference that our Government would consider the award a valid one. I mention these facts to show that objections to the validity of the award were not the result of afterthought, but were incorporated as part of the proceedings before the arbitrators.

The ground on which Mr. Kellogg questioned the competency of two of the arbitrators to make an award is that found in all the legal authorities on arbitration. The articles in the treaty of Washington creating the Halifax award of arbitration gave no authority to a majority of the board to make an award, nor was the third commissioner empowered to act as umpire. Both in the tribunal at Geneva and in the Claims commission at Washington, it was expressly stipulated that a majority of the arbitrators should decide. In the Halifax commission no such stipulation was made, and the inference therefore is strong, if not irresistible, that their award should be made according to the general law of arbitration. What that law is, upon English authority, may be briefly stated.

Redman on "Arbitration and Awards," considered one of the highest authorities in England, says:

On a reference to several arbitrators with no provision that less than all shall make an award, each must act; and all must act together; and every stage of the proceedings must be in the presence of all; and the award must be signed by all at the same time.

Francis Russell, another English authority of eminence, says:

On a reference to several arbitrators together, when there is no clause providing for an award made by less than all being valid, each of them must act personally in performance of the duties of his office as if he were sole arbitrator; for as the office is joint, if one refuse or omit to act, the others can make no valid award.

And Stewart Kyd, an earlier but not less authoritative writer, enforces the same doctrine. After alluding to the Roman law and to its permission for the majority of arbitrators to decide, Mr. Kyd makes the following statement:

In this respect the law of England is somewhat different; for unless it be expressly provided in the submission that a less number than all the arbitrators named may make the award, the concurrence of all is necessary.

If these eminent English authors are to be accepted, it is quite apparent that the Halifax award has no binding effect in law whatever. As to the equity of the case, I have already given the undeniable facts that govern it.

I am not now discussing, much less presuming to define, the action which our Government should ultimately take in regard to the award. If we should follow what I believe would be the inevitable course of Great Britain under similar circumstances we should utterly refuse to pay a single penny, and ground our refusal both on the law and the equity of the case. The treaty as it stands is a mockery of justice, and will work the certain destruction of a great American interest. It is in fact nothing else than asking us to pay a million of dollars per annum to Great Britain for destroying the entire fishing interest of America and still further crippling and weakening us as a commercial power. For the utter abrogation of the treaty I should be willing to pay the annual indemnity for the years we have used the inshore fisheries, during which years the Canadians have had free access to the markets of forty-five millions of people; or I should be willing to pay double the award to be rid of the treaty. We might by this course anticipate by a period of seven years a return to that policy which alone can insure the prosperity or even save the life of a great and important trade, indissolubly associated with our commercial development and absolutely essential to our success and prestige as a naval power. And paying thus even an unfair price for the inshore fisheries as long as we shall have used them, we remove all possible ground for imputation, even by the ignorant and the hostile, upon the honor of our Government and the good faith and fair dealing of our people.

When we were poor and weak as a nation, we so highly esteemed the value of the fisheries that we encouraged their development by rewards and bounties. These were abandoned some years ago, but still we preserved to our fishermen a preference in our own markets. Even that is given away by the provisions of this treaty. And now by the Halifax award, if we accept it, and continue the treaty, we pay to Great Britain one million of dollars per annum for destroying a school of commerce, which, properly nurtured, will be her great rival in the future. Against such a policy I enter my emphatic protest, if I stand alone. I believe that the products of American industry, on land and sea, should have the first and best chance in the American markets. I believe the American fisherman should be preferred by us to the Canadian fisherman. And if we cannot pay him a bounty to encourage and sustain him, let us at least not pay a bounty to Great Britain to destroy him.

The VICE-PRESIDENT. Will the Senate agree to the resolution?

Mr. PLUMB. Before that question is taken I desire to submit a letter addressed to myself which I have received from one of the most intelligent and reliable dealers in fish on the whole coast, a man whose opinion on this subject is entitled to as much consideration as that of any other person. It covers pretty much the same ground as the Senator from Maine has covered in his speech, and I ask that it be read.

The VICE-PRESIDENT. The paper will be read, in the absence of objection.

The Chief Clerk read as follows:

GLoucester, MASS., January 24, 1878.

Hon. P. B. PLUMB,
United States Senate:

DEAR SIR: The Boston Journal yesterday had the following dispatch:

[Special dispatch to the Boston Journal.]

THE FISHERY AWARD.

WASHINGTON, January 23, 1878.

It is understood that the President will inform Congress that the Halifax commission has awarded \$5,000,000 under the treaty of Washington to Great Britain, and will recommend its payment from the Geneva award.

PERLEY.

You will likely be called upon to vote for or against this proposition. This amount, \$5,500,000, was agreed upon by a majority of the commission sitting at Halifax as being due from this country to the Dominion Government for the privilege granted to our American fisherman of fishing in their waters without being restricted to any limit from the shore, and for the use of their unoccupied shores on which to dry our fish so taken or our nets so used.

And this over and above the privilege granted the British fishermen and producers of the free use of our shores and our market for all of their products.

This award is absurd and ridiculous. Why? The interest on this amount for one year (not at Kansas rate either) will more than pay for all the fish caught in these waters by the American fishermen for the past ten years, as you will see by the evidence which will probably be placed before you.

Whatever it seems to you to be your duty in the matter of voting this amount you will, of course, do, having the honor and good faith of the Government in view. That is all right! But do not for one moment suppose that in voting for it you are doing anything toward developing or strengthening the American fisheries, or for any value to them, either past, present, or prospective. The fishing interest of New England will protest against its being paid to be charged either directly or indirectly to them. We believe the free use of our markets is of more value to the British fishing interest than the free use of their shores can ever be to us. One thing sure, under this arrangement, without this extraordinary compensation their fisheries have increased and prospered, while ours have been less profitable and our people more than ever before discouraged.

We believe that the New England fishing interest to-day would prefer having the old duty on fish brought into our market by British vessels restored, and take the chances of fishing where the fish are to be found, right or no right, rather than to see another dollar expended to pay for a privilege which is already more than paid for. We were terribly outwitted in this whole matter. We were very unfortunate in our commissioner. No doubt about that. We made the case by the weight of our testimony before the court, but lost it in the ante-room by lack of comprehension of that evidence. But the award is made—that is, if a majority of the board are competent to decide it—and we must accept or reject it. We have the same interest in it peculiarly as that of the same number of citizens of any other part of the country. No more. If you think we are in honor bound to pay it, absurd or not, let us pay it; but do not vote to pay it with any idea that you are paying for value received or to foster and encourage one of the great industries of the country, for you are not. If you vote for it shut your eyes to all the blunders we have made, and bury it out of sight as soon as possible.

Mr. SARGENT. I should like to ask the Senator from Maine what bearing upon this matter the recent conduct at Halifax, Nova Scotia, has. By the public press I think I have observed that persons have assaulted our fishermen, driven them off, prevented the use of unoccupied lands, &c. I should like to inquire if in his judgment these things are true and what bearing they have on the subject.

Mr. BLAINE. I have no information other than that in the newspapers about the matter inquired of by the Senator from California. Of course it was a case in which fishermen from New England were attempting to exercise the privileges granted them by the treaty and there were some mob demonstrations, of which there are very different accounts it is proper to say, but the most authentic that I have been able to get is that considerable damage was inflicted on that fishing fleet. But I do not pretend to speak of that by authority.

Mr. SARGENT. In violation of the terms of the treaty?

Mr. BLAINE. Of course, as far as it went. How great the extent of it was, I do not know.

Mr. DAWES. The matter to which the Senator from Maine alludes may be accounted for by the decision of the commission that no compensation could be recovered by the British government under this arbitration for the privilege of our fishermen going to the shore and purchasing bait and fishing-tackle and utensils and other matters. There was a very large claim set up before the commission on the part of Great Britain, that they were entitled to compensation for the privilege our fishermen had in trading with the Canadians in matters required for fitting out their vessels. By a unanimous opinion of the commission that was entirely excluded, I think, though I have not very accurate information, and the trouble which has since grown up is from an attempt on the part of the Canadians to put a stop to that trade, and not from an attempt to interfere with the fishing within the three-mile line. I agree with the Senator from Maine in reference to that; and I desire to add in behalf of Massachusetts to the letter which has been read, at the request of the Senator from Kansas, that the fishermen of Massachusetts as well as of Maine, while they do not express an opinion or desire to influence the action of Congress upon the propriety of paying this award, wish to have it understood that from their knowledge of the matters submitted to the commission no part of this money should be paid under the apprehension that they have gained by this treaty and by this money so paid any advantage whatever.

I agree with the Senator from Maine that the advantage obtained by the British provinces far exceeds in any respect, by any test whatever, anything that our fishermen gain in the privilege of going within the three-mile line for fish. As the Senator from Maine says, all the fish caught there when brought into the market, adding to the value

of the fish in the water the expense of taking the fish and bringing them to the market, do not begin to compare with the amount of money that we are required under this award to pay; and I think nobody in Massachusetts has any doubt about it, that every penny we may pay under this award is paid without any equivalent or consideration whatever. It may be best that we shall meet this award promptly and pay it; but if we do it, do not let it be set down as any money paid for advantages gained by the fishermen of this country under that treaty.

Mr. HAMLIN. Mr. President, I interpose no objection to the passage of this resolution, while on the other hand I think it wise and well that we shall have all the facts in relation to this matter before us. It is, I suppose, certain that at the appropriate time the results of that commission will be communicated to us and our Government will be asked to pay the award made. I agree entirely with my colleague, with the Senator from Massachusetts, and with the gentleman whose letter has been read at the table by the Clerk, that we get no compensation for that award in any equivalent granted by the inshore fisheries along the coast of Nova Scotia. On the other hand, having given this subject a very considerable attention for some twenty years of my life, and having made it somewhat of a study from its early days to the present time, I have no hesitation in declaring that an equivalent in the receipt of the fish caught in the provinces in our market is far beyond anything which we receive in return under that treaty. There can be no doubt about it. And yet we are living to-day under a treaty negotiated here in this city; and while it is the law of the land and a contract existing between the two high contracting parties, the honor of this Government demands that we maintain all the obligations that are imposed upon us, and I have risen only to ask that there shall be no prejudice of what shall be our duty when the question comes before us in relation to responding to that award. We must guard that honor above technicalities. If it be true that we were overreached or that in the selection of the arbitrator an improper person was taken we must remember that he was finally taken by the assent of this Government; and when we come to the consideration of the subject it will be one which involves the honor of our Government and one which I need not undertake to say will demand of us that we meet promptly and fully what shall be required.

Mr. BLAINE. I quite agree with my colleague upon that, and I think our merit will be all the greater if we step forward and pay an award of five and a half millions when we have proved to the world that we did not get anything for it. Paying one's debt for full value received is considered a proper and upright course for upright men; but paying a large sum for which we get nothing ought to be accounted to us for a considerable deal more of righteousness.

The resolution was agreed to.

ORDER OF BUSINESS.

The VICE-PRESIDENT. There comes over as unfinished business of the Senate from the session of Thursday the bill (S. No. 346) referring the claim of Benjamin Holladay to the Court of Claims.

Mr. MORRILL. I ask the Senator from Wisconsin [Mr. CAMERON] to give way long enough for me to call up the bill in relation to a commission on the alcoholic liquor traffic. I had given notice that I would call this bill up on Wednesday last; but on that day, for the first time in twenty-odd years, I was unable to be present and render service in the Senate or House, and therefore this bill was not called up. It is a bill that has received the unanimous support of the Committee on Finance, and it will not cause the consumption of time beyond five or ten minutes. I desire to get rid of the papers on the subject, and I ask to have it taken up at the present time.

Mr. CAMERON, of Wisconsin. The Senator from Vermont who has charge of this important matter is of opinion that it will not lead to any extended debate. With that understanding I give way for the purpose of allowing the matter to be brought up; but I want to reserve to myself the right of calling for the unfinished business if it appears necessary, notwithstanding the hope of the Senator from Vermont.

The VICE-PRESIDENT. The Chair understands that the Senator from Wisconsin reserves the right to call for the unfinished business at any time.

Mr. SPENCER. I believe to-day was set for a special order. The Senator from Rhode Island, [Mr. BURNSIDE,] from the Committee on Military Affairs, gave notice that he would call up a particular bill to-day.

Mr. MORRILL. This will take but a few minutes.

Mr. CAMERON, of Wisconsin. A special order would not displace the unfinished business.

The VICE-PRESIDENT. There was no special order made for to-day.

Mr. BURNSIDE. I desire to have an order made for the consideration of the bill to which I referred, on Thursday next at one o'clock. It is the bill (S. No. 178) to remove all restrictions now existing in regard to enlistments of the colored citizen in any arm of the United States Army. I understood an order was made for its consideration to-day, but if such is not the fact I desire to have it entered for Thursday at one o'clock.

The VICE-PRESIDENT. Is there objection to the suggestion of the Senator from Rhode Island that on Thursday next the bill to which he refers shall be the special order?

Mr. MORRILL. I think he had better give notice that he will call it up at that time, rather than make it a special order.

Mr. BURNSIDE. I think it would be better to make it a special order, for I think like the bill of the Senator from Vermont it will not cause much discussion.

The VICE-PRESIDENT. Is there objection to the proposed order?

Mr. SPENCER. I desire to ask the chairman of the Committee on Claims to give way to the Hammond bill as soon as the bill of the Senator from Vermont is finished. The bill was nearly finished the other day.

Mr. BURNSIDE. Do I understand that the order is made which I ask for?

The VICE-PRESIDENT. The Chair hears no objection, and that order will be entered.

Mr. MITCHELL. What order?

The VICE-PRESIDENT. The order in relation to the consideration of the bill as to colored troops.

Mr. MITCHELL. I have no objection.

Mr. SPENCER. I give notice that I shall call up the Hammond bill immediately after the bill for the relief of Benjamin Holladay is finished.

MESSAGE FROM THE HOUSE.

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

A bill (H. R. No. 3102) authorizing the Secretary of the Treasury to employ temporary clerks, and making an appropriation for the same; also making appropriations for detecting trespass on public lands and for bringing into market public lands in certain States, and for other purposes; and

A bill (H. R. No. 2132) to pay for clerical services and extraordinary expenses under the seventh section of the act of August 18, 1856, in the Pawnee land district in Kansas.

The message also announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 1474) further to suspend the operations of section 5574 of the Revised Statutes of the United States, title 72, in relation to the guano islands.

ENROLLED BILLS SIGNED.

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

A bill (H. R. No. 1947) granting a pension to Dwight A. Barrett, late private Company E, Forty-sixth Regiment Massachusetts Volunteer Infantry; and

A bill (H. R. No. 1474) further to suspend the operations of section 5574 of the Revised Statutes of the United States, title 72, in relation to the guano islands.

LIQUOR TRAFFIC COMMISSION.

The VICE-PRESIDENT. The bill referred to by the Senator from Vermont will be reported at length.

The Senate, as in Committee of the Whole, proceeded to the consideration of the bill (S. No. 453) to provide for a commission on the subject of the alcoholic liquor traffic.

The Committee on Finance reported an amendment in the nature of a substitute, to strike out all after the enacting clause and insert:

That there shall be appointed by the President, by and with the advice and consent of the Senate, a commission of five persons, who shall be selected solely with reference to personal fitness and capacity for an honest, impartial, and thorough investigation and who shall hold office until their duties shall be accomplished, but not to exceed two years. It shall be their duty to investigate the alcoholic liquor traffic, primarily in its relations to revenue and also as to taxation, and its general economic and scientific aspects in connection with the public health and general welfare of the people.

SEC. 2 That the said commissioners, not all of whom shall be advocates of prohibitory legislation or of total abstinence in relation to alcoholic liquors, shall serve without salary; that the necessary expenses incidental to said investigation, not exceeding \$10,000, shall be paid out of any money in the Treasury not otherwise appropriated, upon vouchers to be approved by the Secretary of the Treasury; and for this purpose the sum of \$10,000 is hereby appropriated. It shall be the further duty of said commissioners to report the result of their investigation, and the expenses attending the same, to the President, to be transmitted by him to Congress.

The VICE-PRESIDENT. The substitute will be treated as the original bill.

Mr. MORRILL. Mr. President, it will be seen that the Committee on Finance propose to confine themselves within the constitutional limit, and propose no other legislation than what we should have a right to make for the Territories and for this District, and to confine this investigation primarily to the relations of this traffic to revenue and taxation. I do not think it is necessary to discuss the bill at all. The number of petitions praying for its passage that have been presented not only this year but in past years is immense. It is clear that a very large portion of our people desire this investigation to be made. I do not think there will be the slightest objection to it, and therefore I will not consume any time in its discussion.

Mr. CONKLING. Mr. President, I wish to submit to the Senator from Vermont, sympathizing with him in his view about this bill, the propriety of one suggestion. Should there not be, for the weight of the report, for the apparent and real impartiality of the proceeding, one person of these five connected in some way with the business involved in the inquiry? My recollection is that the Senate once

before thought that wise. I know that a number of persons who have addressed me on the subject think it wise now; and I submit to the Senate, and especially to the Senator from Vermont, that it will disarm a species of criticism and will clothe this provision with a species of confidence if it be provided that out of the five one person shall be taken from among those whose business is such that this inquiry relates to.

Mr. MORRILL. I will say in reply to the Senator from New York that if he will read the second section he will see that it is already provided that not all of the commissioners shall be advocates of prohibitory legislation.

Mr. CONKLING. I did not fail to see that, and I remember the history of that provision. It was put in another bill, and the provision I speak of was put in also, and it was done upon considerable debate and consideration in the Senate.

Mr. MORRILL. There would be no possible objection to the suggestion of the Senator from New York, but it was supposed that the appointing power would see the propriety of appointing at least one of these men of the character indicated by the Senator from New York; that is to say, it was expected that three of them would be in favor of total abstinence and two not.

Mr. CONKLING. Then, as I think I have virtually the assent of the Senator, I will venture to suggest that after the word "investigation" in line 7 of section 1 there be inserted the words "some one of whom shall be a person engaged in the said traffic"—if "traffic" is the word employed before, and I believe it is.

Mr. MORRILL. I suggest to the Senator, if he proposes that amendment, whether it would not be more properly inserted in section 2, where this matter of selecting men for and against prohibitory legislation occurs; that is on line 2 of section 2.

Mr. CONKLING. I see no objection to that except that the Senator will perceive that it disorders the sentence a little more there than it does here. As I propose to insert it, it will read thus:

A commission of five persons, who shall be selected solely with reference to personal fitness and capacity for an honest, impartial, and thorough investigation, some one of whom shall be a person engaged in said traffic, and who shall hold office until their duties shall be accomplished, but not to exceed two years.

It comes in more smoothly there than it would in the other place.

Mr. MORRILL. I am not authorized to accept it on the part of the committee, but I will not object to the amendment.

The VICE-PRESIDENT. The question is on the amendment of the Senator from New York.

The amendment was agreed to.

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

The VICE-PRESIDENT. Shall the bill be engrossed for a third reading?

Mr. BECK. Mr. President, I should like to ask the Senator from Vermont what special authority these five persons are to have in the different States of this Union relative to this traffic? I had supposed that was a matter for the States themselves to determine and regulate. I do not see what Congress has to do with it.

Mr. MORRILL. The Senator will see that by the provisions of the bill it should be their duty to investigate this traffic in its primary relations to revenue and taxation.

Mr. BECK. So I see. We have a Committee of Ways and Means of the House of Representatives, composed of very able men, generally the ablest men that can be found in that body. We have an extremely able Committee on Finance in this body, whose duty it is to look into this matter with reference to revenue and taxation. And I doubt whether the President can get five philanthropic gentlemen who will serve for nothing with \$10,000 margin for expenditures, which I see is provided, who will in that regard come anything like as near reaching what is the true policy of the Government in regard to revenue and taxation as the distinguished committees of the House and Senate whose duty it is especially to look into that subject can do; and not seeing very clearly why we should be appropriating \$10,000 for a roving commission of men who seem to be required to work purely for benevolence or some other purpose, for they are to serve without salary. How it can be expected that they will accomplish what the committees of these Houses and the wisdom of Congress may fail to accomplish, in that regard I am opposed to the bill. I believe that everything outside of revenue and taxation pertains to the duties of the States, and I do not see either the value or legality of the bill. Therefore I shall exercise my privilege of voting against it for these reasons, and shall ask the yeas and nays on the bill appropriating \$10,000 for this purpose, believing it to be unnecessary and improper, being simply an officious meddling with things we have nothing to do with. Many other vices might with equal propriety be inquired into, but Congress has nothing to do with them.

Mr. MORRILL. The bill certainly can do no harm. If these men are able to gather together and communicate any facts that will be of service to this or the other House, it will be an advantage. Certainly some of the best people of our country, and in large numbers, believe there will be great advantages accruing from this investigation. The number of petitions, as I have already indicated, that are annually presented is perhaps larger than upon any other subject, embracing probably millions of signatures. I have no sort of objection to the yeas and nays, but I do not desire to discuss the question.

The VICE-PRESIDENT. Does the Senator from Kentucky desire the yeas and nays on the engrossment or on the passage of the bill?

Mr. BECK. On the final passage of the bill; and I only desire to say that while there are large numbers of petitions for the bill very numerous signed, and very respectably signed, one of the things that I think the Senate ought to guard against is the Federal Government and the Congress of the United States legislating in regard to matters that do not concern them, but belong to the States; and when these people petition us to exercise authority which we have not got, I think we ought to disregard them, however respectable, and tell them to attend to their own business, and let other people alone unless they can obtain State action.

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

The VICE-PRESIDENT. On the passage of the bill the Senator from Kentucky calls for the yeas and nays.

The yeas and nays were ordered; and, being taken, resulted—yeas 29, nays 19, as follows:

YEAS—29.

Allison,	Dawes,	McMillan,	Sargent,
Anthony,	Dorsey,	Matthews,	Saunders,
Blaine,	Ferry,	Mitchell,	Spencer,
Burnside,	Hamlin,	Morrill,	Teller,
Cameron of Wis.,	Ingalls,	Paddock,	Windom.
Christiency,	Jones of Nevada,	Patterson,	
Conkling,	Kernan,	Plumb,	
Davis of Illinois,	Kirkwood,	Rollins,	

NAYS—19.

Bailey,	Eaton,	Hereford,	Maxey,
Bayard,	Eustis,	Johnston,	Merrimon,
Beck,	Garland,	Jones of Florida,	Voorhees,
Coke,	Gordon,	McCreevy,	Withers.
Davis of W. Va.,	Grover,	McDonald,	

ABSENT—28.

Armstrong,	Cockrell,	Howe,	Ransom,
Barnum,	Conover,	Kellogg,	Saulsbury,
Booth,	Dennis,	Lamar,	Sharon,
Bruce,	Edmunds,	McPherson,	Thurman,
Butler,	Harris,	Morgan,	Wadleigh,
Cameron of Pa.,	Hill,	Oglesby,	Wallace,
Chaffee,	Hoar,	Randolph,	Whyte.

So the bill was passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 9th instant approved and signed the following acts:

An act (S. No. 17) amending the laws granting pensions to the soldiers and sailors of the war of 1812 and to their widows, and for other purposes; and

An act (S. No. 541) to amend an act entitled "An act to provide for the preparation and publication of a new edition of the Revised Statutes of the United States," approved March 2, 1877.

The message further announced that the President had on this day approved and signed the act (S. No. 145) for the relief of Edwin A. Clifford.

BENJAMIN HOLLADAY.

Mr. SPENCER. I now ask the chairman of the Committee on Claims to yield half an hour, that we may pass the Hammond bill. The bill will not occasion much debate.

Mr. CAMERON, of Wisconsin. I must insist on the regular order.

The VICE-PRESIDENT. The regular order is the bill (S. No. 346) referring the claim of Benjamin Holladay to the Court of Claims, for the consideration of which the Senate remains as in Committee of the Whole. The pending question is on the amendment of the Senator from Michigan, [Mr. CHRISTIENCY,] upon which the yeas and nays have been ordered. The amendment will be reported.

The CHIEF CLERK. The proposed amendment is to strike out in lines 12 and 13 of section 1 the words "the affidavits and orders now before Congress," and after the word "such," in line 13, to strike out "additional" and insert "competent;" so as to read:

The same is hereby referred to the Court of Claims for adjustment upon such competent testimony as either party may present.

Mr. CAMERON, of Wisconsin. On Thursday last when this bill was under consideration by the Senate, I stated that the claim of Mr. Holladay was considered in the Committee on Claims of the Senate during the last Congress and that the Senator from Michigan [Mr. CHRISTIENCY] was at that time a member of the committee, and I think I stated that he assented to a bill which was reported by the committee at that time. Since then I have examined the records of the Committee on Claims, and I find that the bill was considered by that committee during the last session of the Forty-fourth Congress, and that the Senator from Michigan was not a member of the committee during that session. He was a member of the committee during the first session of the Forty-fourth Congress, and I in that way was led into the error.

Mr. CHRISTIENCY. Mr. President, that relieves me from a personal explanation which I intended to make. By the very confident judgment of the Senator from Wisconsin, in whose memory I had great confidence, backed up as it seemed to be by the Senator from Oregon, [Mr. MITCHELL,] I was really made to assent to the fact that this case must have been before the committee while I was a member of it, not that I had ever heard of it, because I stated that I recol-

lected nothing of that kind. I went on Saturday and examined the entire record and found that my recollection was correct and that the very confident statements and reiterated statement to the contrary by the Senator from Wisconsin was entirely a mistake, an honest mistake I have no doubt. But the explanation which he has made renders any further explanation on my part unnecessary, and therefore I will not take up time.

Mr. MITCHELL. The remarks of the Senator from Michigan have rendered a statement from me necessary. The Senator from Michigan in referring to this matter stated that after the very positive statement of the Senator from Wisconsin backed up by the Senator from Oregon, or something to that effect, he was rather inclined to believe that he had been on the committee. I think he will find by reference to the RECORD that the Senator from Oregon did not say one solitary word on the subject.

Mr. CHRISTIENCY. If the Senator from Oregon will allow me to call his attention to the facts, I will show him that he did. This is what occurred:

Mr. CAMERON, of Wisconsin. If the Senator will allow me a moment, as he seems disposed to give a great deal of weight to the report of the committee, I desire to state that this bill was before the Committee on Claims during the last session of Congress and that the Senator from Michigan [Mr. CHRISTIENCY] was a member of that committee at that time.

I then rose and said:

Not the last session;—

That is, I was not a member of the committee at the last session, but—

the last Congress.

Then the Senator from Oregon [Mr. MITCHELL] said:

Two years ago.

Evidently backing up the statement that I had been a member at the time, two years ago, when this was considered. At least I so understood it.

Mr. MITCHELL. I simply referred to the fact that this bill was considered, as I understood, two years ago; but I did not say a solitary word on the subject of whether the Senator from Michigan was present or not.

Mr. CHRISTIENCY. In that the Senator turns out to be mistaken.

Mr. MITCHELL. I may have been mistaken in that; but all I desire to say now and all I did say was that I made no reference whatever to the allusion of the Senator from Wisconsin that the Senator from Michigan had passed upon the question.

Mr. PLUMB. Mr. President, I objected to the passage of this bill when it was under consideration some days since, because, as I thought, it committed the Government to the payment of a large amount of claims which I conceived were of a similar character, and because this did not in fact differ in principle from a vast amount of claims which have been filed in the various Departments of this Government for the last twenty-five years growing out of Indian depredations. Some member of the committee, in response to the question of the Senator from Ohio, [Mr. MATTHEWS,] said that the committee had determined affirmatively that the Government was liable upon the principles of natural justice for the payment of something to Mr. Holladay upon the case as presented to the committee. Upon reading this report, I can only arrive at the conclusion that that was one of the questions decided by supposing that the committee had considered the precedents which they quote as having established upon the part of the Government that liability heretofore. I have examined the cases to which the committee refer with the exception of one, which I do not find, that of Livingston, Kinkead & Co., and I perceive that one of them does support, if a single case may be called a support, the idea that the Government is responsible to persons who have lost or suffered damages by reason of depredations of the kind herein stated. But I further find that since the time when the Government compensated any person for such damages, it has distinctly refused to recognize itself as being bound. On the 6th of April, 1860, the House Committee on Indian Affairs had before it the claim of Jacob Hall, a mail contractor, for damages precisely similar to this claim by Mr. Holladay. The statement of the case is contained in the report of the committee, which was afterward adopted by the House, and is as follows:

Mr. Hall was a contractor for carrying the mail between Independence, in Missouri, and Santa Fé, in New Mexico, a distance of about eight hundred and fifty miles, five hundred of which is through Indian country. The contract with the Post-Office Department was entered into April 24, 1858; and by it he undertook to carry the mail in six-mule coaches once a week, from July 1, 1858, to June 30, 1862, for \$39,999 per annum, payable quarterly.

It will be observed that the time covers a portion of the period covered by Mr. Holladay's contract. The contract contained the usual stipulations of promptness and fidelity on the part of the contractor, &c.

In September, 1859, in Kansas Territory, near Pawnee Fork the employes of the memorialist, then engaged in the transportation of the mail under the contract, were attacked by Indians, two of the men killed and a third wounded, seven mules and one horse carried away, and one mule so much injured that it was killed as an act of mercy, and other property connected with the train of various kinds destroyed or utterly lost to the owner.

The facts of the destruction and loss of the property afore-said and its approximate value may be regarded as established, although resting upon affidavits taken *ex parte*.

Three witnesses—one of whom was present and wounded, and the other two had knowledge of the property and that it was in use that at time and place—testify to

the loss and to the value in their judgment, estimating it in detail and making a total of \$2,608.

From this testimony the committee would feel justified and enabled to make up an award in favor of the memorialist, though for, perhaps, a somewhat reduced amount, if they could regard the Government as liable to indemnify him, which, however, they do not, but are of the opinion that he has no claim, legal or equitable, for indemnity directly from the public Treasury. They are not aware of any obligation on the part of the Government to insure citizens against loss from injuries perpetrated on their persons or property by Indians, any more than against loss from injuries to either by the wrongful acts of other citizens; and if it were otherwise, it would be questionable whether, in this case, compensation had not been made in advance for the hazard out of which the injury sustained by the memorialist has arisen.

The Government invites proposals for a certain service entire and complete, accompanied by a statement of the price for which it shall be done; the Government to furnish nothing and stipulating nothing, except to pay as it shall contract to do as the service shall be performed.

In such case it is the opinion of the committee that it is to be presumed that the party proposing, in determining upon the amount of compensation he will claim, will take into account the dangers as well as the difficulties and the requirements which the service will involve. It would most certainly be so in transactions between individuals, and the committee cannot regard it as likely to be different in those between the Government and its citizens. How far the amount of compensation in this case sustains this view, it is hardly necessary to inquire. Certain it is that in the contract with Mr. Hall there is no covenant on the part of the Government to protect him in the service, or to indemnify him for any losses he may sustain in its performance.

That, so far as I have been able to observe, is the last authoritative declaration or declaration of any kind by the legislative branch of the Government on this question; and if we are to be governed by precedent, the latest precedent, it seems to me, is the one that should apply. Whatever the Government may have done heretofore by way of gratuity or otherwise, however, is not binding. But here the committee, supported by the action of the House of Representatives afterward, say that the Government is not bound in such a case; that it is not dissimilar from the other classes of claims growing out of depredations by Indians, and that the Government is not bound to pay the party any portion of the damages he may have sustained; that the fact of his being a mail contractor made no difference whatever; and I take it that is the true rule.

Now, in the case before us Mr. Holladay made a contract in 1860. He was to receive and did receive from the Government a thousand dollars a day for carrying that mail, \$365,000 a year. Undoubtedly, in putting in his bid for that service and accepting the contract which was awarded him by the Government, he took into consideration the fact that Indian depredations then existed, as Indian depredations have always existed on that line. There has not been a period of twelve months since there was communication between the Atlantic and Pacific that Indian depredations have not been committed on that route. Mr. Holladay suffered no more than hundreds and thousands of other citizens have suffered who have attempted to carry on their legitimate business by transporting passengers, by transporting mails, by transporting goods, and by going themselves across that hazardous country, and they have not yet been awarded a hearing even before committees of this Congress or of any other Congress and have not received a single dollar of pay. And yet Congress has not been without official information upon this subject. In 1875, on the 9th day of January of that year, the Secretary of the Interior, in response to a resolution of the House of Representatives, transmitted to that body a list of the claims which had been filed for Indian depredations in his office, calling attention especially to them, stating what had been done with them, very many of which it seems by this report had been before that time transmitted to Congress, some of them back as far as 1866. Congress, therefore, has had before it for the last twelve years official information as to depredations committed by Indians upon its citizens, has been advised of their claims at its hands for damages, and yet never has acted upon one of them.

Now, Mr. President, if we shall pass this bill we shall put ourselves simply in the attitude of yielding to the importunity of one man out of the thousands who have suffered damages of this kind, and we shall deny, so to speak, the claims of thousands of others who have not made personal application to Congress for relief. Something of the history of that service and of the dangers attending it, I have been personally cognizant of. That entire line for many years before Mr. Holladay took his contract had been visited by hostile Indians, the ranches had been burned, and all property upon the line for hundreds of miles had been destroyed. During the time these losses occurred to Mr. Holladay, others incurred more losses, five to one, than he could possibly have sustained. From the Little Blue in Kansas, by way of Fort Kearney to Julesburgh, and from Julesburgh to Denver, and from Denver to Salt Lake, by both routes, by way of Fort Laramie and by way of Fort Halleck, there has not been a single mile of the road which has not been the witness of murder and the destruction of a large amount of property. But in view of all this destruction, in view of the fact that it has been published to the world and thoroughly known that such destruction has occurred, it has never been attempted to get relief from Congress, nor has Congress considered the idea of appropriating one single dollar for the payment of damages.

I object, therefore, Mr. President, to the passage of this bill unless there shall be incorporated into it a distinct and substantive provision that all claims of a similar character shall go before the same court for determination in the same way. Mr. Holladay himself presents in no aspect of this case a single claim for equitable or legal consideration that is not presented by every one of the thousands of

persons of whom I have spoken who have suffered damages of a similar character. More than that: this claim embraces a class of property which does not necessarily come within the terms of his contract. He has charged the Government in the affidavits which were placed before the Committee on Claims, and which form the basis of this claim, for damages on account of the destruction of his houses. The houses that Mr. Holladay built upon that line of road, every house, and every stable, and every corral were just as much his property for other purposes as for the purposes connected with the mail-route. The houses there were just as valuable for other purposes as the house of the ranchman was. In addition to the houses having been used, as the most of them were, for purposes connected with carrying the mails, they were used for other purposes connected with the overland travel. They were partially hotels for passengers who traveled in the stages; they were partly stores for the sale of goods to the ranchmen and to the persons who were engaged in the overland trade generally. A large proportion of this property was in no sense used by Mr. Holladay for the purposes incident to or connected with the carrying of the mails.

Mr. MITCHELL. Will the Senator allow me one moment?

Mr. PLUMB. Yes, sir.

Mr. MITCHELL. I ask the Senator whether, if this bill should pass and the case go to the Court of Claims, the court could, under the provisions of the bill, pay Mr. Holladay for the destruction of any stations, unless they were mail stations and used for that purpose?

Mr. PLUMB. I have not the bill before me, but the provisions of it are very sweeping.

Mr. MITCHELL. The terms of the bill certainly do not, and could not by any possible construction, include any other kind of a house or station or building that Mr. Holladay might have had on the plains for any other purpose.

Mr. PLUMB. The bill is unfortunately drawn, if that alone was the idea.

That the claim—

I quote now from the bill:

That the claim of Benjamin Holladay, now before Congress, for spoiliations by hostile Indians, on his property, while carrying the United States mails, during the existence of Indian hostilities on the line of said mail-route.

It does not by its terms exclude property which he might have used for other purposes. Whether it was so intended or not, of course I do not know; but certainly the language itself does not operate to exclude from the consideration of the Court of Claims property other than that which he might have used for the purposes of his contract with the Government.

Some stress is laid by the committee upon the order of Colonel Chivington, or rather upon the letter of Colonel Chivington, addressed to Mr. Holladay, of the date of December 2, 1864, in which he says:

I am directed to furnish your line complete protection against hostile Indians, which I can only do by its removal from the Platte to the Cut-off route. As it now runs, I am compelled to protect two lines instead of one. You will therefore remove your stock to the Cut-off route, which will enable me to use troops retained for an active campaign against these disturbers of public safety.

It is assumed from that letter that Mr. Holladay was obliged to move upon the route named by Colonel Chivington. The terms of the letter do not seem to warrant such a conclusion. Colonel Chivington only said to him in substance, "If you want the protection of the Government, in view of the position of the forces here you must move your line." Mr. Holladay was in no wise obliged to move. It was in no sense a constraint upon him to do so, and any damage he may have incurred by it, it having been an act which he did voluntarily and for his own purposes, he ought certainly not to be paid for. The Government assumed to protect all travel upon that line. The commanding officer of that department issued an order requiring all trains departing from Fort Kearney to organize after military fashion. He forbade any trains moving with less than a hundred wagons, and required every man of a train, in whatever capacity he might be, to submit himself to military orders under the command of a captain to be chosen under the direction of the post commander, and that array was directed to be kept up until after the line of the Indian country had been passed.

If this letter of Colonel Chivington to Mr. Holladay promising him protection if he would move his route has bound the Government to pay for that property, then ought not the Government, on account of the control which it assumed over the property of every private citizen who traversed that route during those years, to be bound to pay them also? Mr. Holladay undoubtedly was promised protection by the Government. It is a part of the history of that time that about the period when his route was established he got into some trouble at Atchison on account of his property being seized by legal process. He came here to the Postmaster-General with a letter from a prominent politician in my State, countersigned by the President of the United States, asking the Postmaster-General to give him assistance in getting that property out from under judicial process. If this order or letter of Colonel Chivington on the occasion of the Government urging him to go on with carrying the mail and promising him protection warrants the Government in paying these damages at this time, then by the same token, on account of the interest which the Postmaster-General and the President of the United States took

in that legal process, by which his property was tied up in 1861, the Government became bound to respond to him in any damages that he might have incurred by reason of his property having been so taken, or by reason of the failure of the Government of the United States, represented by the Postmaster-General and the President, to take it out from legal custody.

Instead of being in the line of precedent established by this Government, the action here proposed is directly in opposition to precedent. If the Committee on Claims will say that they intend by the bill to recommend, in substance, that all Indian depredations shall be compensated for, that all the damages that men under the promise of protection on the part of the Government have incurred by reason of their going out on the border are to be paid, then there would be some logic and some justice in the proposed passage of the bill; but as it is there is none. We are simply yielding to the importunity of a man who has opportunities for this purpose pressing it on Congress, and discriminating by that act against the men, poor and needy, on the border who have not the time, have not the opportunity, and have not the means to come here and beseech Congress to do the same thing on their behalf, although they are in the same fix.

If this obligation for protection has any foundation whatever, it means that every citizen wherever he goes under the flag carries with him a right to protection which the Government is bound to respond to either by having at every single spot at every moment of time all the troops that may be necessary for that protection or by paying him in damages all that can result to him by reason of the failure to have the troops there at that time. Every man who has gone on the frontier carrying with him civilization has carried with him also the right to the protection of the flag to just as full an extent as Mr. Holladay or any other Government contractor could have done.

The proposition contained in this bill, that the affidavits which have been filed with this claim shall go before the Court of Claims as testimony, seems to be extraordinary. I think it will not be denied that the Government has a poor enough chance at all events any way, without extraordinary remedies being given in its litigation with its own citizens. I think as a general thing judgments for a larger amount on the same state of facts are rendered against the Government than would be rendered against a private individual. But in this case this proposition is not merely to give the Government the same chance an individual would have, but to take it at a disadvantage. It seems to me to be going a great way.

I object to it further because of the contents of these affidavits themselves. I have read them. They set the value of houses on that route at \$2,000, mere shanties that never were worth one quarter of it, and yet we propose here to send those to the Court of Claims under the sanction of this Congress as testimony to the full extent to which any declaration may be testimony, and provide no adequate means really of contradicting them. If Mr. Holladay is to go there at all he ought to go simply as any citizen goes, under the same burdens that any citizen goes. There are hundreds and thousands of cases occurring every day and being tried where men fall short of recovering that which they ought by reason of the absence of some testimony which perhaps at an earlier period might have obtained; and yet the Government should not venture in any case and no government ever has undertaken to supply such lack, and there is no obligation on the part of the Government to Mr. Holladay which warrants his being taken out of the ordinary category and put in a position more favorable to himself and less favorable to the Government than individuals are themselves in their own controversies.

But I say, Mr. President, beyond all, that this bill itself is wrong. It is wrong in its discrimination. It is a violation of the recognized rule which this Government has established by its non-action in regard to depredations of this kind. It would be wrong as a discrimination against poor men who have suffered for years under the losses which they have sustained, which the Government should pay just as well as the losses that Mr. Holladay has sustained. If, however, the bill is to be passed in any shape whatever it ought at least to give to the Government the chance to defeat the rendition of a judgment for damages which in no sense, to no purpose, grow out of this contract, for property destroyed which in no sense was necessary for the carrying of his mails; and it ought further to guard against payment for the destruction of property which might have been avoided by the proper exercise of diligence on his own part. If the stages had been defended as they might have been defended, a majority of them at all events I think would not have been destroyed. The Indians very rarely attack coaches on that line. They were the last things they cared to attack usually. They would waylay a train; they would stampede the stock on a train; a hundred other things they would do before they would attack a coach; and I have known a coach to go, with four men only as a guard, with five or six or eight men on the inside, right by two hundred or three hundred Indians, and they would not attack it at all. As a general thing wherever they did attack one where it was properly defended it never was taken.

So I think the Government should be guarded, if this claim is to go at all, as against payment for property which in no sense was necessary for the carrying out of this contract, and second against the payment for property the destruction of which was in any sense due to Mr. Holladay's own lack of diligence or a lack of diligence on the part of those whom he employed to take charge of it.

Mr. CAMERON, of Wisconsin. Mr. President, this, in my opinion, is an exceptional claim. The Senator from Kansas [Mr. PLUMB]

classes it with the thousands of claims now on file in the departments of the Government for damages arising from Indian spoliations. That matter was considered by the Committee on Claims; and if the Senator from Kansas had taken the pains to read the report of the committee, I think he would not have made that statement. The Committee on Claims distinctly distinguishes between this claim and the class of claims to which the Senator from Kansas has referred. The facts in regard to this claim, out of which it arose and upon which the Committee on Claims saw fit to recommend its reference to the Court of Claims for adjustment and settlement, I will state briefly, because the report made by the committee has not yet been read.

In 1860 Mr. Holladay entered into a contract with the Government to carry the great overland mail. By the terms of this contract he agreed to carry that mail daily from Omaha, on the Missouri River, to Salt Lake City, in the Territory of Utah. He was the lowest bidder for this contract and consequently received the contract from the Government. After he entered this contract he at once went to work making preparations for carrying it out. The distance was very great. The most of it was through an uninhabited country and the larger portion of it over a desert country. In order to enable him to carry out the terms of his contract he purchased and stocked his line with nearly two thousand horses and mules, with hundreds of coaches, and employed about five hundred men as drivers and other necessary employes.

The Senator from Kansas stated that Indian hostilities existed upon the line at that time, at the time the contract was entered into. If there were any, they were very inconsiderable. But after the contract had been entered into and after Mr. Holladay had stocked the line and after he commenced the carrying of the mail the great civil war broke out. It soon grew into great proportions. The Indians ascertained the fact that the United States required its military forces in another part of the country, and very soon hostilities broke out, and these hostilities instead of being confined to a few Indians or to a few localities were very extensive indeed. Mr. Holladay's coaches that took the mails were burned; his stations were burned; the property that he had accumulated for the sustenance of his men was to a great extent frequently either stolen or destroyed; his drivers were killed; his other employes were killed. Mr. Holladay, with that persistence and determination which up to that time had characterized him and which since have characterized him, endeavored by making every exertion to carry out the terms of his contract, but the loss of property was so great, the Indian hostilities were so extensive that he came to the conclusion that it would not be possible for him to continue to perform the terms of his contract. Having reached that conclusion, he came to Washington, interviewed the then Postmaster-General, and explained to him the difficulties under which he was laboring. He was referred by that officer to President Lincoln. He informed President Lincoln that it would not be possible for him to carry out the terms of his contract unless he received military protection. The President urged him to continue to carry the mail. He explained to him the importance of continuing communication between the Atlantic and the Pacific States, and assured him that the Government would furnish him adequate and sufficient military protection. Upon that assurance Mr. Holladay returned to the plains.

Mr. PLUMB. Allow me to ask what date was that?
Mr. CAMERON, of Wisconsin. Eighteen hundred and sixty-two, perhaps, or 1863; I am not positive. It is not material about the date for the purpose of what I am now saying. But this appears from the evidence on file before the Senate and which was considered by the Committee on Claims and which the Senator from Kansas said he had read. The Government did attempt to furnish military protection, but it was not sufficient to protect Mr. Holladay in the performance of his contract. His horses and mules were stolen or stampeded, his coaches were burned, the provisions that he had accumulated were stolen or destroyed; I do not mean all of them were, but very many of them were. Mr. Holladay again returned to Washington and again had assurances from the President that the Government would furnish him with ample military protection.

This is one class of claims, or one class of damages, to speak more properly, for which Mr. Holladay claims that equitably he is entitled to compensation. Now, to show what the Government did at one time in reference to protecting this line I will call the attention of the Senate to an order made by the military commander in that district. I will first read an extract from the report of the committee and the order in connection:

Your committee further find from the testimony that, during the time said Indian depredations were being carried on the Government of the United States, through the military authorities, undertook to give protection to said memorialist and to guard his said mail route and property from further interference on the part of said Indians; and, in order to give such protection, said Holladay was, by military orders, compelled to change the line of his said mail route to parallel lines far distant from the first route; that on the 2d day of December, A. D. 1864, Colonel J. M. Chivington, then in command of that military district, issued the following military order:

HEADQUARTERS DISTRICT OF COLORADO,
Denver, December 2, 1864.

SIR: I am directed to furnish your line complete protection against hostile Indians, which I can only do by its removal from the Platte to the Cut-off route. As it now runs, I am compelled to protect two lines instead of one. You will therefore remove your stock to the Cut-off route, which will enable me to use troops retained for an active campaign against these disturbers of public safety.

I am, sir, with respect, your obedient servant,
J. M. CHIVINGTON,
Colonel Commanding District.

BENJAMIN HOLLADAY, Esq.,
Proprietor Overland Stage Line.

Pursuant to that order, Mr. Holladay did change the stage route and, as appeared from the evidence before the committee, the change was made from the then route to a route about thirty miles north of the original one, and the length of that change, I think, was somewhere from seventy-five to one hundred miles.

Mr. MITCHELL. Over one hundred miles?

Mr. HEREFORD. It was one hundred and forty miles.

Mr. CAMERON, of Wisconsin. One hundred and forty miles, the Senator from West Virginia says, which I think is what was shown by the testimony. The first class of claims for which Mr. Holladay asks compensation, claims that he is entitled to it equitably, is the class of claims that arose from damages to his property directly by the spoiliations of hostile Indians. He claims that upon the ground that the Government distinctly agreed to furnish him with adequate military protection and that under that assurance and under that assurance alone he went on with the performance of his contract.

The second class of damages for which he claims compensation is the damages resulting directly and immediately from the change of route made necessary by the military order which I have quoted; and I submit, Mr. President, that he is not only equitably but legally entitled to compensation for the direct damages resulting from that order.

A third class of claims, to which the Senator from Kansas has not alluded at all, grew out of the fact that the provisions and supplies which Mr. Holladay had accumulated at the various stations along the line of the mail route were taken and appropriated by the military forces of the United States. In 1864 the Government needed its troops in the Southern States. It was very difficult for the Government to spare the troops necessary to guard this route. Under that state of affairs, as I am informed, certain irregular troops from the State of Kansas were hastily got together and sent out upon the line of the overland mail route to protect it. These irregular troops were what many years ago when I was a boy in the State of New York were called "flood-wood." They were armed with broomsticks and hoe-handles and dilapidated missels and demoralized army guns. Their costume was picturesque, if not uniform. Now, I am told, and this is a part of the unwritten history of the border to which the Senator from Kansas has referred, that that Senator was one of this host. These troops, although they were different in almost every respect, were entirely agreed and uniform in one particular; that is every one of them had an enormous appetite. They were brave men, they were ready to charge a camp of hostile savages at any time, at any moment of the day or night, but they were more than ready—

Mr. PLUMB. If the gentleman will allow himself to be interrupted, I do not care about this narrative, but it is the most purely imaginary thing any person ever gave utterance to. There was not a single militiaman of the State of Kansas ever on that line during those years at all. The only Kansas troops on that line were volunteer regiments that had then been in the service nearly the maximum time for which they had enlisted, and were seasoned veterans, if I may so speak. The picturesque, motley crowd, of which the Senator speaks, existed only in imagination.

Mr. CAMERON, of Wisconsin. I stated that it was a part of the unwritten history of the border, and the unwritten history is sometimes not entirely accurate. But the Senator from Kansas referred to the personal knowledge which he has of this claim and of its justice; and he omitted to state one ground upon which Mr. Holladay claims compensation; one class of claims for which he claims that legally as well as equitably he is entitled to be paid, and that is that his provisions and supplies were taken and appropriated by the military forces. I would not for anything say a word against the Kansas troops. I do not want the Senator from Kansas to understand that I was about doing so; but I think perhaps I can truthfully say that the Kansas troops have a taking way with them when they are in military service, [laughter.] They are supposed to take whatever is necessary to their sustenance and comfort, without much regard to who the owner of that property at the time happens to be. Now, as illustrative of this, I will take the liberty of relating an incident which was detailed to me by an officer of a Wisconsin regiment who accompanied General Sherman on his celebrated "March to the Sea." It took place while the Army was marching through Georgia.

One day this officer, who was colonel of the Twenty-fifth Wisconsin Regiment, rode up in front of a very respectable-looking house which stood by the roadside. A very venerable man was on the gallery of the house, and he evidently was in deep distress about something. As the colonel of the Twenty-fifth Wisconsin Regiment rode up he was accosted by this old gentleman who stood on the gallery of the house, who inquired of the colonel if he commanded those troops. The colonel was compelled to admit that they were a part of his command. "Well," said the old gentleman, "they have utterly ruined me. They have taken every particle of personal property that I had in the world." The colonel looked around and he noticed one man who had a turkey in his hand, another who had a chicken, another who had a ham, another who had a very large piece of bacon, and another, more enterprising, with a live pig. "Well," said he, "the boys do seem to have helped themselves rather liberally, but I can't do anything about it;" and, intending to perpetrate rather a grim joke, he said to this gentleman, "I advise you to make out your bill for damages and present it for payment to the confederate congress at Richmond." "Well," said the old gentleman, "I see that you will not assist me in this matter at all, but, thank God, I have

one treasure that even the Yankee soldiers cannot deprive me of." The curiosity of the colonel was a little excited, and he said to him, "My friend, I do not design to be too inquisitive, but I should really like to know what treasure you refer to." The old gentleman assumed a reverent attitude, and looking up to heaven said, "a treasure in heaven, where moth and rust do not corrupt and where thieves"—giving the colonel a withering look—"cannot break through and steal." "Well, now," said the colonel, "I would advise you as a friend not to be too certain about the safety of the treasure to which you refer because the Seventh Kansas is just in my rear here, and I rather think when they come up they will deprive you even of that." [Laughter.] I inquired of the colonel whether they did or did not. "Well," said he, "I cannot really tell; I had to move on with my command; but if those Kansas jayhawkers did not deprive that pious Georgian of the treasure which by a long life of self-denial and righteousness he had laid up in a better land, it was for the reason, and only for the reason, that not a man among them considered such a treasure of any value whatever." [Laughter.]

This is a digression which the interruption of the Senator from Kansas has betrayed me into. I now will come back to a discussion of this bill. This bill simply provides that the claim of Mr. Holladay for these three classes of damages, first spoiliations by the Indians, second the direct damages resulting from the change of route made necessary by this military order, and third the value of the supplies taken by the military authorities and actually used for the benefit of the Army, shall be referred to the Court of Claims for adjudication and settlement. It provides that the affidavits heretofore taken in support of this claim shall be referred to the Court of Claims and that they shall be competent evidence—not sufficient evidence, but simply competent evidence.

As I remarked on Thursday last, the friends of this bill are willing to accept the amendment then offered by the Senator from Ohio [Mr. MATTHEWS] though the bill itself provides that the persons who have made these affidavits may be caused to go before the Court of Claims and be cross-examined. The amendment proposed by the Senator from Ohio provides distinctly that the court shall have power in its discretion to require that they shall be brought before that court. I have sufficient confidence in the judges constituting that court to believe that if justice and equity require that those witnesses shall be brought before it, then it in its discretion will order them to be brought before it. If they are not so brought, the court in its discretion may exclude the affidavits altogether.

The Senator from Kansas seems to be apprehensive that the Government will labor under great disadvantage in this case if it shall be submitted to the Court of Claims for adjudication. I do not entertain that fear at all. The Government is perfectly able to protect itself. It has at its command the best legal talent in the United States, and I think it has all the money necessary, and I have no doubt that the vigilant and competent persons who will have charge of this matter on the part of the Government will see that the Government has full justice in the trial of the case.

Mr. PLUMB. Mr. President, the statement of the Senator from Wisconsin as to part of the unwritten history of that time was undoubtedly made with a design of having some effect, whether true or not. I may as well say here first as last that I do not feel called upon to defend the Kansas troops. I am well aware that it was sometimes a habit among the Wisconsin troops and some other troops in the Army to charge to Kansas troops delinquencies they were themselves guilty of, and I recognize the story of the Senator from Wisconsin as being precisely of that character, because the Seventh Kansas was not on the Sherman raid at all. I have no doubt that that same story was repeated to every poor Georgian who was plundered by the Wisconsin people or by the Iowa people or by any other class of troops that found themselves under the necessity perhaps of defending their acts in some extraordinary way.

But coming back to this question of the destruction of property on this overland route, there was not during the entire war a single troop from Kansas on the route until I took my own regiment out there in the spring of 1865, and as long as this matter has been mentioned I may say further that while on the route, and while under direction to see that that mail was carried at all hazards, I did carry it on nearly three hundred miles of the route of Mr. Holladay for nearly two months, during which time he had not a teamster or a mule of his own on that part of the line—carried it with Government mules and Government horses, with Government private soldiers as drivers. Now, I submit that if this man is to be paid, the Government is entitled at least to a reconpmment for the full amount of that service so rendered. It was a part of it which I did not care to say anything about. More than all that, it was a part of the unwritten history, and it was a part of the history in the mouths of all men along that route, that every time a coach was taken there were at least a dozen mules counted against the Government that had not been taken at all, and that was the talk among Mr. Holladay's employes themselves. I say from the knowledge I have that I believe two-thirds of this claim is just as base a fraud as was ever attempted to be imposed on the American Congress.

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

Mr. PLUMB. Undoubtedly.

Mr. MITCHELL. How can a claim which Congress proposes to submit to the adjudication of one of the highest courts in the land be a fraud on the Government in so far as the adjudication of the claim is

concerned? If it is a fraud, then undoubtedly the court will declare it a fraud and Mr. Holladay gains nothing by the reference. If any part of it is a fraud, undoubtedly the court will so decide. If the claim is right, then is it not right that Mr. Holladay should have his day in court?

Mr. PLUMB. Mr. President, I simply take the bill as I find it; I take the methods that are used here in advocating it; I take the unwillingness of the persons who propose this bill and advocate it here to submit the claim of Mr. Holladay to the ordinary rules of evidence. I do not say that this is all a fraud in fact. There may be a fraud in law as well as a fraud in fact; but I say take the claim clear through—I am judging now by the affidavits that are on file and by nothing that appears on the face of the bill except what I have stated—and the bulk of it is not a claim which, even on the assumption of the Committee on Claims on the foundation on which they put it, ought ever to be considered at all; and yet I venture to say that the Senator from Oregon or the Senator from Wisconsin will not offer, if he can help it, a single amendment eliminating from it any portion of the claim that ought not to be allowed.

Mr. MITCHELL. Allow me?

Mr. PLUMB. Certainly.

Mr. MITCHELL. The Senator from Kansas assumes considerable when he gets up before the Senate and speaks about the action of a committee that he is not on, and about a case that he has not investigated, and undertakes to characterize it as a fraud before this Senate—a claim which the full committee has decided is not a fraud. All I desire to say is that the Senator assumes considerable when he assumes that position before the Senate. As a matter of course he has a perfect right to assume that position or any other position; but all I desire to do is to call the attention of the Senate to the fact that it is assuming very much to say the least.

Mr. PADDOCK. I should like to inquire of the Senator from Kansas if the facts in relation to the transportation of the mails by himself and his regiment, which he has narrated to the Senate, are facts which were in evidence before the committee?

Mr. PLUMB. It is singular that this committee, which the Senator from Oregon has lauded so, should come to me for information as to what took place before that committee.

Mr. MITCHELL. I have not come for information. The Senator from Nebraska is not on the committee, and I do not want the Senator's information because I have informed myself.

Mr. PADDOCK. From the confident statement of my friend from Kansas I supposed these were matters of general notoriety, and that possibly he might know they were in possession of the committee.

Mr. PLUMB. I do not know anything about the proceedings of the committee except what appears in this report.

Mr. PADDOCK. I desire to state to the Senator that I am not on the Committee on Claims.

Mr. PLUMB. I supposed the Senator was on the committee.

Mr. PADDOCK. Not at all.

Mr. PLUMB. I repeat, Mr. President, what I have said, that the bulk of this claim is a fraud, and I say that that statement—

Mr. MITCHELL. The Senator's assertion does not make it so.

Mr. PLUMB. I say that unless the Senator from Oregon is more sensitive than I am he will not take that personally to himself. I say that that does not in the slightest degree impugn this report. I am speaking of the facts that are back of it, but which I think ought to be covered by the provisions of the bill, one of which is now pending before the Senate on the motion of the Senator from Michigan.

I have spoken further about this matter for the reason that the Senator from Wisconsin, jocularly of course, but at the same time with the purpose of showing that in some way there was something that was hidden or something that had been taken from this man that accounted for my anxiety to oppose the bill, attributed to the troops from Kansas the taking of the supplies which Mr. Holladay claims he lost on that route and which went into the hands of United States troops. I say that part is entirely without any foundation. Upon the supposition, therefore, that that statement is just as true as any other statement that has been made in regard to it, on that test of a part of the unwritten history of that or of some other time, I might be warranted in saying that it is all a fiction from beginning to end, because that is purely so.

Now, Mr. President, I come back to the question of this order. It will be observed that this bill is indiscriminate in allowing Holladay pay for all the loss which he incurred while carrying that mail. It does discriminate in favor of the property which he lost which he was using for the purpose of carrying the mail; it does not limit it to the time after the issuance of this so-called order. Consequently the order cuts the smallest possible figure in this case. It is nowhere stated in this report, nor is it stated by a single member of the committee on this floor, that Mr. Holladay did not receive ample pay in the \$365,000 per annum which he was to receive under his contract. It is true that the argument of this committee all the way through is upon the assumption that as the Government was bound to have that mail carried it was bound to respond in damages to Mr. Holladay for all he lost while carrying the mail. But the obligation to carry the mail was all on the part of the Government until that contract was let out and then it became the obligation of Mr. Holladay, and in assuring Mr. Holladay that he should have protection in carrying the mail Mr. Lincoln and his Postmaster-General or any other

authority of the Government only did what it did nearly every day during that time with reference to the men who were pushing out upon the border and with reference to the men who were carrying freight across the plains. They did it in regard to all of them. There was not a man who had a train to take from Leavenworth or Omaha to Salt Lake City that did not importune the military commanders for help and did not receive assurances that he should have protection. They all stood on precisely the same footing; and by the same token if Mr. Holladay is to be paid, those men whose trains were plundered, whose mules and cattle were run off by the same Indians, ought to have their pay also, because they were under the promise of protection of the Government. The Government did assume and did try to protect Mr. Holladay. It did protect him in a larger measure than it protected anybody else engaged in business on the plains during those years. It intended to do it. It did it for its own purposes. It wanted the mails to go through notwithstanding it cost more by the effort to do it than would have been required if it had not had it to do; but it did it, and the fact that it assumed to do it, the fact that it cost thousands and hundreds of thousands of dollars in order to do it, instead of constituting a claim on the part of Mr. Holladay against the Government, ought to be the other way. The Government spent money, spent lives, in protecting that route, just as it spent money in protecting other private property; and yet no one is to be indemnified but he, a mail contractor, having a contract large enough, intended to be large enough to cover all the contingencies of that service, and it is large enough to cover them. He is the only man who comes in here and seeks to be repaid for his losses!

I say that even under the theory which the committee sets out the bill ought to be amended so that it shall not embrace damages other than those resulting directly to him in carrying the mail. I deny also that that itself ought to be included; but if that is the purpose, as this report seems to undertake to say, then the bill ought to be so amended as that only those claims and no others shall be allowed to be proven before the Court of Claims.

When I spoke of the time during which Mr. Holladay had no mules, had no employes on the line of the route, it was only for the purpose of bringing out to some extent the history of that time, and showing exactly what the condition of things was. During that time Mr. Holladay received fifty or sixty thousand dollars, or a large sum of money at all events, for services rendered on that route when he rendered none whatever.

Mr. CHRISTIANCY. Mr. President, I do not propose to go into any question in this case except what is involved in the amendment which I presented. That amendment I still think is one which ought necessarily to be applied to this bill. This case, like any other case, is just what it may be proved to be, and not what speeches here may make it, either for or against it. It is to be submitted to a legal tribunal for decision. It should be, therefore, submitted upon evidence; and if this claimant is a fair man, and is seeking for nothing but what is fair, why, let me ask, is he not willing to submit his claim upon the same kind of evidence that you or I or any other citizens would have to submit our claims in a court of justice; that is, upon legal evidence, and upon legal evidence alone?

Mr. CAMERON, of Wisconsin. If it will not interrupt the Senator—

Mr. CHRISTIANCY. If the Senator will wait until I get through, I shall be very glad to have him do it.

Mr. CAMERON, of Wisconsin. I merely wanted to reply to that interrogatory.

Mr. CHRISTIANCY. Very well.

Mr. CAMERON, of Wisconsin. The answer will be very brief, and it is this: Mr. Holladay presented his claim to Congress nearly ten years ago; Congress took no final action upon it; the witnesses who were present at the time it is alleged these losses occurred are dead and scattered.

Mr. CHRISTIANCY. All of them?

Mr. CAMERON, of Wisconsin. Very many of them; the greater number of them; and the reason—and I think it is an equitable reason—why these affidavits should go before the Court of Claims for what they are worth is that it will be a denial of justice to this claimant if he is deprived of their testimony; and, as I stated, they are dead and scattered and cannot now be produced.

Mr. CHRISTIANCY. Now, since the Senator has asked me a question, will he submit to a little catechism from me?

Mr. CAMERON, of Wisconsin. With pleasure.

Mr. CHRISTIANCY. How many of those witnesses are dead, to begin with?

Mr. CAMERON, of Wisconsin. I have no personal knowledge of this case and cannot answer that question.

Mr. CHRISTIANCY. The Senator cannot answer the question. Then how many of the witnesses are inaccessible; how many of the witnesses has he evidence to show are inaccessible? Will he answer that question?

Mr. CAMERON, of Wisconsin. My statement was that the principal part are either dead or inaccessible.

Mr. CHRISTIANCY. Is that anything more than general information?

Mr. CAMERON, of Wisconsin. Of course it is as I state. This occurred years ago on the frontier.

Mr. CHRISTIANCY. That may be the probability in the mind of

the Senator from Wisconsin, but it is not the probability in my mind, and I will state the reasons why. His own report shows that Mr. Holladay himself states his case in this way: that he had in his employ there over four hundred and fifty men; and now, from 1864 down to this time, is it at all probable, taking the chances of human life and other vicissitudes, that those witnesses are all dead or all so scattered as to be inaccessible? I submit that as a question of probability to the Senator. I do not believe one word of it, whatever the Senator may believe. Four hundred and fifty witnesses he had then. Now, do you tell me that there are not men enough living to prove his claim? Mr. President, it is not half as hard a case as happens to individuals daily. I have known a great many excellent cases fail because there was no evidence to prove them. It is one of the common fatalities of men who may happen to go to law. And now I must say that while I know nothing of whether there is fraud in fact here or not, it is to me one of the strongest possible badges of fraud that this claimant is not willing to submit his claim to the adjudication of a court upon such evidence as is admissible in all other courts, but wants the privilege of *ex parte* affidavits to help him along. Why, Mr. President—

Mr. CAMERON, of Wisconsin. Mr. President—

Mr. CHRISTIANCY. If the Senator will allow me now to proceed until I get through, he will much oblige me.

Mr. CAMERON, of Wisconsin. Well.

Mr. CHRISTIANCY. Mr. President, such a proposition as that would strike any man with astonishment if Senators and members of Congress had not already become familiarized with the idea that the Government is a goose to be picked.

Mr. MITCHELL. Will the Senator allow me to make a suggestion?

Mr. CHRISTIANCY. I yield now.

Mr. MITCHELL. The Senator from Michigan—and I am surprised at the remark—says that it is one of the strongest badges of fraud that this claimant will not allow his case to go to the Court of Claims like any other man. Now, let me remind the Senator from Michigan that the claimant in this case has nothing to do with this matter. The claimant came and asked a direct appropriation from Congress upon a case presented by him sustained as he supposed by *ex parte* affidavits, the only way that he could be heard before Congress. The Committee on Claims, by a unanimous conclusion, decided against the claimant's application in that respect, and decided upon another plan by which his rights should be adjudicated without any consultation whatever with the claimant, and decided, under all the circumstances of the case, many of the persons who had knowledge of his claim being dead, that inasmuch as the committee would not make a direct appropriation therefor, as a matter of simple justice and of right, the affidavits should go to the Court of Claims, giving at the same time to that court the power and the right to not only call the persons making the affidavits, if they were living and could be had, but the further right of calling any other witnesses on the subject that the Court of Claims, backed up by all the power of the Government, desired to call in order to get down to the bed-rock of this case. Now, then, I simply say to my friend from Michigan that it is an injustice, of course not intended by him, but it is an injustice in effect, a gross injustice to this claimant, to say that because this bill proposes to submit the case on these affidavits and any other testimony that the Government may desire to call there is some badge of fraud attaching to the claimant. It is all wrong and it is unjust, I know not so intended by my friend, but the effect is all the same.

Mr. CHRISTIANCY. Mr. President, I have failed yet to see (it may be owing to my stupidity) why this case should be distinguished from any other in respect to the evidence by which it is to be proven. The Senator from Oregon says the claimant is not interested in this matter. How? He says he presented his claim to the Committee on Claims and asked for compensation, and upon those affidavits. What further does he say? That the committee refused that and chose to send the claim to the Court of Claims. Now comes up the point, when you get it to that tribunal, upon what testimony the case shall be submitted to the Court of Claims. The Senator seems to think it ought to be submitted upon those affidavits as well as other testimony, because these affidavits were admissible in the committee. But why do we receive affidavits in committee? From necessity, and from necessity only. We have not, like courts, the machinery and the power to bring witnesses before us and subject them to cross-examination and hear counsel. Of necessity we must in committee act upon *ex parte* affidavits; but no such necessity exists in a court which can call witnesses before it, can issue commissions to take their depositions.

Mr. CONKLING. Mr. President, it is not often my privilege to listen to a debate in the Senate so gratifying to me as this. Hostility to Mr. Holladay, if such there were, would not gratify me, because he is a man of great energy who has achieved large things, and I feel a sympathy for him. During my service in Congress, however, I have been always, and not less so of late, somewhat solicitous touching the prosecution and the successful prosecution of claims before the two Houses; and now that I see the honorable Senator from Michigan and the Senator from Kansas so alert and circumspect as they are lest advantage be taken of the Treasury, I take fresh heart and enjoy the eternal vigilance by which hereafter I hope we shall profit. And still

I feel inclined to vote for this bill; I feel inclined to vote against the amendment proposed by the Senator from Michigan and I am moved for a moment to state the reasons why.

This claimant came to Congress long ago with the claim he professes now. His claim has been buffeted about with varying fortunes in different years. It has passed both Houses of Congress; it has received the approbation of other committees in each House. Once it was wrecked by a disagreement in a conference committee somewhere for some reason, and once the Post-Office Committee failed to agree, being as I am told all in accord upon the finding that the claim was meritorious, that the Government owed the claimant, but being unable at that time to adjust, to weigh in golden scales so as to feel safe in stating an exact amount. Having been prosecuted for a long time upon the theory of most congressional claims, it came again in the same guise; and the Committee on Claims, a very intelligent committee I may say without impropriety, a committee in which I think the whole Senate has confidence by unanimous judgment, if I am correctly informed answered the petition with the pending bill. They did so because this Government had come to be one of those choosing to subject itself to suit, choosing to allow itself to be made defendant in a judicial court created by itself; and finding such a tribunal the Committee on Claims said "although we answer negatively the petition, we refer this whole matter to that judicial court which the United States has created, into which it allows itself to be invited as a defendant." What else did the committee do? Something special to this case, we are told. Yes, something special, but something I conceive not at all objectionable, provided the Senate will adopt the amendment offered by the Senator from Ohio [Mr. MATTHEWS] and of which I will say a word in a moment.

The committee said this case, somewhat eaten as it is by the tooth of time, somewhat covered over with the dust of delay interposed by Congress, shall be tried not exactly as a fresh case would be tried between the living, not exactly as some recent transaction might be presented upon oral testimony; but because of the delay, because of the distant and scattered scene of these transactions, because of other special circumstances which we the committee note, it shall be tried, deeming as admissible in evidence certain papers. That is not unusual Mr. President. It was only the other day that the Senator from Maryland [Mr. WYTHE] who this instant comes into the Chamber, called up a bill the whole purpose of which was to transmit and to transplant into a judicial tribunal a certain paper, specifying it by name and declaring that it should be competent testimony. The general rules of evidence which have been talked about here were not deemed sufficient in that case, and so it is very frequent—perhaps I ought not to say nothing is more common, but it is far from unusual—for an order of a court or an order of a legislative body carrying down an issue for trial to contain some special direction touching the evidence on which that issue may be tried. So here it is provided that these affidavits gathered and stored on the files of the two Houses, the affidants in which are dead and cannot be called, may be used in evidence. The honorable Senator from Ohio, very providently and aptly as it seems to me, from hearing his amendment, proposes that the Senate shall say that in the case of each affiant the court shall have power to require the man himself to be produced and cross-examined, or in default of his production to disregard entirely his affidavit.

Mr. President, if we assume that the Court of Claims is honest and diligent, if we assume that the tribunal is as safe as Michigan's tribunal was when the honorable Senator before me graced the bench in his State, certainly we run no great risk under the peculiar circumstances here in saying that the Court of Claims may peremptorily order the production to testify *ore tenus* of every man who has spoken by deposition, and if not produced may strike out the deposition advanced in his stead. Therefore, aided by the amendment which will be reached in a moment, and which I hope will be adopted by the Senate, because I can see that without it there is danger, it seems to me that there is nothing hazardous or improvident in this bill. On the other hand, in the face of what we are told by the committee, I think we should hardly be warranted in doing two things, and they would both result from adopting the amendment of the Senator from Michigan. We should hardly be warranted in saying, first, "We refuse to pass upon this claim ourselves; although both Houses of Congress and several committees have adjudicated in its favor in past years we refuse to pass upon it; and having done that we refuse to turn it over to the Court of Claims on any terms save those terms of requirement as to the testimony to be produced which we see in advance you may not be able to comply with; and that notwithstanding we ourselves in past Congresses have interposed the delay which alone renders it impossible for you safely to abide by the customary rules of evidence."

In other words, Mr. President, I think we are bound to make some allowance for the fact that this claim came here, I am told at least a decade ago. Did it not?

Mr. MITCHELL and others. It did.

Mr. CONKLING. Senators around me say as long ago as that. It came here ten years ago. Now the law favors a diligent creditor. This man has been diligent; he has pressed his claim; and now at the end of ten years I think we are hardly warranted in saying we will not pass upon this claim, unless we are ready at the same time to say, you may submit it to a judicial tribunal, and under such circum-

stances as to compensate you in part at least for the delay which Congress itself has inflicted. If it were a delay resulting otherwise, I think there would be more force in what has been said, but we have no right to become executors of our own wrongs. This is delay inflicted upon a diligent claimant. Pass upon his case or put him in *statu quo*: that is what equity says. That is what this bill will do in my belief, provided the amendment to which I have referred, offered by the Senator from Ohio, shall be adopted.

Mr. DAVIS, of Illinois. Mr. President, I dislike to oppose any views that may be taken by the Senator from New York upon this question, but I really think this bill is a very loose one, and that if it shall pass it will result in great harm. The claim is to be referred to a judicial tribunal for adjudication. The bill says it is to be referred for "adjustment." That is an improper word. It is to be referred for adjudication. If it were referred to the Court of Claims for adjustment, it would be a mere arbitration; but it is to be referred for adjudication. Now, is there any judicial tribunal in this country that hears cases upon *ex parte* affidavits? Why, sir, you cannot tell the results that would follow from opening such a door.

I know nothing about this claim or the justice of it. I take it for granted that it is a just claim. If the Committee on Claims of this body think it ought to be decided upon those affidavits, then the committee ought to decide it; but if they refer it to the Court of Claims, the court ought to decide it upon such competent testimony as either party may present. What is the use of referring a case to the Court of Claims upon the same sort of testimony that the Committee on Claims had?

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

Mr. DAVIS, of Illinois. Yes, sir.

Mr. CONKLING. Suppose this claim were referred to the Court of Claims in what the Senator is pleased to call the ordinary way, and suppose it should turn out that during these years which have elapsed the witnesses have died, and the court, unable to receive the affidavits, passes them by, that state of fact should come reported to the Senate, and the Senator, the case showing that had the affidavits been received, or had the case been referred originally while it was fresh, there would have been no doubt of its merits—

Mr. DAVIS, of Illinois. Why, Mr. President—

Mr. CONKLING. My question is this, if my friend will pardon me—upon that very state of facts would he not feel bound to vote relief here?

Mr. DAVIS, of Illinois. Ah, that is another thing.

Mr. CONKLING. That is the very thing, I submit.

Mr. DAVIS, of Illinois. That is another thing. But in referring a case for adjudication to a court I would never vote in any instance whatever that that court should hear anything but competent testimony. The Court of Claims is appointed to adjudicate questions that may arise between individuals and the Government. Their jurisdiction is limited. If we choose to give them jurisdiction of this case well and good, if they have not had it before; but they ought to decide it upon competent testimony and award such losses, if any, as those for which the Government is justly liable. That is the only proper way that you can refer the case to a judicial tribunal to decide. If these affidavits appear now let the Committee on Claims decide upon them; but if the case is to go to the court let the court decide upon competent testimony.

Mr. HERFORD. Will the Senator from Illinois allow me to ask him a question right there?

Mr. DAVIS, of Illinois. Yes, sir.

Mr. HERFORD. How often does it happen that a court determines upon the legal rights of a party before it, and refers the case to a master commissioner in chancery to take testimony to say how much is due that party? The courts every day first determine that there is some amount due the party and then refer the case to a commissioner to ascertain the amount. That is all that it is proposed to do by this bill. This body to-day undertakes to say, according to the report of the committee, that there is some amount due this party, and we leave it then to another tribunal to take testimony and to say how much is due.

Then again, if the Senator will still allow me, as to these *ex parte* affidavits, is it not an every-day practice in all courts to perpetuate and to dissolve injunctions upon *ex parte* affidavits? Nobody knows when the affidavits are taken except the party interested, and yet the courts every day perpetuate and dissolve injunctions upon such *ex parte* affidavits. Again, every day courts dissolve attachments upon *ex parte* affidavits.

Mr. DAVIS, of Illinois. Sir, what has that to do with this case? Do courts ever decide upon the merits of a case in that way? An injunction is issued upon *ex parte* affidavits, but when the merits of the case are heard is it upon *ex parte* affidavits? Do the courts decide whether property belongs to A B or C D, or whether a debt is due from C D to E F on *ex parte* affidavits? I never heard of such a thing in my life. There have been cases heretofore referred to the Court of Claims and kinds of evidence specified which they should receive. I am opposed to such a practice utterly. I know nothing about the merits of this case. My views are not pronounced upon the case at all. The practice is vicious; exceedingly so. When we refer anything to a judicial tribunal for adjudication, let the tribunal be governed by the ordinary rules of evidence. If you choose to alter those rules, alter them by a general law, but do not refer an

exceptional case to the Court of Claims for it to hear. Are there not plenty of cases ten years old and twenty years old in which affidavits have been presented to Congress? Suppose you should refer those cases to the Court of Claims also? Would you not be obliged to act in the same way that you are doing in this case? Is it not easy to see to what result such a course of conduct would lead?

It strikes me that there are several amendments which ought to be made to this bill. The word "adjustment" should be stricken out and "adjudication" inserted, so as to read that the case shall be "referred to the Court of Claims for adjudication." Then the amendment of the Senator from Michigan should be adopted, that the case is to be decided upon "such competent testimony as either party may present;" and then I would add:

To ascertain what amount, if any, of losses of property and expenses sustained by him as aforesaid for which the Government is justly chargeable, with the right of appeal by either party to the Supreme Court.

Then you would have a proper bill for the Court of Claims, otherwise you have not got it.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The question is on the amendment of the Senator from Michigan, [Mr. CHRISTIANCY.]

Mr. BAYARD. Let it be reported.

The PRESIDING OFFICER. The Secretary will report the amendment.

The CHIEF CLERK. It is proposed in lines 12 and 13 of section 1 to strike out the words "the affidavits and orders now before Congress and," and after the word "such," in line 13, to strike out "additional" and insert "competent;" so as to read:

And the same is hereby referred to the Court of Claims for adjustment, upon such competent testimony as either party may present.

Mr. BAYARD. Mr. President, there is no doubt that special legislation is open always to criticism. There is no doubt in this case that we are but following the dictates of justice when a claimant shall present a *prima facie* claim upon the Treasury of the United States, that he should be given his day and time to make that claim good. In the present case, I do hope that the same measure of justice will be meted out to the people of the United States on one side for the recovery of this alleged claim against them that I would insist if they were in their turn the prosecutors against the party now claiming as a defendant. I mean by that plainly this: It is alleged that there is money due from the Treasury of the United States to Mr. Holladay. If it be true, it should be paid to him; and I propose that he shall have the same process, the same methods, the same tribunals, the same efficient judgment to get money from the people of the United States that they would have if in turn they prosecuted him for a debt. Is there anything unjust or unreasonable in that? If to-morrow this party were charged by the Government officials to have in his possession ten or twenty thousand dollars, or whatever might be the sum, would it not be the height of injustice to pursue that claim subject to other than the usual and regular methods of testimony? If time had elapsed, and if in that lapse of time the usual incidents had occurred of the death of witnesses or the difficulty of making proof, then it would have told against the Government; and if in the present case when it did lie within the power of this party claiming to make the same application for adjudication that he makes to-day, and if there should have been the inherent failures in human justice that ever will attend it, that is to say the lapse of time, the loss of memory, and the death of witnesses, you cannot make a special law to remedy such a case as that. I am willing to vote that this party shall have his day in court, that he shall have process to take the depositions of witnesses where he may not enforce their attendance personally; but that the laws of evidence, that the practice of the court, that the system of hearing shall all be laid aside in order that special and partial rules shall be introduced in their stead, I think is neither wise nor just, nor can it command my assent.

I confess my surprise that when a committee bring before the Senate a case which they are presumed to have examined, they state a claim of an unknown and unmeasured sum, for there is nothing to tell us whether this claim is for \$500 or \$500,000. If I am not mistaken in my information, it will rather exceed the latter sum. If gentlemen know to the contrary of that, their information is different from mine. But that is not the question. It is not the question of amount. Whatever is due should be paid. The question is how shall you fairly ascertain it.

It seems to me that this bill is making a precedent, and I submit to those of this body of more knowledge than myself in the examination of claims of this character, it is making a claim without precedent. Is it true that under the practice of the Congress of the United States, by virtue of any principle of law or of any class of laws, the carrier of a mail through a disturbed region of country is guaranteed against disorder, disturbance, or damage in the execution of his contract, whether from Indians or other foes, whether from a belligerency that passes beyond the stage of Indian warfare or from Indian warfare itself? There are gentlemen within the sound of my voice who have served upon the Indian Committees, gentlemen who have served upon the Committees on Post-Offices and Post-Roads. Is there one present who will rise and say that this is the doctrine of responsibility of the Treasury of the United States? Is there one? I do not think there is, because it cannot be but that when a man undertakes to carry a mail over a given route he shall do it in contemplation of

the difficulties, the dangers, the expenses, the doubts and all that surround the especial undertaking to which he has committed himself, and that just in proportion to distance, to danger and annoyance, his prices for carrying the mail will necessarily be increased, because we all know that these are subjects of bidding and letting to the lowest bidder.

Mr. MITCHELL. Will the Senator yield to me a moment?

Mr. BAYARD. Certainly.

Mr. MITCHELL. I simply rise in answer to the appeal made by the Senator from Delaware to any person who had served on any committee as to what was the practice or precedent of the Government. In answer to that I desire to call the attention of the Senator from Delaware to two or three cases before me now. In the case of Magraw, who was a mail contractor from July, 1854, to August, 1856, on the route from Independence, Missouri, to Salt Lake, almost this identical route, "the Government gave him by special enactment \$17,750 for losses in stock, stations, and supplies through Indian depredations during the two years he was engaged in transporting the United States mails on said route." But not only so, as long ago as 1836 Saltmarsh, Avery & Co., who were mail contractors in the States of Georgia and Alabama, lost their property by the Creek Indians while they were transporting the mails. The Government again in that case by special enactment paid them for their losses, amounting to the sum of \$9,779. The case will be found in the United States Statutes at Large, volume 6, page 882.

Another case that is even much stronger as against the Government is the case of Livingston, Kinkead & Co., who were merchants at Salt Lake City. One of them not in Government employ but traveling on business of the firm as a passenger merely, in one of Magraw's coaches, had in his possession \$10,000 in coin. The Indians attacked the coach and robbed the passengers, and among other things they robbed Mr. Kinkead of his \$10,000. The Government in that case, by special act of Congress, paid this amount out of the Treasury of the United States to Mr. Kinkead to reimburse him. I will say that in this latter case against the Government, I do not cite it as a parallel case, because it is a stronger case; but the other two cases to which I have directed the attention of the Senator from Delaware and the Senate are parallel cases; and there are other cases to which I might refer.

Mr. BAYARD. Mr. President, the honorable Senator has read me almost verbatim the brief and petition of Mr. Holladay himself. The authorities that he has cited are those set forth by Mr. Holladay over his own signature in his statement of the case.

Mr. MITCHELL. I cited the statutes of the United States. I am reading from the report made by the Senator from Wisconsin, [Mr. CAMERON.]

Mr. BAYARD. Yes; the cases are transcribed in that report from Mr. Holladay's own memorial.

Mr. MITCHELL. It is a matter of legislative history.

Mr. BAYARD. Yes. I am merely stating the fact. I had those cases before me at the time I asked for information, which I now repeat. I ask the Senate, and I ask those members of the Senate who are or have been in charge of Committees on Claims or Indian Affairs or Post-Offices and Post-Roads, whether the principle has ever been accepted by the Government of the United States that they are bound to indemnify a mail contractor whose performance of his duties has been impeded by such causes as are alleged, Indian depredations, belligerency of any kind, either in excess or more restrained than Indian depredations? The memorial sets forth, among many reasons why this party was unable to comply with his contract, a system of wide-spread larceny. Sometimes the capture of his property was attended by force and bloodshed; sometimes by simple larceny. I ask, is there such a principle admitted upon which the Senate is prepared to act? I do not say that there is none, but I mean to say that I know of none. I believe there is none and I hear no one present willing to state that there is any.

Mr. CAMERON, of Wisconsin. Mr. President—

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Wisconsin?

Mr. BAYARD. Certainly.

Mr. CAMERON, of Wisconsin. This claim in the opinion of the committee stands upon its own facts. The committee, without acceding to the general principle laid down by the Senator from Delaware, were of the opinion that equitably this claimant was entitled to some compensation, because the Government of the United States agreed, as is stated in this military order, to furnish him with complete protection. Under that assurance he went on in the performance of his contract. The Government of the United States did not furnish him with complete protection, and these losses resulted in consequence of the Government not furnishing him with that protection which it had agreed to furnish. The committee were of the opinion that equitably he was entitled to some compensation for that.

Mr. HOWE. Did the Government make that contract for his protection?

Mr. CAMERON, of Wisconsin. Here is the military order under which this claimant removed the line of the route.

I am directed to furnish your line complete protection against hostile Indians, which I can only do by its removal from the Platte to the Cut-off route.

Mr. BAYARD. Will the Senator permit me to proceed?

Mr. CAMERON, of Wisconsin. Certainly.

Mr. BAYARD. With due respect to the Senator from Wisconsin, he has wandered off from the point I was discussing. The bill recites a claim based upon three grounds. The first is that, being a mail carrier under the United States Government, the Government is responsible to him for spoliation by Indians over that route. That is one proposition. The next is that the Government is responsible to him "for property taken and used by United States troops for the benefit of the United States." That I believe is a clear legal proposition. Private property taken for public use must be followed by proper compensation. That is a doctrine to which I am willing to subscribe, and that is the second ground of claim. The third ground is "for losses of property and expenses incurred in changing his mail-route, in compliance with the orders of the United States commanding officer."

Mr. President, has any such doctrine as that ever been accepted? Private property taken for public use has been compensated for over and over again, and always should be; but that a military officer shall change a mail-route of the United States and that the United States shall become responsible for all the cost of that change, the damages that may follow it, I submit is a very dangerous proposition, and one for which I know no precedent.

Still I am perfectly willing that this party should take his case into the Court of Claims, that he should be paid everything for which the United States are legally and justly liable, and that he should have his full opportunity of proving his claim by testimony competent in law; and it surely is no hardship or injustice that the same grade of testimony and the same force of proof should be required to take money out of the Treasury as is required to put money into it. I cannot see why it is unjust or inequitable to a citizen of the United States to ask of him the same measure for the recovery of his property that has passed into the public Treasury as would be asked of the public in case the public moneys had passed into his private hands. That is what I mean.

I do propose to deal fairly and justly by this claimant; but I can see plainly that in a bill framed as this is, there is an admission of liability which will be multiplied infinitely, and which I cannot consider is just to the Treasury and to the people of the United States. Let it be known what we are to pay. That is the first thing. There should have been a sum reported. There should have been a bill of particulars rendered of this claim. Not only its amount, but the particulars under which it was claimed should have been made known. I for one will be found voting to give this claimant the fullest, the fairest, the amplest opportunity to make his claim good against the public Treasury for all the losses for which, in law, that Treasury is fairly responsible. What more should be asked?

I concur in the criticism of the honorable Senator from Illinois [Mr. DAVIS] that the word "adjustment" is not the word for a court. Courts do not adjust; they adjudicate; which means that they decide according to law; and that is what the party claiming ought to ask, so much, no more and no less. I think there also should be provided by this bill a right to him or the United States either to appeal from the decision of the Court of Claims in case it is unsatisfactory.

The pending question is on the amendment of the Senator from Michigan, whether this case shall be tried by competent testimony or by affidavits *ex parte*. Mr. President, there will always be hardship from lapse of time, but that hardship is not confined to one party in this case. It may be equally hard to prove the true value on one side as on the other. My experience of claims against the Government is about this, that you have an indifferent public and you have an exceedingly active claimant.

Mr. MATTHEWS. Mr. President, any testimony that is made competent by law is competent testimony. Therefore, if this bill passes, that which otherwise might not be competent will become so, and thus we get rid of the difficulty suggested by the Senator from Delaware of trying this case on incompetent evidence.

In discussing a question of this kind, reference must be had to the circumstances of the case. I admit the general truth and value of the proposition that a party against whom testimony is sought to be used ought to have the opportunity for cross-examination. The Senate is asked whether it is willing to put the United States as defendant in this proposed suit in a worse position than a natural person, a private individual, would be. The fact seems to be overlooked in putting that interrogatory, that the claimant in this case has not had as against the United States the rights which he has against a natural person. If any natural person had inflicted upon Mr. Holladay the injuries and damages of which he complains, he could have brought his suit in any court of competent jurisdiction within the territory where the defendant might be found and served with process, as a matter of absolute and unconditional right; so that if by the lapse of time and casualties arising in that lapse he should find himself at the time of trial deprived by death or other disability of the evidence which originally he might have produced, he could have found no fault with anybody but himself, for he had a right to choose the time of bringing his suit and the forum, except as he was limited by the necessity of serving the defendant with process. But it is not so against the United States. He had no right of action against the United States; he could not sue the Government of the United States in any forum. All he could do was to make his claim to the Congress of the United States, to appeal to the sense of justice of the Government as repre-

sented in that body, and to make such proof before it and its organized committees as would be satisfactory that he had a just foundation for his claim.

We propose now in this bill, after the lapse of many years of waiting on his part, to give him that privilege, and then are we to insist that notwithstanding that and without any allowance whatever for the change of circumstances, he must be held to the observance of those strict and technical proceedings and those strict and technical rules of evidence which would apply in other cases altogether unlike this, in which he might have sued a natural person at his option when his testimony was intact?

The circumstances of this claim are such that it is in the highest degree probable that it is out of the power of the claimant to produce for cross-examination all even of the material and important witnesses to his claim. He was engaged in the transportation of the mails between Omaha and Salt Lake during a time of the disbanding of the public peace. The force which he had organized for that service was a temporary one, has been long since disbanded. The individuals composing it are scattered here and there, no one can tell where, and it would be a great marvel among all the accidents which determine human fortunes and human action that he should be able after this lapse of time to secure even in number a majority of the most important and material witnesses to his loss.

Now it is not proposed that the evidence which he has heretofore secured from these witnesses shall be conclusive. He is not to be relieved from the necessity of procuring the attendance of any witnesses whose presence the court to which this controversy is to be submitted shall deem material and important; and they may require him to produce in person the bodies of witnesses that are known not to be procurable, witnesses abroad, witnesses inaccessible, and I think probably that is right, although it may work a hardship, because it may be that on the inspection of an affidavit, by the reading of its very face, the court may think that it is unreliable in its statements and that it ought not to come in for anything without the opportunity to the Government of cross-examining the witness.

But Senators seem to argue about this question of evidence as if an affidavit, the *ex parte* statement of a witness under oath, was absolutely worthless, as if by itself it was at once marked with suspicion of perjury, as if it ought to be rejected as a matter of course. Why, Mr. President, that is not in accordance with the common experience of mankind. Affidavits, although they may not disclose the whole truth, although their statements may be greatly modified upon cross-examination, yet are worth something; and an experienced judge can well determine how much weight ought to be attributed to each affidavit according to the terms in which it is expressed, or as it may be modified by statements in other affidavits. It certainly, it seems to me, was quite pertinent to the argument in the case to suggest what the ordinary practice of judicial tribunals is; and that is that many issues of very great consequence, of very great importance to parties litigant, are determined, and determined finally too, upon affidavits. The question of allowing an injunction or the question of dissolving an injunction sometimes determines the merits of a cause and either prevents or makes a decree, and yet there is nothing more common in practice than either to grant or to dissolve an injunction upon *ex parte* affidavits. So with regard to every provisional remedy, with regard to the issue of orders of arrest whereby the body of a defendant is taken into custody upon an allegation of fraud, the issuing of orders of attachment and their dissolution, and various questions of that kind in reference to which courts are daily in the habit of dealing, and they deal upon affidavits.

So it seems to me, with the amendment proposed to the second section, by which discretionary authority is given to the court on the submission of this cause, that the United States are as fully protected as the nature of the case admits or requires, and the Government is enabled in this way to do justice to a complaining citizen.

Mr. President, in my judgment it is one of the reproaches to the jurisprudence of this country that any citizen of the United States is required to come to this body and to the other branch of the National Legislature for permission to sue the United States. There are other governments in other countries that have not made such pretentious claims as we have to enlarge the liberty of the private citizen, who have gone far beyond us in the generous latitude which they have given to the judicial decision of claims in favor of private citizens against public authority. In some governments that approach in form the despotic, regular courts of justice, tribunals organized for that purpose, are free and open at all times to every citizen that believes himself to be aggrieved by the action of the government. Here we open the door only as we see fit and only to the extent we see fit and with such conditions as we see fit to impose, and in imposing conditions it seems to me we ought to have considerate regard to the circumstances of the case as we have sought to create them, as we have in fact created them, counting in that delay which has prevented the claimant from making more manifest in the usual way the whole justice of his case, and not make that delay itself the ground for denying him the substance of justice when we concede to him its form.

Mr. INGALLS. Mr. President, I feel constrained to vote for the amendment offered by the Senator from Michigan, because I understand that it is substantially approved by the committee. In the report that lies upon our table they adopt as their own a report that

was made by the same committee to the Senate during the Forty-fourth Congress, on the 17th day of January, 1877, which concludes in the following language:

Your committee therefore, on both principle and precedent, feel constrained, under the peculiar and exceptional circumstances presented by this case, to recognize the existence of an obligation on the part of the Government to indemnify the memorialist for whatever loss he sustained through no fault of his own, by reason of Indian depredations, while engaged in transporting said United States mails over said overland route between the Missouri River and Salt Lake, between the — day of September, A. D. 1861, and November 13, A. D. 1866.

And I ask the special attention of the Senator from Wisconsin, who I believe has this bill in charge, to the language that follows, and ask him in the light of that language whether this bill is sincere or not:

But your committee are not willing that the value and amount of property taken or the loss suffered by the memorialist should be determined on *ex parte* affidavits alone; but believing that it is a case wherein the rights of the Government can only be properly protected by an exercise of the privilege of cross-examination and by a thorough investigation in a court of competent jurisdiction, wherein the Government shall be represented by counsel, and wherein not only the right of cross-examining the claimant's witnesses, but also to call witnesses of its own, shall exist, your committee decline to grant the prayer of memorialist, and refuse to recommend a direct appropriation; but, for the reasons herein stated, would refer the claims of memorialist to the Court of Claims for adjustment; and for such purpose report back the accompanying bill and recommend its passage, with, however, the distinct statement that nothing herein stated shall be regarded as a rule or precedent fixing the liability of the Government to mail contractors in any case wherein the peculiar circumstances of this case as herein presented are absent.

Now what I wish the Senator from Wisconsin or the Committee on Claims to meet is this proposition: whether, when they said that they desired that this claim should be thoroughly investigated by a court of competent jurisdiction, they were sincere or not. If that was their desire, I ask them how they can reconcile that statement with the provisions of this bill that refer this case to the Court of Claims in the first place upon the assumption that the claims have been established by competent evidence and in the second place that the amount of loss that the memorialist has sustained shall be ascertained purely upon *ex parte* affidavits now in possession of the committee; and further I wish them to explain why it is, if they regard this testimony as sufficient to establish this claim before the Court of Claims, that they do not decide it themselves; for certainly there can be no question that the jurisdiction and authority of the Committee on Claims in this body need no enlargement to allow them to take full cognizance of this matter and decide it according to any evidence they see fit.

I believe that this bill is simply—without using the word in any offensive sense—an evasion; that the committee are unwilling to take the responsibility that they desire the Court of Claims to assume; that from some reason or other they decline to take the responsibility of ascertaining the amount of Mr. Holladay's damages and desire some other tribunal to decide the question.

I have known Mr. Holladay for more than twenty years. His history is indissolubly associated with the history of that part of the country where I now live. His enterprise, his energy, his great capacity is as familiar as a household word to every citizen of the West; and I have no doubt myself that he sustained very large losses for which he is justly entitled to compensation. But if his case is to be decided by the Court of Claims, I insist that it shall be decided by the rules of evidence. If it is to be decided by the Committee on Claims in this body, I will very cheerfully vote for any amount they may see fit to report. The testimony is before them. They ought to report the facts to the Senate, with the amount they believe he is entitled to receive, and allow the Senate to act upon it, and not, when they have said that they desire this claim to be thoroughly investigated by a court of competent jurisdiction, to come in here and break the word of promise to our hope by saying that that court shall adjudge it precisely upon the evidence that is already before the committee. Mr. President, that is insincere; it is disingenuous; it is a course that the committee ought not to compel the Senate to vote upon.

The bill is a very fair illustration of a flagrant injustice of which this Government from its very foundation has been habitually guilty toward a very worthy class of citizens. Recognizing the existence of contracts, admitting its liability to various of its citizens, it has habitually refused to recognize the existence of any tribunal where those claims can be properly adjudicated. It denies it to the Court of Claims; and when they are submitted to the committees of this body and of the other they are on various pretenses deferred and procrastinated until they become old, and are then defeated because they are antiquated. Only the other evening I heard from the Senator from Indiana who usually sits at my right [Mr. VOORHEES] a statement that is a very strong illustration of this injustice. A gentleman named Vigo, about a hundred years ago, when the expedition of George Rogers Clarke reached the Mississippi River without forage or subsistence or supplies, in order to save that expedition from destruction, furnished his own personal bills to the amount of about \$9,000 to provide them with subsistence. By reason of the supplies thus obtained the army was saved and a very large proportion of our western territory was secured to the Government of the United States. Mr. Vigo made application to Congress and to the courts in a hundred different ways for relief. A county was named in his honor in Indiana. He died; his children died; his grandchildren died; and still the importunities for justice continued; and at last about three years ago, by reason of the efforts of the Senator from Indiana, some

of the collateral descendants of one of the sisters of Vigo obtained an order referring the claim to the Court of Claims, waiving the question of limitation, and they there obtained the tardy justice of the sum of \$50,000 for that act performed nearly a century before.

Mr. President, can that be called anything but a crime? Is a Government that habitually performs such acts or refuses justice in this way to its citizens entitled to consideration or respect? And, sir, in this case now before us Mr. Holladay has been asking for justice from Congress for the last ten years. He undoubtedly suffered great loss; he is entitled to compensation; the Committee on Claims have had the case under consideration; and why do they not report upon the facts and allow the Senate to vote upon them? Why do they ask us to perform this travesty upon the name of justice by asking that the claim may be referred to the Court of Claims and then saying that that court shall decide this case upon precisely the same testimony that is now before them.

Mr. MITCHELL. Is that the proposition?

Mr. INGALLS. Yes, sir.

Mr. MITCHELL. Precisely the same testimony?

Mr. INGALLS. Yes, sir.

Mr. MITCHELL. The only evidence we have before us is certain *ex parte* affidavits. This bill provides in specific terms that any other testimony the court desires to call shall be called and shall be heard; so that it is not safe to say that the proposition is to refer this case on precisely the same evidence we have here.

Mr. INGALLS. Mr. President, no one knows better than the Senator from Oregon that no other testimony is attainable.

Mr. MITCHELL. I do not know any such thing so far as I am concerned. The Senator may know it.

Mr. INGALLS. Then why did not the committee get it? When they have the amplest power, when they are not limited or trammelled by questions of jurisdiction, when by simply appealing to the Senate they could obtain the power to send for persons and papers, why did they refuse to do it and ask that the case may be referred to the Court of Claims?

Mr. MITCHELL. Does the Senator from Kansas know of a single case in the whole history of this Government where the Committee on Claims has sent for persons and papers in order to investigate a private claim?

Mr. INGALLS. I do not know whether that precedent exists or not. If it does not exist, it ought to exist. If the Committee on Claims propose to attend to this business, they ought to attend to it; and if they do not, they ought to abandon it. It is humiliating that after a matter has been pending before a committee of this body for ten years they should come in here at this late day and report that all they can do is to refer the matter to the Court of Claims for adjudication, and at the same time affix limitations as to the manner in which it shall be investigated.

I am opposed to this bill, Mr. President, for several reasons, the first of which I have already indicated. I am not opposed to the investigation of Mr. Holladay's claim. I am not opposed to paying him what he has suffered in the way of loss by depredations while he was contractor. I think he ought to be paid. But when I am called upon to decide what action shall be taken by the Senate in regard to the Court of Claims, other questions come in, and the vices of this bill are almost as numerous as its paragraphs; its virtues, so far as I understand them, are none.

In the first place it assumes as true and proved and undisputed the fact that this loss did occur as set forth by the memorialist in his claim. In the second place it assumes to refer this matter to the Court of Claims, and says that they shall in considering it take into account such affidavits and other testimony as are now before the committee; but it attempts to qualify that by saying that the Government may call in such other testimony at it may see fit, when every one knows that all the evidence of this class of claims arising upon the frontier in unestablished and unorganized communities in times of great hazard and peril, when the whole population is fugitive and transient and evanescent, is of that character and description that it is so fugitive and transitory that it never can be recalled. I do not say that this character of evidence is not valid, that it is not truthful and correct; but I do say that when these occurrences took place among a lot of ranchmen and soldiers and militia and flying sufferers from Indian depredations and stage-drivers and mule-drivers and passengers on coaches that were perhaps interfered with by different raids, and when the affidavits of those men with great labor had been gathered up and brought together, the allegation that at this expiration of time those witnesses can be found and brought in and cross-examined, is certainly absurd in the extreme. I do not mean to criticise the action of the committee in any offensive or unjustifiable way, but it is certainly absolutely impossible to collect the witnesses who gave those affidavits ten years ago under the conditions that they were sworn to. If this bill can be so amended—

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

Mr. INGALLS. Certainly.

Mr. THURMAN. I wish to inquire—for I have been engaged in the Judiciary Committee room during the whole debate on this bill, and have heard none of it—whether the claim has ever been passed upon by the Committee on Claims of this body.

Mr. INGALLS. The Senator from Oregon can answer.

Mr. MITCHELL. I answer the Senator from Ohio that it has been passed upon twice and received the unanimous approval of the committee both times, once a year ago and again at the present session of Congress. The Committee on Claims considered it when all the members were present, and after a thorough investigation it received the unanimous support of the committee, as also did the report accompanying the bill.

Mr. COCKRELL. When was that unanimous report of the committee?

Mr. MITCHELL. When?

Mr. COCKRELL. Yes, sir.

Mr. MITCHELL. I have not the report here, but when the bill was reported, whenever that was.

Mr. COCKRELL. I do not think the records of the committee will show a unanimous report of all the members of the committee.

Mr. THURMAN. What I want to know is when did Mr. Holladay sustain this damage?

Mr. MITCHELL. Between the years 1861 and 1865.

Mr. THURMAN. When was the claim first presented to Congress?

Mr. MITCHELL. I do not know, but about ten or twelve years ago.

Mr. THURMAN. Was there any report on it then?

Mr. MITCHELL. It passed both Houses in different shapes at that time and fell in a conference committee, I believe.

Mr. THURMAN. Has there ever been an adverse report about it?

Mr. MITCHELL. There never has been from any committee, nor has either House decided adversely.

Mr. INGALLS. That is all the more reason why this committee ought to make some report in this matter.

Mr. MITCHELL. The committee has made a report.

Mr. INGALLS. What?

Mr. MITCHELL. Has the Senator from Kansas not read the report in this case?

Mr. INGALLS. I have that in my hand.

Mr. MITCHELL. Then why does he say the committee should make a report when they have made a report?

Mr. INGALLS. I understood the Senator from Oregon to say that the Committee on Claims had unanimously reported a bill in favor of Mr. Holladay. If I so understood him, I want to know what they have reported.

Mr. MITCHELL. Well, Mr. President, I do not know that I understand the Senator from Kansas exactly. I perhaps might with the same propriety state that the opposition he is making to a claim which he himself has stated is just—

Mr. INGALLS. I am not opposing the claim.

Mr. MITCHELL. And in reference to which he has said that Mr. Holladay unquestionably suffered large damages that the Government ought to pay—I perhaps might with the same propriety say to him that the opposition he is evidently making to the claim is evasive and in bad faith and untrue, or he has taken the liberty to say that the action of the committee has been evasive and all that kind of thing; but I would not say that; I do not desire to say that in reference to the Senator from Kansas—

Mr. INGALLS. I am very much obliged to you.

Mr. MITCHELL. But the Senator from Kansas wanted to know of me, as one member of the committee, why the Senate Committee on Claims has not made a report in this case. I answered by stating that my understanding was they had made a rather voluminous report in the case. He still persists, What have they reported; what bill have they reported? Well, I presume they have reported the bill that has been under discussion in the Senate for the last two days, which is a bill sending Mr. Holladay and his claim to the Court of Claims, and the reasons why the committee reported that kind of a bill they have set forth at length in the report which the Senator from Kansas now holds in his hand. I do not know precisely what the information is that the Senator wants, but if he will specify the particulars, attract my attention to the precise points upon which he wants an explanation from the committee, then I, as one member of the committee, will answer, so far as I may be able to do.

There is no mystery about this thing; there is no evasion; there is no deception, so far as I know. It has been a plain, open transaction from beginning to end. The case Mr. Holladay presented years and years ago to Congress. It comes up again; it has never been finally acted upon; and now the committee have said to the Senate, just as the Senator from Kansas said to the Senate a few moments ago, that, unquestionably, beyond all doubt, Mr. Holladay has a just claim against the Government for some amount—a claim, as stated by the Senator from Kansas a few moments ago, that is just and that the Government ought to pay. The committee have decided that. It is immaterial whether it was a unanimous report or not. It is a report of the committee, and there is no adverse report. But they have said, in addition to that, that, this being a large claim, we will not pass upon the amount of the claim, but we will leave that matter to the Court of Claims to determine.

Now, if the committee have evaded anything, if they have acted in bad faith with this claim, or if there is any mystery about this thing, I should like to know it. And I am ready to answer, so far as one member of the committee is concerned, any question that the Senator from Kansas will submit upon which he desires information.

Mr. INGALLS. I wish to know the amount that the committee found Mr. Holladay entitled to.

Mr. MITCHELL. Have I not stated over and over again that the committee did not pass upon that question, and they felt that they were not at liberty to pass upon that question upon *ex parte* testimony? They thought that upon that question the Government should have the right to be heard, that the Attorney-General should have a standing in court with the right to call witnesses, with the right not only to call witnesses of its own, but the right to call these very men that made the affidavits in this case, if they are alive and can be had, and put them under cross-examination in order that the very truth may be arrived at by the Court of Claims.

Mr. INGALLS. Mr. President, I am not going to ask any more explanations from the committee, for I am quite confident I shall not get them. The Senator from Ohio [Mr. THURMAN] desired to ascertain whether the committee had made any report on this case. He undoubtedly desired to know, as I desire to know, whether the committee had reported the liability of the Government to Mr. Holladay under his contract. The Senator from Oregon declines to answer that question, but states, what will be a novel proposition to any lawyer, that the committee were entirely willing to fix the question of liability upon *ex parte* testimony, but they were not willing to fix the amount of the claim upon *ex parte* testimony. That certainly is a very extraordinary legal proposition to be presented to any body which is composed largely of lawyers.

Mr. MITCHELL. As the Senator is a lawyer I desire to ask him if he does not know as a lawyer that it is the most common thing in the world for a court to determine the liability of a party and then refer to a commissioner the case in order to determine the amount of the liability?

Mr. INGALLS. That is not the proposition. The Senator from Oregon with a great deal of airy and fantastic levity escapes from assertion to assertion and calls it proof or demonstration. There is a great deal of difference between assertion and proof. I did not say that it was usual or not usual for courts to fix liability and then decide the question of damages upon *ex parte* evidence. I said it was very extraordinary for a court to determine the question of liability upon *ex parte* evidence, and then refuse to fix the measure of damages by the same method. I think that would certainly be inverting the order usually pursued in these cases. If anything is to be fixed by *ex parte* evidence it ought to be the question of the amount of damages. The question of liability is one that depends on matters entirely outside of testimony: it would depend on the contract between Mr. Holladay and the Government and on the acts of the Government, to be proved by something besides affidavits.

But, sir, if Mr. Holladay's claim is to be decided by a court, I propose that it shall be decided in a legal and competent way. I am opposed to its going to a court. The committees of Congress, after having dealt with this matter for over ten years, owe Mr. Holladay the tardy act of reparation and of justice to decide this case on its own merits, and I hope that the amendments of the Senators from Ohio and Michigan will be adopted and that we shall not commit ourselves to the incongruity and the injustice of allowing a committee of our body to admit that the liability exists and refusing to state the amount of it, and then asking a court to decide the question of damages upon the same evidence that is before them. Unless the amendments that have been offered by the Senators from Michigan and Ohio shall be adopted, I shall move, when the proper time comes, to recommit this bill to the Committee on Claims with instructions to report to the Senate the amount of loss that Mr. Holladay has sustained, and then the Senate can act upon that matter in its discretion.

Mr. THURMAN. Mr. President, as I do not know yet how to vote upon this claim, not having heard the arguments which have been made for and against it, I want to get some information, and therefore I ask the Senator who has the bill in charge whether the foundation of this claim is that the Government violated its contract with Holladay for carrying the mail. Is that the foundation of the claim?

Mr. CAMERON, of Wisconsin. Mr. President, the grounds upon which the committee put the claim are set forth in the report.

Mr. THURMAN. Cannot the Senator answer the question himself without reading the report, whether the foundation of the claim is that the Government violated its contract with the contractor?

Mr. CAMERON, of Wisconsin. Not the contract as originally made; but subsequent to the making of the contract, and after Mr. Holladay commenced the performance of it, Indian hostilities broke out upon the plains, and it was impossible for Mr. Holladay to continue the performance of his contract. Thereupon he appealed to the President of the United States and desired to surrender his contract and discontinue the service altogether. The President of the United States urged upon him the importance of continuing overland communication between the Atlantic and the Pacific States. It was during the recent civil war. The President called to the attention of Mr. Holladay that the communication by water between the Atlantic and Pacific States might be interrupted at any time by the confederate cruisers that were then abroad on the ocean, and Mr. Holladay was assured by President Lincoln that the Government would furnish him ample and complete military protection. This understanding between Mr. Holladay and the President was subsequent to the execution of the contract, and therefore I cannot say that the claim is based upon the ground that there was a violation of that original contract.

That is one ground. The Senator was absent and I will take the liberty to restate these grounds, although they have been stated two

or three times heretofore. Again, Mr. Holladay claims that equitably he is entitled to something for the losses that occurred from Indian spoliations after he had entered into this agreement with the President. Subsequently by a military order he was required to change the line of his route. The order is set forth in the report of the committee. It is recited in that order made by Colonel Chivington that he was ordered to direct Mr. Holladay to change the line of his route; that he was directed to furnish him complete military protection; that he could not do so unless the route was changed as he designated. At that time he was required to protect two routes. The conversation with President Lincoln was long before that.

Then Mr. Holladay claims that he is entitled to compensation for the necessary and actual expenses that he was put to in changing his route under that military order. He had to change his stations, erect new stations on the line of the new route, &c.

The third class of damages for which he claims compensation is that the supplies of provisions, &c., that he had accumulated on the line of his route for the sustenance of his own men were taken by the military authorities of the United States, and were actually used for the benefit of the Army.

Mr. THURMAN. Mr. President, I now understand a great deal better than I did before the nature of this claim; and, analyzing it, it is obvious that it is no claim against the Government by reason of any breach of contract on the part of the Government, assuming the facts to be just as stated by the Senator from Wisconsin. Mr. Holladay agreed to carry the mails; his contract contained no exonerations from carrying the mails, nor any claim upon the Government by reason of any act, in the language of the common law, of the king's enemy. He was therefore bound to carry the mails unless hostile operations should utterly prevent him from doing so, and then he could appeal to the equity of the Government to relieve him on that account; but the Government could not compel him to carry the mails upon a route different from that upon which he had contracted to carry them.

The Government then has not abrogated its contract with Mr. Holladay, but the military officers of the Government have directed him to carry the mail upon a different route, and for good and sufficient reasons, patriotic no doubt on his part, and well advised on the part of the Government; though whether that ought to have been done by military order instead of by a change of the contract with the Post-Office Department, a mere civilian might think was worthy of some observation. But at all events the Government did that thing. The military power told him "change your route and we will furnish you with protection upon that changed route." He did change his route. It is alleged that he did receive the protection; it is alleged that he incurred more cost by it, and that he sustained losses. If this be the case, this is simply an appeal to the equity of Congress. What has any court to do with such a question as that? It is a question for Congress, looking at the whole subject and dealing in a spirit of equity, to determine whether or not this gentleman should be indemnified, who has patriotically, I will say, agreed to change that route, agreed to carry the mail where before he was not bound to carry it, who has incurred losses by so doing, who has not received the protection as it is said he ought to have received—whether the Government in honor and equity and good faith toward him ought not to reimburse his losses. It is a question for Congress, not a question for a court. So it seems to me; and *a fortiori* is it so if the Senator from Kansas is right, if there is no evidence in the wide world on this subject but these *ex parte* affidavits taken long ago. If the proposition is to recall those men who will not answer the call any more than "spirits from the vasty deep" would answer to Glendower's call—if that is the case, what is the use of sending this to the Court of Claims? Why not let the Committee on Claims decide what is right and report it to us and let us act?

Mr. MORRILL. Will the Senator from Ohio allow me, as this matter will evidently not be disposed of to-day, to offer what I intend to propose at the proper time as a substitute for the bill in order that it may be printed.

Mr. THURMAN. I will not only allow the Senator to do it, but I will do precisely what I was going to do when he arose, take my seat.

Mr. MORRILL. I offer a proposed substitute.

Mr. CAMERON, of Wisconsin. Let it be read for information.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and in lieu thereof to insert:

That the claim of Benjamin Holladay in consequence of spoliation of his property used in carrying the United States mails by hostile Indians or by having such property taken and used by United States troops for the benefit of the United States, and for actual loss arising from changing his mail-route between the years 1860 and 1866, for which the United States is justly chargeable, be, and the same is hereby, referred to the Court of Claims for adjudication; and upon the facts of record existing in the Executive Departments and such additional competent testimony as either party may present, render judgment thereon, with the right of appeal to the Supreme Court of the United States.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Michigan, [Mr. CHRISTIANCY,] upon which the yeas and nays have been ordered.

Mr. KERNAN. I should like to inquire what are the papers on file in the Executive Departments?

Mr. MORRILL. Of course they are the written contracts and any orders for changing the route.

Mr. KERNAN. Does the Senator know that these very affidavits have not been filed there? I think we had better have the substi-

tute printed before we vote on it, so that we may know something about it.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Michigan, [Mr. CHRISTIANCY,] on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. DAVIS, of Illinois, (when his name was called.) I am paired on this question with the Senator from New York, [Mr. CONKLING.] He would vote against the amendment if he was here, and I should vote for it.

Mr. GARLAND, (when his name was called.) On this question I am paired with my colleague, [Mr. DORSEY.] If he were here, he would vote "nay" and I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 27, nays 23; as follows:

YEAS—27.

Anthony,	Eustis,	McCreery,	Sargent,
Bayard,	Ferry,	McDonald,	Thurman,
Burnside,	Hill,	Maxcy,	Voorhees,
Christiancy,	Howe,	Merrimon,	Wallace,
Coke,	Ingalls,	Morrill,	Windom,
Davis of West Va.,	Johnston,	Plumb,	Withers.
Eaton,	Kernan,	Ransom,	

NAYS—23.

Allison,	Conover,	Jones of Nevada,	Paddock,
Bailey,	Gordon,	Kellogg,	Rollins,
Blaine,	Grover,	Kirkwood,	Saunders,
Booth,	Harris,	Matthews,	Spencer,
Cameron of Wis.,	Hereford,	Mitchell,	Teller.
Chaffee,	Jones of Florida,	Morgan,	

ABSENT—26.

Armstrong,	Conkling,	Hamlin,	Randolph,
Barnum,	Davis of Illinois,	Hoar,	Saulsbury,
Beck,	Dawes,	Lamar,	Sharon,
Bruce,	Dennis,	McMillan,	Wadleigh,
Butler,	Dorsey,	McPherson,	Whyte.
Cameron of Pa.,	Edmunds,	Oglesby,	
Cockrell,	Garland,	Patterson,	

So the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment submitted by the Senator from Ohio, [Mr. MATTHEWS.]

Mr. CAMERON, of Wisconsin. I desire to state that the friends of the bill are in favor of the amendment proposed by the Senator from Ohio.

The PRESIDING OFFICER. Is there objection to the amendment proposed by the Senator from Ohio? The Chair hears none, and it is agreed to.

Mr. DAVIS, of Illinois. Of what use is the amendment of the Senator from Ohio if the affidavits are stricken out?

Mr. CHRISTIANCY. That was precisely what I was about to call attention to.

The PRESIDING OFFICER. The amendment is before the Senate.

Mr. DAVIS, of Illinois. The amendment of the Senator from Ohio, as I understood, applied if the affidavits went to the Court of Claims as evidence. Otherwise it does not apply at all.

Mr. CHRISTIANCY. It has no application now.

Mr. DAVIS, of Illinois. Let the amendment be reported.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. The amendment is in section 2, line 2, to strike out the word "cause" and insert the word "require," and at the end of the section to insert "or otherwise to reject the affidavit;" so as to make the section read:

That the said court shall have the power in its discretion to require the production for cross-examination of any witness whose affidavit is now before Congress, or otherwise to reject the affidavit.

Mr. McDONALD. I move to amend by striking out the second section altogether.

The PRESIDING OFFICER. The Senator from Indiana moves to strike out the second section.

Mr. TELLER. I offer as a substitute for that section the following:

That the affidavits now before Congress of persons that the court shall be satisfied are not living at the time of the hearing of the cause shall be received and considered by the court, and the court shall give such affidavits such weight as the court shall consider they are entitled to receive.

I would say that there are two or three of these witnesses who are important witnesses that I know to be dead; and I think the affidavits might be used with that qualification, that the court shall give to them such weight as they may think they are deserving of.

Mr. CHRISTIANCY. I am opposed to this amendment for the same reason that I favored the other. Here, according to the statement of the petitioner himself, according to the report of the committee, were four hundred and fifty men in the employment of Mr. Holladay at the time these transactions took place, and there can be no real difficulty in getting at enough of them to make out whatever case there is, it seems to me. I have a great dislike to trying any case upon affidavits, and I will state one reason why, and it must be evident to every lawyer; it is this: take this case, for instance, of Mr. Holladay. He calls upon a number of men to make affidavits. What does he want? He wants the facts that make in favor of himself. Every one of those witnesses may know enough facts to defeat the entire claim, and yet may state facts which are true which taken

alone would make a good claim. It is the most dangerous kind of testimony upon which to try the merits of a case.

Mr. TELLER. I should like to say a word. My amendment does not propose that the court should treat these affidavits as proof of anything unless the circumstances surrounding the case may induce the court to think that they ought to be so received. If there were four hundred and fifty men employed, as is suggested, it does not follow that each man of the four hundred and fifty has knowledge of all these transactions. There is an affidavit here by a superintendent of a division who has since died. I am told several others have died. It is safe for the Government to go to trial treating these affidavits as making a *prima facie* case, with the opportunity of discrediting or disproving them if it sees fit; and the objection that was urged against the former provision does not apply to this in my judgment.

Mr. KIRKWOOD. It seems to me, Mr. President, that this is a peculiar case. During the time from 1860 to 1866 we had civil war. Our Pacific coast was deemed by those in charge of our Government to be held by a very precarious tenure. We did not know from year to year how soon foreign nations might take part in the war we were engaged in. I happen to know that it was held to be exceedingly important that we should keep up communication with the Pacific coast otherwise than by steamer. Why does this man now ask compensation at our hands? He was prevented from doing what he had undertaken to do, by the enemies of our Government on the plains, by hostile Indians incited to hostility by those who favored the civil war. He appealed to the Government and said he could not do what they desired to have done, because they were not able to keep peace within the borders. Viewing the necessity for what he had undertaken to do, they said to him "Go on and do this and we will protect you," and he undertook to do it again and the protection failed. He still again and again tried; and beyond the expectation of almost every one he succeeded in doing what was done. When the war was over he came to us, or to those who preceded us here, and asked compensation for the losses sustained by him in doing this good thing, as we now all think. He has been here from ten to twelve years asking us to do this justice to him, and we have put him off from Congress to Congress, from Congress to Congress, sometimes one House agreeing that it was right, and again another House agreeing that it was right, but we have never paid him a dollar.

We had some very earnest lectures on a recent occasion in this Chamber upon the honor of our Government, its duty to pay what it owed. I apprehend that there is no duty we were then called upon to respond to more imperative than the duty we are now called upon to respond to. As I have said, we have gone on year after year, year after year, postponing and procrastinating in this matter, and one and another of the persons whose testimony this man relied upon to prove the justice of his claim and the amount of it have died; they cannot be brought into court; they cannot be cross-examined; and now gentlemen tell us that because we have been derelict in our duty, because we have failed to do what we ought to have done long ago, and because by reason of our delay this man has lost the means of proving his claim, therefore it comports with the honor of this Government to say he shall not be paid unless he can do what we know he cannot do, bring the dead to life!

Mr. President, that may comport with the honor of the American Government; it may comport with the honor of this body; but it does not comport with mine. I favor the amendment offered by the Senator from Colorado, [Mr. TELLER,] that at least the testimony of the witnesses who have died shall be allowed to go before the court and be considered by it. It would be cheaper for us perhaps to postpone this matter ten years longer and they might all be dead by that time and we should not have to pay a cent, do you not see, and thus we should save our honor and the money too! If we just wait ten years there may not be a man left who knows a thing about all this matter, and then all will be saved!

Mr. INGALLS. Does the Senator see any reason why the committee should not report at once and allow us to vote on it?

Mr. KIRKWOOD. Let me say to the Senator from Kansas that I have had referred to me on another committee recently—

Mr. INGALLS. I want an opportunity to vote on Mr. Holladay's claim. I think he has a claim and that it ought to be voted on, and I wish to vote on it.

Mr. KIRKWOOD. If the Committee on Claims saw fit to report as they might have done, I would be very apt to take their conclusion as conclusive with me and vote what they reported; but does not the Senator from Kansas see this peculiarity? He asks that the Committee on Claims shall report on this *ex parte* testimony; he says that when they have reported upon it he is willing to vote in favor of what they report; and yet he is unwilling to allow that same proof to go before the Court of Claims. If it is good enough for the Committee on Claims, why is it not good enough for the Court of Claims?

Mr. INGALLS. Because they are two entirely different tribunals, with different jurisdiction.

Mr. KIRKWOOD. Certainly they are.

Mr. INGALLS. One is controlled by equity alone or may be, and the other is controlled by law.

Mr. KIRKWOOD. They are controlled just by the law we make to control them; and if we make the law to control them, we can declare that evidence that we say is good enough for us shall be good enough for them too; and why it should not be I cannot conceive.

Then they will be judging according to the law as we make it for them.

Mr. THURMAN. Then why not say the Court of Claims shall decide all cases on affidavits?

Mr. KIRKWOOD. No; the case is peculiar, I apprehend. The Senator from Kansas himself told us a short time ago the character of the men who knew about this thing, mule-drivers and stage-drivers and militia soldiers and regular soldiers and bushwhackers, and God knows what else, who frequent such places. You may find them today, and a year hence you may not find one in five hundred of them. He argued earnestly and strongly to a man who knows so much about these things as I do the utter impossibility of ever getting together again the testimony we now have here, and, having shown that it is utterly impossible ever to get it again, why not let it go to the Court of Claims?

Mr. INGALLS. The Senator from Iowa must not do me the injustice of saying that I am unwilling to have Mr. Holladay's claim adjudicated. I think the courageous and manly thing to do is for this body to take that testimony, give it the weight it is worth, and act in accordance with it, and not ask a tribunal organized upon different principles for the administration of law to violate every principle of evidence that governs the consideration of differences between human beings.

Mr. KIRKWOOD. If the Senator from Kansas has a controversy with the Committee on Claims upon this subject I do not wish to take part in it. If the Committee on Claims saw fit to report this matter to the Senate on the best lights they had, I will with the best lights I can get act on their report; but they have made the report to us that they do not think it prudent and safe for them under the circumstances to pass upon the amount due this man, and that the Court of Claims is better constituted to do that work than they are, and having so reported I would take their report and act upon it. In view of the class of population that must make up these witnesses if ever they are got together, if ever they can be got together, in view of the fugitive character of the men who must have known if anybody ever did know about this case, it seems to me to be utterly unjust to say that after compelling this man to wait from ten to twelve years before he can get a hearing, then he shall be deprived of the evidence which he has procured to enable us to determine the case.

Mr. THURMAN. If the Senate will give me its attention for ten minutes—I do not think I shall occupy more—I flatter myself that I can show that this is no claim to go before a court. A court must act upon principles of law well recognized and settled and binding upon it. On what principles of law does this claim rest? Upon the ground that the Government has violated a contract with Holladay? We are told not. On the ground that the Government is liable at law for the operations of enemies hostile to the Government? No such principle is known to a court. On the ground that he has, upon the order of a military officer who had no authority to order him and without any change of his contract by the Post-Office Department, the only Department that could change it, undertaken to carry the mail on a different route from that upon which he had contracted to carry it? Is it on that ground? There is no such principle known to a court of law. It must say at once, "These military men had no right to order you off on this route and you can acquire no claim on the Government by their so doing that is known and cognizable by a court of law." If, therefore, you send the case to the Court of Claims, the first thing you must do is to fix the principle upon which that court shall adjudicate the claim, and thus make it a simple auditor like an auditor in a court of chancery. After the court has settled all the principles upon which the account shall be taken, he then ascertains the damages according to the principles thus settled. You leave to the Court of Claims nothing in the wide world in the shape of law to decide if you send this bill to them in any shape in which that court can take cognizance of it. You send it to them in this way, and what can the court say? They say, "We know no law applicable to this case; it is a simple appeal to the justice and equity of the Government; there is no principle of law that is applicable to the case, and therefore there is nothing upon which we can decide." I say therefore, again, if you send this case to the Court of Claims, you are bound in the first place to settle by your law the principle upon which that court shall proceed in estimating damages.

That being true, this is simply an appeal to the justice of the Government. From what I have heard I believe there is much merit in this claim. I mean from what I have heard this afternoon, for that is all I know about it. I think from what I have heard this afternoon there is much merit in this claim, and that the Government does owe something to Mr. Holladay by way of indemnity for his losses. But I say it is an appeal to the equity of the Government, to its sense of justice, to its sense of honor, and that is a question for Congress and not for a court to decide.

In answer to what was said by the Senator from Iowa, [Mr. KIRKWOOD,] that the Committee on Claims would have to act upon affidavits, that Senator ought to know that whenever that committee asks the Senate to give it power to send for persons and papers in any case of importance that power is readily granted. I therefore concur with the Senator from Kansas [Mr. INGALLS] in saying that the right way to deal with this subject is to take these affidavits, and if counter-proof is necessary, let the committee ask for power to send for

persons and papers, or let depositions be taken under the general law of the land to be read before a committee of Congress; let that be done, and let the committee decide. Believing most firmly that this is no case for a court, I move that the bill be recommitted.

Mr. MORRILL. Mr. President, I am not, for one, disposed to argue entirely against the propriety of passing some measure of relief for Mr. Holladay; but when it is constantly asserted here that men are postponed for years with just claims, I want to give it as my opinion that there are two claims pushed through Congress by worryment that ought not to pass for one that is postponed. This bill proposes a very large job for the Court of Claims. It proposes three distinct classes of claims to be adjusted by the Court of Claims. The first is for spoliations by the Indians. I want to say that if we shall pass a bill of this kind we shall be immediately called upon to pass claims for other mail contractors that lost vast numbers of mules on the Texas route to Arizona. Then, again, it proposes to adjust claims for property taken by the United States troops; and then again for losses of property in consequence of the change of the route. This is not for property used in the carrying of the mail, but for any property, however exposed, that belonged to this man; he is to have indemnity for it if it was lost, whether by his carelessness and neglect or not. If the property been has lost, according to the terms of this bill the court must render a judgment against the Government.

Mr. President, I merely offered a proposition embracing these claims, but in a restricted form, that they should come up only where the United States were justly chargeable, and then that they should be adjudicated upon competent evidence. I ask to have the substitute proposed by me printed, in order that it may be considered whenever the bill comes up again. Now, I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, March 11, 1878.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON.

The Journal of Saturday was read and approved.

The SPEAKER. This being Monday, the first business in order is the call of States and Territories, commencing with the State of Maine, for the introduction of bills and joint resolutions for reference to appropriate committees. Under this call joint resolutions and memorials of State and territorial Legislatures are in order.

PRIVATE CALENDAR.

Mr. MILLS. I desire to ask unanimous consent of the House that we may have night sessions on Tuesday, Wednesday, and Thursday, to be devoted exclusively to the Private Calendar. There are now some one hundred and eighty bills upon that calendar which have been reported, and many of them are cases which have been reported successfully for many years, but which have always died upon the Private Calendar.

Mr. HALE. That motion will give rise to some objection. Let it go over until after the morning hour.

Mr. FRANKLIN. It can be disposed of now as well as after the morning hour.

Mr. HALE. It had better be postponed until after the morning hour.

The SPEAKER. The morning hour commences at twelve o'clock and eight minutes p. m.

MANAGERS OF THE UNITED STATES HOSPITALS.

Mr. HALE introduced a bill (H. R. No. 3741) to provide for the filling of vacancies in the board of managers of the United States hospitals for disabled volunteer soldiers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MANUFACTURERS OF CIGARS.

Mr. HARRIS, of Massachusetts, introduced a bill (H. R. No. 3742) to protect manufacturers of cigars who use imported tobacco exclusively; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

WILLIAM H. VAINES.

Mr. LANDERS introduced a bill (H. R. No. 3743) for the relief of William H. Vainey, assistant naval constructor of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

DWIGHT DE SILVA.

Mr. BEEBE introduced a bill (H. R. No. 3744) granting a pension to Dwight De Silva; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GORDON B. BARNES.

Mr. BEEBE also introduced a bill (H. R. No. 3745) granting an increase of pension to Gordon B. Barnes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGRET BABCOCK.

Mr. KETCHAM introduced a bill (H. R. No. 3746) for the relief of Margret Babcock, legatee; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

SOLDIERS' MONUMENT AT AVON, NEW YORK.

Mr. LAPHAM introduced a joint resolution (H. R. No. 129) authorizing the Secretary of War to deliver to the town of Avon, in the county of Livingston, State of New York, four cannon for the soldiers' monument in said town; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REPRESENTATIVE FROM STATE OF COLORADO.

Mr. LAPHAM also introduced a bill (H. R. No. 3747) fixing the time for the election of Representative in Congress for the State of Colorado, and to repeal so much of the act of March 3, 1875, as provides for fixing such time; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MEXICAN VETERAN PENSION BILL.

Mr. MACKEY presented joint resolutions of the Legislature of State of Pennsylvania in reference to the pension bill of the House in relation to veterans of the Mexican war.

Mr. MACKEY. As the resolution is very short, I would ask that it be read.

The resolution was read, and referred to the Committee on Invalid Pensions.

COIN OF THE UNITED STATES.

Mr. BAYNE introduced a bill (H. R. No. 3748) to punish certain crimes relating to the coin of the United States, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES P. KEGGEREIS.

Mr. STENGER introduced a bill (H. R. No. 3749) for an increase of pension of James P. Keggereis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MEXICAN VETERAN PENSION BILL.

Mr. SMITH, of Pennsylvania, presented joint resolution of the Legislature of the State of Pennsylvania, in relation to the Mexican veteran pension bill; which was referred to the Committee on Invalid Pensions.

PROTECTION OF COLONISTS, ETC., ON THE PUBLIC LANDS.

Mr. ERRETT introduced a bill (H. R. No. 3750) to aid and protect parties and colonies for the purpose of emigrating and settling on our public lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

HARBOR OF WICOMICO.

Mr. DOUGLAS introduced a bill (H. R. No. 3751) constituting the harbor of Great Wicomico, in Virginia, a port of entry and delivery, and authorizing the appointment of a collector for the same; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF NOMINI CREEK.

Mr. DOUGLAS also introduced a bill (H. R. No. 3752) providing for the continuance of the improvement of Nomini Creek, in Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NINTH REGIMENT UNITED STATES INFANTRY.

Mr. WADDELL introduced a bill (H. R. No. 2753) for the relief of certain officers and soldiers of the Ninth Regiment United States Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AUGUSTUS BURGENDORF.

Mr. HARTRIDGE (by request) introduced a bill (H. R. No. 3754) for the relief of Augustus Burgdorf, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

THOMAS JEFFERSON WILLS.

Mr. ELAM introduced a bill (H. R. No. 3755) for the relief of Thomas Jefferson Wills, curator of Martha L. Wills, of Rapides Parish, Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPROVEMENT OF RED RIVER.

Mr. ELAM also introduced a bill (H. R. No. 3756) making an appropriation to improve the navigation of the Red River at the falls, at the town of Alexandria, Louisiana, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN W. HICKEY.

Mr. ELAM (by request) also introduced a bill (H. R. No. 3757) for the relief of John W. Hickey, of the State of Louisiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BARATARIA SHIP-CANAL.

Mr. ELAM also presented the concurrent resolution of the Legislature of the State of Louisiana relative to the Barataria Ship-Canal. Mr. WOOD. I want to hear that read.

The SPEAKER. It will be read.

The concurrent resolution was then read.

The SPEAKER. If there be no objection, it will be referred to the Committee on Commerce.

Mr. SCHLEICHER. I think it should be referred to the Committee on Railways and Canals.

Mr. ELAM. Without referring to the questions which have been heretofore discussed in regard to propositions of this character asking appropriations for the improvement of navigation and their reference to committees, I think this resolution should be referred as indicated by the Speaker, to the Committee on Commerce.

The SPEAKER. Debate is not usual upon propositions of reference during the morning hour of Monday.

Mr. DUNNELL. Allow me a single word. This subject is already before the Committee on Commerce, and the chairman of that committee has a bill covering this specific improvement which he has been authorized to report this morning if he gets the opportunity.

Mr. REAGAN. The Committee on Commerce are ready to report on this subject.

Mr. SCHLEICHER. I withdraw my suggestion.

The concurrent resolution was accordingly referred to the Committee on Commerce.

CATHERINE CARBURY AND WILLIAM LAY.

Mr. SAYLER (by request) introduced a bill (H. R. No. 3758) referring the claims of Catherine Carbury and William Lay to the Committee on Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

UNITED STATES NOTES FOR CURRENCY.

Mr. EWING introduced a joint resolution (H. R. No. 130) proposing an amendment to the Constitution of the United States; which was read a first and second time.

Mr. EWING. I ask that the joint resolution be read.

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

WILLIAM YOUNG.

Mr. DURHAM introduced a bill (H. R. No. 3759) for the benefit of William Young, of Wayne County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TEXAS PACIFIC RAILROAD.

Mr. DURHAM. I also present a joint resolution of the Legislature of Kentucky, favoring the construction of the Texas Pacific Railroad. I ask that the joint resolution be read for the information of the House.

The joint resolution was read, and referred to the Committee on the Pacific Railroad.

WASHINGTON MARKET COMPANY.

Mr. BLACKBURN introduced a bill (H. R. No. 3760) relative to the Washington Market Company in the city of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

TEXAS PACIFIC RAILROAD.

Mr. BLACKBURN also presented a joint resolution of the Legislature of Kentucky in relation to the Texas Pacific Railroad; which was referred to the Committee on the Pacific Railroad.

JEPHTHA BOONE.

Mr. TURNER introduced a bill (H. R. No. 3761) for the relief of Jephtha Boone, of Powell County, Kentucky; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

CONSTRUCTION OF CERTAIN ACTS OF CONGRESS.

Mr. TURNER also introduced a bill (H. R. No. 3762) to construe certain acts of Congress; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JONATHAN M'NEAL.

Mr. TURNER also introduced a bill (H. R. No. 3763) for the relief of Jonathan McNeal, of Laurel County, Kentucky; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

ISHAM GAMBREL.

Mr. TURNER also introduced a bill (H. R. No. 3764) for the relief of Isham Gambrel, of Bell County, Kentucky, late a private of Company H, Twenty-fourth Regiment of Kentucky Infantry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. MARY A. SEABORN.

Mr. TURNER also introduced a bill (H. R. No. 3765) for the relief of Mrs. Mary A. Seaborn, of Laurel County, Kentucky, mother of Thomas Seaborn, late private Company B, Fourth Regiment Kentucky Infantry Volunteers; which was read a first and second time,

referred to the Committee on Invalid Pensions, and ordered to be printed.

TEXAS AND PACIFIC RAILROAD.

Mr. BOONE presented a joint resolution of the Legislature of the State of Kentucky, favoring the construction of the Texas and Pacific Railroad; which was referred to the Committee on the Pacific Railroad.

PUBLIC BUILDING, PADUCAH, KENTUCKY.

Mr. BOONE also introduced a bill (H. R. No. 3766) to purchase a site and erect thereon a post-office and court-house at Paducah, Kentucky, for the use of the Government of the United States; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

TEXAS AND PACIFIC RAILROAD.

Mr. WILLIS, of Kentucky, presented a joint resolution of the Legislature of the State of Kentucky, favoring the construction of a Texas and Pacific railroad; which was read a first and second time, and referred to the Committee on the Pacific Railroad.

STEAMBOAT FANNY BRANDERS.

Mr. WILLIS, of Kentucky, introduced a bill (H. R. No. 3767) for the relief of the owners of the steamboat Fanny Branders, of Louisville, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. H. NORRIS.

Mr. WILLIS, of Kentucky, also introduced a bill (H. R. No. 3768) for the relief of A. H. Norris; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TAXES ON SPIRITS AND TOBACCO.

Mr. RIDDLE introduced a bill (H. R. No. 3769) to reduce the present high taxes on distilled spirits and tobacco and to secure to manufacturers of small means the same rights as are enjoyed under the existing internal revenue only by large capitalists; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

Mr. WOOD called for the reading of the bill at length; and it was read.

MARGARET A. WEBB.

Mr. BRIGHT introduced a bill (H. R. No. 3770) to place the name of Margaret A. Webb, widow of John W. Webb, on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. BRIGHT also introduced a bill (H. R. No. 3771) to pay Margaret A. Webb, widow of John W. Webb, allowance, bounty, &c.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHILIP J. BUCKEY.

Mr. HOUSE (by request) introduced a bill (H. R. No. 3772) for the relief of Philip J. Buckey, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RENEL CUSTER.

Mr. SEXTON introduced a bill (H. R. No. 3773) granting a pension to Renel Custer, of Jefferson County, Indiana; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

Mr. HANNA (by request) introduced a bill (H. R. No. 3774) to fix the rank and pay of retired medical purveyors, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. B. HOLLOWAY.

Mr. EDEN (by request) introduced a bill (H. R. No. 3775) for the relief of J. B. Holloway; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

INTERNAL IMPROVEMENT IN ILLINOIS.

Mr. HARRISON introduced a joint resolution (H. R. No. 131) directing a survey and estimate to be made under the direction of the Secretary of War, of the Illinois River and Illinois and Michigan Canal, in the State of Illinois, with a view to deepen the same so as to be navigable for steamers drawing seven feet of water, from Chicago to the Mississippi River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGES ACROSS OHIO RIVER.

Mr. TOWNSHEND, of Illinois, introduced a bill (H. R. No. 3776) supplementary to an act approved December 17, 1872, and entitled "An act to authorize the construction of bridges across the Ohio River and to prescribe the dimensions of the same;" which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SWAMP LANDS, WHITE COUNTY, ILLINOIS.

Mr. TOWNSHEND, of Illinois, also introduced a bill (H. R. No. 3777) to provide for the payment in money of the indemnity claim for swamp and overflowed lands in White County, Illinois; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

SWAMP AND OVERFLOWED LANDS, ILLINOIS.

Mr. TOWNSHEND, of Illinois, also introduced a bill (H. R. No. 3778) to provide for the payment of the indemnity claim for swamp and overflowed lands in the counties of Richland, Saline, Jefferson, Hamilton, Wayne, Gallatin, and Hardin, Illinois; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ISHAM C. TAYLOR.

Mr. TOWNSHEND, of Illinois, also introduced a bill (H. R. No. 3779) for the relief of Isham C. Taylor; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SILVER BULLION CERTIFICATES.

Mr. KNAPP introduced a bill (H. R. No. 3780) to authorize the deposit of silver bullion or bars, and the issue of certificates therefor; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

DISTRICT COURT, QUINCY, ILLINOIS.

Mr. KNAPP also introduced a bill (H. R. No. 3781) providing for holding terms of court at Quincy, Illinois, in the southern district of said State; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SILVER BULLION CERTIFICATES.

Mr. CRITTENDEN introduced a bill (H. R. No. 3782) to authorize the deposit of silver bullion or bars, and the issue of certificates therefor; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ALEXANDER W. WALKER.

Mr. POLLARD introduced a bill (H. R. No. 3783) granting a pension to Alexander W. Walker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY MURPHY.

Mr. CONGER (by request) introduced a bill (H. R. No. 3784) for the relief of Mary Murphy, widow of Jeremiah Murphy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

YELLOWSTONE NATIONAL PARK.

Mr. WILLIAMS, of Michigan, introduced a bill (H. R. No. 3785) making an appropriation for the protection and improvement of the Yellowstone National Park; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDINGS, TALLAHASSEE, FLORIDA.

Mr. DAVIDSON introduced a bill (H. R. No. 3786) to provide for the construction of a building for the use of the United States courts, post-office, and other Government offices in the city of Tallahassee, State of Florida; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

IMPROVEMENT OF CEDAR KEYS HARBOR, FLORIDA.

Mr. DAVIDSON also introduced a bill (H. R. No. 3787) making an appropriation for continuing the improvement of the harbor of Cedar Keys, in the State of Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING, BROWNSVILLE, TEXAS.

Mr. SCHLEICHER introduced a bill (H. R. No. 3788) to provide for the erection of a building at Brownsville, Texas, for the United States courts, post-office, custom-house, and other Government offices; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

E. F. WENKEBACH.

Mr. SCHLEICHER also introduced a bill (H. R. No. 3789) for the relief of E. F. Wenkebach; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRED. DANT & CO.

Mr. PRICE introduced a bill (H. R. No. 3790) for the relief of Fred. Dant & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TERMS DISTRICT COURT, IOWA.

Mr. CLARK, of Iowa, introduced a bill (H. R. No. 3791) providing for the holding of additional terms of the district-court for Iowa, at Iowa City, in said district; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SPECIE PAYMENTS.

Mr. CLARK, of Iowa, also introduced a bill (H. R. No. 3792) to revise an act to provide for the resumption of specie payments, approved January 14, 1875, and amendatory thereof; which was read a first and second time, referred to the Committee on the Revision of the Laws of the United States, and ordered to be printed.

WAR OF 1812.

Mr. BURDICK introduced a bill (H. R. No. 3793) amending laws

granting pensions to soldiers and sailors of the war of 1812 and their widows; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

TRANSPORTATION OF LIVE STOCK.

Mr. BURDICK also presented a joint resolution of the Legislature of Iowa, instructing the Senators and requesting the Representatives in Congress from that State to vote against the bill for the limitation of transportation of live stock unless shipped in patent cars; which was referred to the Committee on Agriculture.

NORTHERN PACIFIC RAILWAY.

Mr. WILLIAMS, of Wisconsin, presented a memorial of the Legislature of the State of Wisconsin, for an extension of the time for the completion of the Northern Pacific Railway; which was referred to the Committee on Pacific Railroads.

MICHAEL LEAHY.

Mr. BRAGG introduced a bill (H. R. No. 3794) to increase the pension of Michael Leahy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ACQUISITION OF PUBLIC LANDS.

Mr. LUTTRELL presented a joint resolution of the Legislature of the State of California, for the repeal of all laws for the acquisition of public lands unless it be by actual settlers; which was referred to the Committee on Public Lands.

E. M. DAY.

Mr. PAGE introduced a bill (H. R. No. 3795) for the relief of E. M. Day; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

SETTLERS ON PUBLIC LANDS.

Mr. WIGGINTON introduced a bill (H. R. No. 3796) for the relief of settlers on the public lands and to provide for the repayment of certain fees and commissions paid on void entries of public lands, and for other purposes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

JENNIE E. SIMONS.

Mr. DUNNELL introduced a bill (H. R. No. 3797) granting a pension to Jennie E. Simons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FORT RIPLEY RESERVATION.

Mr. STRAIT presented a joint resolution from the Legislature of the State of Minnesota, asking Congress to pass an act authorizing the lands of the Fort Ripley reservation to be entered under the pre-emption and homestead laws; which was referred to the Committee on Public Lands.

REIMBURSEMENT OF KANSAS AND NEBRASKA.

Mr. PHILLIPS introduced a bill (H. R. No. 3798) to reimburse the States of Kansas and Nebraska for expenses incurred by said States for the United States in repelling invasion and suppressing Indian hostilities; which was referred to the Committee on Indian Affairs, and ordered to be printed.

COMMISSIONERS OF CLAIMS.

Mr. MARTIN (by request) introduced a bill (H. R. No. 3799) to abolish the commissioners of claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TIMBER ON PUBLIC LANDS.

Mr. WREN introduced a bill (H. R. No. 3800) authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

TRANSFER OF INDIAN BUREAU.

Mr. WELCH presented a joint resolution of the Legislature of the State of Nebraska, praying that the control and management of Indian affairs be transferred to the War Department; which was referred to the Committee on Indian Affairs.

DAMAGES IN TIMBER SUITS.

Mr. PATTERSON, of Colorado, introduced a bill (H. R. No. 3801) fixing the measure of damages in suits waged by the General Government for timber cut upon the public lands, and for other purposes; which was read a first and second time.

Mr. PATTERSON, of Colorado. I ask that the bill be read at length.

The bill was read *in extenso*, and was referred to the Committee on the Judiciary, and ordered to be printed.

LOUIS VOLIN.

Mr. KIDDER introduced a bill (H. R. No. 3802) for the relief of Louis Volin, of Yankton, Dakota Territory; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

CHIPPEWA INDIANS.

Mr. KIDDER also (by request) introduced a bill (H. R. No. 3803) to

aid the Pembina band of Chippewa Indians in obtaining subsistence by agricultural pursuits, to promote their civilization, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CAMP LOWELL MILITARY RESERVATION.

Mr. STEVENS, of Arizona, introduced a bill (H. R. No. 3804) authorizing the Secretary of War to curtail the present limits of the Camp Lowell military reservation, in the Territory of Arizona; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EXPENSES OF TREATY WITH SIOUX.

Mr. CORLETT introduced a bill (H. R. No. 3805) making an appropriation for the expenses incurred in fulfilling treaty with Sioux of different tribes including the Santee Sioux of Nebraska; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

The SPEAKER. The regular call of the States and Territories has been concluded and the Chair will now recognize gentlemen who were not in the House when their States or Territories were called.

CLAIMS OF SOUTHERN MAIL CONTRACTORS.

Mr. WHITE, of Pennsylvania, introduced a bill (H. R. No. 3806) to repeal so much of the annual appropriation act approved March 3, 1877, as provides for the payment of certain southern mail contractors; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PREPARATION OF SILVER BARS.

Mr. FORT introduced a bill (H. R. No. 3807) to provide for the preparation of uniform silver bars of the value of \$100 and of \$1,000 respectively, standard silver, and for the issue of certificates thereon which shall be receivable for all public dues; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

EMIGRATION TO LIBERIA.

Mr. CAIN introduced a bill (H. R. No. 3808) to establish a line of mail and emigrant steam and sailing vessels between certain ports of the United States and Liberia, Africa; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EDUCATIONAL FUND.

Mr. CAIN also introduced a bill (H. R. No. 3809) to establish an educational fund and to apply the proceeds of the public lands to the education of the people; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

GEORGE HITCHINGS.

Mr. WHITE, of Indiana, introduced a bill (H. R. No. 3810) for the relief of George Hitchings; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RUSH VALLEY MILITARY RESERVATION.

Mr. MCCOOK introduced a bill (H. R. No. 3811) to provide for the transfer of the Rush Valley military reservation, in the Territory of Utah, to the Department of the Interior; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS P. WESTMORELAND.

Mr. EVINS, of South Carolina, introduced a bill (H. R. No. 3812) for the relief of Thomas P. Westmoreland; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

JAMES C. SLAGHT.

Mr. WILLIS, of New York, introduced a bill (H. R. No. 3813) for the relief of James C. Slaght, late captain and assistant quartermaster of the United States Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. WILLIS, of New York. I desire also to present a preamble and resolutions adopted by the Chamber of Commerce of New York. They are very brief, and relate to a matter of great public interest.

The SPEAKER. The Chair will recognize the gentleman for that purpose after all the bills have been introduced which gentlemen desire to introduce.

OVERCHARGE OF DUTIES.

Mr. WOOD introduced a bill (H. R. No. 3814) to provide remedies for overcharge of duties on tonnage and imports; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

TARIFF DUTIES.

Mr. WILSON introduced a joint resolution (H. R. No. 132) relating to tariff duties; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

LIFE INSURANCE FOR NAVAL OFFICERS.

Mr. GOODE introduced a bill (H. R. No. 3815) to establish a system of life insurance for the officers of the Navy and Marine corps; which

was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MRS. MARY G. HARRIS.

Mr. GOODE also introduced a bill (H. R. No. 3816) granting a pension to Mrs. Mary G. Harris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNIE FARLEY.

Mr. RICE, of Ohio, introduced a bill (H. R. No. 3817) granting a pension to Annie Farley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CYRUS W. BRAINARD.

Mr. PHELPS introduced a bill (H. R. No. 3818) for the relief of Cyrus W. Brainard, of Haddam, Connecticut; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

JOHN W. BRAINARD.

Mr. PHELPS also introduced a bill (H. R. No. 3819) for the relief of John W. Brainard, of New Haven, Connecticut; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

CHAUNCEY DICKENSON.

Mr. PHELPS also introduced a bill (H. R. No. 3820) for the relief of Chauncey Dickenson, of Haddam, Connecticut; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

SYLVESTER E. BRAINARD.

Mr. PHELPS also introduced a bill (H. R. No. 3821) for the relief of Sylvester E. Brainard, of New Haven, Connecticut; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

AUTOMATIC SIGNAL-BUOY.

Mr. WILLIS, of New York. I ask unanimous consent to present at this time and have printed in the RECORD a memorial from the New York Chamber of Commerce in regard to the use by the Government of the automatic signal-buoy.

Mr. JONES, of Ohio. I object to its being printed in the RECORD.

Mr. WILLIS, of New York. It is very brief.

Mr. JONES, of Ohio. I do not object to its reference.

Mr. WILLIS, of New York. If objection is made to its printing in the RECORD, I will withdraw it for the present.

BRAZILIAN STEAMSHIP LINE.

Mr. YOUNG. I have here resolutions adopted by the Chamber of Commerce of Memphis, Tennessee, in reference to a line of steamships from New Orleans to the city of Rio Janeiro. I ask that they be printed in the RECORD and referred to the Committee on the Post-Office and Post-Roads.

Mr. BROWN. I object to the printing in the RECORD.

The resolutions were accordingly referred to the Committee on the Post-Office and Post-Roads.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and a joint resolution of the following titles:

A bill (H. R. No. 3551) to amend section 4778 of the Revised Statutes of the United States;

A bill (H. R. No. 2860) changing the times of holding terms of the district court for the district of West Virginia;

A bill (H. R. No. 3296) for the relief of Captain William L. Foulk;

A bill (H. R. No. 1487) making appropriations for the payment of claims reported to Congress under section 2 of the act approved June 16, 1874, by the Secretary of the Treasury; and

A joint resolution (H. R. No. 37) to authorize the Secretary of War to issue certain arms to the Washington Light Infantry of Charleston, South Carolina.

ORDER OF BUSINESS.

Mr. SINGLETON. I believe the morning hour has expired.

The SPEAKER. It has.

Mr. SINGLETON. Then I move that the rules be suspended and the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of proceeding with the consideration of the diplomatic appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. Cox, of New York, in the chair.)

DIPLOMATIC APPROPRIATION BILL.

The CHAIRMAN. The House is now in Committee of the Whole, and resumes the consideration of the bill (H. R. No. 3064) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1879, and for other purposes. The gentleman from New York [Mr. HEWITT] is entitled to the floor.

Mr. HEWITT, of New York. Mr. Chairman, although I have given the subject matter of this bill as much attention as I am capable of, I should hardly be able to overcome the reluctance with which I take

up the time of the House, after the very clear, full, and able exposition which has been given of the details of the bill by my friend and colleague on the Committee of Appropriations, the gentleman from Mississippi, [Mr. SINGLETON,] but for the reason that a recent event has startled the whole country and recalled public attention to the nature of our diplomatic service. That event is the decision given in the case of the fishery awards commission, by which the large sum of \$5,500,000 has been awarded as damages to the Canadian government for the privileges enjoyed by our fishermen under the provisions of the treaty of Washington.

When the treaty of Washington under which that commission was framed was agreed upon there were two things to be taken into consideration; first the Alabama claims, and secondly these fishery claims. Every one here will remember with what interest the country regarded the Alabama claims; and everybody will recollect that whatever there was of experience, of talent, of capacity, of training, was brought to bear by this Government in order to make a good case before the Geneva commission.

In the first place, the ablest diplomatist of the age, Mr. Adams, was chosen to represent the American Government on the commission. In the next place, the case was got up here in the State Department by Mr. Bancroft Davis, who had passed many years in the diplomatic service and was at that time the Assistant Secretary of State.

He called to his aid the great names of President Woolsey, of Yale College; of William Beach Lawrence, the veteran publicist; and of Caleb Cushing, who perhaps has a better knowledge of international law than any other man living. And when they went before the commission they took with them as counsel William M. Evarts, the first lawyer of the land, assisted by Mr. Waite, now Chief Justice of the United States.

You all know with what feelings of relief if not of exultation the country received the notice of the award made by the commission. The sum, three million pounds sterling, was regarded by the British government as excessive, but to us it seemed to be but just damages for the great wrongs we had sustained.

Now, when we turn from that great historic scene to this commission at Halifax, what do we find? We find that the American Government was represented by Mr. Kellogg, who I am told is a most respectable and worthy gentleman living in Pittsfield, Massachusetts. I confess that before I turned to the records of the State Department and found his name recorded upon the list I had never heard of Mr. Kellogg. I find that the counsel of the United States before that commission was Mr. Dwight Foster. I am told he is a most respectable lawyer of the city of Boston, but inasmuch as he never held a public office, so far as I know, and certainly none in the diplomatic line, it may be concluded that he was entirely without experience; and yet to the care of these comparatively unknown and certainly untrained representatives our interests were confided.

On the other side I find that Great Britain was represented by Sir Alexander Galt, the first statesman of Canada, once its finance minister, who has restored order to her disordered affairs; a gentleman of great accomplishments, master of the French language, and, as I learn, possessed of unusual qualifications for so eminent a position. I find that the counsel of the British Government before that commission was Mr. Francis Ford Clare, who has had a long career of diplomatic service in the British foreign office, a man of the very greatest promise in his profession. The arbitrator chosen by the two governments was Mr. Delfosse, the representative of the Belgian government at Washington.

Before that commission went this case in regard to which I am assured by every man who has ever looked into the fishery business there was no ground for any award whatever; that the privileges that we had conceded to the Canadian fishermen, of coming down to the thirty-ninth parallel of latitude and of selling their oil and fish in the United States free of duty, were an ample equivalent for whatever concessions they had made to our fishermen.

Yet in this case this enormous award of \$5,500,000—more than one-third of the entire sum which we derived from the Geneva award—is to be taken from our Treasury. And to what is this due? And what are the probable consequences? I heard a distinguished statesman, very eminent once in this Government, say: "Those Canadians will make nothing out of it; it will put back reciprocity for twenty years." Mr. Chairman, if by the incompetence or blunders of the men selected to represent us in a high commission we are to suffer for twenty years the deprivation of reciprocal trade with our neighbors upon the northern frontier, then indeed is it time to ascertain whether our diplomatic system is organized in such wise as to be worthy of the respect and of the support of the people of this country.

REFORM IN THE DIPLOMATIC AND CONSULAR SERVICE.

Theoretically, diplomacy concerns itself with political questions, while the consular service cares for commercial interests. But in practice, so far as the United States are concerned, the main work of diplomacy has been devoted to our commercial relations and has been limited to very few questions. Our fortunate separation by an intervening ocean from European politics has relieved us from the dangers and necessity of taking part in their struggles, and we have only been called upon to assert and maintain, as best we could, the rights of neutrals upon the high seas, in order that our commerce

might not be destroyed by belligerent powers. To have it admitted that "free ships make free goods" has been the traditional policy of our Government ever since the struggle between France and England at the close of the last and the beginning of the present century, from being involved in which we were only saved by the wisdom and firmness of Washington.

The only distinctive political proposition which our diplomacy has originated and maintained is that known as the Monroe doctrine. Fortunately for our future tranquillity the rights of neutrals and the policy of non-interference by European powers in the affairs of the western continent, except so far as they still retain American possessions, are substantially admitted, so that in fact the two chief objects aimed at in our diplomatic intercourse have been achieved.

VIEW OF THE FATHERS.

But our commerce steadily grows, and our connection with Europe, arising out of travel and immigration, becomes every year more intimate. From this intercourse arise questions which require to be handled by men of trained intelligence and firm in asserting the rights of American citizens. The founders of the Government were almost unanimously of opinion that the time would come when we might dispense with foreign missions,* but they did not anticipate the changes which have been wrought by steamships, telegraphs, and a flood of immigration, and counter-current of emigration, the complication of extradition questions, and the rights of naturalized citizens resident abroad. On the other hand, the very inventions of our day have greatly modified the nature and necessity of the foreign missions which we are called upon to keep up. There is no court in Europe which cannot be reached by telegraph within twenty-four hours from Washington, or within thirty-six hours by rail from London. The necessity, therefore, of maintaining resident ministers at all the courts of Europe has passed away. It is a useless and expensive luxury, and in many cases an utter sham.

USELESSNESS OF THE PRESENT DIPLOMATIC SYSTEM.

The perusal of the annual volume of diplomatic correspondence, published by the State Department, demonstrates that by far the larger number of our European ministers have nothing to do, and, in fact, have to make sometimes amusing efforts to find some subject for dispatches, and that, as a rule, they have been anticipated by the newspapers who use the telegraph and explore the sources of knowledge with far more energy, expense, and ability than is possible for representatives who cannot descend from the lofty plane of official respectability to the interviewing level without loss of prestige. A minister, recently returned from a high-class mission, tells me that after he had been at his post vainly searching for something to do, he was forcibly reminded of the decree of Caligula by which he created his horse a Roman consul, and he was inclined to wonder why the President had selected him instead of one of his steeds as his ambassador, and could only explain it on the theory that he valued the society of his horses more than that of his friends.

* [Extracts from the Annals of Congress, Fifth Congress.]

Mr. Nicholas gave it as his opinion on our foreign intercourse that the United States would be benefited by having no ministers at all. (January 18; page 851.)

He thought we ought to have no political connection with Europe, but he considered in relation to that continent as mere buyers and vendors of their manufactures. (Mr. Nicholas, January 25, 1798; page 922.)

If the wisdom of future Legislatures shall think proper to abolish the establishment of foreign political intercourse altogether, it must be left to them to decide. He believed, situated as we were, it was necessary to have some political intercourse; but he believed it would be best, by degrees, to decline it altogether. (Mr. Gallatin, January 18; page 859.)

No truth was more strongly impressed upon his mind than that the extension of our political intercourse with foreign nations was highly dangerous to us.

It was true, treaties had been made, but no treaty had been made since the adoption of the present Government by ministers resident at any court at the time. If any benefits were derived to the country from the British treaty, they must be attributed to the envoy extraordinary and not to our minister at that court. And when our treaty with Spain was concluded it was necessary to send a minister resident at another court to do the business. Since our treaties were always made by special envoys, what advantage could it be to have numerous ministers plenipotentiary in Europe?

But it was said, though it might be proper to diminish our foreign intercourse, it was improper to do it at present. He agreed it would be wrong to do it violently.

Gentlemen might, if they pleased, call it a *paltry saving*; but having first established the fact that these officers were not only unnecessary but dangerous, though the saving was not large, it ought to be made. (Mr. Gallatin, January 19, 1798; page 887.)

The commercial intercourse between nations is regulated by the law of nations, by the municipal laws of the respective countries, and by treaties of commerce. The application of those different laws to individual cases, the protection of individuals against acts of oppression not consonant with those laws, the protection of our seamen and of our citizens trading to foreign countries, fall within the province of those agents, known by the name of consuls. Consuls are appointed for that specific purpose. We have them in all countries with which we trade. Whether we have these public ministers or not they protect our commerce as effectually at Hamburg, in Denmark, or Sweden, where we have no diplomatic characters, as it is protected in Spain or Holland where we have ministers. It is only when we wish to obtain a change in the regulations provided by the acknowledged law of nations or by the municipal laws of the country that public ministers are necessary, as they alone can negotiate with a foreign government, as they alone can form treaties of commerce. But it is only the application of laws and treaties to individual cases which requires a continual attention and a permanent residence. The extraordinary occasions on which it may be necessary to negotiate treaties may be provided for by special missions, by extraordinary envoys; and it is worthy of remark that the two only treaties which have yet been made under the present Constitution with foreign nations, those with Great Britain and Spain, have both been formed by extraordinary envoys. (Mr. Jay and Mr. Pinckney,) although we had at that time public ministers at those two courts. (Mr. Gallatin, March 1, 1798; p. 1123.)

The great rule of conduct for us in regard to foreign nations is in extending our commercial relations to have with them as little political connection as possible.

REFORM NECESSARY.

Admitting, then, that we must maintain diplomatic relations with the European powers, partly with a view to the protection of our citizens, but more particularly for the advancement of our commercial interests, it does not follow that we are to go on forever in the old ruts, and refuse to discard the excrescences and barnacles of the system, and not avail ourselves of the obvious economies and improvements which are pointed out by the changed condition of the more rapid and unrestricted communications of the steamer, the telegraph, and the railway.

It is equally true of politics as of business, that success is not possible without the employment of the latest improvements in machinery and the best talent in managing it. In the early history of the Government the men sent abroad were those who had most distinguished themselves in the forum, on the bench, or in the Cabinet. The names Franklin, Jefferson, Jay, Ellsworth, Livingston, Pinckney, Monroe, Gallatin, and Adams instinctively recur to us. But in later and more degenerate days foreign missions have come to be regarded as the refuge for "played-out politicians"—for men who have done the party some service, but who have been discarded by their constituents. As such "statesmen" are always increasing in number the pressure is always to enlarge the number of soft places into which their bruised consciences may be tenderly deposited. Any attempt to reduce the number of missions or to introduce the salutary economy and manifest efficiency which will result from a reorganization of the system is resisted at every step, as well within the Halls of Congress by men who are looking forward to a comfortable asylum for their later years as by the administration that finds the hungry crowd of office-seekers increasing more rapidly than even the miraculous loaves and fishes which have been provided by the inventive genius of American politics.

But the time has come when all the shams and abuses of the day must be swept away. The press, with all its defects, renders the invaluable service of exposing with a relentless and microscopic scrutiny all the useless objects of public expenditures, as well as the toadyism, flunkeyism, or whatever it may be called, of American representatives, who are or should be sent abroad with nobler purposes than to shine at court, struggle for social recognition, or contend for the privileges of precedence, such as might be accorded to "emperors."

WHAT DIPLOMATIC SERVICE IS NECESSARY.

The question for the American people is merely, what kind of diplomatic system do we require in order to protect and enlarge our commercial interests and the rights of American citizens? For such a system they are willing to pay; for anything beyond it, enlightened public sentiment demands from this House stern reprobation and prohibition so far as we have any power in the premises.

What, then, is demanded by the exigencies of our political and com-

So far as we have already formed engagements, let them be fulfilled with good faith. Here let us stop. Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities. Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the time is not far off when we may defy material injury from external annoyance. Why forego the advantages of so peculiar a position? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice? It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it. Let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them. (Quotation by the same from Washington's Farewell Address, March 1; p. 1127.)

If peace were restored in Europe, and we had no difference to settle there, he should agree with the gentleman from Virginia, and with the opinion of the old Congress, that it would be well to keep no foreign ministers in Europe. All commercial regulations might be as well carried on by consuls as by ministers; and if any differences should arise between this country and any of the European governments, special envoys might be sent to settle them, as heretofore; for when the situation of this country was considered it would appear to be for our interest to have as little political connection with Europe as possible, and therefore ministers could be of no use, but might do mischief. Gentlemen of different opinions in that House must see that we have had ministers in foreign countries who have done no good, and that foreign ministers have been sent to this country who have done harm. He therefore thought that the gentleman from Virginia was right in principle; but he thought the time improper, and he did not approve of the mode proposed to be adopted. He should wish that the subject should be brought forward by way of an original motion, and receive all the discussion which the rules of the House will admit of. (Mr. Pinckney, January 19, 1798; page 866.)

Indeed, the gentleman from South Carolina, (Mr. Pinckney,) than whom no one could be better able to give an opinion on the subject, declared that, in his opinion, our diplomatic connections had been injurious to this country, and that they ought to be got rid of as soon as convenient; though, he added, he did not think this a proper time, or that this was the best mode of doing the business. He thought this declaration ought to have great weight. (Mr. Livingston, page 883, January 19, 1798.)

It was said to be the interest of this country to annul all our foreign political intercourse. He did not deny that, separated as we are from Europe, it might be for the interest and happiness of this country to have no connection with European powers. (January 26; page 934.)

It was a sentiment advocated by the gentleman from Pennsylvania, that we ought to have no political foreign relations. That gentleman prided himself on being of peculiar sentiments, but on this occasion he was not so. It had long been the sentiment of this country. It was a sentiment introduced into all our treaties but one, and it would be found in the "Farewell Address" of the late President of the United States. (Mr. Goodrich, January 26; page 934.)

mercial relations with Europe? At the most two ministers, one resident in London and accredited to all the courts of Western Europe and one resident at Berlin accredited to the eastern courts, can take care of all our interests without finding themselves oppressed either by too much labor or too great responsibility. London is the center of the commercial interests of the world, while Berlin is the political center from which issues the voice of command. Besides, the German element in this country is so numerous that the real political questions with which we have to deal spring largely from that source.

These ministers should be men of recognized ability, of thorough training in diplomatic duties, and masters of international law, rights, and duties. We have such men; but singularly enough the only two eminent in the profession in the service of the late Administration have been relieved from duty since the 4th of March last. They should have ample salaries so as to enable them to consort with other foreign representatives on terms of equality; they should have a corps of secretaries and clerks to keep up the records and correspondence. They would be in daily communication with the State Department by telegraph if necessary, and within twenty-four hours could reach any court where their presence might be needed. At all the other courts we should keep as now a secretary of legation, speaking the language of the country, for the purpose of caring for the records and of delivering such dispatches and communications as are by diplomatic usage required to be presented by hand.

RESULTS OF THE CHANGE.

The result of this change would be—

First. A large saving in the annual expenditure.

Second. Much greater efficiency in the public service, because it would be carried on by able and trained men, instead as now by politicians without a single qualification for the duty and without even the ability to speak the language of the country where they reside.

Third. The American name and character would be raised abroad, instead of being as now often a by-word and a reproach by reason either of the unfitness or the bad character of the representative.

Fourth. The questions dealt with would be living issues concerning the means by which our markets could be enlarged and our methods of production stimulated, cheapened, and improved.

WHERE THE POWER RESIDES.

And here I shall be asked why the bill before the House makes no provision for such a reorganization of the service as is here indicated. The answer is that this House has nothing to do with the organization of the diplomatic and consular service, and, if it had, an appropriation bill would not be a suitable mode of dealing with the question. By the Constitution, the appointment of foreign ministers and of consuls is confided to the President, by and with the advice and consent of the Senate. The House of Representatives has no part either in their creation or their abolition. Congress cannot create or abolish either a mission or a consulate. The creation is the joint work of the President and Senate. The abolition is the sole prerogative of the President. The House takes part alone in fixing the compensation. The House may, indeed, decline to appropriate; in which case the office will not cease to exist, but a valid claim would remain against the Government for the value of the service. I say a valid claim, where a salary has been fixed by existing law, as it is in all existing cases. If the President and Senate should see fit to create a new mission, then the claim for compensation would be an equitable one.

Mr. ELAM. How is a new mission to be created?

Mr. HEWITT, of New York. I answer my friend from Louisiana, by the President. If the Senate is not in session the President can send a minister to any part of the habitable globe of his own motion. If the Senate be in session he has simply to send in the name for confirmation.

I refer, gentlemen, because I will not have time to go into proof, to the debates on the Panama mission, which took place under Mr. Adams's administration in 1828, I think. In that case it was held by the joint action of both Houses that the President had the right of his own motion to send the commissioners, and that Congress was bound in good faith to make the proper compensation. He sent them during a recess of Congress.

This whole subject has been many times thoroughly discussed, and the opinions of all the leading statesmen from the foundation of the Government to the present time have concurred in the opinion that the House is bound in good faith to provide adequate compensation for such foreign representatives as the President may see fit to appoint. One quotation will suffice to make this opinion clear.

Mr. Buchanan said: It is true that in many cases the House of Representatives are called upon to make appropriations for carrying treaties into effect, and in all cases we vote the outfits and salaries of our foreign ministers; yet it is equally certain we are under a high moral and constitutional obligation to make the grants of money necessary for these purposes. I do not say that extreme cases may not exist in which it would be our duty to refuse such appropriations. The safety of the people is the supreme law, and if their rights and liberties were endangered by any treaty or any mission it might then become the duty of this House even to disregard their constitutional obligation for the purpose of preserving the Republic from danger. Should such a case occur, it will make a precedent for itself. I think no gentleman will contend that it exists on the present occasion.—*Congressional Debates*, page 655; debate on minister to Russia, House of Representatives, 1831.

In this judgment I find concurring the great authorities of Gallatin, Livingston, Otis, Harper, Webster, and Marcy, and all confirmed by an elaborate opinion of Attorney-General Cushing, to be found in

volume 7 of the Opinions of Attorneys-General. By what right, then, it will be asked, has the committee dropped, in the bill now reported the missions to the smaller European powers? The answer is that, if approved, the action of the House is in the nature of a recommendation to the President and Senate, and no more. It is an expression of opinion on the part of the House that these missions involve unnecessary expense. If they differ from us we are bound to yield to their judgment, because the Constitution has invested them with the responsibility of the decision. On the other hand, if they should agree with us and if they should be struck forcibly with the suggestions involved in this change of policy, it would be competent for the President of his own motion to reorganize the entire diplomatic system by the withdrawal of unnecessary ministers, the appointment of the necessary secretaries, the institution of suitable regulations, all of which might be submitted to Congress with recommendations for such alterations in the existing laws as to salary as the new system might require.

Mr. ELAM. I desire to ask the gentleman a question. How did it come that the missions to all the South American republics were concentrated into one?

Mr. HEWITT, of New York. The House made an appropriation covering only the money necessary to pay one mission. The President respected that recommendation of the House; but it was a recommendation and nothing more. The salaries of the separate ministers to the South American governments are all fixed in the statute-book, and if the President and Senate had chosen to send the ministers a valid claim under the statute would have existed. But there would have been no appropriation available for the payment, and they would have either gone to the Court of Claims or knocked at the door of this House until common decency had compelled us to respect the statute.

Now, then, I want to say that it is competent for the President of the United States of his own motion, without any action of this House or of the Senate, to reorganize the entire diplomatic system of the United States. He can withdraw all the ministers to-morrow, or as many of them as he sees fit, and if he should take that course the expenditures for these missions would be saved to the public Treasury. It is a matter left by the Constitution to his judgment and to his judgment alone. In the hope, however, that the President and the Senate will look upon this matter as the committee of the House have looked upon it, and in view of the suggestions of the small utility of these minor missions, that he will see fit to withdraw those missions, we have omitted to appropriate for their continuance. But we have inserted an appropriation of \$20,000 to be used at his discretion for the employment of secretaries of legation at minor courts from which the ministers are withdrawn, and he can instruct these secretaries to report to the minister at London or Berlin or any other minister that he sees fit to retain.

I desire to call the attention of the House to another fact. I have said that as a rule our foreign missions are useless. I want to prove it by the experience of this Government from its very foundation, and I propose to prove it by referring to the treaties that have been made. We have negotiated in all two hundred and seventeen treaties. Of that number fifty-seven were negotiated with the South American States, where I hold that our ministers are a necessity, both because we want to extend our commerce there and because those countries are disturbed by revolutions, and as I have heard the chairman of this committee [Mr. Cox, of New York] say, they are volcanic countries, and our citizens are often in great peril and need a minister for their protection because a consul is not so much respected in Spanish American countries. Of the remainder of the treaties sixty-nine were negotiated with the leading powers of Europe. I have prepared a statement of the principal treaties made between the United States and France and England, with which countries alone, with the possible exception of Spain, our relations have been at any time precarious.

HOW OUR TREATIES HAVE BEEN MADE.

Principal treaties with Great Britain.

- Definitive treaty of peace, Paris, September 3, 1783—negotiated by special commissioners, John Adams, B. Franklin, John Jay.
- Treaty of 1794 (commonly known as Jay's treaty)—negotiated by special commissioner, Chief-Justice Jay.
- Treaty of December 31, 1806 (Monroe's treaty; never ratified)—negotiated by special commissioners, James Monroe and William Pinkney.
- Treaty of Ghent, December 24, 1814—negotiated by special commissioners, J. Q. Adams, J. A. Bayard, H. Clay, Jonathan Russell, Albert Gallatin.
- Commercial treaty of 1815, London, July 3—negotiated by special commissioners, J. Q. Adams, H. Clay, Albert Gallatin.
- Convention of 1818—negotiated by special commissioners, Albert Gallatin, (then minister to France,) Richard Rush, (then minister to England.)
- Treaties and conventions of 1826 and 1827, (four in all)—negotiated by Albert Gallatin, sent as minister to England for that purpose.
- Treaty of 1842 (Ashburton treaty)—negotiated at Washington by Lord Ashburton, specially commissioned *ad hoc*.
- Clayton-Bulwer convention of 1850—negotiated at Washington by H. L. Bulwer.
- Reciprocity treaty of 1854—negotiated at Washington by special commissioner, Lord Elgin.
- Slave-trade treaty of 1862—negotiated at Washington by Lord Lyons.
- Treaty of Washington, 1871—negotiated by two sets of special commissioners. There are a few others of less importance. These are the most weighty, and all of them were on our side negotiated either by special commissioners or by the Secretary of State.

Principal treaties with France.

- Treaty of alliance, 1778—special commissioners, Silas Deane and Arthur Lee.

Treaty of commerce, 1778—special commissioners, B. Franklin, Silas Deane, and Arthur Lee.

Treaty of 1800—special commissioners, Oliver Ellsworth, (Chief-Justice,) W. R. Davis, W. P. Murray.

Louisiana treaty of 1803—special commissioners, Robert R. Livingston (minister) and James Monroe.

Commercial convention of 1822—negotiated at Washington by Hyde de Neuville; sent back there *ad hoc*.

Claims convention of 1831—by William C. Rives, (minister.)

There are some others of less importance. Of the above only the last was negotiated by the resident minister alone.

An examination of this list leads to the irresistible conclusion that when special work of great importance is to be done experience has shown that nations are driven to resort to special agencies.

COMMERCIAL TREATY WITH FRANCE NEEDED.

This conclusion is enforced by the state of our commercial relations with France. We have in the main been represented by able men at that court. The trade between France and the United States has always been and is still hampered by restrictions, which, as between England and France, were all swept away by the Cobden treaty of 1860. With the example of this treaty before us for eighteen years, no successful effort has been made to secure the benefit of a freer interchange of commodities, and the state of our commercial relations with France is a standing reproach to our diplomacy. Our late minister was an able man and long a member of this House, and yet even he during eight years of service accomplished nothing for the development of our trade with France.

By the politeness of the gentleman from Massachusetts [Mr. BANKS] I have been furnished with a copy of a circular issued—by whom? Not by American manufacturers, as you might suppose; but by a French association, inviting us to join them in an international conference to be held at Paris during the coming exposition, in order that we may establish a Franco-American treaty of commerce. The French people are restive under this state of affairs; and we, who have such boundless wealth of articles to sell, stand still and do nothing; and that is the fruit of our American diplomacy.

SOUTH AMERICAN MISSIONS.

Now, I have stated that the case of South America is different. As I have said, the nations of South America are unsettled in government, but they offer to us the nearest and earliest avenues for the growth of our commerce; they offer the nearest and the best markets for the products of our manufacturers. Therefore the Committee on Appropriations not only did not strike out any South American mission, but they inserted two missions which had been left out before: the one to the United States of Colombia, where we have a commerce amounting even now to \$10,000,000 per annum, and the other to Bolivia, where the mission was discontinued some years ago.

The reason for inserting the mission to Bolivia I should like to have understood. Bolivia has no sea-port; it has communication with the ocean, but no port through which traffic can be carried on; it is in fact cut off from the Pacific Ocean by the Andes chain of mountains, through which it has no practicable pass; but it has an outlet through the Amazon River; and a contract has been made by the Brazilian Government with an American firm of contractors to construct a railway two hundred miles in length around the falls of the Madeira, a branch of the Amazon River, which will allow the products of that vast country, the ancient seat of the Aztec civilization, to come down the Amazon and pass out into the general markets of the world.

That opening is confided to American hands. Thousands of our enterprising people are already there or on their way to engage in the execution of this great undertaking. Unhappily the ship which was lost the other day carried two hundred of them to an untimely grave. This work will be put through, and the men whom we send will need protection. That class of men are the men who always develop the trade and the resources of a country, and will pour its volume into American channels, if they can be adequately protected. Hence we inserted this mission to Bolivia.

THE TRUE RULE.

Wherever, then, the diplomatic relations can be made to subserve the interests of commerce I would preserve and strengthen them, but where they connect themselves with political questions in which we have but little direct or collateral interest, I would reduce the expense and enlarge the efficiency by consolidating them under not more than two general heads, as I have proposed for Europe. The pending war between Russia and Turkey is a good illustration of how little political concern we have in a struggle of vast moment to European interests. It simply affects the demand for our food products, and we profit by it; but it is ludicrous to read the dispatches of our ministers on the subject, in the vain effort to send some information to the State Department which was not already known through the newspapers. In fact, newspaper enterprise and the telegraph have rendered the old diplomatic system perfectly obsolete so far as we are concerned.

The admiral in command of our squadron in the Mediterranean tells me, on the breaking out of the war, he sailed to the Dardanelles and at once put himself in communication with the American minister at Constantinople, and requested him to keep him advised as to any matters in which our interests might be affected or protected by our naval forces. But for five months he waited and never received so much as a single intimation from the accomplished diplomat who

represents us at Stamboul. Can there be a more striking commentary upon the futility of our present diplomatic system?

THE CONSULAR SERVICE.

But it is to the consular rather than the diplomatic service that we look for the protection and extension of our commercial interests, and here at the outset let me call attention to a few facts which will appear fully in the statement, which I have prepared with great care, to show the comparison between the English and American systems of consular service. These statements I ask leave to have printed as a part of my remarks. They show—

1. The annual expense of the English consular service is £213,033, including salaries and allowances for rent.

2. The amount of fees collected in 1876 was £34,707.

3. The annual expense of the United States consular system for salaries and rent is \$345,950; other expenses, including exchange, \$173,562.

4. The amount of fees collected in 1876-'77, \$624,265.39.

It thus appears that the English consular system is maintained at an annual cost to the treasury of \$890,000, while our system is maintained by a tax on commerce, paying its entire cost and putting a surplus of \$118,000 into the Treasury. To the full extent of this tax the British merchant has an advantage over the American trader.

Our revenue is mainly derived from a fee of \$2.50 for each invoice of goods imported into the United States where the tax is transferred to the consumer. The abolition of this tax would not therefore affect the consumer, because he would then pay it in another form but no more in amount. It is easy to show, however, that he would in reality pay less. The whole system of the verification of invoices is a sham. It is impossible for the consul to be a judge of the value and quality of all varieties of merchandise. Moreover it is notorious that false invoices are frequently tendered to buyers, and in Paris half rates are usually proffered for invoice entries to American customers; moreover the right of the consul to exact an oath is made a source of great abuse. The consul not being empowered to administer the oath, arranges with some foreign officer to take it, often at exorbitant fees, which are supposed to be divided. In 1872 I find from Keim's report that in twenty-one cities—

The fees collected amounted to.....	\$202,147 50
And the oaths cost.....	50,654 29
That in London the consul's salary was.....	7,500 00
Commissioners' fees for oaths.....	11,907 00
Manchester, consul's salary was.....	3,000 00
Commissioners' fees for oaths.....	9,573 84
Bradford, consul's salary was.....	3,000 00
Commissioners' fees for oaths.....	4,667 00
Liverpool, consul's salary was.....	7,500 00
Commissioners' fees for oaths.....	6,030 00

On the other hand, what the consuls cannot possibly do, that is judge of the value of the goods, we can do at the custom-houses, where we maintain an appraisers' department at great cost for the express purpose of determining the value, with an expert for every separate kind of business. Besides, the proposed salutary change from *ad valorem* to specific duties in the new tariff will dispense with the necessity of verifying invoices either here or abroad. The whole system of verifying invoices before the consuls should be abolished, and in this view I am confirmed by the general judgment of our most experienced officers of customs. Colonel L. W. Burt, the experienced and able comptroller of the naval office in New York, begins his recommendations for reform, submitted to the Jay commission, by urging—

1. The repeal of all laws requiring consular certificates to invoices. They are absolutely useless; no attention is given by consuls to the accuracy of invoices, either as to naked market price or to discounts and charges. Apart from the simplification of business, consularships would only be necessary at the sea-ports.

The British do not have consularships as a rule at interior places, because they do not exact fees on invoices. We maintain them only because we exact fees; and we pay for seventy-nine interior and unnecessary consularships out of the Treasury the sum of \$74,000, besides a large amount in fees to unpaid consuls.

This whole sum can be saved at once, being about one-seventh of the whole cost of our consular service. This reform so self-evident can only be effected by a repeal of the statute requiring the invoices to be verified, and it does not fall within the proper province of an appropriation bill to propose such legislation, but it cannot be too strongly urged upon the attention of the proper committee for immediate action.

Now, by recurring to the figures which I have given, another serious abuse will be found. In Great Britain the fees collected are only one-fourth of the amount which we collect; in other words, we collect four times as much out of the shipping interest as Great Britain collects; yet the trade of Great Britain is three times as great as ours. Our charges, therefore, are 1,200 per cent. higher on navigation and on commerce than the charges of Great Britain. I have here a copy of the British consular-fee list, which is to be found posted up in every British consul's office. This fee list covers thirty-nine charges, while ours comprises one hundred and two different items. For shipping seamen, which my colleague on the committee [Mr. SINGLETON] alluded to on Saturday, the charge is two shillings. Our charge in the days when my friend from Ohio [Mr. MONROE] was a consul was the same; but subsequently it was raised to \$1, and

now, in some ports, it is \$2. The result is that an American ship-master pays from twelve to fifteen times as much every time he enters a port as a British ship-master.

Mr. EICKHOFF. How is that done?

Mr. HEWITT, of New York. I am going to explain how it is done. [Here the hammer fell.]

Mr. BRIGHT. I ask unanimous consent that the gentleman from New York be permitted to go on.

The CHAIRMAN. If there be no objection, the gentleman's time will be extended. [A pause.] The Chair hears no objection.

Mr. HEWITT, of New York. I am very much obliged—

Mr. HUBBELL. I must object.

Several MEMBERS. Too late!

Mr. HEWITT, of New York. So long, Mr. Chairman, as there is a single member of this House who desires to object, I must decline to avail myself of the privilege which other members are so kindly willing to extend.

The CHAIRMAN. The Chair would say to the gentleman from Michigan [Mr. HUBBELL] that his objection came rather too late. The Chair had announced the fact that there was no objection. The gentleman from New York will proceed.

Mr. HEWITT, of New York. Mr. Chairman, I am perfectly well aware, in justification of the objection that has been made, that my voice is in a wretched condition and that I am not making myself heard. At the same time I have given most diligent examination to this question, and although I might take advantage of the consent of the House to print, yet I am assured under the circumstances it is better that I should try to complete the discussion in the way it has been commenced.

I hold in my hand from an American ship-master, and a most intelligent one, a letter in which he states to me that at length he fears that he will be forced to sell his vessel and put it under another flag. During a recent voyage to the West Indies he says he paid \$30 consul fees when a British vessel making the same voyage would have paid only \$2. He says in addition that is not the worst of it; that they are often compelled to pay illegal fees, that at Demerara the consul charges \$2 for certificate of return of shipping-papers to the master, form No. 14, consular regulations. I have examined the American regulations and I believe he is right. He says the vice-consul at Bordeaux insists on putting his seal and signature to all custom-house clearances, and that from all American vessels clearing from that port, no matter whether the master wishes it or not, he collects \$2. He says that on a passage from that port to the French Island of Martinique against his wish he collected that charge, thereby presenting the absurdity of an official document from one French officer to another being legalized by a foreigner. There is no warrant in law for such a charge as that. So he goes on to enumerate at length a great number of these abuses.

That brings me, Mr. Chairman, to the matter which the gentleman from Mississippi, [Mr. SINGLETON,] my colleague on the Committee on Appropriations, referred to as an abuse in shipping seamen. He said that a fee of \$2 was collected at certain ports, the ports of London, Liverpool, Cardiff, Belfast, and Hamburg; and he stated further that he believed these fees were appropriated—I cannot quote his exact words because his speech has not yet been published—appropriated by the consuls. I have investigated that matter and I find the origin of this abuse—for, as I shall explain it, it is an abuse—is founded on an order issued by President Grant on the 24th May, 1873, which I hold in my hand and which I will have copied into the RECORD:

EXECUTIVE MANSION, Washington, May 24, 1873.

Under the authority granted by section 16 of the act of Congress approved August 18, 1856, the following special tariff of fees to be collected at the consulate of the United States at Liverpool for the engagement and discharge of seamen is hereby prescribed, namely:

First. On engaging crew, for each member of the crew, excepting apprentices	\$2 00
Second. On discharging crew, for each member of the crew discharged	50

The same tariff may be extended to such other consulates as the interests of the consular service may from time to time seem to the Secretary of State to require.

U. S. GRANT.

Under that order the President by virtue of the act of 1856 authorized the consuls at certain ports to collect two dollars instead of one for engaging a crew, and fifty cents for discharges; and he adds that the same tariff may be extended to other consulates.

Let us see what the warrant for that was. It is found in the act of August 18, 1856, section 16. The President is authorized to prescribe the rates or tariffs of fees to be charged for official service, and to designate what shall be regarded as official service; and all the fees so designated are to be returned to the Treasury and accounted for to the Treasury. Now I find by the statement of the Fifth Auditor's office that at London the consul-general has applied the entire sum received for shipping seamen and discharging seamen to the payment of office expenses.

In the first place there is no warrant for the expenditure of any money for that purpose. There is no law which authorizes it; and in the next place the law distinctly requires the consul at London and all other consuls to pay these fees into the Treasury. The justification, however, is this: there is a large amount of shipping business to be done in the London consulate, and the allowance by law

for clerical service is not sufficient to pay for the labor done, and therefore the consul-general at London has been allowed to apply this shipping money to the payment of office expenses. I do not believe the consul has profited by it; nevertheless it is an abuse which is contrary to law and should be corrected. But at Liverpool the consul reports that he received over \$8,000 for fees and paid \$3,000 for shipping expenses and he returned the excess, \$5,076, to the Treasury. In other words he returned all he did not expend, whereas in London the consul appears to have expended all he received.

At Hamburg, at Cardiff, and at Belfast the other consuls have taken advantage of this fact and kept all the money they collect for shipping and discharging seamen and merely furnished a formal receipt to the Department for the expenditure of so much money. The receipt never should have been allowed and never would have been allowed but for the order I have read. But I wish to say in justification of the President that I do not think the order is broad enough or can be construed to authorize these allowances. I think it is an abuse which has grown up between the State Department and the Treasury Department and the sooner it is brought to an end the better.

THE ORGANIZATION OF THE BRITISH CONSULAR SERVICE.

The British consular system is organized upon definite rules and regulations as to appointments and promotions. Ours is not. In the British service candidates must be examined for admission, and in all cases must understand French and the language of the country to which they are assigned for duty. The service is a career. The rule is *detur digniori*. Promotions are made for merit and length of service, and there are frequent transfers from the consular to the diplomatic service and *vice versa*. They are never removed for political causes, nor is it ever intimated on a change of administration that they are expected to make room for hungry politicians. They devote themselves for life to the promotion of British trade and commerce. They seek out new avenues for enterprise. They keep the board of trade advised of every commercial change, and if a new fabric or a new style of goods is introduced from any other country, samples of it are at once procured and forwarded to England for the information of manufacturers.

If time permitted I could furnish volumes of evidence as to the zeal and energy of these missionaries in the cause of British trade. Their reports and the reports of the attachés to the British legations are models of patient labor and treasuries of valuable commercial knowledge, and are made available to the British public by publication in a cheap blue-book which can be purchased at cost by all who are interested instead of being consigned, as here, to garrets and the paper-mill because no provision has been made for proper distribution and circulation. I get five hundred copies of the Agricultural Reports, which I do not want, and other members get commercial statistics of no value to the farming classes. They should all be put on sale at a central office at the cost of printing and furnished to any part of the United States in the mails free of cost.

ORGANIZATION OF OUR CONSULAR SERVICE.

I need not waste any time in describing how our consuls are appointed and, with some creditable exceptions, what manner of men they are apt to be. Appointed as a rule for subordinate and often discreditable political services, they usually have no qualifications for the position. They have no permanence in the tenure of office, and hence are often removed just as they have acquired the experience to be useful. Neither are they subject to such direction and supervision as will insure efficiency in service. They can have no pride in a vocation which is only temporary and which offers no prospect of advancement or of honor.

The result is that it may almost be affirmed that our consular system, as now organized and administered with its code of fees, is an impediment rather than an aid to commerce.

The reforms imperatively needed are plainly indicated by this hasty review:

First. Candidates should be examined for admission to the service. Second. They should have a permanent tenure of office, being only removable for cause.

Third. They should be promoted in rank and compensation for ability and length of service.

Fourth. They should be paid at the outset a salary sufficient for their decent support, and the salary should be slowly but steadily advanced with increasing years.

Fifth. They should have a moderate retiring pension when, after being worn out in the service, they return home to die.

Sixth. All fees should go into the Treasury and all connection with private business should be prohibited.

Seventh. A consular bureau should be established, either in the State or Treasury Departments, devoted to the interests of trade, and presided over by a man eminent for ability and commercial knowledge. This bureau should be charged with the care of our commercial interests in foreign lands, and should annually report to Congress how and by what means and in what countries our trade can be enlarged, and should, in fact, possess the powers and perform the duties of the British Board of Trade.

THE FRENCH SYSTEM.

This is substantially the French system, a brief account of which

I feel constrained to give,* in order that the House may understand that all the great commercial powers, including the German Empire, which is doing its utmost, and with great success, to enlarge its foreign commerce, have long since adopted the system of a permanent service, based upon the fundamental basis of preliminary examination, of promotion, of permanent tenure of office, and of adequate compensation for faithful and intelligent service.

To reform our service in conformity with these ideas will be neither difficult nor expensive. The closing up of consulates rendered useless by the abolition of consular verification of invoices will save money enough to render the whole service efficient by its proper expenditure as above recommended.

CIVIL-SERVICE REFORM.

Now, Mr. Chairman, I come upon a subject which I approach with great reluctance. How can this reform be effected? How may it be effected? I have pointed out how far legislation can contribute to the result. We can abolish the verification of invoices. We can give better salaries to those who remain in the service; but the reform, to be of any use, to be effectual, must be made by the President of the United States. With him resides the constitutional power; with him under the statute resides the power to make the regulations which govern the consular service. He needs no legislation from this House to establish civil-service rules there; he is master of the situation. He can make this great system an honor and a source of immeasurable advantage and prosperity to this country, if he will. I do not know that he is aware of the great power which he possesses, but I do know that that power has not been exercised. Why has it not been exercised? It is not for want of professions. I apologize for taking a little time in order to have the House understand exactly where the President stands upon this subject, and I ask the Clerk to read an extract from the Cincinnati platform, an extract from the letter of acceptance of Mr. Hayes, an extract from his inaugural address, and an extract from his message to this House at the beginning of the present session of Congress. I think it will be profitable reading or I would not take up the time of the House.

The Clerk read as follows:

[Extract from the Cincinnati platform.]

The invariable rule for appointments should have reference to the honesty, fidelity, and capacity of the appointees; preferring friends of the party in power for places where harmony and vigor of administration require its policy to be represented; but permitting all others to be filled by persons selected with sole reference to the efficiency of the public service and the right of all citizens to share in the honor of rendering faithful service to their country.

[Extract from the letter of acceptance of Mr. Hayes.]

The old rule, the true rule, that honesty, capacity, and fidelity constitute the only real qualifications for office, and that there is no other claim, gave place to the idea that party services were to be chiefly considered. * * * We should return to

*The French consular system.

For nearly half a century the consular service of France has remained unchanged; and for more than twenty-five years the Guide des consuls of De Clercq et Vallat has been the French consul's *vade mecum*. Some modifications have been made, and the decree of December 26, 1869, is usually spoken of as that regulating the service; but, as the Duke Decazes said in his memorandum preceding the decree of February 1, 1877, the organization of to-day is that of 1832, the efficiency of which time has shown.

In pursuance of the economical policy of the then existing government the whole consular system in 1830, outside of Great Britain, was assimilated to that in the Levant and consulates were placed under the supervision of the legations, while in Barbary and South America diplomatic duties were imposed on consuls who took the additional title of *chargé d'affaires*. The distinction between consul and consul-general came to be practically one of name alone.

The principal officers are the consuls-general, consuls of the first and second class, and consular pupils. There are also chancellors, dragomans, and supernumerary attachés, vice-consuls, consular agents, vice-consular agents, and interpreters. Consuls, and not consulates, are classified, for two reasons: first, on account of the frequent changes in the relative importance of the different posts and, second, that a deserving officer may be promoted without removing him from a place for which by long residence he is peculiarly fitted.

Promotion is made from the lower grades of the entire foreign service; for example, consuls-general are to be chosen from subdirectors of the ministry, first secretaries of legation and embassy, and consuls of the first class, and so on in the descending scale.

The ministry of foreign affairs is composed of various divisions, as that of political affairs, that of commercial affairs, that of claims, &c., and to them, but chiefly of course to that of commercial affairs, the consuls report on the archives, on current scientific discovery and investigation, on important publications, besides their commercial and financial reports.

Under the decree of February 1, 1877, a most elaborate scheme of examination is laid down for admission to the permanent consular and diplomatic services; briefly stated it is as follows: Supernumerary attachés are appointed to a limited number who must have a private income of \$1,200, and be licentiates in law, science, or letters; that is to say, they must correspond to our bachelor of arts or college graduates. Besides this they must understand two modern languages in addition to their own. From these, after three years' service, one being abroad, come the candidates for paid attaché, third secretary, and consular pupil. The examinations for the diplomatic and consular service are nearly the same, embracing international law, diplomatic history, statistics, political economy, geography, and the languages. They are both written and oral, but not competitive, the chief difference between them being that for the diplomatic service more stress is laid on international law and history, with the general results of political economy, while for the consular service the details of economic science are most insisted on. A knowledge of English is required for both, and besides that German is a requisite for the former, Spanish for the latter branch. An important feature of the service as now existing is the classification of the subordinate officers, namely: class I, subdirectors of the ministry, consuls-general, and first secretaries; class II, *rédauteurs* consuls, and second secretaries; class III, paid attachés to the ministry, consular pupils, third secretaries. The three positions in each class being interchangeable, those holding them are educated to a practical knowledge of the workings of legations, consulates, and the foreign office, and the two branches brought into more intelligent and harmonious co-operation.

the principles and practice of the founders of the Government, supplying by legislation, when needed, that which was formerly established by custom. They neither expected nor desired from the public officer any partisan service. They meant that public officers should owe their whole service to the Government and the people. They meant that the officer should be secure in his tenure as long as his personal character remained untarnished and the performance of his duties satisfactory. If elected I shall conduct the administration upon these principles, and all constitutional powers vested in the Executive will be employed to establish this reform.

[Extract from the inaugural address.]

I ask the attention of the public to the paramount necessity of reform in our civil service, a reform not merely as to certain abuses and practices of so-called official patronage, which have come to have the sanction of usage in the several departments of our Government, but a change in the system of appointment itself; a reform that shall be thorough, radical, and complete; a return to the principles and practices of the founders of the Government. They neither expected nor desired from public officers any partisan service. They meant that public officers should owe their whole service to the Government and to the people. They meant that the officer should be secure in his tenure as long as his personal character remained untarnished and the performance of his duties satisfactory. They held that appointments to office were not to be made nor expected merely as rewards for partisan services, nor merely on the nomination of members of Congress, as being entitled in any respect to the control of such appointments.

[Extracts from the President's message, 1877.]

The organization of the civil service of the country has for a number of years attracted more and more of the public attention. So general has become the opinion that the methods of admission to it and the conditions of remaining in it are unsound that both the great political parties have agreed in the most explicit declarations of the necessity of reform and in the most emphatic demands for it. I have fully believed these declarations and demands to be the expression of a sincere conviction of the intelligent masses of the people upon the subject, and that they should be recognized and followed by earnest and prompt action on the part of the legislative and executive departments of the Government in pursuance of the purpose indicated.

Before my accession to office I endeavored to have my own views distinctly understood, and upon my inauguration my accord with the public opinion was stated in terms believed to be plain and unambiguous.

In addition to this I recognize the public advantage of making nominations as nearly as possible impersonal, in the sense of being free from mere caprice or favor in the selection; and in those offices in which special training is of greatly increased value I believe such a rule as to the tenure of office should obtain as may induce men of proper qualifications to apply themselves industriously to the task of becoming proficient.

It is my purpose to transmit to Congress as early as practicable a report by the chairman of the commission, and to ask your attention to such measures on this subject as, in my opinion, will further promote the improvement of the civil service.

Mr. HEWITT, of New York. Now, Mr. Chairman, those who have listened to those extracts will find that they contain two classes of propositions: there are the affirmative propositions, that appointments shall be made for honesty, fidelity, and capacity; then, secondly, that the tenure of office shall be secure to those who perform the duties to the satisfaction of the public. Then there are some negative propositions: appointments are not to be made for party services; they are not to be made for personal services; they are not to be made on the request of members of Congress; and when made no political services are to be rendered.

In that connection I hold in my hand the civil-service order issued on the 22d of June, 1877, sent, as I understand, as an official document to every employé of the Government, and signed by a fac-simile of the President's signature, "R. B. Hayes." I will have it inserted as part of my remarks.

Mr. SPRINGER. Let it be read.

Mr. HEWITT, of New York. Very well; it had better be read.

The Clerk read as follows:

EXECUTIVE MANSION,

Washington, June 22, 1877.

SIR: I desire to call your attention to the following paragraph in a letter addressed by me to the Secretary of the Treasury on the conduct to be observed by officers of the General Government in relation to the elections:

"No officer should be required or permitted to take part in the management of political organizations, caucuses, conventions, or election campaigns. Their right to vote and to express their views on public questions, either orally or through the press, is not denied, provided it does not interfere with the discharge of their official duties. No assessment for political purposes on officers or subordinates should be allowed."

This rule is applicable to every department of the civil service. It should be understood by every officer of the General Government that he is expected to conform his conduct to its requirements.

Very respectfully,

R. B. HAYES.

To the —

Mr. HEWITT, of New York. Now, Mr. Chairman, it happens in connection with this matter and in connection with this bill which we have under consideration that the Fifth Auditor of the Treasury, whose duties refer to the diplomatic and consular accounts, and to whom my friend from Mississippi and myself upon the subcommittee have had occasion to apply for information—this Fifth Auditor of the Treasury is, or was a few days ago, away in the State of New Hampshire making political speeches, and I hold one of those speeches in my hand, made at Rochester, New Hampshire, on the 26th of February, 1878. I do not propose to make any comment upon this fact. I sent to the Fifth Auditor's Office this morning for a communication and one of his clerks came to me. I do not know that he is not in his office to-day, but I know that he was in New Hampshire preaching politics on the 26th of February, 1878.

Mr. DUNNELL. Does the gentleman propose to make the speech which he holds in his hand a part of his remarks?

Mr. HEWITT, of New York. I do not, but the gentleman might

readily make it a portion of his remarks and he will perhaps find it an improvement on the ordinary speeches made here.

No President has made such promises as these; no other President has ever reiterated them on every occasion in public and private; no President was ever so bound by every consideration of justice to keep the pledges which he has made. He renewed those pledges as to the civil service contemporaneously with the solemn oath by which he took office and it has been a matter of wonder to everybody on both sides that these pledges have not been kept; for here was a President who came into office not by the ordinary mode; he came in rather, as has been said, by the Caesarian operation.

He then owed it to both sides, not only to his own side to whom he had made these pledges but to that other and greater party in the country who had with a forbearance and self-control unparalleled in modern times kept their faith with him. Has he kept his faith with the people?

Men puzzle their brains to explain why he has not acted uniformly on the rules which he himself has proclaimed. It is certainly not because he wants to reward his own party, for he has trampled his own party under his feet. It is not because he wants to come into the arms of the democratic party, for he knows that while that party sternly did its duty to the country and to humanity they expect no recruits from the direction of the White House.

I have analyzed the appointments in the diplomatic and consular service with great care in order to detect the principle which has governed the President in making those appointments, and I think I have discovered it.

He said that he would not give appointments for political reasons; that was to the party that nominated him and who tried to elect him; and within a very narrow limit he has kept his word, for the men who carried on that campaign and gave him such measure of success as he achieved have not been rewarded. I allude to BLAINE, CONKLING, the Camerons, and the Chandlers. What has been their reward? No, it is evident that he has kept his pledge as to them.

But there was more than one campaign carried on in 1876. There was a campaign of the election and a campaign of the electoral count, and if you turn to his list of appointments, as I hold it in my hand, you will find that the theory which he has carried out appears to have been this: not to reward those who carried on the election but to reward those who secured his counting in to the high office of President of the United States.

Let us see. I begin with his Cabinet. You find there the Secretary of State, who was counsel before the electoral commission; you find the Secretary of War, who was also counsel before the commission; you find the Secretary of the Treasury, who was one of the visiting statesmen who went to Louisiana.

Look now at the local appointments, Anderson, Wells, Casanave, and Kenner in Louisiana, and at Stearns and McLin in Florida.

Mr. DUNNELL. The gentleman is mistaken as to McLin. He was appointed by President Grant.

Mr. HEWITT, of New York. I make the correction with pleasure; I do not wish to do any injustice in this matter. I can only say that Mr. McLin's nomination was rejected by the republican Senators, to their immortal credit. I give them credit for that.

We then come to some of his diplomatic and consular appointments. In the first place he pledged himself to make no personal appointments. Yet there are three appointments which may be regarded as purely personal, prominently so. There is the minister to France, Mr. Noyes; the minister to the Sandwich Islands, Mr. Comly; and the consul at Frankfort, Mr. Lee. I think nobody will urge that all these gentlemen had achieved any such prominence in political life as would entitle them to the places which have been conferred upon them to the exclusion of other worthy men already in the service. And there is a singular unfitness in these appointments. They do not come up to any standard which the President could possibly have adopted if he had regarded his pledges.

Take the case of Mr. Noyes. He is sent to France. I have pointed out at some length the necessity of a minister there who can do something toward obtaining for us a commercial treaty. Mr. Noyes, I have been told, does not speak the French language; but he put Mr. Hayes in nomination, as I understand, at the Cincinnati convention. If I am wrong I trust I will be corrected.

Mr. MCCOOK. My friend from Ohio near me [Mr. TOWNSEND] asserts that Governor Noyes does speak French.

Mr. HEWITT, of New York. I can only say that a gentleman who had intercourse with him in Paris last summer assured me that he could not speak French.

Mr. TOWNSEND, of Ohio. Perhaps the gentleman himself could not speak it.

Mr. HEWITT, of New York. Perhaps he speaks English with a French accent.

Mr. TOWNSEND, of Ohio. Mr. Noyes both speaks and writes French.

Mr. FRYE. The gentleman from New York [Mr. HEWITT] is making a very severe attack upon the civil-service policy or practice of our President. I hope he will see to it that his side gives us, the friends of the policy, a sufficient time to reply. [Great laughter.]

Mr. HEWITT, of New York. How much time would the gentleman from Maine [Mr. FRYE] desire to have?

Mr. FRYE. I think I will not fix any limit to the time now. [Laughter.]

Mr. HEWITT, of New York. The gentleman from Maine misapprehends me. I am not attacking the civil-service policy of the President; I am trying to show that the President has had no civil-service policy.

Now, in regard to Mr. Comly; I had never heard of him, but I made inquiries about him and found that Mr. Comly was the man who discovered Mr. Hayes, so to speak, [laughter,] and wrote him prominently into notice before the public as an available candidate for the Presidency. Now, Mr. Comly has made his first dispatch; it does not come through the State Department; that method of sending the communications of our ministers is obsolete. Mr. Comly is a newspaper man, and his first dispatch has naturally come to us by way of his own organ. I ask the Clerk to read this dispatch of Mr. Comly to this House, in order that we may know what kind of representative this civil-service policy has given us among foreign nations. It appears in the Ohio State Journal.

The Clerk read as follows:

DIPLOMATIC MACHINERY—THE DELICACIES AND INTRICACIES OF AN INTERNATIONAL EXCHANGE OF CIVILITIES.

[From the Ohio State Journal.]

We appropriate the following from a private letter from General Comly:

Do you know what it is to the minister to have a man-of-war visit his post? First, the admiral sends his staff officer to report his arrival. Then they take a drink. Then the minister runs up his flag, and sends a dispatch to the minister of foreign affairs, notifying his majesty's government that the admiral has arrived, and desires to salute the flag. Then his excellency replies, and sets the time when the admiral may shoot, and his majesty's big guns will be all loaded ready to reply, *cuo* for gun. Then the bombardment takes place. Then the admiral calls on the minister, with the staff and all their good clothes. Then they all drink. Then the minister goes aboard the man-of-war in his good clothes and the admiral's yawl. Then they all drink. When he leaves the vessel, after being presented arms to, and all kinds of bother, he only gets about thirty yards away when his ears are torn and his head bursted by the big guns of the vessel firing a fifteen-gun salute. The mariners have their oars peaked and their eyes on the minister, and he is expected to take off his hat and give horribly a ghastly smile, as if he really enjoyed the honor of having his head bursted in this way. Then the admiral comes ashore with his staff, and the minister takes him to call upon his majesty's government. We go first to the minister of foreign affairs, who tells us when we may have an audience at the palace, to present the admiral and other officers to his majesty. Then we visit the other ministers, the Governor of Oahu, the justices of the supreme court, and the marshal of the kingdom, then we take a drink. Then the admiral invites the minister to lunch, and they take a drink. Next day or so the minister takes the whole party to the palace, and they are presented in due form to his majesty. The admiral reads a little speech, in which he tells his majesty how glad he is to see him; and his majesty reads a little speech, in which he replies how glad he is to see us. Then we talk awhile with all the grandees, and after backing out of the presence sign our name in a little book, and the admiral hurries on board the vessel to get his kidneys relieved from the pressure of his sword-belt as soon as possible. Meantime all the other excellencies, representing every country under heaven, have been sending notes to the minister, begging him to name the happy day when it will please the admiral to send a boat for them to come aboard, and have a salute fired for them. Then the Frenchman always gets mad because he did not get as many guns as he thinks he ought to have had, and the minister has three months' correspondence on his hands before that is settled. You think it is all over now? The trouble is only about to begin. There are dinners, lunch parties, dances, serenades, visits to be paid, and the devil to pay if the foreign representatives do not receive their return call before the week is out.

[The reading of the dispatch was frequently interrupted by laughter.]

Mr. HUMPHREY. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HUMPHREY. My point of order is that there are not enough drinks in that communication.

The CHAIRMAN. The Chair overrules the point of order. [Laughter.]

Mr. CONGER. Will the gentleman from New York [Mr. HEWITT] allow me to ask him one question?

Mr. HEWITT, of New York. Certainly.

Mr. CONGER. I did not hear distinctly the reading of that article; all of it. I desire to know whether the scene of that transaction was laid in Switzerland?

Mr. HEWITT, of New York. It was not, because in Switzerland we are represented by the son of the late Secretary of State, and I take it that the proprieties of life are observed there.

Mr. CONGER. The gathering of the war vessels around the capital made me suppose it was in Switzerland. [Laughter.]

Mr. HEWITT, of New York. Now that dispatch is a good introduction to the work which Mr. Noyes will have to do when he undertakes to negotiate a treaty with France. It will be reproduced in every part of the world, of course, and it will be understood by what class of men this Government desires to be represented when the President picks out all his personal friends.

Then in regard to Mr. Lee, I have only this to say: he is sent to Frankfort; he has never been in the diplomatic or consular service. He is put there over the head of many worthy men in the service; men who had a right to rely on the promise of the President that they would be promoted for long and faithful service; men who had been clamoring at the State Department for promotion to places where they could get a decent living. Yet Mr. Lee is sent there merely because the President wanted to reward his private secretary.

Mr. JONES, of Ohio. I have the honor of a personal acquaintance with Captain A. E. Lee; I know him well; I was with him in college; I have known him ever since, and I undertake to affirm that,

for a man of his age, he has no superior in point of culture, capacity, and integrity in this or any other country. I affirm further that if it shall turn out that all the appointments of the President are equal to this appointment in suitability to be made, no better appointments could be asked by any one who desires to see our public service elevated in moral tone. [Applause.]

Mr. HEWITT, of New York. I am glad to hear this testimony to Mr. Lee's character. Nothing that I had said was intended to impugn either his character or his ability. My object was to point out that this appointment was made on personal grounds; grounds which the President pledged himself not to be influenced by in making appointments. That is all. But I would like to ask the gentleman, who knows Captain Lee very well, whether he speaks the German language?

Mr. JONES, of Ohio. I undertake to say that he can translate German and speak it. I undertake to say that in point of qualifications and character he comes up to the Jeffersonian standard.

Mr. HEWITT, of New York. I am very glad to hear it.

Mr. JONES, of Ohio. So far as regards the statement that his appointment has been made on personal grounds, I will say that I have no doubt it was made solely upon the merits of Captain Lee; and I have no doubt if he had his personal merits, he would hold a very much better position than he now does. I would not express such confidence in him if I did not know that every man who has the honor of his personal acquaintance will reaffirm what I say.

Mr. McMAHON. I would like to ask my colleague [Mr. JONES, of Ohio] a question. Was not this appointment in part due to the fact that the gentleman appointed had a connection with a certain organization known as the "American Alliance"?

Mr. JONES, of Ohio. It certainly was not. I undertake to say that the personal merits of Captain Lee would justify his appointment upon merit alone, and that his merits would justify his appointment to a much higher position than the one he now fills.

Mr. HEWITT, of New York. Whatever his personal merits may have been, he should have been excluded from appointment by the fact of his personal relations to the President. That is my point, and that is the only point I make.

Now, Mr. Kasson is appointed to Vienna. He is a man of talent and experience, eminently fit to take care of American interests. But he was also one of the "visiting statesmen." He went to Florida to superintend the electoral count; he rendered valuable service in that struggle; and he was one of the counsel before the electoral commission.

There still remains the appointment of Mr. Stoughton to Russia where we had an able and accomplished secretary of legation whose promotion would have been a well-deserved reward for long service in the diplomatic corps. But he was not so fortunate as to have taken part in the electoral struggle. Mr. Stoughton, on the other hand, was both a visiting statesman and of counsel before the electoral commission, and therefore his reward seems to have been demanded and paid.

Thus far, therefore, the appointments seem to me to have been made either because of the personal relations of the appointees to the President, or of their services rendered before the electoral commission, or in the preparation for the hearing of the cause before that tribunal.

We now come to another class of appointments; and they are the respectable ones. Mr. Lowell is appointed minister to Spain; Mr. Welsh to London; and Mr. Bayard Taylor, to Germany. These gentlemen were certainly not appointed upon party grounds; they have evidently been appointed for their respectability. I know them all; I respect them all. I know of no three men that can be named who stand higher in point of personal character than these three gentlemen. Yet I venture to affirm that with the exception of Mr. Taylor, the appointments are not such as should be made, when you consider the duties that are to be performed.

Take Mr. Lowell. He is a poet, a man of letters, and a scholar who has done honor to his name, his age, and his country. But our relations with Spain, in consequence of our proximity to Cuba, are always of a very delicate and intricate nature; and it has always been recognized that men of peculiar fitness should be sent to represent us at that court. Mr. Cushing, our late minister there, was of that order of men—probably the fittest man in the country, in view of the difficulties of the situation. But Mr. Lowell, as I am told, was originally selected for Vienna and Mr. Kasson for Madrid. The original selection would have been very much more advantageous to the country than the final change. Mr. Lowell had said a long time ago of Mr. Cushing—no doubt prophetically—

Caleb h'aint no monopoly to court the Senoreetas,
My folks to hum air full as good as his'n be, by golly.

I suppose, therefore, Mr. Lowell thought that he had better take Spain, and besides he had the precedent for it in Washington Irving. And then, moreover, he was a civil-service reformer, for had he not said in the *Biglow* papers:

I du believe it's wise an' good
To sen out furrin missions,
Thet is, on sartin understood
An' orthodoxy conditions;—
I mean nine thousan' dolls. per ann.,
Nine thousan' more for outfit,
An' me to recommend a man
The place 'ould jest about fit.

[Laughter.]

And to study Spanish literature it is the right place, but that is not the kind of service the American people want. We sell \$15,000,000 of goods a year to Cuba, and we buy \$72,000,000 from them. It is a place where we could increase our trade with a proper commercial treaty nearly \$60,000,000. We can only do it by taking advantage of our situation with reference to Cuba, to negotiate a proper commercial treaty. To-day American goods are largely prohibited in Cuba, and it is the cheapest route for American goods to Cuba to send them to Spain to reship them and bring them back there.

Now, Mr. Chairman, who will pretend that this poet, scholar, and gentleman is fitted by experience and capacity for the work which he has to do, for the work which the American people demand, or that he has that training which the President says should accompany appointments to office?

Then take the case of Mr. Welsh. No more reputable merchant ever lived in America; no more worthy gentleman is to be found; yet the questions we have with Great Britain, it so happens, are mainly political ones, which he is not qualified to discuss. During the last year the extradition treaty was the subject of discussion, and even in the able hands of our late Attorney-General, then minister to Great Britain, it became so complicated that the negotiation was removed from London to Washington, and confided to the more experienced hands of the Secretary of the State and of Sir Edward Thornton. Now, how is Mr. Welsh to deal with questions of this sort? I think that I do not overestimate the modesty of Mr. Welsh's character, when I venture to believe that he will not make any pretension to the ability to undertake negotiations involving intricate questions of international law.

So as to Mr. Taylor, of whom I can speak in terms of the highest respect; and I know the newspapers and public have received the appointment with acclamation. But, in view of the peculiar function of the American minister in Germany, I hold that at this particular juncture Taylor is not the man who ought to have been selected, although I frankly admit he is not open to the objection of not having diplomatic experience, for he was once secretary of legation, I believe in Russia. The questions which will have interest for us, mainly the financial policy of Germany, will have but little interest for him or resulting advantage to us.

Therefore it seems to me the proposition is demonstrated that the President has not adhered to any of the cardinal doctrines which he laid down on the many occasions when he has spoken on the subject of the civil service. And I have reflected whether by any possibility his good intentions and his will had been paralyzed by declarations made either upon this side or upon that side of the House or by discussions in the newspapers as to the sufficiency of his title. If the President has paid any attention to that discussion or has been influenced by it in the slightest degree, so far as I am concerned I wish to say distinctly that I hold his title to be beyond the reach of any proceedings, legal or otherwise, except in the forum of his own conscience. If there was a fraud it was not a fraud committed by the President; it was committed prior to the meeting of the electoral commission; and if there was a wrong done it was done not by the President, but it was done by the members of that commission who had led gentlemen in this House and elsewhere to expect that evidence of the fraud would be admitted. If there was a trick or fraud it was there, and what this House did was nothing but the performance of its solemn duty to register the decree of the electoral commission. This ungrateful duty was nobly performed, and from that hour Mr. Hayes held his office by a title which I hold to be irrefragable and sacred, and therefore he of all men can afford to disregard all threats and march forward in the execution of the pledges he has given to this people. But if he goes on to the end of his term falsifying these pledges, neglecting the performance of these obligations, then I say the American people will hold the fraud has been, not in the title, but in the performance.

I wish that I could make the President comprehend—and it is the only reason why I have allowed myself to indulge in these remarks—how deeply the patriotic and intelligent citizens of this nation feel upon the subject of reform in the civil service. They believe that the degradation of the Republic dates from the time when it was proclaimed and acted upon that to the "victors belong the spoils." They believe that the demoralization which has shown itself during recent years in the execution of public and private trusts is largely due to the example of making public office the reward of partisan service, often of a disreputable kind. They see that revolution is organized in the very frame-work of the Government, when once in four years there is a struggle for the control of one hundred thousand offices, and they fear that free government cannot survive many more such conflicts; that we shall soon be driven to take refuge in the safe guardianship of a military despotism.

These men, among whom I ask to be counted, regarded the position of President Hayes as peculiarly favorable to the realization of their hopes. He was singularly free from mere partisan influences, and the platform of principles enunciated at Cincinnati fully justified him in taking prompt and effectual measures to bring about the reformation of the civil service, for which we had literally hungered and thirsted. Thus far we have waited in vain; in fact we have been doomed to utter disappointment of our cherished hopes. We recognize that no reform can be effected by legislation; that to be effective its basis must be found in sound public sentiment, which we think exists, and its reliance must be not upon mere rules and competitive

examinations, but upon the common sense and firm will of the chief executive officer, who makes appointments and can alone enforce rules.

There is yet time for the President to redeem himself from the judgment of condemnation developed by the experience of the first year of his administration. For one I sincerely desire that he may be able to restore himself to the high plane of his professions and promises. I wish to believe in his desire to do this, and I am well aware of the embarrassments which have been put in his way by his

own party. A man who has shown himself to be so capable of resisting intimidation from his friends is capable of much higher resolves and more satisfactory practice than I have been reluctantly forced to review.

If during the succeeding years of his term of office he shall devote himself to this great work he will entitle himself to the gratitude and confidence of the country, but if he shall turn aside and pursue the road he has hitherto traveled I can only say in fear and trembling, "God save the Republic."

APPENDIX.

A COMPARISON OF CONSULAR EXPENSES OF THE UNITED STATES AND GREAT BRITAIN FOR THE YEAR 1877.

REMARKS.—Tables I and II contain the number of consuls of the two countries, together with their salaries and rent allowances, in European and Eastern and in the American States, respectively. The salaries of consular clerks, dragomans, &c., are included therein. The rent allowance in the British service is a specific sum for "office expenses and house rent." In the United States service a maximum sum equal to 20 per cent. of the salary is allowed paid consuls for office rent only, and this maximum sum will not be allowed except upon vouchers showing it to have been actually so expended for office rent.

Annex A gives the aggregate number and salaries of consuls sent by the United States to Great Britain and by Great Britain to the United States. Annex B shows the number of United States consular officers paid by fees only. Fee consuls are authorized to retain from the fees collected by them an amount not exceeding \$2,500 in any one year; and such sum, not over \$50, as the Secretary of State may determine, for office rent. They are not allowed to retain any sum for clerk hire, save by special permission.

This table also shows (by the letter *b* and an exponent) the number of United States consuls in each country allowed to transact business; *e. g.*, Argentine Republic, 2 (*b*) signifies that there are two consuls paid from fees and two allowed to trade.

In addition to the officers already enumerated there are three hundred and forty-one consular agents; subordinate officers appointed by the State Department on the nomination of the consul in whose district they are, who supervises and is responsible for them. They are entitled to retain from fees collected by them such a sum as the President shall determine, not in excess of \$1,000, and a sufficient amount to pay for stationery and postage on official letters. The rest must be accounted for; and every consul and commercial agent may retain from the aggregate fees turned in by the agents of his district \$1,000 for his supervision and responsibility.

By section 1702 Revised Statutes all consuls whose salaries under existing laws do not exceed \$1,500 per annum shall be paid at the rate of \$2,000 when the fees collected at their consulates amount to \$3,000.

There are 130 salaried British officers with fixed stipends at posts where there are no corresponding United States officers, and 85 United States officers of consular rank salaried or receiving fees at posts where there are no British officers.

A comparison of consular expenses of the United States and Great Britain for the year 1877.

TABLE I.—EUROPE AND THE EAST, (excluding the British Empire.)

Country.	Residence.	United States officer.	United States salary.	Maximum allowance for office rent.	British officer.	British salary.	Allowance for house and office rent.	
Austria-Hungary	Buda-Pesth	Consul			Consul-general	£1,000	£200	
	Prague	Consul	\$2,000	\$400	Consul	600	100	
	Trieste	Consul	2,000	400	Vice-consul	100		
					Vice-consul	500	50	
	Ragusa							
	Vienna	Consul-general	3,000	600				
	Fiume				Vice-consul	100		
				\$7,000	\$1,400		£2,300	£350
Barbary States	Tangier	Consul	\$3,000	\$600	Consul-general ¹	£2,000	£200	
	Laraiche				Consul	500		
	Rabat				Vice-consul		50	
	Mogador				Vice-consul		50	
	Dar-el-Barda				Consul	250	115	
	Mazagan				Vice-consul		80	
	Saffee				Vice-consul		80	
	Tetuan, (<i>b</i>)	Commercial agent			Vice-consul		50	
	Tunis	Consul	3,000	600	Agent and consul-general	1,600	250	
					Vice-consul	450		
				Vice-consul	300	30		
	Susa							
			\$6,000	\$1,200		£5,100	£965	
Belgium	Antwerp	Consul	\$2,500	\$500	Consul	£2750	£250	
	Brussels	Consul	2,500	500	Vice-consul		100	
	Ostend				Vice-consul		150	
	Ghent, (<i>b</i>)	Consul						
	Verviers	Consul	1,500	300				
				\$6,500	\$1,300		£750	£500
Bight of Biafra	Fernando Po				Consul	£600	£300	
Borneo	Brunel				Consul-general	£300	£200	
China	Pekin				Secretaries, surgeon, interpreters, &c.	£25,097		
	Amoy	Consul	\$3,500	\$700	Consul	900	£10	
		Marshal	1,000					
				and fees.				
		Interpreter	750		Consul			
	Canton	Consul	3,500	700	Consul	1,600	275	
		Interpreter	750		Vice-consul	700		
	Chin Kiang	Consul	3,500	700				
	Kiu-Kiang				Vice-consul	750	75	
	Foo-Chow	Consul	3,500	700	Consul	1,300	100	
	Marshal	1,000						
			and fees.					
	Interpreter	1,500						
Hankow	Consul	3,500	700	Consul	1,000	100		
	Marshal	1,000						
			and fees.					
	Interpreter	750						

A comparison of consular expenses of the United States and Great Britain for the year 1877—Continued.

TABLE I.—EUROPE AND THE EAST—Continued.

Country.	Residence.	United States officer.	United States salary.	Maximum allowance for office rent.	British officer.	British salary.	Allowance for house and office rent.	
China.....	New Chwang, (b).....	Consul.....	Fees		Consul.....	£900	£75	
	Ningpo.....	Consul.....	\$3,500	\$700	Consul.....	900	100	
	Shanghai.....	Consul-general.....	5,000	1,000	Judge of supreme court for China and Japan.	3,500		
		Consular clerk.....	1,200		Consul.....	1,500	275	
		Marshal.....	1,000		Vice-consul.....	750		
		Interpreter.....	2,000		Deputy judge, clerks, secretaries, coolies, &c.	4,896		
	Tien-Tsin.....	Consul.....	3,500	700	Consul.....	900	100	
		Marshal.....	1,000		Additional allowance.....	200		
		Interpreter.....	2,000					
	Whampoa.....				Vice-consul.....	750	40	
	Pagoda Island.....				Vice-consul.....	750	40	
	Cheefoo.....				Consul.....	800	75	
	Swatow.....				Consul.....	800	100	
	Taiwan.....				Consul.....	800	75	
	Tamsuy.....				Consul.....		40	
	Taku.....				Vice-consul.....	500	40	
				\$43,450	\$5,900		£49,223	£1,610
	Danish Dominions.....	Copenhagen.....	Consul.....	\$1,500	\$300	Consul.....	£500	£200
		Elsinore.....				Vice-consul.....	200	150
		Saint Thomas.....	Consul.....	2,500	500	Consul.....	800	300
Santa Cruz.....					Vice-consul.....	250		
				\$4,000	\$800		£1,750	£650
French Dominions.....	Algiers.....	Consul.....	Fees		Consul-general.....	£800	£250	
	Ajaccio.....	Consular clerk.....	\$1,200		Consul.....	100	150	
	Bone.....				Vice-consul.....	150		
	Oran.....				Vice-consul.....	150		
	Bordeaux.....	Consul.....	2,500	\$500	Consul.....	700	250	
	Bayonne.....				Vice-consul.....		100	
	Brest.....				Consul.....	600	150	
	L'Orient.....				Vice-consul.....	25		
	Calais.....				Consul.....	450	150	
	Boulogne.....				Vice-consul.....	250	150	
	Dunkirk.....				Vice-consul.....		250	
	Cayenne, (b).....	Consul.....	Fees		Consul.....	500	100	
	Cherbourg.....				Consul.....	500	100	
	Saint Malo.....				Vice-consul.....		40	
	Gaboon, (b).....	Consul.....	Fees					
	Guadaloupe, (b).....	Consul.....	Fees					
	Hayre.....	Consul.....	3,000	600	Consul.....	800	200	
					Vice-consul.....	150		
	Caen.....				Vice-consul.....		75	
	Dieppe.....				Vice-consul.....		150	
	Honfleur.....				Vice-consul.....		100	
	Ronen.....				Vice-consul.....		100	
	Lyons.....	Consul.....	2,500	500				
		Two consular clerks.....	2,200					
	Marseilles.....	Consul.....	2,500	500	Consul.....	950	300	
	Nice.....	Consul.....	1,500	300	Vice-consul.....		150	
	Martinique.....	Consul.....	1,500	300	Consul.....	100		
	Toulon.....				Vice-consul.....	50		
	Nantes.....				Consul.....	500	200	
	Charente.....				Commercial agent.....		50	
La Rochelle.....				Vice-consul.....	250	150		
Saint Nazaire.....				Vice-consul.....		100		
New Caledonia.....				Consul.....	700	300		
Réunion.....				Consul.....	1,000	150		
Saigon.....				Consul.....		400		
Paris.....	Consul-general.....	6,000	1,200	Consul, ² who is also attaché, registrar, and librarian in diplomatic service.	100	200		
Rheims, (b).....	Consul.....	Fees						
Saint Etienne, (b).....	Consul.....	Fees						
Saint Pierre, Miquelon, (b).....	Consul.....	Fees						
			\$22,900	\$3,900		£8,825	£4,315	
Friendly and Navigator's Islands.....	Aspa.....	Consul.....	\$1,000	\$200				
	Samoa.....				Consul.....	£450		
Germany.....	Aix-la-Chapelle, (b).....	Commercial agent.....	Fees					
	Barmen.....	Consul.....	\$2,000	\$400				
	Berlin.....	Consul-general.....	4,000	800	Consul-general.....	No pay		
		Consular clerk.....	1,200					
	Bremen.....	Consul.....	2,500	500	Consul.....	£500	£200	
	Brunswick, (b).....	Consul.....	Fees					
	Chemnitz.....	Consul.....	2,000	400				
	Cologne.....	Consul.....	2,000	400				
	Dresden.....	Consul.....	2,500	500				
	Dusseldorf.....				Consul-general.....	750	150	
	Frankfort.....	Consul-general.....	3,000	600	Consul.....	No pay		
	Hamburg.....	Consul.....	2,500	500	Consul.....	900	400	
	Cuxhaven.....				Vice-consul.....	100		
	Lubeck.....				Vice-consul.....		50	
	Königsberg.....				Consul.....	600	130	
	Dantzic.....				Vice-consul.....		150	
	Memel.....				Vice-consul.....		100	
	Stettin.....				Consul.....	500	200	
	Leipsic.....	Consul.....	2,000	400				

A comparison of consular expenses of the United States and Great Britain for the year 1877—Continued.

TABLE I.—EUROPE AND THE EAST—Continued.

Country.	Residence.	United States officer.	United States salary.	Maximum allowance for office rent.	British officer.	British salary.	Allowance for house and office rent.
Germany	Manheim	Consul	\$1,500	\$300			
	Munich	Consul	1,500	300			
	Nuremberg	Consul	2,000	400			
	Sonneberg	Consul	2,000	400			
	Stuttgart	Consul	1,500	300			
			\$32,200	\$6,200		£3,350	£1,380
Greece	Patras	Consul	Fees		Consul		£250
	Corfu	Consul			Consul	£700	150
	Cephalonia				Vice-consul		150
	Piræus				Consul	350	100
	Syra				Consul		150
						£1,050	£800
Hawaiian Islands	Honolulu	Consul	\$4,000		Commissioner and consul-general	£1,100	£400
		Consular clerk	1,000	\$800			
			\$5,000	\$800			
						£1,100	£400
Italy	Brindisi				Consul	£400	£60
	Cagliari				Consul		150
	Carrara, (b)	Consul	Fees				
	Civita Vecchia				Consul		150
	Florence	Consul	\$1,500	\$900	Consul	600	150
	Ancona				Vice-consul		150
	Genoa	Consul	1,500	300	Consul	600	250
	Spezia				Vice-consul		20
	Leghorn	Consul	1,500	300	Consul	350	
	Messina	Consul	1,500	300	Vice-consul		150
	Naples	Consul	1,500	300	Vice-consul		600
	Gallipoli				Vice-consul		100
	Palermo	Consul	1,500	300	Consul	600	200
	Rome	Consul-general	3,000	600			
		Consular clerk	1,000				
Turin, (b)		Fees					
Venice	Consul			Consul, (personal rank)		150	
			\$13,000	\$2,400		£3,400	£1,530
Japan	Kanagawa	Consul-general	\$4,000	\$800	Consul	£900	£125
		Marshal	1,000				
		Interpreter	2,000				
	Nagasaki	Consul	3,000	600	Consul	900	125
		Marshal	1,000				
			and fees.				
	Hiogo	Consul, (also at Osaka)	3,000	600	Consul	1,000	125
	Osaka				Vice-consul	600	60
	Neegata				Vice-consul	600	75
	Hakodadi				Consul	800	100
Yedo				Staff	7,900		
			\$14,000	\$2,000		£12,700	£610
Liberia	Monrovia	Minister-resident and consul-general	\$4,000	\$800			
	Grand Bassa, (b)	Commercial agent	Fees				
Madagascar	Tamatave	Consul	\$2,000	\$400			
	Tananarivo				Consul	£800	£150
Muscat	Zanzibar	Consul	\$1,000	\$200	Paid by India office		
Netherlands and Dominions	Amsterdam	Consul	\$1,500	\$300	Consul	£600	£200
	Batavia, (b)	Consul	1,000	200	Consul	200	
	Curacoa, (b)	Consul	Fees		No pay		
	Padang, (b)	Consul	Fees				
	Paramaribo, (b)	Consul	Fees				
	Rotterdam	Consul	2,000	400	Consul		500
	Flushing				Vice-consul	150	
	Surinam				Consul	500	100
	St. Martin, (b)	Consul	Fees				
			\$4,500	\$900		£1,450	£800
Persia	Teheran				Consul-general ⁴	£5,000	
	Resht				Consul	600	£260
	Tabreez				Consul-general	600	220
						£6,200	£480
Portugal	Fayal, (b)	Consul	\$1,500	\$300	Vice-consul	£100	
	Funchal	Consul	1,500	300			
	Lisbon	Consul	2,000	400	Consul	800	£300
	Cape Verd Islands	Consul	1,000	200	Consul	350	50
	Saint Paul de Loando, (b)	Consul	1,000	200	Consul	500	100
	Madeira				Consul	300	
	Mozambique				Consul	600	200

A comparison of consular expenses of the United States and Great Britain for the year 1877—Continued.

TABLE I.—EUROPE AND THE EAST—Continued.

Country.	Residence.	United States officer.	United States salary.	Maximum allowance for office rent.	British officer.	British salary.	Allowance for house and office rent.
Portugal.....	Oporto.....				Consul.....	£600	£150
	Saint Michael's.....				Vice-consul.....	400	
	Terceira.....				Vice-consul.....		100
			\$7,000	\$1,400		£3,650	£900
Russia.....	Archangel, (b).....	Consul.....	Fees.....		Consul.....	£100	£100
	Helsingfors, (b).....	Consul.....	Fees.....		Consul.....	400	50
	Kertch.....				Consul.....	450	100
	Moscow.....	Consul.....	Fees.....				
	Nicolaieff.....				Vice-consul.....	300	150
	Odessa.....	Consul.....	\$2,000	\$400	Consul-general.....	900	300
	Saint Petersburg.....	Consul-general.....	2,000	400	Vice-consul.....	300	
	Riga.....				Consul.....	700	100
	Taganrog.....				Consul.....	650	250
	Berdiansk.....				Consul.....	500	200
	Poti.....				Vice-consul.....		200
	Tiflis.....				Consul.....	1,200	
	Warsaw, (b).....	Consul.....	Fees.....		Consul-general.....	1,000	200
			\$4,000	\$800		£6,500	£1,850
Siam.....	Bangkok.....	Consul.....	\$3,000	\$600	Agent and consul-general.....	£1,600	
					Vice-consul and corps.....	2,226	
					£3,826		
Society or Georgian Islands.....	Tahiti, (b).....	Consul.....	\$1,000	\$200	Consul.....	£600	
Spanish Dominions.....	Alicante, (b).....	Consul.....	Fees.....		Consul.....	£400	
	Barcelona.....	Consul.....	\$1,500	\$300	Consul.....	600	£250
	Bilbao.....	Consul.....			Consul.....	500	250
	Cadiz.....	Consul.....	1,500	300	Consul.....	700	260
	Cartagena, (b).....	Consul.....	Fees.....		Vice-consul.....	200	100
	Cienfuegos.....	Consul.....	2,500	500			
	Corunna, (b).....	Consul.....	Fees.....		Consul.....	500	150
	Seville.....				Vice-consul.....		100
	Denia, (b).....	Consul.....	Fees.....				
	Havana.....	Consul-general.....	6,000	1,200	Consul-general.....	1,200	400
		Two consular clerks.....	2,400		Vice-consul.....	400	
	Huelva.....				Vice-consul.....		200
	St. Jago de Cuba.....	Consul.....	2,500	500	Vice-consul.....	150	
	Trinidad de Cuba.....				Vice-consul.....	300	
	Malaga.....	Consul.....	1,500	300	Consul.....	600	250
	Manila, (b).....	Consul.....	Fees.....		Consul.....	1,100	500
	Matanzas.....	Consul.....	3,000	600			
	Iloilo.....				Vice-consul.....		100
	Salma, (Balearic Islands).....				Consul.....	350	
	Porto Rico.....				Consul.....	800	200
Teneriffe, (Canaries,) (b).....	Consul.....	Fees.....		Consul.....	500	50	
Santander, (b).....	Consul.....	Fees.....		Vice-consul.....	100	80	
San Juan, (P. R.).....	Consul.....	2,000	400				
Ponce.....	Commercial agent.....	Fees.....					
		\$22,900	\$4,100		£8,400	£2,890	
Sweden and Norway.....	Bergen, (b).....	Consul.....	Fees.....				
	Christiania, (b).....	Consul.....			Consul-general.....	£800	£200
					Vice-consul.....	200	
	Gottenburg, (b).....	Consul.....	Fees.....		Consul.....		200
	Saint Bartholomew, (b).....	Commercial agent.....	Fees.....				
Stockholm, (b).....	Consul.....	Fees.....		Consul.....	500	150	
					£1,500	£550	
Switzerland.....	Basle.....	Consul.....	\$2,000	\$400			
	Geneva.....	Consul.....	1,500	300	Unpaid consul.....		
	Zurich.....	Consul.....	2,000	400			
		\$5,500	\$1,100				
Tripoli.....	Tripoli.....	Consul.....	\$3,000	\$600	Consul-general.....	£800	£150
					Vice-consul.....	350	
	Bengazi.....			Consul.....	400	115	
	Derna.....			Vice-consul.....		15	
			\$3,000	\$600		£1,550	£280
Turkey and Egypt.....	Beirut.....	Consul.....	\$2,000	\$400	Consul-general.....	£1,000	£300
					Vice-consul.....	350	
	Adrianople.....				Dragoman.....	100	
	Broussa.....				Vice-consul.....	350	150
	Dardanelles.....				Vice-consul.....	300	100
	Enos.....				Vice-consul.....	40	
	Rhodes.....				Vice-consul.....	250	100
	Trebizond.....				Vice-consul.....	400	100
	Aleppo.....				Consul.....	500	200
	Bagdad.....				Consul-general, paid by India.....		
	Moussul.....				Vice-consul.....	250	100
	Belgrade.....				Agent and consul-general.....	900	400
	Damascus.....				Vice-consul.....	500	200

A comparison of consular expenses of the United States and Great Britain for the year 1877—Continued.

TABLE I.—EUROPE AND THE EAST—Continued.

Country.	Residence.	United States officer.	United States salary.	Maximum allowance for office rent.	British officer.	British salary.	Allowance for house and office rent.
Turkey and Egypt.....	Bosna Serai				Consul	£ 700	£250
	Mostar				Vice-consul	300	100
	Bucharest				Agent and consul-general	1,600	200
	Jassy				Vice-consul	300	100
	Crete				Consul	500	200
	Cyprus				Consul		100
	Constantinople	Consul-general, also secretary of legation.	\$3,000	\$600	Consul-general and judge	1,600	
		Consular clerk	1,000		Staff	6,619	
		Marshal	1,000				
			and fees				
	Cairo	Agent and consul-general ..	4,000	800	Legal vice-consul	700	150
		Consular clerk	1,000		Medical adviser		25
					Staff	745	
	Alexandria				Agent and consul-general ..	2,000	1,100
					Staff	2,906	
					Consul and judge	1,000	
	Damietta				Vice-consul	60	
	Thebes				Consular agent		100
	Port Said	Commercial agent	Fees		Consul	700	450
					Vice-consul	200	
	Suez				Consul	600	300
					Janizary	36	
	Erzeroun				Consul	700	200
	Galatz, (b)	Consul	Fees		Consul	600	300
	Jeddah				Consul	200	200
	Jerusalem	Consul	1,500	300	Consul	700	250
					Consul	100	
	Roustchouk				Vice-consul	200	100
	Kustendjie				Vice-consul	300	150
	Souline and Toulcha ..				Vice-consul		100
	Varna				Consul	600	300
	Salonica				Vice-consul	300	100
Larissa and Volo				Vice-consul		50	
Monastir				Vice-consul	250	150	
Prevesa				Consul	500	200	
Scutari				Consul	900		
Smyrna	Consul	2,000	400	Staff	2,368		
			\$15,500	\$2,500		£33,924	£7,175

¹ Also, as minister plenipotentiary, £400.

² Includes £150 of personal allowance.

³ Allowance of £450 out of diplomatic fund.

⁴ Is also envoy extraordinary and minister plenipotentiary.

⁵ Allowance £400—half paid by India.

⁶ For agency at Jaffa.

⁷ Fifty pounds included for agency at Janina.

TABLE II.—AMERICA, (excluding the United States.)

Country.	Residence.	United States officer.	United States salary.	Maximum allowance for office rent.	British officer.	British salary.	Allowance for house and office rent.
Argentine Republic.....	Buenos Ayres	Consul	\$3,000	\$600	Consul	£1,000	£500
	Cordoba, (b)	Consul	Fees		Vice-consul	400	
	Rosario, (b)	Consul	Fees		Consul	400	200
			\$3,000	\$600		£1,800	£700
Brazil	Bahia	Consul	\$1,500	\$300	Consul	£800	
	Pará, (b)	Consul	1,000	200	Consul		£300
	Maranhão				Vice-consul	150	50
	Pernambuco	Consul	2,000	400	Consul	800	400
	Ceará				Vice-consul	150	
	Paraliba				Vice-consul	200	
	Maceio				Vice-consul		150
	Rio Grande do Sul, (b) ..	Consul	1,000	200	Consul	800	150
	Rio de Janeiro	Consul-general	6,000	1,200	Consul	1,000	800
	Santos, (b)	Consul	Fees		Vice-consul	450	
				Consul	500	150	
			\$11,500	\$2,300		£4,850	£2,000
Chili ¹	Coquimbo, (b)	Consul	Fees		Consul	£300	
	Caldera				Vice-consul	250	
	Talcahuano, (b)	Consul	\$1,900	\$200	Vice-consul	250	
	Valparaiso	Consul	2,000	600	Consul	900	£400
				Vice-consul	300		
			\$4,000	\$800		£2,000	£400
Bolivia	La Paz	Consul	Fees				
Colombia, United States of ..	Aspinwall, (Colon)	Consul	\$3,000	\$600	Vice-consul	£200	
	Cartagena	Vice-consul			Vice-consul		£150
	Bogotá	Consul	Fees		English minister resident is also consul-general.		
	Buenaventura	Consul	Fees		Vice-consul	400	

A comparison of consular expenses of the United States and Great Britain for the year 1877—Continued.

TABLE II.—AMERICA—Continued.

Country.	Residence.	United States officer.	United States salary.	Maximum allowance for office rent.	British officer.	British salary.	Allowance for house and office rent.
Colombia, United States of	Medellin	Consul	Fees				
	Panamá	Consul	\$3,000	\$600	Consul	£1,000	£200
	Río Hacha, (b)	Consul	Fees				
	Sabanilla, (b)	Consul	1,000	200	Consul	600	150
	San Andes, (b)	Commercial agent	Fees				
	Santa Martha, (b)	Consul	Fees			Vice-consul	350
			\$7,000	\$1,400		£2,550	£550
Costa Rica	San José, (b)	Consul	Fees		Consul	£200	
Ecuador	Quito	No diplomatic representative.			Minister resident and consul-general.		
	Guayaquil, (b)	Consul	\$1,000	\$200	Vice-consul	£200	
Guatemala	Guatemala, (b)	Consul	Fees		Consul, (no pay)		
Hayti	Port au Prince	Minister resident and consul-general.	\$7,500	\$1,500	Minister resident and consul-general.	£1,300	
					Clerk	150	
	Cape Haytien, (b)	Consul	1,000	200	Vice-consul	500	
	Saint Marc, (b)	Commercial agent	Fees				
			\$8,500	\$1,700		£1,850	
Honduras	Amapala, (b)	Consul	Fees				
	Omoa and Truxillo, (b)	Consul	\$1,000	\$300			
Mexico ²	Acapulco	Consul	\$2,000	\$400			
	Camargo, (b)	Commercial agent	Fees				
	Chihuahua, (b)	Consul	Fees				
	Guaymas, (b)	Consul	1,000	200			
	Guerrero, (b)	Commercial agent	Fees				
	La Paz, (b)	Consul	Fees				
	Manzanillo, (b)	Consul	Fees				
	Matamoros	Consul	2,000	400	Vice-consul		£100
	Mazatlan, (b)	Consul	Fees				
	Merida, (b)	Consul	Fees				
	Mexico	Consul-general	2,000	400	Consul	£350	
	Mier, (b)	Consul	Fees				
	Minatilan, (b)	Commercial agent	Fees				
	Monterey	Consul	Fees				
	Nuevo Laredo, (b)	Commercial agent	Fees				
	Oajaca, (b)	Commercial agent	Fees				
	Paso del Norte, (b)	Commercial agent	Fees				
	Piedras Negras, (b)	Commercial agent	Fees				
	Presidio del Norte, (b)	Commercial agent	Fees				
	Saltillo, (b)	Consul	Fees				
San José, (b)	Consul	Fees					
San Blas, (b)	Consul	Fees					
Tampico	Consul	1,500	300	Consul	300	50	
Vera Cruz	Consul	3,000	600	Consul	800	200	
Zacatecas, (b)	Consul	Fees					
			\$11,500	\$2,300		£2,150	£350
Nicaragua	San Juan del Norte, (b)	Commercial agent	\$1,000				
	San Juan del Sur, (b)	Commercial agent					
	Grey Town				Consul	£600	£200
Peru	Callao	Consul	\$3,500	\$700	Consul	£900	£400
					Vice-consul	400	
	Arica				Consul	300	
	Payta				Vice-consul	100	
	Iquique	Consul, (no pay mentioned)					
	Islay				Vice-consul	500	
	Lambayeque, (b)	Consul	Fees				
	Lima	Envoy extraordinary and minister plenipotentiary.			Minister resident and consul-general.		
			\$3,500	\$700		£2,200	£400
Salvador	La Union, (b)	Consul	Fees				
San Domingo ³	Sonsonante, (b)	Consul	Fees				
	Puerto Plata, (b)	Consul	Fees				
	Samana, (b)	Commercial agent	Fees				
	San Domingo	Consul	\$1,500	\$300	Vice-consul		£200
Uruguay	Colonia, (b)	Consul	Fees				
	Montevideo, (b)	Consul	\$2,000	\$400	Consul	£1,000	£500
					Vice-consul	400	
			\$2,000	\$400		£1,400	£500
Venezuela ⁴	Bolivia				Vice-consul	£250	£50
	La Guayra	Commercial agent	\$1,500		Vice-consul	300	
	Puerto Cabello, (b)	Consul	Fees		Vice-consul		100
				\$1,500			£550

¹ The English minister resident at Santiago is also consul-general. The United States send an envoy extraordinary and minister plenipotentiary.

² At present there are no British consular officers officially resident in Mexico.

³ Both the United States and Great Britain send ministers resident to the Central American States. The British officer is also consul-general.

⁴ The British minister resident at Caracas is also consul-general. The United States also send a minister resident.

RECAPITULATION.

Country.	United States salary.	British salary.	Maximum allowance for United States office rent.	British allowance for house and office rent.
Austria-Hungary	\$7,000 00	£2,300	\$1,400 00	£350
Tangier	3,000 00	2,750	600 00	685
Tunis	3,000 00	2,350	600 00	280
Belgium	6,500 00	750	1,300 00	500
Right of Biafra		600		300
Borneo		300		200
China	43,450 00	49,223	5,900 00	1,610
Denmark	4,000 00	1,750	800 00	650
France	22,900 00	8,825	3,900 00	4,315
Friendly Islands	1,000 00	450	200 00	
Germany	32,200 00	3,350	6,200 00	1,380
Greece		1,050		800
Hawaii	5,000 00	1,100	800 00	400
Italy	13,000 00	3,400	2,400 00	1,530
Japan	14,000 00	12,700	2,000 00	610
Liberia	4,000 00		800 00	
Madagascar	2,000 00	800	400 00	150
Muscat	1,000 00	200		
Netherlands	4,500 00	1,450	900 00	800
Persia		6,200		480
Portugal	7,000 00	3,650	1,400 00	900
Russia	4,000 00	6,500	800 00	1,850
Siam	3,000 00	3,826	600 00	
Society Islands	1,000 00	600	200 00	
Spain	22,900 00	8,400	4,100 00	2,890
Sweden and Norway		1,500		550
Switzerland	5,500 00		1,100 00	
Tripoli	3,000 00	1,550	600 00	280
Turkey and Egypt	15,500 00	33,924	2,500 00	7,175
Total in Europe and the East	\$228,450 00	£159,498	\$39,500 00	£28,685
AMERICAN STATES.				
Argentine Republic	\$3,000 00	£1,800	\$600 00	£700
Brazil	11,500 00	4,850	2,300 00	2,000
Chili	4,000 00	2,000	800 00	400
Colombia	7,000 00	2,550	1,400 00	550
Costa Rica		200		
Ecuador	1,000 00	200	200 00	
Hayti	8,500 00	1,850	1,700 00	
Honduras	1,000 00		200 00	
Mexico	11,500 00	2,150	2,300 00	350
Nicaragua	1,000 00	600		200
Peru	3,500 00	2,200	700 00	400
San Domingo	1,500 00		300 00	200
Uruguay	2,000 00	1,400	400 00	500
Venezuela	1,500 00	550		150
Total in American States	57,000 00	20,350	10,900 00	5,450
Total in Europe and East	228,450 00	159,498	39,500 00	28,685
Total of salaries* and rents severally	285,450 00	179,848	\$50,400 00	£34,135
Rents	50,400 00	34,135		
Total expenditure for rent and salary	\$345,850 00	£213,983		

Rating the pound sterling at about \$5, the English expenditure of £213,983 will equal..... \$1,069,915
 United States expenditure..... 345,850
 Excess of British over United States expenses..... \$724,065

* This amount is of course exclusive of the sums paid to officers reimbursed by fees.

The Treasury accounts show that in the years 1875, 1876, and 1877 there were paid and received the following amounts :

	1875.	1876.	1877.
Salaries and emoluments	\$541,363 11	\$531,539 14	\$514,112 53
Loss by exchange	7,809 36	5,917 23	4,206 88
	\$549,172 47	\$537,456 37	\$518,319 41
Fees	\$697,988 49	*\$651,509 20	\$624,265 99
	549,172 47	536,456 37	518,319 41
Excess of fees over emoluments	\$148,816 02	\$115,052 83	\$105,946 58

* British fees in the same year, £34,707.

Annex A, showing the total number of salaried consuls of the United States in the British Possessions and of Great Britain in the United States.

Number of United States consuls.	Number of British consuls.	United States salary.	Rent.	English salary.	Rent.
Fifty-three, [including in the aggregate salary a consular clerk, a commercial agent at \$1,100, and an interpreter at \$750.]	Twelve, [including in the aggregate salaries a vice-consul at £400.]	\$115,750	\$22,600	£13,800	£4,235

Total expenses of the United States for salary and rent where there are no British offices..... \$138,550
 Total expenses of Great Britain for salary and rent where there are no United States offices..... 90,175 = £18,035 at \$5 per pound.
 Excess of United States aggregate over British aggregate..... \$48,375

Annex B, showing the number of United States officers paid from fees only, and the number allowed to trade. The numeral shows the number paid by fees; b those allowed to transact business, their number being represented by the small numeral to the right and above the letter.

Country.	Number.	Country.	Number.	Country.	Number.	Country.	Number.	Country.	Number.
Argentine Republic	2 (b ²)	Costa Rica	1 (b)	Hawaii		Muscat	1 (b)	Society Islands	(b)
Austria-Hungary	1	Denmark		Hayti	1 (b ²)	Netherlands	4 (b ⁶)	Spain	8 (b ⁸)
Barbary States	1 (b ¹)	Ecuador	(b)	Honduras	1 (b ²)	Nicaragua	1 (b ²)	Sweden and Norway	5 (b ⁵)
Belgium	1 (b ¹)	France	7 (b ⁷)	Italy	2 (b ²)	Peru	1 (b)	Switzerland	
Bolivia	1 (b ¹)	Friendly Islands	(b)	Japan		Portugal	(b ²)	Turkey	2 (b)
Brazil	1 (b ²)	Germany	4 (b ²)	Liberia	1 (b)	Russia	4 (b ²)	Uruguay	1 (b ²)
Chili	1 (b ²)	Great Britain	18 (b ²²)	Madagascar		Salvador	2 (b ²)	Venezuela	1 (b ¹)
China	1 (b)	Greece	1 (b)	Mexico	19 (b ¹⁹)	Siam		San Domingo	2 (b ²)
Colombia	6 (b ⁶)	Guatemala	1 (b)						

Number paid from fees, 103. Number allowed to transact business, 117. Number of consular agents, 341.

ANNEX C.

Number of British consular officers exclusive of dragomen and interpreters	255
Number of United States consular officers receiving salaries, exclusive of marshals, interpreters, and consular clerks	196
United States consular agents paid by fees	341
Total United States consular officers	537

Mr. HALE obtained the floor.

Mr. SAYLER. The gentleman from Maine yields to me for a moment and I desire to make a motion that the committee do now rise. It is due to the committee I should state it is for the purpose of introducing a report from the Committee of Ways and Means extending the time for the payment of tax on whisky in bond, a matter in reference to which there is urgent necessity there should be immediate action on the part of the House.

Mr. HALE. It is understood the matter is to be disposed of to-night and not to take up any time to-morrow.

Mr. SAYLER. It will take but little time and will be disposed of this evening. I understand the Committee on Appropriations does not antagonize this motion.

Mr. SINGLETON. We shall not if it shall be agreed and understood that that bill is not to occupy more than one hour.

Mr. SAYLER. I agree that the time shall be so limited.

Mr. HALE. I yield with that understanding.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. COX, of New York, reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 3064) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1879, and for other purposes, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 1474) further to suspend the operation of section 5074 of the Revised Statutes of the United States, title 72, in relation to guano islands.

EMOLUMENTS OF CUSTOMS OFFICERS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting statements of official emoluments and fees of customs officers in accordance with section 2639 of the Revised Statutes; which was referred to the Committee of Ways and Means, and ordered to be printed.

KEOKUK CANAL.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report of the chief of engineers on the bill (H. R. No. 2684) regulating the management of the canal at Keokuk, Iowa; which was referred to the Committee on Railways and Canals.

PENSION CLAIMS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Pensions, relating to the necessity of some legislation to enable him to act promptly upon the claims of soldiers and widows of soldiers of the war of 1812 for pensions; which was referred to the Committee on Invalid Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ROSS, for two weeks, on account of serious illness in his family.

NAVAL APPROPRIATION BILL.

Mr. CLYMER, from the Committee on Appropriations, reported a bill (H. R. No. 3822) making appropriations for the naval service for the year ending June 30, 1879, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. CONGER. I reserve all points of order.

CONSIDERATION OF PRIVATE CALENDAR.

Mr. MILLS. I ask unanimous consent to offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the House shall take a recess until seven o'clock p. m. after the day's session on Tuesday, Wednesday, and Thursday next, for the purpose of considering bills on the Private Calendar.

Mr. CONGER. I object to that unless it is confined to pension bills or unless it may be under the rules of objection day.

Mr. MILLS. I have no objection to letting it be under the rules of objection day, but I will not confine it to pension bills.

Mr. CONGER. That is, that no bill shall be considered to which there is one objection.

The SPEAKER. The Chair would like that there should be a distinct knowledge of what is asked.

Mr. MILLS. Let the evening session be under the same rules as objection day on Friday.

Mr. HALE. That is, that a single objection carries a bill over.

Mr. MILLS. Yes, sir.

Mr. WHITTHORNE. I object.

Mr. MILLS. I move that the rules be suspended and the resolution adopted with the modification I have accepted.

The Clerk read the resolution as modified, the words "under rules as on objection days" being added.

Mr. CONGER. Let the words also be added "for each evening session."

Mr. MILLS. I cannot make terms with every gentleman in this House.

Mr. O'NEILL. Does this simply refer to the pension bills or does it include the whole Calendar?

Mr. MILLS. It is for the consideration of the Private Calendar.

Mr. HALE. Let the resolution be read again as modified.

Mr. MILLS. I move that the rules be suspended and that the resolution be adopted as I wrote it, with no limitation.

The resolution was again read, the words "under rules as on objection days" having been stricken out.

Mr. EDEN. I think the resolution should not pass in that shape. When we consider the Calendar in broad daylight it is scarcely possible to have a quorum.

The question being taken, the rules were not suspended, two-thirds not voting in favor thereof.

PAYMENT OF TAX ON DISTILLED SPIRITS.

Mr. SAYLER. I am instructed by the Committee of Ways and Means to report the joint resolution which I send to the desk, and to move that it be referred to the Committee of the Whole on the state of the Union.

The SPEAKER. The joint resolution will be read.

The joint resolution was read, as follows:

A joint resolution to prescribe the time for the payment of the tax on distilled spirits, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the tax on all distilled spirits hereafter entered for deposit in distillery warehouses shall be due and payable before and at the time the same are withdrawn therefrom and within three years from the date of the entry for deposit therein; and warehousing bonds hereafter taken under the provisions of section 3293, Revised Statutes of the United States, shall be conditioned for the payment of the tax on the spirits as specified in the entry, and the interest on the tax, if any has accrued under the provisions of this resolution, before removal from the distillery warehouse and within three years from the date of said bonds.

Sec. 2. That the time within which distilled spirits heretofore entered for deposit in distillery warehouses are required to be withdrawn therefrom pursuant to the condition of any warehousing bond taken within one year prior to the passage of this resolution, upon the entry of such spirits into such warehouses, under the provisions of section 3293 of the Revised Statutes of the United States, shall, on written request being made as herein specified, be extended for a period not exceeding three years from the date of the entry of such spirits into the warehouse; but such extension shall not be made in any case unless there shall be indorsed upon or appended to the warehousing bond a written request therefor and an acknowledgment.

ment of the liability under the terms of said bond for the period for which the extension is granted, as if the same were inserted in the body of said bond, to be duly executed by the principal and sureties in the bond and acknowledged by each of them before a collector or deputy collector of internal revenue or some other officer authorized by law to take the acknowledgment of deeds: *Provided*, That the sureties on said bond are, at the time of such request, satisfactory to the collector, and, if not satisfactory or if the sureties shall refuse to make the request and acknowledgment aforesaid, that an additional or new warehousing bond, with sureties satisfactory to the collector, shall be given.

SEC. 3. That in case of the non-payment of the tax on any distilled spirits within one year from the date of the original warehousing bond for such spirits, interest shall accrue upon said tax at the rate of 5 per cent. per annum, from and after the expiration of said year until the tax shall be paid. Such interest shall be collected with the tax in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

SEC. 4. That the provisions of this resolution shall not apply to grape brandy warehoused under the provisions of an act entitled "An act relating to the production of fruit brandy, and to punish frauds connected with the same," approved March 3, 1877.

Mr. CONGER. I object to the introduction of that joint resolution.

The SPEAKER. The gentleman from Ohio [Mr. SAYLER] has a right to report it from the Committee of Ways and Means for commitment at any time. He proposes to report it for commitment to the Committee of the Whole on the state of the Union, and the Committee of Ways and Means is entitled under the rules of the House to do that at any time.

Mr. CONGER. Is this a measure of such a kind as to give the committee a right to report for the purpose of commitment?

The SPEAKER. The Committee of Ways and Means have a right to report at any time, for committal, any subject referred to them. The gentleman from Ohio [Mr. SAYLER] proposes to move to suspend the rules to go into Committee of the Whole on the state of the Union for the purpose of considering the joint resolution.

Mr. CONGER. Then the objection is good if he moves to suspend the rules.

The SPEAKER. The objection is good as to going into Committee of the Whole on the state of the Union to-day, except under suspension of the rules. The Chair would recognize a motion to suspend the rules for the purpose to consider public business reported from a standing committee in preference to a suspension by an individual member, made to secure House expression; but such suspension requires, of course, a two-third vote.

Mr. CONGER. But if there be objection to the introduction of the bill, surely that is the end of it.

The SPEAKER. Under the rules of the House the Chair has no right to recognize a single objection to the reporting by the Committee of Ways and Means of a bill for committal.

The joint resolution No. 133 was read a first and second time, and referred to the Committee of the Whole on the state of the Union.

Mr. FRYE. I would ask whether or not this is a unanimous report from the Committee of Ways and Means.

Mr. SAYLER. It is. I now move to suspend the rules and that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the joint resolution.

Mr. CONGER. I wish to ask when this subject was referred to the Committee of Ways and Means.

The SPEAKER. The gentleman from Ohio [Mr. SAYLER] can probably answer that question.

Mr. CONGER. By what authority does the committee report on this subject?

The SPEAKER. The gentleman from Michigan desires to know when this subject-matter was referred to the Committee of Ways and Means. The Chair understands that to be the point.

Mr. CONGER. Yes; I want to know by what authority they report it.

Mr. WOOD. The subject was regularly referred to the Committee of Ways and Means and they did make one report upon the question, and they now propose to make an additional report upon the same question.

Mr. CONGER. That is what I thought. The committee were instructed by the House upon the matter, and having made a report upon it I hold that the committee is *functus officio*; that it has performed its duty and ought to die civilly.

Mr. WOOD. They only report it in part.

Mr. CONGER. I submit that having once made a report on this subject they have no right to make a further report.

The SPEAKER. Under what reference is the joint resolution brought back? Was the subject-matter ever referred to the Committee of Ways and Means?

Mr. WOOD. Yes, sir.

Mr. KNOTT. I would ask if a bill upon this precise question was not introduced by my colleague [Mr. CARLISLE] and referred to the Committee of Ways and Means?

Mr. WOOD. It was.

The SPEAKER. That is what the Chair wanted to know.

Mr. CONGER. The committee reported upon that subject and the House acted upon it.

Mr. WOOD. No; it was another subject, a different bill.

Mr. SAYLER. Long after the committee made their former report the gentlemen from Kentucky [Mr. CARLISLE] introduced a bill into the House in substance providing for the very thing provided for in this joint resolution, which is reported really as a substitute for that bill, and it was referred to our committee.

The SPEAKER. The Chair is under the impression that the former legislation reported by the committee on this subject was based upon a joint resolution introduced by the gentleman from Kentucky, [Mr. BLACKBURN.]

Mr. WOOD. Yes, sir; and this joint resolution is based upon a bill referred to the committee on motion of the gentleman from Kentucky [Mr. CARLISLE] subsequent to the other.

The SPEAKER. The Chair has sent for the bill to see the indorsement upon it.

Mr. HUBBELL. I would inquire if this joint resolution has been printed.

Mr. SAYLER. It has not.

Mr. HUBBELL. It is a very important measure and ought to be printed.

Mr. SAYLER. I do not think the gentleman will press that. I move that the rules be suspended so as to put this joint resolution upon its passage.

The SPEAKER. The joint resolution is now in Committee of the Whole; that committee should first be discharged from its further consideration before it can be brought into the House for passage as proposed by the gentleman from Ohio, [Mr. SAYLER.]

Mr. SAYLER. I would rather go into Committee of the Whole, so as to give members an opportunity to discuss this joint resolution. I will therefore insist upon my first motion.

Mr. CONGER. If an objection will reach this, if the Chair will allow me—

The SPEAKER. The Chair would like to hear the suggestion of the gentleman.

Mr. CONGER. If objection will reach this joint resolution and I can prevent it coming before the House again after the distinct action of the House on the subject, I desire to object.

The SPEAKER. The gentleman's objection will have force, if it can secure the support of more than one-third of the members.

Mr. CONGER. It would make a step in advance if an objection could accomplish my purpose.

The SPEAKER. The Chair cannot assist in that manner. Under the rules the Committee of Ways and Means can report at any time for commitment.

Mr. CONGER. On any matter referred to them?

The SPEAKER. The Chair understands it to be the fact that this subject was referred to the committee; otherwise the Chair would invite further discussion on that point. The Chair has sent for the bill which was referred to the committee.

Mr. BURCHARD. I desire to say one word on this subject, if there is no objection.

The SPEAKER. On the point of order?

Mr. BURCHARD. No, sir; but on the subject of this joint resolution.

The SPEAKER. The motion to suspend the rules is not debatable.

Mr. BURCHARD. I suppose I can be heard, if there is no objection.

The SPEAKER. Is there objection to the gentleman from Illinois [Mr. BURCHARD] making a statement?

Objection was made.

Mr. CANNON, of Illinois. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON, of Illinois. Would it be in order for me to inquire if this is a unanimous report of the Committee of Ways and Means?

The SPEAKER. That fact has already been stated. It is not a parliamentary inquiry, but in the opinion of the Chair it is a very proper one, if argument was allowed.

Mr. SAYLER. This is a unanimous report of the Committee of Ways and Means.

Mr. CONGER. I think that is in the nature of debate, and is intended to influence the action of the House, so far as the unanimity of the action of the Committee of Ways and Means may have influence.

The SPEAKER. The Chair thinks it is in the nature of an argument, as to why the House should now suspend the rules and go into Committee of the Whole, and if objected to not in order.

Mr. FORT. I would like to inquire of the gentleman from Ohio [Mr. SAYLER] how long it is proposed to allow for general debate in Committee of the Whole?

Mr. SAYLER. I will move to limit general debate to one hour; and will agree to give the most of that time to those gentlemen who may desire to oppose this joint resolution.

Mr. FORT. That time is too limited.

Mr. HALE. Let the gentleman from Ohio [Mr. SAYLER] modify his motion so as to go into Committee of the Whole under the five-minute rule.

Mr. SAYLER. I do not think I can do that now.

The SPEAKER. The fact has been stated upon the authority of members that a bill upon this subject was introduced by the gentleman from Kentucky [Mr. CARLISLE] and referred to the Committee of Ways and Means.

Mr. SAYLER. And this joint resolution is reported as a substitute for that bill.

Mr. CONGER. I understand the bill is here.

The SPEAKER. The title of the bill will be read.

The Clerk read the title of the bill, as follows:

A bill (H. R. No. 2364) to prescribe the time for the payment of the tax on distilled spirits and for other purposes.

The SPEAKER. And the joint resolution was reported by the gentleman from Ohio, [Mr. SAYLER,] as the Chair understands, as a substitute for the bill the title of which has just been read.

Mr. SAYLER. Pending the motion to go into the Committee of the Whole, I move that all general debate be limited to one hour.

Mr. THORNBURGH. I move that the House now adjourn.

The motion to adjourn was not agreed to.

The SPEAKER. The gentleman from Ohio, pending the motion to suspend the rules, desires to move that all general debate in Committee of the Whole be limited to one hour. Pending a motion to suspend, such a motion is hardly in order.

Mr. SAYLER. It may be all included in one motion.

The SPEAKER. The gentleman moves that the rules be suspended, and that the House now resolve itself into Committee of the Whole for the purpose of considering the joint resolution reported by him, and that all general debate upon that resolution be limited to one hour.

Mr. CONGER. Can that be done without a suspension of the rules?

The SPEAKER. The gentleman makes that as a part of his motion to suspend the rules. The Chair intimated to the gentleman that he could not on Monday move to suspend the rules to go into Committee of the Whole, and then interpose another motion in regard to limiting debate.

Mr. SAYLER. I make it as a part of my motion.

The question was taken upon the motion to suspend the rules; and upon a division there were—ayes 102, noes 71.

So (two-thirds not voting in the affirmative) the rules were not suspended.

Mr. SAYLER. I will not take up the time of the House by calling for tellers on this question, but will give notice that at an early date, not to interfere with the consideration of appropriation bills, I will ask the House to go into Committee of the Whole for the purpose of considering this joint resolution.

Mr. HANNA. And in the mean time let the joint resolution be printed.

Mr. SAYLER. I move that the joint resolution be printed.

The motion was agreed to.

Mr. HUBBELL. And that it be printed in the RECORD of to-morrow.

The SPEAKER. It will be printed in the RECORD.

EVENING SESSION.

The SPEAKER. The Chair is informed that on Saturday the House agreed to hold a session this evening for debate only, no business of any sort to be transacted. The Chair is also informed that the time when the evening session should commence was not fixed in the order of the House. The Chair would suggest that the time be now fixed, say at eight o'clock.

Mr. BLACKBURN. I will state for the information of the Chair, as the Speaker was absent on Saturday last, that half-past seven was the hour designated by the gentleman from New York, [Mr. COVERT,] upon whose motion the evening session was fixed.

The SPEAKER. It was not embraced in the motion as taken by the Clerk.

Mr. BLACKBURN. If it will accommodate the Chair I will move to fix eight o'clock as the hour.

The SPEAKER. The Chair has no wish about the matter.

Several MEMBERS. Let it be half past seven.

The SPEAKER. That will be the understanding, if no other time be named.

SHORT-HAND REPORTERS IN UNITED STATES COURTS.

Mr. FRYE, by unanimous consent, introduced a bill (H. R. No. 3823) to provide for short-hand reporters in the circuit and district courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. STENGER, by unanimous consent, obtained leave of absence for three days, on account of important business.

ORDER OF BUSINESS.

Mr. CONGER. I move that the House now adjourn.

The SPEAKER. The effect of the adoption of that motion would be to cut off the evening session.

Mr. CONGER. That is the object of it.

The motion was not agreed to; there being—ayes 65, noes 101.

Mr. BANNING. I move that the House take a recess till half past seven o'clock.

Mr. COX, of New York. I desire to offer a resolution which I send to the Clerk's desk.

Several MEMBERS. Regular order!

The SPEAKER. The regular order being called for, the Chair must recognize the motion of the gentleman from Ohio, [Mr. BANNING,] that the House now take a recess.

Mr. BANNING. I withdraw the motion.

Mr. COX, of New York. I now offer my resolution.

Mr. SAMPSON. I renew the motion for a recess.

The SPEAKER. The Chair must of necessity recognize the motion for a recess, because it is in the nature of a motion to adjourn.

The question being taken on the motion of Mr. SAMPSON, there were—ayes 93, noes 81.

Mr. SAMPSON. As I have no objection to the resolution of the gentleman from New York, I withdraw my motion.

RECOGNITION OF PRESIDENT DIAZ.

The SPEAKER. The proposition of the gentleman from New York [Mr. COX] will now be read.

Mr. CONGER. Is that for a suspension of the rules?

The SPEAKER. The Chair is unable to say. The Chair will first ask unanimous consent.

Mr. CONGER. Then I object.

The SPEAKER. Perhaps the gentleman had better hear the proposition read before he objects.

The Clerk read as follows:

Whereas the administration of President Diaz in Mexico fulfills the requirements of international comity and law for the purpose of recognition by our Government; and

Whereas such recognition would be in the interest of national and commercial intercourse: Therefore,

Resolved, That the President of the United States be invited to recognize said government of Mexico as at present administered.

Mr. MILLS. I object.

Mr. COX, of New York. I move to suspend the rules and adopt the resolution.

Mr. MILLS. I move that the House adjourn.

The SPEAKER. The Chair thinks that under the practice he is bound to recognize gentlemen who desire to move to suspend the rules in the order in which their names are entered on his list.

Mr. COX, of New York. This is a great public question and ought to be considered; I would not urge it but for that necessity.

The SPEAKER. The Chair agrees with the gentleman that the question is very important.

Mr. MILLS. I modify my motion so as to move that the House now take a recess.

The question being taken,

The SPEAKER said: In the opinion of the Chair a majority have voted in the affirmative.

Mr. COX, of New York. Will this proposition be pending next Monday?

The SPEAKER. The Chair thinks that it would be subject to the prior right of other members who have indicated their desire to move to suspend the rules.

Mr. COX, of New York. I obtained the floor to offer this resolution. I had great difficulty in getting the floor.

Mr. CONGER. It cannot be before the House as unfinished business.

The SPEAKER. The Chair thinks that it is not before the House.

Mr. COX, of New York. Why, Mr. Speaker, it has certainly been offered, and a motion made to suspend the rules.

The SPEAKER. But the Chair was only entitled to recognize requests for unanimous consent. For motions to suspend the rules he is entitled to recognize gentlemen only in the order in which they have entered their names on his memorandum.

Mr. COX, of New York. I was recognized by the Chair. Unanimous consent is not necessary in order to be recognized by the Chair. Being recognized, I had the right to offer the resolution.

The SPEAKER. The Chair will examine the rules carefully on this point.

Mr. CONGER. I was about to make the point of order that according to the ruling of the Chair the gentleman from New York had not the first right to the floor to make a motion to suspend the rules.

The SPEAKER. The Chair will examine the point; the just rights of the gentleman from New York shall not suffer.

Mr. GLOVER. I ask the gentleman from Texas [Mr. MILLS] to yield to me that I may introduce a bill.

Several MEMBERS. Regular order!

The SPEAKER. The motion to take a recess until half past seven o'clock has been agreed to.

The House accordingly (at four o'clock and ten minutes p. m.) took a recess until half-past seven o'clock p. m.

EVENING SESSION.

The House reassembled at seven o'clock and thirty minutes p. m.

The SPEAKER. The gentleman from New Jersey [Mr. HARDENBERGH] will occupy the chair this evening as Speaker *pro tempore*.

The SPEAKER *pro tempore*, (Mr. HARDENBERGH.) By order of the House the session this evening is for debate only, no business whatever to be transacted.

THE LIFE-SAVING AND COAST-GUARD SERVICE.

Mr. COVERT. Mr. Speaker, only a few days ago a bill was introduced in the House by the gentleman from Tennessee [Mr. WHITTHORNE] entitled "A bill to organize a life-saving and coast-guard service," and was appropriately referred to the Committee on Commerce, upon a division called for upon the vote for its reference to the House Committee on Naval Affairs.

Although but a short time has intervened since its introduction, the newspaper press of the country and gentlemen representing the views of the friends and opponents of the bill have been active and earnest in the formation of sentiment and opinion both for and against the proposed measure.

Representing as I do a district embracing a long line of coast, and a constituency largely interested in the workings of the life-saving service, I feel that I have no apology to offer in calling the attention of the House at this time to the features of a measure fraught with

as many vital interests as any which has thus far been presented at this session in either House of Congress.

The bill proposes a number of sweeping changes in and entire innovations upon the existing system under which the life-saving service of this country is conducted. The details of the proposed act will be more particularly examined at a later stage, it being sufficient for my present purpose to say that the bill under discussion proposes by its terms to take the service from the Treasury Department under which it has grown to its present proportions and achieved its successful usefulness, and bestow the care and keeping of the entire system, with all its details, upon the Department of the Navy.

When a radical change is proposed by the law-making power, the first and most natural inquiries are, as they ought to be: What defects or omissions are to be remedied by the proposed change? What benefits are to follow revolutionary action? How are existing conditions to be improved by change either of system or of direction? And these are the questions which confront us at the very outset of our examination of the provisions of the proposed bill.

A glance at the map will demonstrate that the United States has an immense line of sea and lake coast, far exceeding that of any other nation, and comprising more than ten thousand miles in extent. Different varieties of climate present all the various shapes in which storms and danger visit these coasts. The fierce gales which accompany winter storms of rain and snow upon the Long Island and Jersey and New England coasts are scarcely more to be dreaded, are fraught with scarcely more of danger to vessels freighted with precious cargoes of human lives and rich merchandise, than the swift, short, and almost equally fatal hurricanes of some of the more southern latitudes.

Prior to 1848, absolutely no provision had been made by Government for the protection of navigators along these dangerous coasts. Stately ships went down, heroic lives were lost by hundreds every year, and the only results were unmarked mounds in almost every village and hamlet on the coast, empty seats at hundreds of fire-sides, and the formal entries in many a ship-owner's ledger telling of total loss of vessel and of cargo.

Looking back at then existing conditions, it seems sadly singular that Government could have been so remiss in what ought to have been regarded as one of its first great duties. So constant and so appalling did these great sacrifices of persons and of property become that in the year mentioned, Congress awakened from the apathy previously existing in this regard, and made a comparatively small appropriation for the better preservation of life and property from shipwrecks on the coast of New Jersey.

In the following year like provision was made to guard the coasts of Cape Cod and Long Island from their constantly recurring holocausts of destruction and of death.

The scanty appropriations thus made served only partially to prevent the dreaded evil. There was no organization, no superintendency, no method. And yet the warm-hearted, strong-handed men of the coast did what they could, with the means at hand, to rescue and to save. Almost at once the beneficent results of a service like this were made manifest, for on the Long Island coast alone, during the winter of 1850, with the meager appliances at hand, nearly three hundred lives were saved by the prompt and vigorous action of the hardy surfmen.

Experience having demonstrated that abundant returns followed the care bestowed in this direction, and the like experience having proven conclusively that the service ought to be so conducted as to insure organization and responsibility, the Senate Committee on Commerce, three years later, called upon the Treasury Department for suggestions in this regard and in respect to further coast protection. The then Secretary of the Treasury advocated an increased number of stations, and that they be placed in charge of proper persons who should account to the Department instead of having the stations and all the details of the work left to the loose and irresponsible control of either individual or associated volunteers. The year following, these suggestions were embodied in a law framed for that purpose, and while the law thus enacted was entirely inadequate to meet the wants designed to be supplied, yet the better effects of even imperfect organization were speedily manifested.

In this condition the life-saving service remained, with no regulations for its government, with no provision for the employment of crews, struggling as it best might under adverse conditions until the winter of 1870-71, when the occurrence of several fatal coast disasters awakened Congress and the whole country to the necessity for more proper organization and more complete equipment.

A larger appropriation was voted by Congress, and the Department of the Treasury was authorized to pay for the services of crews of experienced surf-men at such places and for such terms as might be deemed proper. This was the legislation that ought to have been adopted fifty years sooner. It marked the beginning of a new and better condition of things in this regard. The assertion is made broadly and without reservation, that departmental records nowhere show such sure and satisfactory progress in all right directions as are exhibited in "the short and simple annals" of the life-saving service, since by this action of humane hearts and clear minds this puny infant born of unfortunate necessity was thus fully adopted and recognized as the ward of a beneficent Government.

Since the date mentioned the service has been completely and thor-

oughly reorganized. Practical men have lent to it the best thought and energy they could bestow. Inefficient and incapable officers and men have been to great extent removed and their places filled by men skilled by long service in storm and danger, and who are thoroughly familiar with every foot of the coast which forms their field of labor. Stations have been established at the points deemed most dangerous, after thorough and exhaustive examination of the coast, and although these stations are not sufficiently numerous, as has been demonstrated on many occasions, this defect is not the fault of the Department, which has sought to utilize in the best possible way the insufficient appropriations voted for its support. A code of instructions for officers and men has been prepared, and the carrying out of these instructions to the veriest detail has been demanded and enforced by those in charge of the service. Approved appliances have from time to time been brought into requisition, and these appliances have only been selected after thorough tests which have demonstrated their excellence. Surf and life boats, mortars, and all the important auxiliaries necessary to be employed, and of which the general public have the profoundest ignorance, have been made subjects of intelligent and well-ordered inspection, and their adoption and constant use have been followed by thorough proficiency on the part of the hardy and gallant men who use them. Added to all these improved features, a system of examinations and inspections has been adopted, and as a result improper and unfit men are in great measure prevented from entering the service.

A drill system has been inaugurated, and the crews of the stations are taught familiarity with the appliances used. The keepers and surf-men have been given practical instruction in the methods of restoring sufferers apparently drowned. A code of signals, with flags, hand-lights, and rockets, has been established and successfully used. Patrol districts have been mapped out from station to station. Day and night, along the stretch of the Atlantic coast from Maine to Florida—day and night, along the shores of the great lakes—in seasons of storm and danger, the weary miles are constantly traversed by the patrol, who, with eyes bent seaward and with ears strained to hear the possible cry of distress, performs harder and more honorable service than was ever rendered by any soldier on any battle-field. In a word, order has been brought out of chaos. Although in almost every instance actual and in some cases terrible experience has demonstrated that the appropriations granted for the service have been grossly insufficient, although the stations in many localities are entirely too far apart, yet in the face of these adverse circumstances the service has made for itself a glorious record. Never did virgin soil yield richer harvest from the seed planted upon it than this service from the appropriations made for its support. The records of the Department year by year since the season of 1871-72 (the season of its reorganization) show a marked and steady improvement in usefulness and efficiency. Time prevents the recital here of the statistics in support of this assertion, but reference is made to the reports and records on file in the Treasury Department as verifying its correctness. It is sufficient to say that during the five years following the reorganization of the service the total value of property saved from stranded vessels was \$5,254,000, and the number of lives saved was 3,180. Turning to the record of the service for the last fiscal year, I find the following exhibit, to which I earnestly invite the attention even of the most censorious: The total number of disasters to vessels during that year was 134. On board these vessels were 1,500 human souls. The value of the vessels was within a fraction of \$2,000,000, and that of the cargoes over \$1,300,000. The value of property saved was \$1,713,647. Out of fifteen hundred persons on board these stranded and wrecked vessels only thirty-nine were lost.

It may seem improbable to those who do not know the discipline and working of the service, but the assertion is made here that if any one desires to have further particulars as to the losses of the last year, inquiry at the life-saving department will be answered with full particulars as to how each one of the unfortunate thirty-nine who were lost went to his death!

Surely nothing more need be presented to show how thorough is the organization, how methodical and complete is the working of the service as now conducted under all the adverse circumstances arising from insufficient governmental support. From time to time within the past few years and since the life-saving service has by reason of careful and efficient management made its influence felt, and has gained for itself an honorable distinction, a desire has been in process of growth for the transfer of the service to the Navy Department. It is freely admitted that the idea of this proposed change does not emanate from the Department; the latter as such making no effort thus to obtain direction of the service. Seemingly those interested in the movement have waited their opportunity, hesitating until now to ask the Government to take the service from the control of those who have thus far conducted it, and to give it over to their—in a certain sense—untried "prentice hands."

Two serious and most distressing accidents, both occurring to Government vessels, since the commencement of the present fiscal year, have seemingly emboldened those who have thus cherished this desire, to make formal demand for the surrender to the Department of the Navy of the life-saving service. And the friends and supporters of the bill now under consideration will undoubtedly point to the loss of the Huron, and the still more recent loss of the Metropolis, as affording reasons why the control of the service should be thus transferred.

Anticipating this, let us examine very briefly somewhat into the facts attendant upon the loss of these vessels, to the end that we may determine whether the life-saving service was in any way derelict in duty or wanting in care and attention upon the occasion of either of these unfortunate disasters. And first, with reference to the loss of the Huron. It is sufficient simply to say that the Department having charge of the service is unable, by reason of inadequate appropriations, to maintain crews except at those seasons of the year deemed most disastrous along the coasts. This fact has prevented the stations in the district where this disaster occurred from being manned by resident surf-men except for the five months between the 1st of December and the 1st of April, and the stranding of the Huron occurred when the crews of this district were not thus in Government employ. The disaster cannot, therefore, be attributed to any fault or neglect on the part of those who compose the crews of the district in question.

A thorough official investigation has but recently been completed with reference to the loss of the Metropolis. I shall not stop in this connection to allude to the fact that this vessel was old and nearly worn out and absolutely unfit for the uses to which she was applied. The official inquiry demonstrates that at the time the Metropolis stranded a heavy fog enveloped the scene of the disaster. No signal guns were fired from the steamer. The loss occurred at a point distant some four and one-half miles from the nearest station. So soon as the wreck was discovered, word was hastily dispatched to the station, and preparations were at once made by the crew to reach the scene of disaster. The beach coast here is a line of low, flat sand, scarcely raised above the water-level, and had been covered the night before by a storm tide to the depth of several inches, leaving the beach in such condition on the morning of the disaster that the men sank in the wet and yielding sand at every step. Over this difficult roadway, the cart, laden with the life-saving appliances, making an aggregate weight of over one thousand pounds, was toilsomely dragged by men already spent by the exhausting patrol duty they had just performed. Within the preceding twenty-four hours, one of the men had patrolled a distance of thirty-two miles through the driving storm; another, twenty-four miles; two others, sixteen miles, and the remaining two, twelve miles each. Almost worn out and exhausted, with the broad tires of the appliance cart penetrating several inches below the surface of the yielding sand, these men hastened with all possible speed to the scene of the wreck. So soon as this point was reached, the mortar was set in position. The vessel was lying head on, or nearly so, and there was thus but a small object, comparatively, at which to aim their shot carrying the connecting line to the vessel. At the second shot the connection was established, and the line was lodged on the foretop-sail yard-arm, and was thereafter seized by persons on board. The crew of the station had thus far done all they could—had performed fully their part up to the point of co-operation with those on board the vessel.

Had these latter made proper adjustment of the shot-line, all might yet, perhaps, have been well. But through miscalculation, or in the haste begotten of extreme danger, the slack of the line had been dropped by the person sent aloft to attend to it, so that the line led outside of and across the jib-stay, and at a sharp angle aft to the starboard side of the wreck. The strain upon the shot-line so placed became greater each moment, as it sawed across the iron-wire rope of which the stay was made, and finally parted in two, and the shore connection was thus disestablished.

I have entered thus much into particulars and have given the details of this proceeding in order to show that the crew of the station did all they could in the emergency presented. They did absolutely more, perhaps, than their duty. Standing waist-deep in the breakers and undertow, with the winter twilight closing in upon the awful scene, at the risk of being swept away by the angry flood and of being dashed down each moment by huge pieces of the wildly driven wreck, they seized and bodily drew out from the seething, boiling waters, hungry for their prey, nearly a hundred human souls. It is not deemed possible in the face of this exhibit, in the presence of these facts, shown by sworn evidence, that those who in the first hour of this terrible disaster were loud in voice of censure upon this service, can continue to indulge in adverse criticism upon the conduct of the men who so nobly did their duty, and their whole duty, on that terrible day and night upon the Carolina coast.

I may add in this connection that the chief of the life-saving service, from time to time in his annual reports to the Department and through it to Congress, had asked that additional means be furnished for the protection of life and property upon the coast of North Carolina, and this request had been emphasized in the report submitted for the last fiscal year. The occurrence of these two accidents upon this dangerous and treacherous coast-line only tends to show the intimate knowledge of the Department of the needs of the service and its forethought in suggesting means for the avoidance of threatened danger.

The life-saving service of this or of any other government, however conducted, cannot always be infallible. It cannot be expected that always, upon every occasion of shipwreck and disaster upon our long line of coast, death should be cheated of its doomed victims, even though life itself should be offered up as sacrifice by those who sought to save. Governmental officers, experienced surf-men, who have devoted years of labor in acquiring experience in this depart-

ment, cannot accomplish the impossible or overcome the insurmountable. What is claimed here is that with the means at hand good results have been achieved under the present administration of the affairs of the service.

Briefly examining some of the features of the proposed bill, let us first admit that, looked at superficially, there may seem some reason why this service should be committed to the care of the Navy Department. Both have to deal in a certain sense with vessels and with the sea. But having admitted this common connection to this limited extent, all reason for naval control ceases. The Treasury Department has cognizance under the law of all matters pertaining to commerce, revenue collections, the light-house system, and the revenue marine. To carry out its work in these directions, the matter of coast navigation more especially becomes an important feature. And in protecting commerce, with which work the Department is especially charged, it would seem that the service in question should fall under the jurisdiction of that Department. It may be urged by those who press the passage of the proposed bill, that the Treasury has too many departments for the proper supervision of one Secretary, and that, therefore, this Department should be taken from his control. I can only say, if this consideration be urged, that this special department has been particularly fortunate in having as its immediate head a superintendent who, though subject to the general direction of the Secretary, yet is, as his title implies, the "general superintendent" of this branch of the service; and through whose efforts, in great measure, the system has been built up and has attained its present successful prominence. Congress, however, will not stop to consider so trivial an objection as this. The French maxim: "To be successful one must achieve success" will be recognized as applicable to governmental departments as to individuals; and if, by earnest work on the part of those connected with it, a department wins success under adverse circumstances, Congress and the country will not take the department from the control of an uncomplaining Secretary through apprehension of his being made the victim of overwork.

Mr. BENEDICT. Will my colleague permit me to ask a question?

Mr. COVERT. Certainly.

Mr. BENEDICT. Has not the charge been made that the element of party politics has entered into and has interfered with the working of this service?

Mr. COVERT. I am glad that my colleague has propounded the question just asked. It permits me to consider right here and very briefly the only feature which I can imagine can serve as the shadow of a reason for a change in the control of this service. The existence of the evil alluded to by my friend, in the past, in some localities and to some extent, has been freely and frankly admitted by the Department. I have on my desk the last annual report of the operations of the service, in which the general superintendent, in speaking of the affairs of district No. 5, uses this language. I read from the report:

The condition of district No. 5 the board of examiners found quite unsatisfactory. Of the eight keepers examined five were incompetent, and more than one-fifth of the surf-men were unqualified for their duties. The board endeavored to impress the keepers and crews with a full sense of the grave responsibilities resting upon them, and to stimulate them to efforts in acquiring proficiency in their duties. They also made diligent inquiry into the cause of the degraded state of the district. They found that it resulted generally from an utter misconception on the part of the superintendent of his duties and responsibilities, and that this misconception had been formed in his mind by the efforts and representations of certain small local politicians, some of them holding petty official positions, who had impudently claimed to represent the wishes of the Department, and had contrived, by adroitly practicing on his fears, to secure the nomination and retention of incapable persons at the stations, both as keepers and surf-men.

The superintendent is emphatic and pronounced in his denunciation of these practices; and at page 35, of the report he says:

To all who have at heart the interests of the life-saving service, there is consolation in the fact that the advantage gained by these intriguers, through their schemes of intimidation, assumption, and chicanery, has ever been brief; for immediately upon any news of their success reaching the Department measures have always been promptly taken to make their labors perfectly ineffectual.

In this connection I may be permitted to state that in my own home district, charges implying the existence of this unholy alliance of party politics with the workings of a humane and beneficent system have but very recently been made to the Department. I have to add that at once, upon the presentation of these allegations, a commission was promptly dispatched to examine and report upon the charges so presented. The testimony of witnesses was taken at great length, with what degree of fairness and with what results I am not fully advised, but with fullness and promptness of which I am assured, and the evidence has, within the last few days, been forwarded to the Department for its action. The result of this inquiry will demonstrate to the people of my district at least whether, if the leprous arms of party politics have been allowed to clasp the pure, fair form of humane endeavor, the vile embrace shall be permitted to continue longer.

As well, perhaps, might the general of a military division or a commander in the Navy be held responsible for the morals of an inferior officer, or for his conduct when not on active duty, as that the Department should be held responsible for every dereliction in this regard on the part of a local superintendent or keeper of a station. It is only when the offense is encouraged or passively permitted, instead of punished, that reproach can attach to the Department.

I have faith to believe, from the frank admissions and from the earnest and vigorous utterances of the general superintendent, as

embodied in his report, and from the prompt action taken in regard to the charges coming from my own home district, that a sincere desire exists on the part of the bureau having the system in charge to divorce utterly and wholly the work of the life-saving service from all connection with party politics as such.

I cannot but believe in the face of these utterances, that in the future, whenever and wherever it is found that politics enter as a factor in the organization of the service, the partisan zeal of superintendents and supernumeraries will be met with the prompt removal of those officers, where such zeal interferes in the slightest measure with the efficiency of the service.

Whenever it is made to appear that the mingling of politics with the work of this service has the implied indorsement even of the Department; whenever I am satisfied that the superintendent or local officer, who permits such intermingling for party purposes or partisan ends, will for one moment in the future be continued in the service after his offense has been proven, my voice and my vote will be in favor, not even then of the bill now under consideration in its entirety, but of some measure at least which will give the control of this service to those who will conduct it with purity and without partisan bias, and which will assure to it if possible, the same success in the future which it has achieved in the past.

Continuing our examination of this proposed bill, Mr. Speaker, let me remark that the revenue marine, an important branch of the Treasury Department, goes hand in hand with the life-saving service in the protection of persons and property on the coast. The two branches are welded and woven so closely together, that one could scarcely be taken from the control of the Treasury Department without seriously affecting the usefulness of the other.

So early as 1837, the Executive was authorized to cause Government vessels to cruise in the near neighborhood of dangerous coasts for the relief of merchant vessels in distress. This duty has been successfully performed by the vessels of the revenue marine from that time to the present, except for a season, when the Navy undertook the duty, but abandoned it after a short experience. Many lives and much valuable property have been saved by the work of the vessels and crews of the revenue marine, and Congress ought not to divorce the two agencies which now act so harmoniously together toward the same objective point. The experiences gained by revenue-marine officers in this performance of coast duty admirably fit them for control and direction in connection with the life-saving service. Their fields of duty are really upon and in the near neighborhood of the coast. The experiences of naval officers have all been of and upon the deep sea. Their object has been rather to avoid than to cultivate the dangerous shoals and shifting sands of our seaboard. They know nothing by actual experience of the long stretches of lake coast or of the dangerous navigation of our inland seas.

I insist, and it seems to me an unanswerable suggestion, that it would be a policy fraught with untold evil to place as superintendents and keepers over life-saving stations, officers of the Navy, who, able though they unquestionably are in their own department, are profoundly ignorant of local peculiarities of coast, and correspondingly of local dangers and difficulties. If this objection be true as to the officers, it is equally true as to the men sought to be employed in this branch of the public service.

The proposed bill contemplates the enlistment into the naval service of the men who constitute the crews at the stations.

I speak from actual experience when I say that very many of the surf-men on the Long Island coast at least (and I am told the same conditions exist elsewhere,) are among the best men of the community. They are men of intelligence, owning their own homes, supporting families—thrifty, forehanded, and enterprising. During the seasons when not thus employed, they are engaged mainly in surf-fishing; and in this way they gain correct and intimate knowledge of every foot of ground upon which they work and of every phase and feature of the surf in which they labor. They do not depend upon the pittance received from the Government for their support; it comes to them simply as a small addition to their yearly income, earned at seasons when they cannot prosecute their usual work. These men would not consent to enlist in the Navy, subject at the call of the Government to leave their families at any juncture, for possibly a long absence from home. Their home interests are in many instances too large; their home ties too strong, to permit many of them as prudent men to do this. This class of people have in great measure made the life-saving service what it is. They have established local reputations for bravery and devotion upon the occasion of many a sad scene of shipwreck and disaster. They are known and marked men. Any act of cowardice, any temporary faltering when duty called, would render them objects of by-word and reproach in the communities in which they live. It cannot be wondered at, that with this material to man the stations on our coasts, coupled with intelligent, practical direction and control, the service has become the powerful agent it has in snatching "out from the jaws of death, back from the mouth of hell" thousands of seemingly fated victims. I hazard nothing in saying that nowhere upon battle-field, where royal effort has been made to outdo the brightest deeds of gallantry, have greater self-sacrifice and more supreme devotion to duty been shown, than have been displayed on many an occasion of shipwreck and disaster on the storm-tossed line of coast from Maine to Florida. If heroes upon battle-fields have won glory by deeds of earnest daring in destroying human life, the

large-hearted, hard-handed dwellers upon our coasts have won imperishable renown in their efforts to rescue and protect it. These men never would enter the Navy, to be subjected to the severe rules and stern discipline necessarily enforced in that branch of the service. Government would be forced to depend for help at the life-stations, upon such material as is found among the ordinary sailors of our Navy. I desire not to speak adversely of these men. It is sufficient to say that they would have no practical knowledge of particular localities, no knowledge of the surf except such as they might gain by future years of experience in it, and during which time hundreds of lives might be sacrificed upon the altar of their inexperience. They would not have that feeling of local pride which now lives down deep in the heart of almost every surf-man, which begets the desire to excel and to establish an honorable local reputation in the department in which he labors.

On the score of economy, the proposed bill ought not to become a law. The act authorizes the Secretary of the Navy to constitute as many districts as he may think proper and to designate certain naval officers to be inspectors of these different districts. The temptation might present itself to create independent districts unnecessarily, to make places for naval officers, and in any event latitude is given in the bill for dangerous and costly action in this particular. The pay of a superintendent, under existing law, is considerably less than that of the naval officers eligible under the proposed bill to act as inspectors. Under the present system no expense is incurred for office rent, as the superintendent is a householder in each instance in the district in which he acts and performs the routine business of his office at his home.

But I leave the matter of economy aside, as being perhaps unworthy to be discussed in connection with the other and graver reasons why the present control of the service should not be disturbed.

The simple facts that under existing law the superintendents and keepers are residents of their respective districts; that they know their stretches of coast with a closeness of knowledge which no chart can give, and which nothing but actual experience and observation of shifting sands and moving bars and half-hidden rocks can bestow; that they have a close knowledge of their own home people and know whom to select as surf-men and upon whom to rely in times of danger; that those thus selected are men of character and standing, with improper material excluded so soon as discovered; that the men so appointed have every incentive to urge them to deeds of daring and devotion in the locality of their own homes; and lastly that superintendents, keepers, and surf-men have in the past proven themselves sublimely heroic, devoted, and earnest in the performance of their poorly recompensed labors—all these facts stand as sufficient reasons why the service should remain under its present management.

Congress, in determining this matter, is dealing with higher questions than those of departmental strivings, of official differences, or of party politics. It is dealing with questions affecting the safety of millions of property, of thousands of human lives.

Surely Heaven has no angels merciful enough to forgive those who in the presence of these facts allow any consideration other than that of the public good to govern their action upon this proposed bill, involving, as it does, matters so pregnant with fateful results.

SHALL THE DISLOYAL BE PENSIONED?

Mr. HAYES. Mr. Speaker, I cannot let this occasion pass without entering my protest against the passage of the bill now under consideration. In my opinion, sir, the bill is open to many objections, and should never receive the sanction of any man who has the least desire to make any distinction between loyalty and treason. Why, sir, what is the import of this bill, what are its provisions, and what are the great objects which are sought to be accomplished by enacting it into law? These are some of the more important questions which array themselves before our minds as we read the bill; and they are questions, sir, which we should consider well before giving the bill our approval. I know not, Mr. Speaker, in what light other gentlemen on this side of the House may regard it, but for myself I will say that I believe the one great object aimed at by the friends of this measure is, by enacting it into law, to get a declaration from this Government that treason is not a crime. What else than this can be aimed at by bringing the bill forward in its present shape? Let the bill, as it now is, receive the approval of both Houses of Congress, be signed by the President, and thus become a law, and who will dare to say that treason has not been made respectable by legal enactment and placed upon an equal footing with loyalty?

Let us look at the first section of the bill. This section provides for pensioning every United States soldier who served for sixty days or more in the Mexican war. The friends of this measure come before us under the cover of this broad provision, gushing with a manufactured sympathy for the Mexican veterans, and implore us to give our votes in favor of putting the names of all these men upon the pension-roll of the nation. They hope, sir, by means of the broad provisions of the bill, by their overflow of sympathy, and by their earnest appeals, to blind us to the real motives which influence them in their actions. They say to us: "Let us be generous and show that we appreciate the patriotic services of these men by granting pensions to them all." Does any gentleman on this side of the House need to be told the meaning of all this? Does he need to have pointed out to him the real object aimed at by these men? Why, sir, I have no doubt that the friends of this bill are anxious to have all these Mexican vet-

erans pensioned, but it is not because they love the great majority of them so much, but because they love a certain few of them more; not because they care so much about the fact of a pension, but because they want to establish in the law of the nation the principle for which they have contended so earnestly and so long, that the traitor shall be considered the equal, in every respect, with the patriot.

If we pass this bill and it becomes a law, what follows? The name of every Mexican soldier who took up arms against his Government during the war of the rebellion goes upon the pension-roll side by side and upon an equal footing with the name of the Mexican soldier who stood by the Union and fought to maintain it. Observe that this bill includes all soldiers of the Mexican war, not only those whose names were dropped from the roll because of their participation in the rebellion, but those who participated in the rebellion and whose names have never yet been on the pension-roll. And, Mr. Speaker, it is this equality on the pension-roll and in the eye of the law which is the great object aimed at by the friends of this bill. This is the grand consummation which they hope to see realized. It is to secure this equality between the patriot and the traitor that they wax so eloquent, grow so pathetic, talk so loudly of patriotism, and indulge in such lofty flights when speaking of the debt which a nation owes to those who maintain its honor and defend its cause on the field of war. Why, sir, I do not believe there would have been a bill of this kind introduced into this House at this time had it not been for the hope of its friends that they could carry it through by appealing to our gratitude for the soldiers of the Mexican war, and thus secure our declaration that treason is not a crime and that the traitor should be treated as though he had always been true to his country.

But, Mr. Speaker, this appeal, the strongest that could be made, will not secure our support to this measure. I appreciate, as does every gentleman on this side of the House, all that has been said in praise of the soldiers of the Mexican war. We are not unmindful of the valor of these men. We do not forget their self-sacrifice or their patriotic devotion to the cause of their country. We believe, sir, that we are as capable of fully appreciating the sentiment of genuine patriotism in any class of men as are the gentlemen on the other side of the House, and in speaking the praises of these Mexican veterans we will not suffer ourselves to be outdone by them. We hold to the idea, Mr. Speaker, that the man who is ever true to his country, and who in the hour of that country's peril forsakes all else and goes forth with a strong arm and courageous heart to fight its battles, not only merits a nation's gratitude but is worthy of all the praise that human tongue, however eloquent, can bestow upon him.

The soldiers of the Mexican war did their work bravely and well. On many a bloody field they bore the nation's flag proudly and gallantly to victory and, by their heroism, self-sacrifice, and noble endeavor, made for themselves a record that every patriot must admire. When the friends of this bill speak so enthusiastically and eloquently in praise of these men, the heart of every man on this side of the House responds with an earnest amen. But, sir, let us not be so beguiled by the eloquence and enthusiasm of this praise as to forget the real object and intent of the bill before us. Let not our hearts be so completely led captive as to carry us beyond the bounds of prudence and lead us to forget our duty to our country. Let not our eyes be so blinded that we cannot see what is for the common good.

It is well known, Mr. Speaker, that there are now upon our pension-roll the names of all United States soldiers who were crippled or maimed or whose health was ruined while serving in the Mexican war, except those who were dropped from the roll for participation in the rebellion. In addition to these, I think the Government ought at once to grant a pension to every other Mexican veteran who is in needy circumstances, provided he was loyal to the Government during the late war. If the Committee on Pensions will report a measure providing for pensioning this class of men, it will receive the enthusiastic support of every republican on this floor. But, sir, there are many of us here who will never give our support to any measure which, like the one now before us, proposes to make the traitor the equal in any respect with the patriot. There are many of us here who still believe, notwithstanding the vast amount of gush and palaver about conciliation which we have witnessed during the past year, that there is a difference between treason and loyalty, and that this Government cannot afford to degrade loyalty by giving to treason even the form and outline of legal respectability.

But, Mr. Speaker, not only do the friends of this bill appeal to our sense of gratitude, but they talk to us about the "sacred debt" which we owe to the Mexican soldiers whose names were stricken from the pension-roll because of their having taken up arms against the Government. In his speech in favor of this bill a few days ago the gentleman from Maryland [Mr. WALSH] used these words:

Now, in regard to the men who were stricken off the roll under the forty-seven hundred and sixteenth section of the Revised Statutes. They were placed upon that roll under an obligation contracted by the Government. Their pension was in the nature of a debt, the highest and most sacred debt that any people could owe.

Again he says:

You cannot repudiate that contract or debt.

Now, Mr. Speaker, is not this rather strange reasoning? Suppose the Government did enter into a contract with these men, which party to that contract was the first to violate it? This is the question upon which the gentleman should have given us some light, but which he

most studiously avoided. The Government has stricken from the pension-roll the name of no man who proved loyal during the late war. Those whose names were stricken off are men who went into the rebellion, became traitors to their Government, and thus forfeited every right they ever had under that Government.

Why, sir, has it come to this in this land, that a man can prove traitor to his Government, can unite with others in making war upon that Government, can put forth his utmost endeavors for years to destroy that Government, and then, after he has been overcome and forced into submission, can turn around and demand as a right that his name, which had been stricken from the pension-roll on account of his treason, shall be restored to that roll again and he be made a pensioner upon the bounty of the Government which he did his utmost to destroy? That may be good democratic doctrine, but it is a doctrine which no government upon the face of the earth can afford to practice. If the argument of the gentleman from Maryland is sound, a man whose name has once been placed upon the pension-roll of the nation can commit no crime that will justify a government in striking his name from that roll. He may be in open rebellion against his Government for one, four, or twenty years, and yet when he is forced to submit to the authority of that Government he can claim that being once a pensioner his Government owes him a "sacred debt" which it "cannot repudiate," and he can demand on the score of right and justice to himself that the Government proceed to discharge that debt at once.

Why, sir, who ever heard such a doctrine advocated before? What nation that ever had an existence on the face of the globe ever dared to put such a doctrine into practice? The fact is, Mr. Speaker, it has been left for modern democracy alone, in its earnest efforts to palliate the crime of treason, to announce and advocate this hitherto unheard-of doctrine. It has been left for modern democracy alone to appear in the halls of national legislation and demand the passage of a law which is calculated to degrade loyalty, exalt treason, and make the traitor the equal of the patriot. If these men whose names have been stricken from the pension-roll could have had their way, they would have destroyed this Government, root and branch, thus making it impossible for it ever again to pay a pension to any one. But because they failed in this—because the Government was strong enough to withstand their persistent and determined efforts to destroy it, and to-day, contrary to their wishes, has a name among the nations of the earth, they come forward and ask to be reinstated as pensioners upon its bounty. If this is not pure and unadulterated cheek, then I do not know where that article can be found.

Why, sir, let us once give this modern democratic doctrine the sanction of law and we may expect to see these men whose names we are now asked to restore to the pension-roll coming forward and demanding in the name of right and justice that we pay them pensions during all the years when they were in open rebellion against the Government. I do not know, Mr. Speaker, how many gentlemen on this side of the House are prepared to indorse this doctrine, but for one I will say I cannot and I will not indorse it. This bill may pass this House, but it will pass without any vote of mine. I hold, sir, that treason is a crime, and the man who is guilty of it has no claim upon his Government whatever. Talk about the debt the Government owes these men! It owes them nothing. On the score of right they can claim nothing from it. The Government may so far overlook their crime as to permit them to enjoy the rights of citizenship, but all that it does in this direction is an act of free grace, and not because of any claim they have upon it. These, Mr. Speaker, are facts, hard, stubborn, and to some perhaps disagreeable facts, but they are facts that we cannot afford to disregard when we are called upon to deal with such questions as that now before us.

But, Mr. Speaker, the gentleman from Virginia [Mr. GOODE] also puts in an enthusiastic and impassioned plea for these men, and attempts to excuse their treason by saying that "they responded to the instincts, the manly instincts of humanity, and stood by their kith and kin in the most gigantic civil struggle which the world has ever seen."

Is this, then, the kind of argument which modern democracy brings forward to justify crime? Is this the plea which democrats offer to the people of this nation as an all-sufficient excuse for men who are guilty of the greatest crime that can be committed? Is this the garb which is to be wrapped about the hideous form of treason in order to make it appear comely and respectable? Away with such nonsense, such weak and flimsy arguments!

I would like to ask the gentleman from Virginia if he would hold me guiltless if I should "respond to the manly instincts of humanity" and stand by and assist any of my kith and kin who were degraded and mean enough to break into and pillage his house? If such an excuse as he sets up is valid, then the man who goes with and assists his kindred in the commission of any crime should be considered a hero and not a villain. Why, sir, the argument of the gentleman is absurd, preposterous, and unworthy to be advanced by any gentleman upon this floor. Did any one ever hear such a plea put forward before as an excuse for crime? Did the gentleman himself ever advance such a plea in behalf of a criminal before any judge or jury in whose presence he may have been pleading? Once admit such a plea into our courts as valid, and justice would become a mockery and the veriest rascals on the face of the earth would go unpunished.

No, sir, it is not the man who follows his kith and kin into crime

that is guiltless, that is the hero, but the man who dares to do right in spite of his kith and kin. The patriotism that should be commended and rewarded in this nation is not that which upholds the hand of the relative that is raised to take the nation's life, but that which strikes down that hand even though it be the hand of father, brother, or son. Does not the gentleman know that there are duties incumbent upon every citizen, higher than those which he owes to his own household—that there are ties stronger by far than those which bind him to his own kindred? The duty which a man owes to his country is second only to that which he owes to his God, and any man should be ashamed to attempt to excuse treason against his Government on the ground that the person committing it stood by his kith and kin.

But, Mr. Speaker, I wish to call attention for a moment to section 5 of this bill. That section proposes to repeal section 4716 of the Revised Statutes, which reads as follows:

SEC. 4716. No money on account of pensions shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States.

Now, sir, I ask if we are ready in this nation to repeal this section, to blot it from our statute-book as a thing unworthy to remain there? For myself, I will say, no, never! The gentleman from Virginia [Mr. GOODE] in his enthusiastic utterances the other day exclaimed: "Will this cruel war never be over?" Mr. Speaker, I trust the war is over, never more to be renewed. But, sir, there are certain results of the war which I trust will remain and abide with us forever. There are certain things which this nation bought and paid for with treasure, and blood, and life, and these I want secured to us as long as our Government stands. If the gentlemen on the other side of this House do not want us to talk of the war and the part they played in it, let them keep their hands off from those portions of the Constitution and laws of this nation which secure to us the results of the war. When they take our statute-book and reach out their hands to tear from it such portions as section 4716, they must expect that gentlemen on this side of the House will rise to resist the attempted outrage.

The gentleman from Tennessee [Mr. RIDDLE] attempted the other day to quiet the enemies of this bill and reconcile us to its passage by telling us "that a bill similar to the present one in all its essential particulars passed during the last session of the last Congress without a single dissenting voice." It may be, Mr. Speaker, that such was the fact; but, sir, I blush for the republican that could give his vote for such a bill, or could sit with dumb mouth and let such a bill pass. The man who will vote to repeal section 4716, I do not care who he is, without putting something equally as good in its place, is a poor representative of the Union soldiery upon this floor. I have not looked up the record of this vote. I have no desire to do so, for I do not want to know who the republicans are that could so far forget the duty they owe to both the dead and living soldiers of the Republic as to permit such an outrage to be perpetrated without entering their protest against it.

But, sir, let the past remain with the past. A bill similar to the one now before us may have gone through the last House without a dissenting voice, but there are many voices here to-day that will be raised against the passage of this one. There are many here to-day who will never give their consent to the repeal of section 4716. Why, sir, what will be the result if this section is repealed? It will be simply to make it possible to grant pensions to rebel soldiers just the same as pensions are now granted to Union soldiers. Striking this section from the statute-book is tearing down the only strong barrier that we erected during the war, as far as granting pensions is concerned, between loyalty and treason; and it is because this section stands there as a constant rebuke to the men who took up arms against the Government that they are so anxious to blot it out. Why, sir, their efforts to get rid of this to them obnoxious section are not only determined, but unceasing. Ever since they got control of this House they have been devising plans by which they might accomplish this object without exciting opposition on this side. After much study and labor, they now come before us with a measure whose ostensible object is to grant pensions to the soldiers of the Mexican war, but whose real object is to wipe out this section. If their only object was to grant pensions to the Mexican soldiers, why did they not leave section 5 as it was in the original bill. That section in the original bill reads as follows:

SEC. 5. That section 4716 of the Revised Statutes is hereby repealed so far as the same relates to this act.

Had they suffered this section to remain as it is here we might perhaps have believed that their only object was to secure pensions for the Mexican soldiers. But, sir, when this bill is reported to the House, after having gone through the hands of a democratic committee, what do we find? We find that the words "so far as the same relates to this act" are stricken out. Why was this done? I claim, sir, it was done for a purpose. It was done to meet the wishes of men who are anxious to accomplish more by the passage of this bill than they are willing to admit. I claim, sir, that there was method in this proceeding. There is a settled, well-understood plan on the part of democrats in both Houses of Congress to blot from our statute-book everything that makes any distinction between the patriots and the traitors in the late war. I say there is a plan, and in accordance

with this plan this bill is presented to us in its present shape, and we are asked to give it our support. In accordance with this plan, also, a Senator from North Carolina [Mr. MERRIMON] not long ago introduced into the Senate a bill providing for the repeal of this same section.

Why, sir, not only have these gentlemen formed their plan, but they are determined to carry it through. They are resolved that nothing shall remain in the law of this nation which goes to show that the traitors of the South did anything wrong during the late war. Their ultimate object is to so change law and public sentiment that the rebel soldier shall not only be equally honored with the Union soldier, but shall be pensioned upon the same equal terms. I say this, sir, because I believe it to be true, and I believe it to be true not only from what I see and hear in this House, but from what I see and hear elsewhere. It is with this object in view that we republicans are asked to give our votes in favor of repealing this section. Are we ready and willing to do this?

For myself, I will say that I am not. As a man who served in the Union Army, I will say that I am entirely satisfied to let this section remain as it is and where it is forever. I want it to go down the ages side by side with the thirteenth, the fourteenth, and the fifteenth amendments to the Constitution. I want it to remain fixed and abiding among the laws of the land, so that it may be understood by every man, woman, and child within our borders, for all time to come, that no rebel shall ever receive a pension at the hands of this Government. I want it to stand out in bold relief upon our statute-book, where all men can read it, that all the world may know that we in this American Republic do make a distinction between loyalty and treason.

I have said this much, Mr. Speaker, because I feel deeply on this subject. I have been somewhat emphatic and positive in my remarks because I hate treason, because I respect loyalty, because I love my country, and because I believe that if we enact this bill into a law, it will prove a source of trouble to us during all the future of our existence as a nation. When the bill granting pensions to the soldiers and sailors of the war of 1812 was before this House a few days ago I felt it my duty to vote against it. I knew that some of these men, even in their old age, had aided, abetted, and helped forward the late rebellion against this Government, and in view of this fact I felt compelled to vote as I did.

I believed, sir, that to make pensioners of men who had once rebelled against the Government would be establishing a bad precedent which could but work evil to us for all time to come. Had it not been for this, I might, in view of their old age and to show my appreciation of their services in the war of 1812, have been induced to overlook their actions during the late war and have voted to grant them a pension. Had I felt that the bill was only going to affect them; that all its provisions, rights, privileges, and precedents were going to end with granting pensions to them, I might have given it my support. But, sir, I felt that that bill, if it became a law, would reach beyond these men far into the future, and its influence in exalting treason and degrading loyalty would be a mighty power in the land long after they were in their graves, and feeling thus I voted against it.

But to-day, Mr. Speaker, I am asked to vote for a bill much more obnoxious to me, and fraught with far greater evil to the country than the one which I have just referred to.

While under certain circumstances I could have voted for the bill granting pensions to the veterans of 1812, I can conceive of no circumstances under which I could be induced to vote for the bill now before us. There might have been some little excuse for the old soldiers of 1812 helping on the rebellion, but there was no excuse for the soldiers of the Mexican war. These men were in the prime of life. They were not subject to the giddiness and waywardness of youth or to the whims and caprices of old age. They were in the full strength and vigor of manhood, and were capable of deciding for themselves between right and wrong, between what was duty and what was not. They chose to go with the South and against their Government, and now, sir, let them abide the result. I agree with the sentiment recently expressed by the Meriden (Mississippi) Mercury, and which that journal sets forth as follows:

The confederates could not and would not ask any beneficences from the Government which maimed and destroyed them and devastated and laid waste their lands and razed their homes, because in daring to try the conclusions of war they dared to abide its results.

And now, in conclusion, Mr. Speaker, let me repeat that we as a nation cannot afford to make this bill a law. If we once allow it to go upon our statute-book we repeal section 4716, and thus open the way for granting a pension to every crippled and wounded rebel in the land. This, I say, we cannot afford to do. We cannot afford to put a premium upon treason by pensioning traitors. I want it understood in this land for all coming time that treason is a crime. I want it to go down the ages branded as the greatest crime known among men, and I do not think this Government can afford to do anything to relieve it of the least shadow of its blackness or to remove from it the least particle of the odium which attaches to it. Thinking thus, Mr. Speaker, I shall vote against the bill, and I hope enough others may be found voting with me to defeat it.

ICE HARBOR ON THE OHIO.

Mr. VAN VORHES. Mr. Speaker, on the 26th ultimo I introduced

for consideration House joint resolution No. 122, providing for a survey of and report upon the expense and availability of constructing at the mouth of the Muskingum River a harbor for the protection of steamers and other water craft against damage and destruction by floes of ice in the Ohio River. This resolution was offered in response to petitions intrusted to me (and presented by me to the House this morning) signed by over three hundred prominent citizens, steamboat owners and officers, and other business men of Pittsburgh, Marietta, Cincinnati, and other points along that great national highway, some of whom have been for twenty, forty, and even sixty years, as they state, connected with its navigation, and whose experience and observation enable them to speak advisedly upon the subject.

The great necessity for these "ice harbors" is becoming more and more apparent each succeeding year as commerce increases in extent and value, and year after year the people have been calling the attention of Congress to the propriety if not absolute necessity of affording relief and protection.

The value of this river and its navigable tributaries to the seven great States drained by their water (and indeed to the entire country) is of vast importance and magnitude, and deserving of corresponding attention at the hands of Congress, in the line of improving their navigation and affording facilities and protection to their commerce. It is a question, I repeat, not merely of local import, but eminently national in its character, "demanding the especial exercise of governmental powers, to render it a great transportation highway of the nation; uncontrollable by corporations or combinations, and justifying, in view of the future of the country, large expenditures of money from the common revenues of the nation. Not only is it an exceedingly important commercial highway, as a competitor of the railroads with respect to the transportation of general freights, but especially so as being the only practicable highway for the transportation of coal from the vast coal-fields of Pennsylvania, Ohio, and West Virginia, to points below as far as New Orleans and the Gulf of Mexico. But few persons, apparently, have an adequate conception of the extent and relative importance the population and the business, as well as the revenues of these seven States, (Pennsylvania, West Virginia, Ohio, Indiana, Illinois, Kentucky, and Tennessee,) bear to the remainder of the Union. With this fact in view, it may not be out of place to quote here a paragraph or two from a memorial to Congress, made as long ago as 1872, and which was adopted at a Convention comprising five commissioners from, and appointed by the governors of each of these States, which convention was held in Cincinnati in November of that year. The object of the convention was to take into consideration the improvement of the navigation of the Ohio River and its tributaries. Referring to the "millions expended by the Government under acts of Congress, upon the sea-coast harbors, and upon the lakes, the right to use largely of the common revenues of the nation for sectional navigation improvements where the ultimate benefits are national, and thus leaving no question as to the equal expenditures upon the interior navigation of the country, which is so wide as to be national itself instead of sectional," the memorial adds:

In this unequal system of internal navigation fourteen of the States of the Union are directly interested by reason of its waters permeating their territory. While by reason of the powerful agent this internal river navigation can under ample governmental expenditures become for the cheapening of the cost of transportation of agricultural and manufactured products, the interests of the population of all the States are greatly touched.

By the census of 1870 it appears that of a total population of 38,113,213 these seven States for which we speak contained 13,592,129 inhabitants, or 35 per cent. of the entire population of the nation, while in the seven other States directly interested—Mississippi, Louisiana, Arkansas, Wisconsin, Minnesota, Iowa, and Missouri—there were 6,496,771 inhabitants, or nearly 17 per cent. more. By the report of the Internal-Revenue Commissioner for 1865, that being the year when that taxation was broadest in its levies upon the products and wealth of the nation, it is shown that \$183,118,804.06 of revenue was collected; the seven States whose commissioners we are paid \$62,555,139.89, or over 33 per cent. of the whole revenue thus obtained from the people. By the census of 1870 the value of the farming products in the United States was \$2,447,100,721, of which these seven States for which we speak produced \$913,308,344, or over 40 per cent. of the whole, while the other seven States interested in the improvement of the western rivers produced \$494,741,906, or over 20 per cent. more. By the same State document it appears that the total value of lands in farms in the United States then was \$11,132,662,983, and that in the seven States asking through your memorialists the improvement of the Ohio River the value was \$4,284,890,390, or over 40 per cent. of the whole, while in the other seven States in question the value of the farming-lands was \$1,273,783,689, or over 10 per cent. more. By the same State paper the value of the live stock then in the United States was \$1,659,200,933, of which \$674,769,778, or over 40 per cent., were in the seven States we represent, while in the other seven States the value was \$323,608,808, or nearly 20 per cent. more. In the same census the value of farm implements and machinery in the United States is given at \$333,000,039, of which \$124,489,481, or over 36 per cent., was in the seven States in whose name we memorialize your honorable body, and \$70,919,869, or over 20 per cent., in the other seven States lying upon the great rivers of the Mississippi Valley.

Not only, then, is the improvement of the navigation of the Ohio River asked by one-fifth of the States of the nation, but it is asked by one-third of the whole population, who have heretofore paid 35 per cent. of the whole internal taxation of the nation, and borne a corresponding share in the liquidation of the national debt, and must by inference continue to do so until it is all paid. It is asked by those who raise 40 per cent. of the farm products of the country, own 40 per cent. of the land in farms in the nation, 40 per cent. of the live stock, and 36 per cent. of the capital in farm implements and machinery in the United States.

By the statistics here presented it appears, also, that seven other States, containing 17 per cent. more of the whole population of the nation, who produce 20 per cent. of the farm products of the country, contain 10 per cent. of the live stock, 20 per cent. of the farm machinery, are directly interested in the request of the States whose commissioners we are, that the improvement of the navigation of the Ohio shall be taken up as a work of the first national magnitude and importance. The aggregate of those asking this proper, necessary, and wise action of the Government is therefore one-half of the whole population of the nation, who raise 60

per cent. of the farm products of the country, own over 50 per cent. of the land in farms, 60 per cent. of the live stock, and one-half of all the farming implements and machinery in the United States.

When such a clear one-half of the political force, the population, the wealth, the productive forces, the financial power of the nation, requires the improvement of the Ohio River and its tributaries, is it not the bounden duty of Congress to take such action promptly as shall meet this demand and accomplish the work required?

Again, in the same line, Mr. George H. Thurston, chairman, in a report made to these commissioners in November, 1877, gives many other valuable facts and figures. He takes the ground that while an active home market is of more primary need than even a vigorous foreign demand, yet under the great increase of manufactures the importance and absolute necessity of foreign markets for them have become urgently apparent. He truthfully says also in this connection that the ability of the American mechanic to compete in the markets of the world with any rival has been demonstrated and footholds on foreign markets obtained by American manufacturers, and then adds:

Here, then, we stand at the very initial of the connection between the improvement of the Ohio and the necessity of foreign markets. The seven States which this commission represents are and must continue to be the heart of the manufacturing interests of the United States. Within the bounds of these seven States are over one hundred thousand square miles of coal. The manufacturing supremacy and money power built up by Great Britain rest on but eleven thousand square miles, or about one-ninth of the area possessed by these seven States.

The one thousand miles of the Ohio connect with nearly eighteen thousand miles of river navigation. How necessary, then, are the Ohio and its tributaries to the distribution of the vast bulk of manufactures its fields of coal foreshadow. How requisite to cheap transportation by the way of the Mississippi to foreign markets. Within these seven States permeated by the Ohio and its immediate tributaries, upon this field of coal nine times the area of that which enabled England to control heretofore the markets of the globe, the great army of mechanics will congregate, who, with the useful weapons of peace are to win victories and bring honest spoil from their conquests to enrich our people. The rapidity with which this conglomeration of the manufacturing industries is gathering is indicated by the census of 1870. The manufactures of the entire nation are given that year at two and a half billion dollars, and of that the seven States of the Ohio produced one and a half billions, or 60 per cent. of all. In 1850 there were in those seven States only 36,277 factories, producing but two hundred and eighty-four and a half million of dollars. In 1870 there were 97,568 factories, producing, as before stated, one and a half billions—not millions, but billions. In 1890, under the same ratios, allowing but one-half the previous increase from 1850 to 1890, there will be 250,000 factories, yielding \$3,600,000,000 of products. Through this great and increasing workshop the Ohio and its tributaries run, and over their waters is indisputably the cheapest, easiest avenue by which the markets of the world are to be reached through the mouth of the Mississippi.

At the present time the city of Pittsburgh is the principal center of the coal trade of Western Pennsylvania. According to the report of the chief of the Bureau of Statistics, the shipment of coal from that city during the year 1876 amounted to 62,325,000 bushels, or 2,495,800 tons. Later reports state that the coal trade of Pittsburgh represents a production of 176,227,220 bushels, valued at \$11,302,671. Of this, 69,663,946 bushels, of a value of \$4,876,471, at seven cents a bushel, or about 40 per cent. of the entire coal trade of the city, is the amount taken from the Monongahela River district, not all of which is, however, taken by river to ports below Pittsburgh. The value of the steamers, barges, and boats owned at Pittsburgh and employed in the coal business is estimated at \$5,000,000. Almost all the coal consumed in the cities and towns on the Mississippi River and its navigable tributaries, below Saint Louis is obtained from this section. The steamers on the Mississippi River, and the ocean steamers from New Orleans also depend upon this source of supply. During a single rise in the river forty-six fleets, comprising 369 coal-flats, and barges, and carrying 4,156,000 bushels of coal, have left Pittsburgh within the space of three days.

As sources of supply of coal, the vast coal-fields of West Virginia, and Southeastern Ohio are becoming second only to the Pittsburgh region—the marvelous magnitude of which I have already given in contrast with the coal area of England. The shipments at this time from the vicinity of Pomeroy in my own district, and from the valleys of the two Kanawhas, by river, is immense, and millions of capital are invested in mining, and in the means of transportation. The number of steamers and barges now constantly employed in the trade, I have not the means at hand for stating correctly, however.

The recent developments of the wonderful deposits of iron ore and coal in the counties of Hocking, Perry, Morgan, Athens, and Washington, in Southeastern Ohio, are also attracting largely the capital and enterprise of moneyed men in the Eastern States as well as in Europe, and a larger number of iron-furnaces is at this time being projected and in the process of construction in that region than was ever witnessed within a like area of territory at one time in this or any other country. These capitalists are already consulting as to routes for new lines of railway to transport their immense anticipated products of mines and furnaces to the Ohio River and to secure a convenient and safe place of deposit on its banks preparatory to reshipment and transportation by water lines. The future of this enterprise is challenging the attention of many of the ablest and most far-seeing business men of the country.

It is stated in a report made by a committee on "Ohio River navigation" that such is the extent of the traffic upon and along this channel that to-day a railroad on each bank would not be able to carry the freight that floats upon its waters. If such be the condition of things to-day, what may we not anticipate in the future in view of the wonderful increase in manufactures as well as of the staple productions? For instance, take the increase of one of the staple productions of the South, to wit, the sugar crop of Louisiana, which at the

close of the war in 1865 was 18,000 hogsheads; in 1874, 117,000; and the estimate of last year shows a commendable increase even over 1875, which was 150,000 hogsheads of sugar and 250,000 barrels of molasses. This is but a single item; and the same committee state they are "safe in saying that the coal and iron alone now carried upon the Ohio River exceed in tonnage that of the entire transportation of twenty-five years ago." And in this connection it is proper to add that according to the report of the Senate Committee on Transportation, "at the present time the domestic commerce of the towns and cities of the Ohio River" amounts to over \$1,647,000,000, or nearly double the whole foreign commerce of the United States!

In an elaborate paper by Professor Waterhouse, of Washington University, addressed to the Saint Louis Board of Trade, looking to the improvement of the Mississippi River, the author assumes that such improvement "would cheapen breadstuffs throughout the land, and confer a mutual benefit upon producer and consumer. The western farmer could save more money and consequently could buy more goods, while the eastern manufacturer could live more cheaply and therefore could sell his fabrics at a lower price. In these times of industrial adversity a public work that tends to lessen the cost of subsistence is specially worthy of the active encouragement of the Government." Thereupon he argues that—

Obviously carriage by water is far cheaper than transportation by rail. Rival trains never run on the same railroad. Every railway company possesses its own track, but no corporation has an exclusive title to the Mississippi River. Apart from its natural cheapness, river freighting is still further reduced by the active competition of different lines of steamers. Even if the Mississippi were not used for commercial purposes, yet there would be great economy in improving its channel, for the mere possibility of its use would force the railroads to lower their charges to river rates, and the total saving in the price of transportation would many times exceed the cost of the proposed improvements.

The truth as well as the force of this reasoning all must admit, and that which is true of the Mississippi is equally applicable to the Ohio River. And as the writer adds:

The heavy expense of construction, equipment, running and repairs, the large force required for their operation, and the comparatively small work accomplished by a single engine, must always render railroads a costly system of transportation. The bounty of Providence has freely provided the river for our commercial convenience. There is no cost of construction, but only of improvement.

This natural advantage, and a means furnished us by Providence to regulate our commercial traffic and secure to us cheap transportation, can well be illustrated in the statement of one or two incidents and facts. The tow-boats Oakland and the Ajax have taken to New Orleans safely, in a single tow, exceeding 20,000 tons of coal; and the steamer J. B. Williams is confidently estimated fully competent (and as stated in the United States Report on Internal Commerce and Navigation) for a tow of 36,000 tons. The latter-named steamer recently had a tow of loaded coal-barges for New Orleans which covered a space or area of 10 acres—a cargo which would have freighted, as is alleged, 1,500 railroad cars. Now, one of the finest coal-roads in my own State is the Columbus and Hocking Valley, extending from Athens to Columbus, and following up the Hocking Valley. Its grades are of a character to admit of a thirty-ton engine drawing with ease a train of 30 loaded coal-cars, each containing 325 bushels, or nearly double that which a forty-ton locomotive can draw over the grades of some of the neighboring railways. But taking this highly favored railroad as to grades, we find here in this single cargo of the J. B. Williams a tonnage sufficient to make up 50 full freight trains of 30 cars each. This of course is exceptional; but taking the cargoes of the Oakland and the Ajax, referred to, and they would furnish lading for 13 and 16 trains respectively, of 30 cars each, on a first-class railroad, and a third larger number on the average railways of the country.

According to the report of internal commerce and navigation, "the cost of transportation on the river is but one mill per ton per mile, or only about one-tenth of the average cost of the tonnage movement on the railroads west of the Mississippi, and only one-sixth of the average cost of transportation on the Pennsylvania Railroad."

These incidents and facts tend to show the immense advantage that water must have over rail transportation for some classes of freights; as well as the other important truth that the rates by river can at all times and to a great extent be made to determine the rates by rail. Hence we conclude that Congress should, by ample appropriations, render the great rivers of the country and their navigable tributaries "all they can be made as highways of commerce and competitive routes against railroad discriminations or railroad embargoes."

These facts and figures, Mr. Speaker, I have ventured to reproduce in view of the importance of the measure involved in the adoption of the resolution. One of the chief drawbacks in the conduct of this great and diversified commerce during a portion of the season is the liability to injury and destruction of steamers, barges, and other water craft, by the flocs of ice. The losses by such disasters along the Ohio River alone, during the year 1877, are set down at \$4,000,000, and for all the western rivers of course a much larger sum. According to the report of Colonel Merrill, recently printed by order of this House, during the break-up in January of last year, 8 steamboats were cut down and sunk and several others considerably damaged, out of the 70 that were reported as wintering at Pittsburgh:

The papers at the time reported that 132 barges, flats, and boat-houses passed out of the Monongahela between 6.15 a. m. and 9 p. m. of January 14. During daylight of the same day 150 coal-barges were reported as being carried along in the ice past Rochester, a town on the Ohio twenty-six miles below Pittsburgh. The total loss by this ice-flood to the Pittsburgh navigation interests was estimated at the time at \$1,500,000.

According to the same report the destruction of steamers and barges during the same flood at and in the vicinity of Cincinnati was also immense, though not so heavy. It says:

The total number of steamboats in port, including 3 on the "ways" at Covington, was 37; of these 7 were sunk or carried away. * * * The greatest loss occurred at Waters's Landing, the lowest landing at Coal Haven. The number of loaded coal-barges lost was 71; the number of empty barges cut down or carried away was 175.

The loss on steamboats and wharf-boats at Cincinnati amounted to \$73,650; and that on coal, coal-barges, coal-flats, and floats to \$202,895; making a total loss of \$276,545. I give these as specimens of the losses at two places only, and during one flood. The losses at other points I have not the means to state in detail; but in the Kanawha Valley and at Pomeroy, where there is an immense coal and salt-shipping interest, they must have been heavy—the aggregate on the Ohio River, as stated recently in a Saint Louis paper, being \$4,000,000 during the year just then closed.

It is in view of these immense navigation interests, and the dangers and the losses occurring, that these steamboat-owners and others interested in the commerce of the Ohio River ask that a preliminary survey and report be made as to the expense and availability of constructing an ice harbor out of the five miles of the slack water of the Muskingum River, extending from Marietta to Devoll's dam. Similar examinations have been made at several points at and near Cincinnati. Executive Document No. 41, recently printed, gives to some extent the details of these surveys and examinations, by William E. Merrill, major of Engineers, War Department. In this report Major Merrill also gives his views as to the best methods, by harbor or otherwise, of protecting the winter commerce of Cincinnati from flocs of ice in the Ohio. Under the head of "Harbor room required," he says:

A coal-barge may be taken as measuring 130 by 24 feet, or 3,120 square feet. The net area of the harbor room required for 623 coal-barges will therefore be 1,943,760 square feet, or 44.6 acres. If to this we add 10 per cent. as the least possible allowance for waste-room and passage-ways, we shall have 49 acres as the harbor room required to contain all the coal-barges that were in Cincinnati last winter.

The net area required to contain 135 flats, floats, and miscellaneous craft will be 270,000 square feet, or 6.2 acres, which increased by 10 per cent. becomes 6.8 acres. This added to the 49 acres previously found gives 55.8 acres as the area required to contain the water craft included in our first table.

In getting the area required for steamboats we may omit all ferry-boats, wharf-boats, dismantled hulls, and diminutive steamboats of all kinds, thus reducing the number to be provided for to 24 steamboats (including tow-boats) and 14 model barges. Each steamboat may be assumed to require an area of 12,000 square feet and each model barge an area of 4,500 square feet. For 24 steamboats there would therefore be required a net area of 288,000 square feet, or 6.6 acres; and for 14 model barges a net area of 6,300 square feet, or 1.5 acres; adding 10 per cent., as before, we find that the steamboats will require 7.3 acres and the model barges 1.7 acres.

Collecting the areas found above, we have:

	Acres.
Area necessary for 623 coal-barges	49.0
Area necessary for 135 flats, floats, &c	6.8
Area necessary for 24 steamboats	7.3
Area necessary for 14 model barges	1.7
Total	64.8

It is thus shown that a water-surface of 64.8 acres, or in round numbers 65 acres, would be required to accommodate the winter commerce of Cincinnati.

From these calculations it will be seen that 65 acres of harbor room or water surface would be required to accommodate the winter commerce of Cincinnati alone.

The mouth of the Little Miami is one of the points examined and reported upon. Here a water-surface of 31 acres can be secured at an aggregate cost for land, excavation, paving, &c., of \$813,983, or at the rate of \$26,258 per acre of harbor room.

Crawfish Creek is the next point named. Here a harbor of 19 acres would cost \$322,600.

Mill, or Taylor's, Bottom and the mouth of the Licking River are also points heretofore examined by order of Congress, and reports made thereon, as will be seen by Executive Documents Nos. 39 (Senate) and 252, (House,) Forty-second Congress. A harbor at the latter-named point, embracing 9.8 acres of water-surface, would cost \$741,000.

Willow Run, another point examined, can be made available for a refuge-harbor, embracing 19.3 acres of water-surface, at an aggregate cost of \$615,600, or at the rate of \$31,900 per acre.

Mill Creek, under a resolution of this House, was also examined, with the view of constructing a harbor of refuge; but the engineer, after a full investigation, makes a lengthy report showing its impracticability for that purpose. (See House Executive Document No. 34, of Forty-fourth Congress.)

Pleasant Run, at a point on the Kentucky shore one and a half miles below the Cincinnati Southern Railway bridge, was also examined and reported upon. Here a harbor embracing 30.3 acres of water-surface can be secured at an aggregate cost of \$701,350, or at the rate of \$23,147 per acre.

The engineer, in remarking upon the availability and practicability of these several points as ice or refuge harbors, adds the following:

The only sites in this vicinity that are at all practicable are Crawfish Creek and Willow Run, both of which combined would only give a harbor-room of 32.3 acres, instead of the 65 acres which our preliminary calculation showed to be necessary for the complete protection of the shipping of Cincinnati. We may therefore sum up by stating that our investigations have developed the fact that one half the shipping of Cincinnati could be sheltered in harbors of refuge at a cost of \$940,000. The locations of these two harbors are very good. Crawfish ice-harbor, four and one-half miles above the suspension bridge, would be of convenient access to the boats that frequent the upper part of the harbor of Cincinnati, and Willow

Run, three-quarters of a mile below the suspension bridge, would accommodate the central and lower parts of the harbor.

My object, Mr. Speaker, in referring to these several surveys, is not to antagonize or even disparage any one of them. The two sites reported upon as being available by the engineer would not be more than sufficient for the accommodation and protection of one-half the winter commerce of Cincinnati alone; besides steamboat-men of ripe experience and observation in their correspondence with me recently, on this subject, show conclusively that such refuge harbors should be constructed for every two hundred miles of distance along the Ohio and Mississippi Rivers. These surveys and estimates, however, do constitute a favorable contrast in every particular—availability, capacity, expense, &c.—as compared with the Muskingum River project.

The Muskingum River is slack water, a portion of the "public works of Ohio," and for over forty years has been somewhat extensively used as one of its internal channels of commerce. The five miles of this work extending from Marietta, at its confluence with the Ohio, to Devoll's dam, is the portion recommended as being available and well adapted for the uses of a harbor for protection of steamers and other water craft against the flow of ice in the Ohio.

The following letter addressed to me recently by a committee of respectable and prominent citizens of Marietta embraces reliable and valuable information bearing directly on this question:

MARIETTA, OHIO, January 14, 1878.

DEAR SIR: Yours requesting items of information appertaining to the "ice harbor" question at this place is at hand.

First. Average depth of water from Marietta dam to Devoll's dam, seven feet, being a distance of five miles.

Second. Average depth of water for the first three miles above Marietta dam is ten feet.

Third. Depth of water in channel from Ohio River to Marietta dam, being a distance of seven or eight hundred feet, four feet.

All the above depths of water are from surface of low water.

Fourth. Average width of Muskingum River, six hundred feet or two hundred yards. Length of pool, five miles.

Number of acres embraced in same, three hundred and sixty-three.

	Lock.	Feet.
Length between gates.....	175
Width.....	36
Lift.....	11
Sixth:		
	Dam.	
Length (in good repair).....	550

The lock is not of sufficient length or width to admit of the class of steamers or tow-boats now navigating the Ohio River.

William F. Curtis suggests that with our limited space between bridge and mouth of river, that boats are moored so close to each other, that in case of a fire breaking out on any of the boats, all would be consumed, together with the bridge, mills, &c., while on this five-mile pool they could be at a safe distance from each other.

You will please find some items of information accompanying the petition. The ice is now running out of the Ohio River. We have eleven steamboats now in our small harbor, all safe.

Yours, truly,

WILLIAM SMITH,
JEWETT PALMER,
HENRY BEST,
Committee.

Hon. N. H. VAN VORHES,
Washington City.

In answer to the suggestion, and an objection urged by some, that the flow of ice coming from above on the Muskingum would be second only in danger to that going out of the Ohio, it is stated on reliable authority that during the past forty years the ice has come down universally on a rise of not less than four to six feet, and in passing over the dams is broken up into such small fragments as to render it almost harmless.

The same gentleman (one who has been connected with river navigation for forty years) gives assurance that the mouth of the Muskingum has long been considered a favorite winter resort for steamers, and but for lack of space, as matters now stand, would be more extensively used as a harbor of refuge. On the 14th ultimo, as he states, there were eleven steamers moored in this limited space, liable at all times (should they escape the other dangers) to conflagration, and at the same time the burning of mills, bridge, and other public and private property valued at nearly half a million of dollars. I am also reminded by the same gentleman of the fact that but a few years ago the steamer Caledonia was moored in this harbor, and safely so, through the winter, heavily laden with sugar, molasses, rice, and cotton. After the first run of ice in the Ohio she backed out from her moorings into the main stream and started to complete her trip from New Orleans to Pittsburgh. She had not ascended more than three hundred yards when she was struck by a stray cake of ice, cut down, and sunk immediately in front of the wharf at Marietta, causing nearly a total loss of boat and cargo, valued at \$50,000.

Now, Mr. Speaker, here is an ice-harbor already available, or can be made so at a comparatively small cost, containing nearly four hundred acres, or of a capacity more than five times that which Colonel Merrill estimates as being necessary for the protection and required to accommodate the winter commerce of Cincinnati. The "improvement" is owned by the State of Ohio, but under lease. Lessees and State would doubtless consent to transfer ownership and use to the General Government, without cost of a dollar, and with reasonable restrictions, limitations, and uses, and all that would be necessary to

render it available would be the enlargement of the lock through the dam and the deepening of the channel at the mouth of the Muskingum, which can be easily done by dredging, at all times, a distance of not over eight hundred feet and of sufficient depth to admit the passage of steamers of heaviest tonnage and draught. To accomplish this release from the State and the lessees, I have no doubt the necessary legislation can be secured at an early day and before the close of the present session of the General Assembly, if necessary.

Nothing more need be said. It seems to me so at least. The single practical question is, Shall the resolution be passed; the survey and estimates be made; and the necessary preliminary steps be taken for securing, while we can at so little cost, an object of such vast utility as that petitioned for.

PROTECTION OF INNOCENT PURCHASERS OF PATENTED ARTICLES.

Mr. BAKER, of Indiana. Mr. Speaker, on the 29th day of October last I introduced a bill to so modify the existing patent laws as to forbid the maintenance of suits against the innocent purchaser of an article for his own use which infringed a patent. The fact that for nearly a hundred years the people of this country have borne the wrong and injustice inflicted upon them by making the innocent user of an article which infringed a patent liable to vexatious and harassing litigation in distant Federal courts gives evidence of their patience and forbearance. This is further evidenced by the fact that the existing laws permit the patentee to overpass the manufacturer and seller of the infringing article and seek his remedy against the innocent user only. This patent monopoly has grown by its exactions laid upon the material industries of the people until it has assumed a magnitude and importance hardly equaled by the railroad and money interests of the country. The most odious features of the patent law have stood upon the statute-book unchanged and almost unchallenged since 1836.

How true it is that mankind generally endure the burdens under which they labor with uncomplaining patience. In reference to patent monopolies this is singularly true. It doubtless arises from the people being absorbed in private pursuits to such an extent that their burdens must become considerable and operate on large masses before they challenge public attention. Even then they are disposed to submit to the burdens which are laid upon them rather than use the exertion and thought necessary to obtain relief. It generally happens that the interests which produce these burdens are controlled by a comparatively small portion of society.

These interests can be readily consolidated to resist any change which the people may seek to effect through adverse legislation. Hence, those who profit from the people's burdens always and energetically unite in preventing any change injurious to themselves, while the people seldom combine to obtain relief. The people, unused to the arts of legislation, rely upon the goodness of their cause and the sense of justice of the law-makers to procure them a redress of grievances. These too often prove unequal to the task of obtaining relief against powerful monopolies using all the resources of wealth and talent at their command.

Whoever brings forward a measure attacking any monopoly which has grown rich and powerful by unjust gains wrung from honest toil must expect to meet a bitter and unscrupulous opposition. He must expect to have his measure subjected to every legal and constitutional objection which can be urged. He must expect to have its justice and expediency assailed. And if he seeks to protect the people against some ancient form of legalized extortion he will be held up as an enemy to the sanctity of private rights and social good order. Such charges are the convenient refuge of those who have grown rich from the sweat of other men's faces. They hope to secure the aid of the conservative forces of society in preventing any change in the existing order of things by the pretense that the desired change is the outgrowth of a spirit of communism which threatens to assail every property right. They know full well how powerful is the sense of justice in the public mind.

They know that if by such a charge the people can be made to believe that private rights or public faith would be violated it would array the great body of them against the measure; for it can be said to the lasting honor of the American people that the great mass of them cheerfully bear heavy burdens rather than seek relief from them through expedients which might reflect upon their good faith and honor. Shrewd, designing men, taking advantage of this sentiment, have reaped golden harvests from their sweat and toil. The bondholding, railroad, and patent monopolies which lift their giant forms in the pathway of human right and popular progress are monumental proofs of this truth.

The bill which I introduced during the extra session does not seek to evade the exclusive rights secured to the patentee. Its sole purpose is to protect the innocent purchaser for value from vexatious litigation in the enjoyment of his property. It proceeds upon the theory that the farmer, the mechanic, and the laboring-man who cannot keep pace with the niceties and refinements of patents and patent-laws should not be left to the tender mercies of the patent-right agents who swarm over the country and extort money by the threat of prosecution in the Federal courts.

The patent monopoly availing itself of the use of the columns of the New York Herald, (which I venture to predict will not publish an answer thereto,) on the 23d of January, 1878, makes an attack on

the principles embodied in my bill. The pith of this attack is embraced in the following paragraph:

It would appear from Mr. BAKER'S bill that some of his constituents have been threatened by lawsuits for using farm implements which infringe certain patents, and so he introduces a bill which declares that no man shall be held liable as an infringer for using patented articles bought in the ordinary course of business, unless when he bought them he knew that they infringed the plaintiff's patent. The premium for ignorance and perjury which such a law would offer is at least one objection to it. If it were confined in its scope to protecting the farmers of Indiana, no great harm would be done to any except themselves. No one sues individual users except as a last resort, and no patentee tries the experiment twice; and the farmers would be so flooded with notices of patent claims that they would not dare to buy a plow or a seeder or a reaper. But the bill is not so limited as to persons. Under it the man who buys a paper-bag machine that will flood the market with paper bags at the rate of one hundred thousand a day will relapse into ignorance and consequent security and wealth, and the patentee will shut up his factory. The railroad company will buy spark-arresters, lanterns, brakes, and all kinds of fittings, and will keep an intelligently ignorant man for its purchasing agent.

Aside from the implied sneer at the farmers of Indiana these objections do not seem to me to be very formidable. They arrange themselves into three groups: First, the passage of the bill would be a premium for ignorance and perjury. Second, the individual users are not sued except as a last resort, and farmers would be so flooded with notices of patent claims that they would not dare to buy a plow or a seeder or a reaper. Third, the manufacturers and railroad companies would pirate valuable inventions so as to deprive the patentee of any substantial reward for his time, money, and skill. These objections are susceptible of a brief answer. The charge that the passage of the bill would be a premium on ignorance implies that the existing law offers such a reward as promotes intelligence. It is difficult to see in what way the intelligence of the people is promoted by compelling every man before he buys an implement to know whether it infringes some one of the one hundred and sixty thousand existing patents, a number which is being added to at the rate of about fifteen thousand a year. This requires a sort of knowledge that hardly one man in every hundred thousand can attain. The charge imputes ignorance because the people do not understand the whole system of patent laws and because they do not ascertain, when about to purchase some needed implement, whether it infringes some one of the one hundred and sixty thousand existing patents. Ignorance of these things is no reproach, nor is the knowledge of them possible or desirable to the mass of the people. When you require the people to take notice at their peril of every patent in existence you impose a duty on them impossible of performance.

As to its offering a premium for perjury, it is sufficient to say that every new defense provided by law is open to the same objection. The inexorable logic of it is that Congress must not provide any legal escape from the grasp of the patent monopolists, for if they do the people will commit perjury and thus evade their extortionate demands. This objection would equally require that the broad field which relates to innocent purchasers should be obliterated from the statute-books and jurisprudence of every State in the Union. Indeed, carry the doctrine to its logical issue and it would justify legislation forbidding any defense in any case, because the hope of escape through such defense would offer a like premium for perjury. I would suggest to patent monopolists that something must be trusted to the honesty and integrity of the people, even though to do so may be unpleasant to them.

The statement that individual users are not sued except as a last resort is not borne out by the facts. That suits and threats of suits against users are almost innumerable is known by every intelligent person. It is to gain relief from such suits that the people are demanding the passage of some bill embodying the principle for which I am contending. And were suits against users so infrequent and of so little consequence as this statement implies, we should not hear the voice of the patent men raised over the land denouncing the proposed legislation. Whether the farmers would be so flooded with notices of patent claims that they would not dare to buy a plow or a seeder or a reaper if the pending measure should become a law, I do not know. I have no doubt that the patent owners would resort to every possible expedient to defeat the beneficial effects of the proposed legislation.

If the bill should become a law and it was found that it did not sufficiently protect the people against patent claims I trust there may be those in Congress who will feel it a duty to so amend and enlarge the operation of the law as to secure relief from the wrongs sought to be redressed. I believe the bill is a step in the right direction. I do not profess to believe it is all that is required. I am not so presumptuous as to insist that it should pass in the exact form presented if any defect is pointed out. It embodies an idea, a principle which I desire to see imbedded in the law. Whether it is my bill or some equivalent bill coming from the Committee on Patents is not important. If the patent monopoly fears that the farmers will be flooded by notices of patent claims it would not be difficult to prevent their being injured thereby by providing that the receipts of such notices should not be evidence of knowledge. But after all it seems to me the farmers would rather bear the infliction of such notices than be subjected to extortion and litigation without notice, as they now are.

If manufacturers and railroad companies under such a law would pirate valuable inventions so as to deprive the patentees of any substantial reward for their time, money, and skill, in producing their inventions, let the bill be amended so that it shall not permit this to

be done. This can easily be accomplished. But just how the man who buys a paper-bag machine can, under this bill, secure wealth by using the machine in the manufacture of paper bags while the patentee will have to close his factory is not apparent. Why the one should become rich and the other, who already has a factory and an established trade, should be compelled to close his business is one of those curious problems which no one but a patent monopolist can explain. All these objections, however, go to mere matters of detail. They simply suggest instances in which the bill might produce injury because it would permit all other monopolies to use infringed articles. These are objections which can be remedied if they really exist. I do not propose to limit the discussion to mere technicalities. The questions great and important underlying this discussion are whether the patent interest reaps such gains from the industry of the people as that it would be proper to diminish them; whether the farmer, mechanic, and laboring-men suffer from their liability to extortion and litigation as innocent users of implements infringing patents, so that they ought to have relief, and whether the Congress have the constitutional power to grant the relief which is asked.

It is urged by the friends of patent monopolies that modern civilization owes most of its great achievements to inventive talent stimulated by the hope of gain from the exclusive right to inventions being secured to their inventors. I readily admit that the inventive genius of the last hundred years has been largely instrumental in revolutionizing the industries, arts, and sciences of all countries. The introduction of the products of invention has added immeasurably to the elevation of the people in wealth, culture, refinement, and happiness. It has literally given us a new heaven and a new earth. The talent which gives us new and useful inventions, which so links thought to material forms as to make them perform the work of man in the battle of life, deserves recognition and reward. I would not deny it either. But to grant to patent monopolists immunity to practice extortions, without let or hindrance as they now do, is intolerable.

The offspring of mental labor is in a certain sense the property of its author. Not however in the large sense that wheat or corn or other material products belong to their producers. The latter are the subjects of absolute property; no other man can appropriate them without at the same time depriving their producers of them. Such appropriation results in taking something visible and tangible from the dominion of its producer and transferring it to another. This is forbidden in every human society, however rude. Actual possession of visible, tangible property was recognized and respected in the earliest stages of human society. This was not so of inventions or discoveries. The men who invented the primitive implements of agriculture, of mechanic arts, of navigation, of commerce, and of warfare undoubtedly found a ready recognition of their rights to the new implement which they had produced. But neither they nor their neighbors thought that they had any right to prevent others from copying their inventions and making similar implements.

The idea of a special property in discoveries is the outgrowth of a higher and more artificial state of society. It is doubtless a just and proper idea. But as it is the outgrowth of civilized society the manner and extent of protection extended to this species of property should be made conformable to the welfare and good order of society. Property in a discovery ought not to be placed upon the same foundation as the material products of human labor. The possession of tangible property can be guarded by its owner in the absence of law. The existence of such property rights is older than constitutions or law, and arises from the unwritten law of nature. The idea of property in what we have the actual possession of springs up unbidden in the human mind. Constitutions and laws simply provide safeguards to protect it against invasion. Not so with discoveries. There is no property in them until legislation recognizes and protects them as such. Recognizing this distinction the Federal Constitution provides that—

The Congress shall have power to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

Acting on this grant of power the Congress have passed a system of laws providing for the issuing of patents to inventors to secure to them the exclusive right to their respective discoveries. The extent and character of the legislation for carrying out this provision of the Constitution are addressed to the sound discretion of Congress. The propriety of enacting a law to protect the user of an article who has purchased it in good faith and for a valuable consideration from litigation for infringement of a patent depends upon several considerations. One important consideration is whether the profits realized from patent monopolies are such as would make it just or expedient to change the existing laws so as probably to diminish them. It is claimed, and at present I will not controvert its correctness, that such a law as is proposed would to a certain extent diminish the profits realized from patents. I do not believe that it would work any great diminution of profits arising therefrom.

Assuming that it would to a material extent diminish the profits arising from this species of property, the question arises whether it would be likely to do so to an injurious extent. I think this can hardly be claimed. The profits arising from investments in farming do not exceed from 4 to 6 per cent. Eight per cent. is more than the average profits realized upon the loan of money. A profit of from 20 to 25 per cent. on the capital invested would, I presume, be as high

an average as is realized on most of the mechanical, manufacturing, and mercantile pursuits which are not protected by a patent or other monopoly. These are rates of profit higher, I believe, than are realized by the great mass of the people. Let us contrast with these profits those realized from some of the leading manufactures protected by patents. The difference is so great as to arrest attention and demonstrate that the patent laws create one of the most grinding monopolies ever devised to enrich the few at the expense of the many. I shall refer to only a few of the leading industries which are engaged in the manufacture of patented goods. I refer those who desire to prosecute a more minute inquiry to the census of 1870, from which I have drawn the figures which I use to-day. I regret that no later data is accessible, as I venture the prediction that the condition in 1877 would be found more favorable to patent monopolies than it was in 1870.

The amount of capital employed in the manufacture of pumps and drive-wells was \$1,755,894; the amount paid out for wages was \$663,594; the amount expended for materials was \$970,547; the value of the manufactured products was \$2,818,457; the profit was 68 per cent.; an enormous tax to be levied on the means of obtaining that life and health giving beverage, pure cold water. It is still cheaper, say the patent monopolists, for the farmer and laboring-man than the old methods of procuring it. Grant it, if you please, and what then? Why simply that the toilers whose brawny arms have subdued a continent must pay for a patented article not what it is worth at a fair profit, but the last farthing which can be wrung from their necessities. This is the code of morals of the highwayman, but it can hardly claim place in the code of business morality of an enlightened Christian nation.

The amount of capital employed in the manufacture of agricultural tools and implements was \$34,834,600; the amount paid for wages was \$12,151,504; the amount expended for materials was \$21,473,925; the value of the manufactured products was \$52,066,875; the profits were 52 per cent. After paying insurance, interest, commissions on sales, and other expenses of selling the manufactured goods, the profits cannot be much if any below 40 per cent. When the farmer buys a drill, mower, reaper, or other implement needed to carry on his agricultural pursuits, he has the satisfaction of knowing that patent monopolists only exact about forty dollars on each one hundred he pays as a royalty on the invention! Doubtless he ought to be grateful that the tribute demanded is not greater. To listen to the Pecksniffian cant of patent monopolists and their apologists one would think the owners of patents were greatly wronged because they cannot extort a larger tribute from the toilers on land and sea.

The amount of capital employed in the manufacture of sewing machines and fixtures was \$8,759,431; the amount paid out for wages was \$5,142,248; the amount expended for materials was \$3,055,786; the value of the manufactured products was \$14,097,446. The profit was 67 per cent. This one industry has year by year taken more than \$8,000,000 beyond a fair reasonable profit out of the people of the country. The poor sewing-girls and the widowed mothers with helpless children dependent upon them have been compelled to pay out of their scanty earnings a profit of 67 per cent. to the sewing-machine monopolists on the machines with which they have kept gaunt-visaged hunger from their doors. These grinding extortions should give such voice to the cry of the poor oppressed sewing girls and women that it would vex the ear of outraged Heaven.

The amount of capital employed in the manufacture of pianos and materials was \$6,019,311; the amount paid out for wages was \$3,071,392; the amount expended for materials was \$2,924,777; the value of the manufactured products was \$8,329,594. The profit was 39 per cent.

The amount of capital employed in the manufacture of organs and materials was \$1,775,850; the amount paid out for wages was \$1,139,780; the amount expended for material was \$743,351; the value of the manufactured products was \$2,960,165; the profit was 61 per cent. Music must have charms indeed to justify a profit of from 39 to 61 per cent. on pianos and organs. Better by far—

Go up and down and through the middle
To the tune of flute and fiddle.

than pay such a tribute to enjoy the pleasures of music with "all the modern improvements."

The amount of capital employed in the manufacture of rubber and elastic goods was \$7,486,600; the amount paid out for wages was \$2,559,877; the amount expended for materials was \$7,434,742; the value of the manufactured products was \$14,566,370; the profit was 59 per cent.

The amount of capital employed in the manufacture of patent medicines and compounds was \$6,667,684; the amount paid out for wages was \$1,017,795; the amount expended for materials was \$7,319,752; the value of the manufactured products was \$16,257,720; the profit was 118 per cent.

The total amount of capital employed in the seven industries above specified was \$67,299,370; the amount of wages paid out in carrying them on was \$35,746,190; the value of the materials consumed was \$43,922,880; the value of the manufactured products in these seven industries was \$111,096,627; the average profit on the whole was over 45 per cent. The present aggregate amount of patented articles annually sold is not less than \$500,000,000. Assuming that the annual profit on the whole is equal to that on the seven classes of patented

goods above specified, namely 48 per cent., we have the sum of \$240,000,000 annually paid as profits to the owners of patent monopolies. Placing the population at forty-five millions the annual sum of \$5.33 is required from every man, woman, and child in the land to make the \$240,000,000 paid as profit on patented manufactures. If 20 per cent. is taken as a fair profit on these goods, (and it would be if their manufacture was open to free competition,) we have the enormous sum of 28 per cent. on all patented goods actually taken from the people in excess of a reasonable profit.

This amounts to not less than \$140,000,000 annually wrung from the hard-earned gains of the people and given as an absolute gratuity to the patent monopolists. No wonder that the Howes, the Singers, the Colts, and scores of other patent monopolists have accumulated their millions. The people pay them an annual tribute greater than the interest on our war debt. And yet we hear it said that our patent laws are not liberal enough and that the bill which I have introduced would so diminish the profits of patent monopolies as to discourage future inventions. In the light of these facts how frivolous are such predictions! I believe the better way for inventors is to favor such changes in the patent laws as will, while it gives them a fair return for their time, money, and talent, at the same time so cheapen and popularize their inventions as to make it to the interest of larger numbers of people to purchase and use them. Nothing less will satisfy the just and reasonable demands of the people. If the patent monopolists do not desire to see the whole system swept out of existence by an outraged people, they must consent to just and reasonable changes in the present burdensome and vexatious system of patent laws.

I think I have shown that the profits of the patent monopolists are so great that it would be no injustice to change the law so as largely to reduce them in the interest of the people. I next wish to inquire whether there is need of relief in the matter covered by the bill which I had the honor to introduce on the 29th of October last. That bill proceeds upon the idea that where a person buys any implement, tool, or device in good faith to be used by himself or his employé in ignorance that it infringes a patent he shall not be harassed with suits in the Federal courts for using it. The existing law authorizes suits to be brought against any person who uses an implement, tool, or device which infringes a patent. It provides that whenever in such action a verdict is rendered for the plaintiff the court may enter judgment thereon for any sum above the amount found by the verdict as the actual damages sustained, not exceeding three times the amount of such verdict, together with costs. These suits may be brought at any time and for any amount in the Federal courts. There is no statute of limitations fixing the time within which actions may be brought. It matters not how trifling is the injury complained of the owner of a patent can sue in the Federal courts.

In this manner every citizen who purchases an article in the market runs the risk of being sued for using something which infringes a patent at the distance of even twenty years after the time he purchased it. Thus in the interest of this monopoly that wise maxim of the law, that it is to the interest of the State that there shall be an end to litigation, is reversed. If the law was only used in good faith for protecting patent-rights which are being actually infringed, it would operate harshly enough. But it offers one of the most tempting fields for swindling and extortion. I do not charge that it was enacted for the benefit of patent-right sharpers and swindlers, but I do declare that if they had had the making of the law they could not have framed one better suited to further their iniquitous purposes. The facts that the Federal courts in which alone such cases can be brought are generally remote from the people who are threatened with suits; that they have but little familiarity with those courts; that the expense of litigation is great, and that but few of them can afford to litigate against patent-right claims, all conduce to render this a species of swindling and extortion at once easy, safe, and profitable. The dentists of the country have been harassed with numberless suits to compel them to buy their peace by paying extortionate royalties for the use of vulcanized-rubber plates in their practice. By these suits hundreds of dentists have been seriously injured if not ruined, and nearly all have been driven to submit to the hard terms demanded of them. But the farming and laboring classes have been the greatest sufferers. A few out of the many forms of wrong and injustice practiced upon them by this monopoly is all I shall take time to specify. Men who have purchased clover-hulling machines in good faith and in ignorance that the use of their machines infringed any patent have been compelled to purchase peace by paying a royalty of \$100 on each machine. A single firm in my own State has already compelled more than two hundred laboring-men who have purchased clover-hullers of rival manufacturers, and who can ill afford to spare the money to do so, to pay a royalty of \$100 each or be prevented from using their machines.

Thousands of farmers, mechanics, and laboring-men, who have purchased and are using drive-wells, have been compelled to pay a royalty of \$10 each to avoid expensive litigation in distant Federal courts. A large number of tools and implements in common use among the people is claimed to infringe some rival patent. These tools and implements are sold in open market and are actually needed to carry on the business industries of the country. Hardly a man but sooner or later purchases some article on which a royalty is claimed. The rich and powerful are not the ones who suffer. The farmers, mechan-

ies, and laboring-men who dread litigation and cannot well afford its expenses are selected as the victims. There are hundreds of such cases in my own district, where the owners of patent rights are extorting money from the people by the threat of suing them as infringers of their patents in using some implement which they have innocently bought. Such cases are more or less frequent all over the country. Generally they purchase security by paying to these extortioners the amount exacted. To deny the people relief against such extortion and outrage is a mockery of justice. To put such a construction on the Constitution as would forbid our granting them relief, is to convert that instrument, which was framed "in order to establish justice and promote the general welfare," into an engine of oppression. Every interest of the people and every sentiment of justice demand a remedy for such flagrant wrong. Gentlemen may push this subject aside as undeserving attention, because only the tolling millions are interested in it, but rest assured that, like "Banquo's ghost, it will not be down."

But it is said that the Congress have no rightful power under the Constitution to pass a law forbidding the maintenance of a suit against the user of an article which he has purchased for his own use in ignorance that it infringed a patent. If this is so the people can only hope for relief through a change of the Constitution or the Supreme Court. Such a construction of the Constitution, placing, as it would, the dearest rights of the people at the mercy of patent monopolies, ought not to be adopted if it can be avoided. I do not believe such a construction a true one. Every doubt in constitutional construction should be resolved in the interest of the people, to promote whose welfare and happiness it was established.

The Constitution contains a grant of power authorizing the Congress to do a particular act, namely, to secure for a limited time to inventors the exclusive right to their discoveries. It is in terms permissive. Congress may withhold all legislation to carry out the grant of power. No power exists to compel legislation on this subject. It rests in the sound discretion of the Congress. If the people can obtain relief in no other way they may be driven as a last resort to abolish the whole system of patent laws to escape the exactions of these monopolies. Such radical remedy ought not and will not be sought if any other avenue of escape from these burdens can be found. I believe the principle embodied in my bill goes far to relieve the people from one of the most odious and burdensome provisions of the existing law.

The constitutional provision on this subject embraces two propositions: First, the right is to be secured for a limited time only. The length of this limit is purposely left undetermined. The Congress may fix this limit according to its own judgment of public and private interest. There can be no question as to the constitutional power of the Congress to limit the time to a very short period, much shorter than exists under the present law. The second proposition, and the one which chiefly concerns this discussion, is that the Congress may secure to inventors "the exclusive right to their discoveries." It cannot be doubted that whenever the Congress legislate on the subject of granting a patent the law may recognize the exclusive right of the inventor in his discovery for a limited time. The constitutional provision specifies the limit of power beyond which the Congress may not go. They may proceed no further than to secure the exclusive right for a limited time. Congress may certainly adopt anything less than an exclusive monopoly for a limited time. They cannot give an exclusive monopoly for an unlimited time, but they can give anything less than an exclusive privilege. To deny this construction would involve the absurdity that Congress must exert the whole of its constitutional power in favor of a monopoly. The Constitution simply fixes bounds for the protection of the people beyond which the Congress cannot proceed in the interest of patent monopolies. This is a proposition that appears plain upon the statement of it.

I proceed now to consider the power of Congress over patents issued under existing laws, which secure an exclusive right to the inventors. The question at once arises, what is meant by "securing the exclusive right to a discovery?" No one can claim that it means more than to make property for a limited time in the discovery. It gives an ownership in the discovery—makes it a property right to which the inventor is entitled to the exclusive enjoyment for a limited time. The claim that this species of property when once created is above the law and beyond control is wholly unfounded. The right of property is secured, but the remedies for the protection of that right are always subject to legislative control. The court for the correction of errors in the case of *Livingston against Van Ingen*, in the ninth volume of Johnson's New York reports, at page 523, says:

By granting a patent Congress gives the exclusive right of property in the invention or discovery; but not an unlimited and uncontrollable power to use that right. A mere naked right of property [such as a patent right is] does not imply unlimited power of using it. Its use must be subject to laws and under legislative control.

Here is the true distinction. The right to the discovery or invention is exclusive. It is, however, a mere naked right. The remedy for an invasion of that "naked right" is "subject to laws and under legislative control." The power of Congress over the remedy is limited solely by a sound discretion.

The Supreme Court of the United States, in the case of *McClurg vs. Kingsland*, reported in the first volume of Howard's Reports, at page 206, says:

The power of Congress to legislate upon the subject of patents is plenary by the

terms of the Constitution, and as there are no restrictions on its exercise, there can be no limitation of their right to modify them at their pleasure, so that they do not take away the right of property in existing patents.

The sole limitation on constitutional power recognized by the Supreme Court is that Congress cannot "take away the rights of property in existing patents." No one contends that Congress can take the right of one man secured by a patent and transfer it to another. The pending measure contemplates no such purpose. The power of Congress over the remedy for an infringement of the right of property in existing patents is in the terms of the foregoing judgment "plenary, and Congress may modify it at pleasure." This conclusion is inevitable from the foregoing doctrine, unless it can be maintained that the "right of property in a patent" is the same thing as the remedy for the protection of that right. This claim would confound common law and common sense alike. The right, title, or ownership of tangible or intangible property is so clearly distinct from the remedy afforded by the law to protect that right or title that even the most illiterate cannot fail to recognize the distinction.

The right of property may exist without any law for its protection. It would doubtless be less secure and less valuable than under a system of laws providing adequate remedies for protecting it. Whether the title to property arises from the law of nature or from the written or unwritten law of civil society is of no moment. In either case the distinction between the right and the remedy is equally clear. This distinction is clearly recognized in the extract cited from the opinion of the Supreme Court of the United States. If the patent-right and the remedy for the infringement of it are the same, then the statement that the "power of Congress upon the subject of patents is plenary" and that "there are no limitations of their right to modify them at their pleasure so that they do not take away the right of property in existing patents" is wholly unmeaning. What is it that Congress can modify at pleasure? What is it that Congress have plenary power over? "The subject of patents." The only thing on the subject of patents which Congress may not do is to "take away the right in existing patents." Remedies for the protection of these rights Congress may modify according to their sense of policy and justice. This principle is equally well settled by the general judgment of the most approved writers on constitutional law. Judge Cooley, in his masterly work on Constitutional Limitations says:

The right to a particular remedy is not a vested right. This is the general rule; and the exceptions are those peculiar cases in which the remedy is a part of the right.

The cases in which the remedy is a part of the right are declared to be peculiar and exceptional cases. There is no ground for maintaining that patent rights do not fall within the general rule that there is no vested right in a remedy. Nor is there any foundation for the objection that the proposed act is unconstitutional because retrospective. The Congress are not prohibited by the Constitution from passing retrospective laws. The prohibition of the Constitution is limited to bills of attainder and *ex post facto* laws. *Ex post facto* laws relate to crimes and criminal proceedings. The framers of the Constitution purposely omitted any prohibition of retrospective laws affecting civil rights and remedies.

There is no doubt—

Says Judge Cooley in the work before referred to—

of the right of the Legislature to pass statutes which reach back to and change or modify the effect of prior transactions, provided retrospective laws are not forbidden *eo nomine*, by the State constitution, and provided further that no other objection exists to them than their retrospective character.

The supreme court of Pennsylvania have decided that:

The Legislature, provided it does not violate the constitutional provision, may pass retrospective laws such as in their operation may affect suits pending and give a party a remedy which he did not previously possess or modify an existing remedy.

These citations are sufficient to establish the rightful power of Congress to change or modify the existing remedies of the patentee for an infringement of his right. On principle it would seem as though there ought not to be any debate as to this power in Congress. What is it that is proposed? Nothing whatever but to limit within reasonable bounds the remedy for the infringement of the right of the patentee. Let us consider for a moment the parties liable to an action for infringement under the existing law. These are the manufacturer, the seller, and the user of the infringing article. The party who is the primary wrong-doer is he who manufactures an article which infringes a patent. He it is who first and directly violates the right of the patentee. The seller of the infringing article is generally in the second degree removed. The user, if at all a wrong-doer, is such in the third degree. If the user purchases for his own use an article in ignorance that it infringes another's right how can it be claimed that the patentee is wronged so long as he may prosecute his remedy against the manufacturer, the seller, and the user with knowledge? While the patentee has a remedy against several parties under existing law which he can prosecute against each separately, he is entitled to but one satisfaction for his damages. He cannot claim that his remedy, being taken away as against the innocent user, is rendered so ineffective as to take away or impair his right. He has still a full and ample remedy left against those who have most directly invaded his right. It is elementary that Congress may change, modify, or alter the remedy so long as they leave a substantial and adequate remedy for the injury complained of. That the remedy is more difficult to obtain

and is not so complete as the one which existed when the cause of action arose is no objection to the law.

The wrong of the user is not direct like that of the manufacturer. It is remote and consequential. A law which places such a user where he may be sued in the first instance and compelled to pay three-fold damages without any recourse back on the manufacturer and seller is alike destitute of justice or honesty. The law presents a strong inducement for the owner of a patent-right to stand by and permit his patent to be infringed by manufacturers and sellers. By permitting this to be done and overpassing the manufacturer and seller and suing the user he can reap a rich harvest of gain from those who have innocently fallen into his power. He need only lay by until large numbers of implements covered by his patent are in the hands of the people. In truth, it is a temptation to the owner of a patent to withhold all attempts to prevent the manufacturer and seller from infringing his rights. They are only too often valuable allies aiding him to get into the hands of thousands of innocent people implements infringing his patent. This done the owners of the patent passing the manufacturer and seller proceeds at his leisure to levy tribute from the innocent purchasers by ordering them to stand and deliver or be haled to distant Federal courts. These extortions, under the name of royalty, are measured only by conscienceless greed on the part of the monopolists and fear on the part of their victims. Such a power to extort from people's necessities is fitly designated by the odious name of royalty. It is the essence of arbitrary despotic power and is hateful to the robust liberty and equality of rights recognized in a free government.

Such a law is a fraud upon the honest and a snare to the unwary. It is valuable only for the purposes of legalized extortion from honest toil. It is not at all needful to protect the just rights of the patentee. This legalized crime against the toiling millions of the land has rested upon them for years with crushing weight. The people have, in various forms, paid more to patent monopolists than the amount of the war debt of the nation. Bold, greedy, arrogant, and unscrupulous, these vampires who have gorged and fattened on the very life-blood of the nation confront the people struggling for relief in these Halls consecrated to justice and to the vindication of human rights. They shield themselves behind the plea which has been the ready refuge in all ages of those who have wrested by force or fraud from the people their inalienable rights, and have despoiled honest labor of its just rewards. The possessors of kingly and aristocratic power, the possessors of special rights and privileges robbed from the people, have in all countries and times denounced every effort to restore to the people their inalienable God-given rights as a violation of good faith and a menace to social order and private rights.

Ancient wrong, grown great and insolent in wealth and power, blinded to the rights and interests of a common humanity, and entrenched behind laws and institutions cunningly devised to perpetuate it, has never voluntarily yielded to mankind that most invaluable of human rights, the right to enjoy the fruits of its toil. The people are becoming aroused to the vindication of their rights. They are determined that that justice which is measured by an equality of rights and burdens shall no longer be denied them. They ask nothing more, they will accept nothing less. Happy will it be for the monopolists of all sorts "who reap where they have not sown" and "eat their bread in the sweat of other men's faces" if at length, penetrated by the sentiments of justice and humanity, they yield to the people their just and inalienable rights.

TARIFF AND TAXATION—INCOME TAX.

Mr. DIBRELL. Mr. Speaker, the financial distress that now pervades our whole country makes it necessary that we should look well to all the sources from which we derive our revenue as well as to how we expend it; and this is my excuse for what I have to say upon that subject.

The great burdens of this Government are in the main borne by the laboring class of this country. All taxes levied and collected for the support and maintenance of the Government affect, either directly or indirectly, the laborers and agricultural interests of the country; and I say frankly in the outset, without the fear of successful contradiction, that no people comprising any part of this great Republic receive so small a share of the legislation or the benefits of the legislation of these United States than do those of our citizens engaged in the agricultural pursuits of life. They are taxed and burdened with taxation upon every hand; they may complain, but their complaints are unheeded. I being one of that class, and one of less than twenty in this House engaged in agriculture, I know whereof I speak. While the politicians in their canvasses make great professions of love for the dear people, experience has proven that these professions are soon forgotten, and that for the last twelve years the legislation of this country has been in the main in the interest of capital as against labor, having a tendency to make the rich richer and the poor poorer. They have to a great extent succeeded in this by deceit and deception. They have blinded the northern and western people by constantly waving the "bloody shirt" in an effort to keep up sectional strife until they have succeeded in fastening upon the country a code of laws in regard to the finances of the country that are actually bankrupting the entire country, save those fortunate capitalists who in flush times by shoddy contracts and otherwise secured an ample supply of bonds that now in these hard times with the great shrinkage in values have more than trebled in value.

While members of Congress from the North and West were thus legislating in the interest of capital, fastening these unjust and oppressive laws upon the country, a majority of the members from the South were men elected not as of choice of the people, but as the choice under the circumstances, and who were only too willing to act and follow after their masters and accept anything that was offered them or their section—even the crumbs from their masters' tables. They were not representative men, many of them were adventurers and place-hunters who really had no sympathy for the masses of the people they pretended to represent. These things have now changed. After a patient struggle things at the South have righted themselves, and that section now has her representative men here to battle not only for her rights and the rights of her people but for the rights of the whole country with all its people. This is our common country, and a member of Congress who cannot rise above sectional or local interests and legislate for the good of our common country and all our people is unworthy of a seat on this floor, and should return the sacred trust confided to his keeping to his constituents. Then when the necessities of the country are so plainly visible, and the great distress of the country as so vividly shown to this House by many gentlemen in the recent discussion of the currency question, it becomes us as statesmen and as patriots to lay aside all personal, political, and sectional interests and come boldly to the relief of our common country and strive as one man to redeem the country from the impending danger of everlasting bankruptcy. This is my desire, and this should certainly be the desire of all members of Congress who have the interest and welfare of their countrymen at heart.

All occupations, including the manufacturer and corporation, in this country seem to have combined their interests against the agricultural and laboring interests of the country, when in fact they depend in the main, as does all our people, upon the agricultural and laboring interests of the country, and instead of combining and seeking to bear down and oppress this class of their fellow-citizens, they should seek to strengthen and build them up.

The railroad companies have their emissaries and agents scattered all over the country with their flattering description of western lands and cheap rates of travel, to induce the honest and unsuspecting farmer and laborer to sell out and emigrate west, in order that they may make a "spec." in transporting him and his family to the great west, and when they have got his money they are contented if the emigrant and his family all starve. And so with many professional men and corporations, all acting in the interest of self, regardless of what is right or wrong.

And last, but not least by any means, comes the manufacturer with honeyed words and sweet accents, saying to the farmer that "We must have protection to enable us to make you cheap goods." And to Congress they cry aloud, that they must have protection by law to prevent foreign competition in the manufacture of goods that our own people want; that Congress must keep a high protective tariff to protect the interest of our manufacturers and compel the farmers, laboring men, and consumers of this country to pay them such profits as they may demand. They say without this protective tariff they cannot prosper. What do they care for the consumers of their supplies? If they make a handsome profit all is well, and it matters not to them how much they extort from their patrons, the consumers.

Congress grants the protection asked for, the manufacturer increases his prices to the extent of the protection afforded, and the consumer is bound to pay it. He has no alternative. Our laws forbid the purchase of goods where you can buy cheapest, but they say "You shall pay tribute to the American manufacturer," or if you buy foreign goods at less price they make you pay more in duty than it would cost you to buy your goods from our own factories at once, and by this means Congress has been protecting great monopolies at the expense of the masses.

Why is it that after a national existence of over one hundred years American manufactures, American skill and labor, and American interests cannot successfully meet and cope with like industries in the whole world? We have the skill, the genius, the talent, and the enterprise; then why do we need protection? Is it because our people are afraid to meet like skill and enterprise of foreign countries on equal terms? Or is it because our capitalists engaged in manufacturing are grasping for too much power, and are seeking to make their overgrown fortunes in too short a time? My observations lead me to believe that our great manufacturing interests have been so thoroughly protected and cared for by the legislation of the country that they, with another class I shall mention hereafter, think they have a right to control the legislation of the country in their own interests, and if this is to be done, then the truth is fully illustrated that the legislation does tend to make the rich richer and the poor poorer. There is no wealth in trade except where the producer can supply the consumer cheaper than he can supply himself; and everyone knows with the small volume of currency in circulation much the greater part of our trade is done by an exchange of products, or, as we call it in the country, a system of barter; for our annual trade among our people reaches many thousand millions of dollars annually, with a cash circulation of about five or six hundred millions, and our high protective tariff effectually shuts us up and compels us to a great extent to trade only among ourselves. We cannot ship our products to foreign markets and exchange them for such goods as we want, because on our return we are met by this high protective tariff that will take all the profit we have made on our goods sold in

a foreign market. Hence our people, the consumers, pay annually to our own manufacturers many millions of dollars by way of protection, and by being thus shut in and prevented from exchanging products with other countries we are forced to trade among ourselves by this exchange system, at just such prices as may be forced upon us by monopolies, when, if we were allowed to trade where we wanted, and by exchanging our products for the commerce of other countries without hindrance, our people would save annually many millions of dollars.

Take for instance the island of Cuba: we want her sugar and she wants our flour, but we tax her sugar as high as 70 per cent., and she in turn taxes our flour \$5.40 per barrel. If we could exchange products with Cuba, without the intervention of a tariff duty, our farmers would buy Cuba sugars at five to six cents per pound instead of ten to twelve cents paid now, and would pay for it in our flour at remunerative prices. But our high protective tariff denies us this privilege, and forces us to pay the cash for our sugar over and above our small exports to that island, amounting annually to about \$55,000,000, and we are thus forced into the power of monopolists. It cannot be said that we cannot afford to open our ports to the world, and that to take our protection off would cripple our industries. Upon the contrary, experience has proven that in 1876, after we took the tariff off of coffee and hides, we exported nearly 300 per cent. more to Brazil and Venezuela than we did while these articles (the principal in their trade) were taxed, and they in turn increased their imports in about the same proportion, thus proving the policy of a free exchange was both beneficial and profitable to both countries. We purchased 300 per cent. more of their products than we had previously purchased, and sold them 300 per cent. more of ours than they had been previously buying.

It will not do to say that we cannot take the tariff off of the raw material, for this policy fails as has been proven in the above instance in regard to the admission of hides free of duty. Since this was done in 1872, our export trade in tanned leather has increased more than 200 per cent., and is still increasing, thus proving that if it was not for our high tariff, our products would seek an exchange for all foreign supplies we might want at fair prices, and bring home to our consumers goods of their wants at greatly reduced prices.

Our exports to the East Indies are comparatively nothing, while they purchase abroad over two hundred millions of merchandise annually.

England sends Chili fifty-five million yards of cotton cloth annually, and we where the cotton is grown and manufactured to great perfection, sell her only five million yards, simply because England exchanges commodities without taxation, and we will not. And hence I say our tariff effectually shuts us up and compels us to trade to a great extent upon the simple process of an exchange or bartering trade among ourselves and against the best interests of all our industries.

Then, I say, let us break down this great barrier to the interests of our country, this high protective tariff, and thus enable our people to buy in the cheapest market and to sell in the highest by exchanging their productions, wherever they may be in demand and can find a market, and by a liberal policy of this sort, and not shutting our products out from the world by our tariff, our products will seek a ready sale in all the markets of the world.

Why should we continue this oppressive tariff to benefit only the men of capital who are able to build and run these interests, at the expense of the masses of our people, the men and women who are thus made hewers of wood and drawers of water, to the interests thus fostered and protected by this high tariff?

Mr. Speaker, when I contemplate the patience and forbearance of the consumers and the men who have borne this unjust and oppressive burden so long, my sympathies are aroused and I wonder they have borne it so patiently.

If Congress does not come to the rescue and afford relief in some way to the demands of labor and the agricultural interests of the country, we may soon bid adieu to that class of our people as an element of wealth and prosperity.

American skill and genius as inventors and manufacturers are acknowledged throughout the world. We hear of manufacturers in foreign countries complaining of the want of skill on the part of their mechanics as compared with that of American mechanics and inventors.

America is in my judgment far ahead of any other country in the world in point of valuable inventions and in the manufacture of superior agricultural and manufacturing implements. She is far ahead of most foreign countries in all of such enterprises and is amply protected by our patent laws. The large quantity of these goods exported annually testifies that fact. Then we need no protection when we can compete with the world in all branches of industry. We produce the cotton, the wool, the iron, and have all the ingredients necessary to the manufacture of almost or quite every article wanted or used in this country. We have abundant labor, provisions enough to feed the world, water power, steam, and everything necessary, and the only protection we ask for our people is equal and exact justice to all, and not protection for one class to eat up the substance of the other. This is class legislation and is against the theory, if not the spirit, of our Constitution.

When the official statistics show that our exports are \$150,000,000

in value in excess of the value of our imports and that our manufacturers and merchants have been shipping immense amounts of goods of various kinds to foreign countries and selling them at remunerative prices, and in many instances for less than they have sold the same quality to our own people, then it does seem that protection is only an oppression, forcing us to buy from our own manufacturer at his figures. And he of course, in all cases, will advance his price just as high as his protection by reason of the tariff extends to prevent foreign competition, and thus the consumer is bound to pay this protection to the manufacturer. And when he has supplied all the demands of the home market afforded by this protective tariff, then our manufacturers ship their surplus to foreign markets and sell for the market, and in many instances for much less than he has sold to his home customers, the real consumers, which he was enabled to do by the tariff.

Our laws prohibit our people from buying where they can buy cheapest, unless we pay a tax as duty equal to the tariff put on the goods by our manufacturers. We cannot even buy goods of American manufacture in a foreign port and bring them back without paying the duty thereon, but are completely locked in by our tariff laws and at the mercy of our manufacturers, and forced to buy in the highest market and to sell to the monopolists; and, as I will show you, one class is forced into the clutches of the speculator. This wrong upon the great mass of the people of this country has become almost unbearable. This system of unjust legislation, legislation that oppresses one class of our countrymen for the benefit and enrichment of another, must and will be ended; the people have rights that they will maintain; and now that sectionalism is gradually dying away and a sense of justice is being restored throughout the whole country it is our duty to meet these issues, correct the abuses, and do justice to all sections and to all classes alike. I am no enemy to capital, or to manufacturers, or enterprise of any kind; I wish we had more of it all; but I can never give my consent to sit quietly by and see my fellow-men legislated out of existence purely to protect another class, who really now need less protection than any other class, because most of them have enjoyed this boon so long that they have amassed large fortunes at the expense of the consumers of their products and now need no further protection to enable them to successfully compete with the world.

What excuse can we as Congressmen render to our constituents for compelling them by reason of this high protective tariff now in full force and effect to pay to these manufacturers 35 per cent. tariff upon the men's, women, and children's wear made of cotton fabrics, and 60 to 78 per cent. upon all the clothing made of woolen fabrics; or for paying 31.2 to 43.2 per cent. tariff on all the bleached cottons used by their families in necessary wear, 33 to 35 per cent. upon all unbleached cotton goods used in their families, 33 to 58½ per cent. tariff on all cotton prints used in dressing for their wives and daughters, and which is shipped to and sold in almost all other countries free of duty; on cotton hosiery 35 per cent., and on woolen hosiery 60 to 108 per cent.; upon cotton jeans, denims, ticks, and cottonades, 30 to 65 per cent.; upon the spool-thread with which the frugal and virtuous wife makes up the clothing of herself and her family they pay 60 to 75 per cent. tariff duties, which goes into the pockets of the manufacturers; upon cotton yarns, 35 to 60 per cent., and upon all other cotton goods 35 per cent.; upon manufactured flax, jute, or hemp, 35 to 40 per cent.; upon handkerchiefs, 40 per cent.; upon window-glass, 40 to 50 per cent.; upon hats and bonnets, 30 to 40 per cent.; iron, manufactured bar, and otherwise, 35 to 50 per cent.; upon railroad iron, seven cents per pound; upon steel rails, seven cents per pound, and 40 per cent. additional; upon pig iron, \$7 per ton; upon cutlery, 30 to 50 per cent. And we can manufacture as fine in America as can be made anywhere.

Upon salt, 34 to 65 per cent.; upon spices, from 20 to 500 per cent.; and upon sugars and molasses, 28 to 70 per cent. And here we have one of the evidences of this burden, because every family in the country uses more or less of these articles, and they pay usually 10 to 12½ and 15 cents per pound for sugar when it can be purchased in Cuba for 2½ to 4 cents per pound.

Upon confectioneries its tariff makes you pay 115 to 165 per cent. duty; upon tobacco, 65 to 195 per cent; upon wool and woolen goods, from 20 to 82 per cent; upon carpets, blankets, and flannels we pay 60 to 95 per cent; upon wool hats, 82 to 96 per cent; and I might extend the list to thousands of articles taxed with the tariff duty upon all averaging 44½ per cent., that is forced out of the pockets of the consumer in the shape of protection to the manufacturer.

Every practical business man knows that it is reasonable to expect, and we know that they do sell their goods just as high as the tariff protects them against foreign importations. The same may be illustrated by the merchant. If Congress passed a law that a merchant resident in the District of Columbia who purchased his goods in Philadelphia should be allowed to sell them in the District free of duty, and that another merchant who purchased his goods in New York should pay a duty of 20 per cent., does not every one know that the merchant purchasing in New York would add that 20 per cent. duty to his cost and thus put his profit on his goods? But the merchant who buys in Philadelphia and saves that 20 per cent. duty will add his profit just as near the price of the New York merchant as he can, so as to undersell him, and will, by the New York merchant being forced to add that duty to his cost, be enabled to make that

greater profit off of his customers who buy his goods. And this action of Congress would be forcing the people of the District to pay that 20 per cent. as profit to the Philadelphia merchant. And in the same way I insist that our manufacturers add the protection they have, by reason of our tariff laws, to the cost of production and thus makes the consumer pay it.

Our receipts from customs for the last fiscal year were about \$131,000,000, and while this large sum is paid by the importers in the first instance, he then adds it to the cost of his goods and then puts his profit on that and sells to the jobber, who adds his profits and all expenses and sells to the retailer, who does the same thing and sells to the consumer, who thus indirectly pays the whole of this enormous tax in this indirect way, as well as a profit to every one who handles the goods from the time they leave the hands of the producer until they reach the consumer. I agree that a tariff for revenue is necessary; but I insist that it is not necessary to have a tariff embracing thousands of articles, with an average duty of 44 per cent., to raise money to feed a hundred thousand lazy office-holders who play more than half their time. And if it is necessary to have a revenue tariff, let us have it upon the great mineral interests of the country, such as iron, coal, and copper, with which our hills and mountains abound and which cannot be made a great monopoly of, because of its great abundance and its cheap production in this country. The organized raid made upon this Congress by the manufacturers in the New England States is but the beginning of their efforts to prevent a revision of the present high and oppressive tariff. These organizations have endeavored to enlist every manufacturing interest in the country, however small, into their raid by sending them printed memorials and petitions to Congress asking them to get all the signatures possible and send to their Congressmen with the request that he present the same to Congress, as if the plan was a spontaneous outburst throughout the whole country. An examination of these memorials and petitions so extensively circulated and signed and so lavishly presented to Congress in both wings of the Capitol, all in substance, if not in word and letter, the same, during the present Congress show that they are the handiwork of a powerful combination seeking by this means to influence Congress in their interest and prevent just and proper legislation in favor of the consumers and laboring classes of the country.

Who has presented a petition to this Congress to protect the agricultural products of the country; who has presented a remonstrance against this outrageous tariff and charging it with destroying our interests to protect monopolists; or who has presented a remonstrance from the laboring-men of the country to resist the efforts of this great combination of manufacturers? I answer, no one. They have confidence in the judgment of their law-makers, and are quietly awaiting justice and equality.

The expense and frauds perpetrated in collecting this vast revenue is very great, and can be greatly reduced. I had the honor to introduce in the Forty-fourth as well as in the Forty-fifth Congress a bill to reduce the expenses of collecting the customs, which bill is now pending before the committee upon public expenditures, and which, if adopted, will save annually from two to five hundred thousand dollars. The report of the Secretary of the Treasury shows about fifty ports of entry, at which the Government pays about \$200,000 annually to the officers more than they collect at the same offices, and which has been the case for many years. And still they say "Do not abolish an office or reduce the tariff or reduce a salary," because they know that the agricultural and laboring-men of the country pay the taxes that pay these salaries and expenses; and they think these lazy office-holders must be supported in idleness because of their loyalty to party and their services are needed in all elections to save the country; hence we see members of Congress claiming to be the friends and representatives of the people opposing every effort at retrenchment and reform in any shape; that oppose every reduction of salaries and every reduction of any of the burdens that now bear so heavily upon the country. Even the honorable Secretary of the Treasury and the honorable Commissioner of Internal Revenue, each of whom are basking in sunshine and ease and happiness, in their reports oppose any reduction in the tariff or internal-revenue laws, as, they allege, it will require the full amount that each will yield to meet the demands of the Government. But they do recommend an increase in their force with a corresponding increase of expenses. Can it be that these distinguished gentlemen oppose any reduction of taxes or force because they desire to still control this large patronage under them, amounting in the aggregate to more than \$20,000,000?

The unjust and oppressive high tariff is really less objectionable than the internal-revenue law, which of itself is a grand monopoly and which has increased the facilities for fraud since its enactment enormously. The records show that there have been more frauds perpetrated within the last ten years than ever were before, and we have every reason to believe they are still perpetrated, notwithstanding the efforts that have been made to suppress them, by which several distinguished personages got into the penitentiary.

In speaking of the oppressive law in regard to the distillation of spirits I do not wish to be considered as an advocate of the manufacture or use of ardent spirits. Upon the contrary if I had the power I would banish its use entirely from the land and would prohibit its manufacture and use entirely. But it has been made and drunk from the earliest days down to the present, and it is reasonable to suppose

that it will continue to be made and used. That being the case, then, let us make the laws under which it is made equal and just, so that all can and will obey it. Do not make the law so that it is only a monopoly; so that the man of large means can comply with it and those of small means cannot and are therefore tempted to evade it in order to get rid of their surplus grain and fruit. The enormous tax of ninety cents per gallon with the army of officers at high salaries in the shape of collectors, gaugers, inspectors, storehouse-keepers, and as to how many more paid officials there are attached to each distillery I am unable to say, makes it out of the question for a man of small means to distill his surplus grain or fruit without a loss; and this is the main cause of so many moonshiners that we read of every day, that are costing the Government so much to suppress in the shape of pay to spies and dead-beats as raiders, who in most instances drink more spirits than they destroy. But if Congress would pass some such bill as House bill 414, now pending before the Committee of Ways and Means, which reduces the tax to twenty-five cents per gallon and reduces and simplifies the expenses of collecting this tax, then, my word for it, we would hear no more talk of moonshiners and raids by revenue officials; and I firmly believe the revenue from this source would be largely increased, and it would not cost the half of \$5,000,000 to collect it, as it nearly does now.

But of all the unjust and unreasonable tax-laws that ever adorned our statute-books, none was ever more unjust and oppressive than that part of the internal-revenue law relating to the tax on tobacco. While the estimated value of the entire tobacco crop, when ready for the knife in the field, the past year does not exceed \$3,000,000, our Government collects upon that article alone a tax of \$41,000,000, or more than 500 per cent. upon the value of the product. I ask in the name of justice, if such taxation as that is just and fair, or is it right. Is it reasonable to suppose that the people can or will submit to this unjust discrimination in taxes? It is unjust, illiberal, and oppressive in every sense. The tax upon manufactured tobacco is twenty-four cents per pound, and is in the end paid by the consumer, and while it is enormous amounting to three or four hundred per cent. it is not so bad as some other features of the law in regard to the privilege taxes. For instance, each merchant pays a privilege tax of \$5 annually for the privilege of selling manufactured tobacco. Each manufacturer of tobacco pays an annual tax of \$10 for the privilege of manufacturing and selling it. The tobacco speculator who buys and sells it by wholesale also pays a tax annually of \$25. But the poor farmer, who toils and sweats to raise the tobacco, is denied the privilege of selling to any one except a licensed speculator unless he pays an annual tax of \$500, and if he should sell one pound of tobacco to one of his hands or laborers, or should exchange one pound of tobacco for a bushel of corn, he is liable to a fine of \$1,000, and twelve months' imprisonment, and thus you see by this process of law, the producer of the tobacco is forced into the clutches of the speculator, and is virtually prohibited from selling to any one else, under penalty of the thousand dollar fine and one year's imprisonment, and is therefore at the mercy of the speculator, just as our consumers are at the mercy of our manufacturers under our protective-tariff system. And these licensed speculators, who only pay this twenty-five dollar annual tax, can combine and fix the price upon the farmer's tobacco and force him to sell to them at their own price, because none of them can afford to pay a tax of \$500 to retail leaf-tobacco to consumers, and but few of them are prepared to manufacture it. And being thus handicapped by the law, the speculator takes off their tobacco at his own price, making his own profits, and laughs at the honest farmer who has no remedy, and is completely at his mercy. I repeat again, there never was a law upon our statute-books more unjust and oppressive than the one now in force in regard to tobacco. Can any one give a reasonable excuse why the farmer may not sell his tobacco to whom he pleases, just as he does his wheat, his barley, his corn or his hogs, his cattle or his cotton?

It is operating hard, unjust, and cruelly upon a large class of our citizens and should be speedily changed. Suppose a farmer wanting to raise \$100 to pay his hands. Under the present law he cannot sell that hand any of his tobacco unless the hand is a licensed tobacco dealer. But if he was allowed to retail his tobacco to his hands and his neighbors, he could realize for it about twelve and one-half cents per pound, so that eight hundred pounds would pay the hand his \$100. And in my section we can raise eight hundred pounds per acre; thus one acre would pay the \$100. But your laws deny him the privilege of selling his tobacco except in bulk to the speculator, who takes it off, and the farmer is forced to resort to other means to raise the \$100, and tries corn at thirty-three and one-third cents per bushel. It will then take three hundred bushels of corn or the product of ten acres' labor to raise the \$100; or if he sells cotton, it will require about twelve hundred pounds cotton or the product of about four acres of labor to pay it; or if he tries wheat, it will require one hundred bushels wheat or the product of ten acres of ground to pay it, when the product of one acre of tobacco would pay it if he could be a free man and sell his tobacco to whom he pleases. And all this, because Congress has assumed to say to whom the farmer should sell his produce. It is claimed that whisky and tobacco are luxuries and ought to be taxed. Suppose they are? Are not they entirely the product of labor? It requires labor to make the corn, labor to gather, house, mill, and distill it, in fact it is all labor, except to the thousand-and-one hungry internal-revenue officers who are not only sucking

at the bungs of the whisky-barrels for whisky, but are sucking at the people's pockets for their large salaries.

And what if tobacco is a luxury? Does it not require hard labor to cultivate, harvest, cure, manufacture, and prepare it for market? Then who buys more of it than the poor laboring men of the country? Is it not a privilege they are entitled to enjoy without paying 1,000 per cent. for it? For by the time the tobacco passes through all the various hands of speculators who handle it, and all paying a tax and adding a profit, by the time it reaches the consumer he generally pays about 1,000 per cent. more for it than the producer received for it.

Why not as well tax other luxuries, and not put it all on two, while the real luxuries are exempt, because these two are principally the product of the South and West? If this is allowed to remain they will say our magnificent wheat-crops grown in the West are luxuries and must be taxed. They will say our vast herds of cattle, horses, and hogs that our farmers are so proud to enjoy are luxuries, and they will tax them. Why not divide the tax upon real luxuries? Are not our great railroad lines, earning millions of dollars annually, luxuries to their owners? And they are protected in all their rights by the strong arm of the law? And what is a greater luxury than to own a large manufacturing establishment, employing hundreds of hands, making millions of money annually by means of the high protective tariff passed by Congress to allow its owners to sell their goods at their own prices to our people by keeping out foreign competition? This is indeed a luxury that many of our noble countrymen have been enjoying for years, but who have recently had their quiet slumbers disturbed as evidenced by the flood of petitions and memorials they have been sending into Congress in opposition to any revision of the tariff. Would it not be a luxury to our people to buy their Cuba sugars at two and a half to four cents per pound and pay for it in flour at six or eight cents per pound? But as it now is we pay Cuba fifty-five millions in cash more for her surplus than we sell her; the balance of trade being against us that amount in our commerce with Cuba. And still there is another greater luxury than any of these that I want to see divide this luxurious tax upon labor, and that is the luxury of banking.

Certainly it is a luxury to be a banker; to have bonds that pay no taxes, to deposit them in the vaults of the Treasury and draw the interest in gold semi-annually, and 90 per cent. of the bonds in circulation to bank upon and loan it at 10 to 20 per cent. per annum to the very bone and sinew of the country. And still this great luxury of banking is not satisfied. They are complaining awfully of the two-cent tax on checks and are petitioning Congress to take it off, and also to take off the merely nominal tax on circulation and deposits. And I greatly wonder that Congress in its great mercy toward capital has not long since removed this heavy burden from the banks and placed it upon labor.

Now, how does the tax upon tobacco and that upon banks and bankers compare?

I have shown you that upon this estimated value of the crop of tobacco last year in the field of \$8,000,000 we collected \$41,000,000 in taxes. Now as to banks. We have two thousand and eighty national banks, besides a large number of savings and other banks, banking associations, &c.

The capital stock of the national banks paid in is, as stated in the Secretary's report.....	\$479,467,771
Their circulation is	316,775,111
They have due them for loans and discounts.....	888,243,290
Surplus fund and undivided profits on hand	166,348,800
Deposits in savings-banks.....	843,154,804

Total invested..... 2,693,989,776

in banking, as capital, circulations, loans, deposits, surplus profits, &c., upon all of which is collected, as shown by the last reports, \$7,076,086 as against \$41,000,000 tax collected off of eight million dollars' worth of hard labor in tobacco. And still they cry, "Take the tax off of banks and bankers." Where is there any justice in such discriminations in thus taxing luxuries? Would to God that we could all enjoy such luxuries as are enjoyed by the capitalists of this country, who have had but to make their demands and Congress was always ready to respond to their demands in passing just such laws as they demanded. Now, as a humble member of this House and as a friend to right and justice, I insist that it is high time we should treat every calling and every occupation alike. Let us do equal justice to the whole people; let us equalize the expenses of the Government, reduce expenses, and economize in every department, and not tax one class of our people to death to enrich and protect another class.

Now this Congress can continue and carry out the good work begun by the last Congress in cutting down the expenses of the Government. We can save to the tax-payers of the country many millions of dollars annually by judicious legislation. While the country is groaning under the pressure that is daily carrying down men of skill and enterprise by the hundred and thousand, it is our bounden duty to try to meet the demands of the country and try to relieve the distress in the country, and how can we begin better than by reducing expenses?

When this great financial distress is shaking our Government to its very center, cannot we begin the reduction of salaries, and by beginning at the head afford great relief in this way? Why pay the

President a salary of \$50,000 per year? Why pay the General of the Army in times of peace \$18,000 per annum? Why pay the Lieutenant-General \$15,000, and other officers in proportion? Why have two hundred and ninety-five supernumerary officers doing no duty, and costing the tax-payers \$500,000 annually? Why have fifty-six paymasters in the Army of twenty-three thousand men at a cost of \$200,000, when ten could discharge all their duties. I could go on for hours naming useless and extravagant wastes of public moneys that are wrung from the hard earnings of the tax-payers of the country, and so lavishly expended upon an army of office-holders, but time will not permit me.

Then let us apply the pruning-knife liberally in cutting down expenses, and by all means let us lift the heavy burdens off the people that now are so heavily oppressed by our unjust and oppressive internal-revenue law, by our high protective tariff. And in order that taxation may be more equitable and just, let us pass House bill 1833, to tax all net incomes over and above \$2,000 per annum, which it was my pleasure to introduce.

Why not tax incomes? Does not the Government protect all of our great mineral, manufacturing, and incorporated interests? Was not the whole United States Army brought into requisition last summer at the expense of all the people to protect the large interests of private parties? And why should they not pay a reasonable income tax upon their net profits to help support the Government and to help pay the expenses of the Army that was brought into requisition to protect their property, and is used for that purpose now? Why should not the eight hundred and eleven railroads in the United States, aggregating about eighty thousand miles, valued at \$4,600,000,000, whose net profits are many millions of dollars annually, pay a part of the expenses of the Government? Is it because they are not luxuries in the same sense that tobacco and whisky are? The two northern Pacific railroads are said to have made last year \$17,000,000 net profits. They were built by and with the people's money and the people's lands, with a small slice of Credit Mobilier thrown in for seasoning, and yet they pay nothing to help support the Government, but are assuming to dictate to the Government terms of settlement of their indebtedness.

Our income-tax laws that went into effect in 1863 were continued in operation for seven years and yielded a revenue in that time of \$228,756,246, assessed and collected off of an average income of \$800,000,000 and paid by about two hundred and fifty thousand persons. The largest income collected in any one year was in 1866, when \$60,547,882 was collected, and the smallest about \$15,000,000, in 1864. And while the income tax in seven years realized the above sum, as shown by official records, the records show that the tobacco crop of the country in the last fifteen years, averaging from four to eight millions of dollars, at maturity has paid into the Treasury the enormous sum of \$336,048,363 as against the above income tax. And here we have a fair illustration of the former legislation of the country in favor of capital against labor, because the income tax was paid by about two hundred and fifty thousand persons, and an average of four to the family would make about one million of persons, estimated by the late Secretary Welles, as interested in the income tax, and about thirty-nine million persons not interested in it; and in the face of this vast difference these capitalists who paid this income tax succeeded in procuring the repeal of the income-tax law with an increase upon the tax on labor.

Now, will any impartial judge say that it is right and proper to thus burden the products of the soil and labor with taxation and let this vast wealth of the country in the shape of incomes reaching as high as \$800,000,000 per annum go untaxed? Secretary Welles said when the law was repealed the incomes taxed amounted to about \$800,000,000, and in order to relieve this large cash capital entirely from taxation Congress repealed the tax, and made spirits and tobacco pay nearly the whole internal-revenue tax now, thus protecting capital at the expense of labor.

Now, Mr. Speaker, with all these facts staring us in the face, is it not time to pause and reflect? Are the people to blame for being restless, uneasy, and dissatisfied, when they see the politicians have had nothing to offer but the "bloody shirt" waving in their faces and before their constituents, so as to ride into power, and have fastened upon them this unjust high, protective tariff, by which the energies, the enterprise, the industries, and the prosperity of the country are paralyzed? They have enacted and fastened upon them the unjust and oppressive internal-revenue law, which is injurious, unjust, and oppressive, and is causing hundreds and thousands of our fellow-men to violate it unintentionally. They have by the act of Congress making the bonds of the Government that were then payable in currency payable in coin, when gold was at or about 40 per cent. premium, caused the people and tax-payers of the country a loss of at least \$100,000,000. They then, to further increase the value of the bonds of the capitalists by fraud, demonetized silver, thereby causing a loss to the country of at least \$150,000,000 in the circulation of that metal, and then by the passage of the resumption law they have almost placed the last feather upon the camel's back in withdrawing from circulation, in the last few years, from three to four hundred million dollars, causing failures amounting during the past year alone to about nine thousand with liabilities of nearly \$200,000,000, besides thousands of smaller failures all over the country that are not reported to the agencies; and this rate of failures has been going on ever since the

passage of the resumption law, which has increased into a panic, has paralyzed all kinds of trade, and has benefited no one except the enhanced value of the money in the hands of the capitalists of the country.

While our country is rapidly increasing in population, with a greater demand for our products and the natural increase of our business, our Government ought to have in like ratio increased the money in circulation rather than contract it.

We find in many sections our people really unable to buy the necessities of life because of the scarcity of money. And still we hear these men who manifest so little concern for the whole country say "Go on; force resumption; defeat the silver bill, and let the country take care of itself."

I recently saw a statement of the amount of money in circulation *per capita* in each of the grand divisions of this country, which, if our eastern friends can be induced to believe is true, they will not wonder that our people in the West and South cry for more money and less taxes. It was this:

The amount *per capita* in the New England States is \$56.10; in the Middle States, \$19.54; in the Western States, \$7.96; in the Southern States, \$4.50, and in my own State of Tennessee, only \$2.60 *per capita*.

Now, if this is correct, (and I have no reason to doubt it,) then our people are in a deplorable condition and need financial relief, and are justifiable in calling for a change in all laws regarding the finances and taxes.

As our population and country increase and expand, it is natural that the same ratio of increase in money is demanded to insure the prosperity of our people. It is the duty of the Government to protect and look to the interests of the whole country, and not look alone to the favored few in the favored section. Great monopolies are dangerous to a free Government, and they should not be fostered and protected at the expense of the people; the people have rights, and while the ballot-box is the proper channel through which all wrongs and grievances should be righted, sometimes, when they fail there, I am sorry to know they resort to force. But just and prudent legislation in the interest of all the people will always prevent any such dangers and calamities, and we should avoid oppressing one class of our citizens to enrich others.

POSTAL SAVINGS AND POSTAL TELEGRAPH.

Mr. TIPTON. Mr. Speaker, the questions of postal savings and the postal telegraph have agitated the public mind for years. These questions have been discussed to some extent in Congress and have been fully discussed in the public press and each has received the favorable recommendation of the Postmaster-General. But no action has been taken by Congress resulting in legislation adopting either of these systems. England and most of the leading countries of Europe have adopted this system of postal savings and postal telegraphs with great success, and I am unable to see why these two systems cannot be adopted and carried out in this country to the great advantage of the people. Our Government was formed in the interest of the people, and such legislation should be adopted as will result in good to the whole people.

It seems to me that there is no legislation that could be adopted at this session that would prove more beneficial to the laborer, the mechanic, and people of small means, than the adoption of these two systems into our law. Experience has demonstrated the practicability of both. It is the duty of Government to furnish safe depositories for the people and the speedy transmission of intelligence from one part of the country to another. The constitutional power of the Government to do both I apprehend will not be denied, and the only question remaining is one of policy. That the establishment of postal savings and the postal telegraph would accommodate the great mass of the people cannot be denied. The history of this country proves the necessity of both—the one furnishing a safe depository, and the other speedy transmission of news within the reach of all. As the law now is there is no depository adapted to the wants and the convenience of the poor man, nor is the telegraph within the reach of one-half of the people by reason of the prices charged for the transmission of news. I hope, Mr. Speaker, that some legislation will be had tending to the accomplishment of these two objects.

POSTAL SAVINGS.

By the establishment of postal savings the people all over the country will be afforded an opportunity to invest their savings with assurance that the principal will be returned with a small interest.

Mr. Speaker, it is only a question of time when the postal system will be established throughout the civilized world. It is one of the great necessities of the age. The failure of savings-banks and consequent loss, especially to the poorer class, makes the demand greater than ever before. I hope that the poor, the laborer, the mechanic, the clerk, the artisan, and in fact every man that lives by toil, will have friends enough on this floor to enact into law a system of postal savings that shall give confidence to the people and to encourage the saving of small sums of money. The rich are provided for; it is the poor man, the laboring-man, that demands this legislation. Shall the cries of the unfortunate depositors in broken savings-banks be heard, or shall we turn a deaf ear to these men and tell them if they have money that they may purchase bonds.

I say no. These people are not bondholders, nor do they desire to invest their money in bonds. They simply desire a safe depository

of their small earnings until the accumulation shall enable them to purchase a lot of ground on which in time they can build a home for themselves and their families. It is a home they want. Yes, Mr. Speaker, it is a home these people desire, not bonds, not interest, but a home to protect their families from the storms of winter. It is through small savings that these people hope in time to build themselves homes, and I maintain that these people are entitled to consideration in the enactment of a law upon this question. The bond system in my judgment is not adapted to the wants and convenience of these people. They do not desire facilities for investments, but on the contrary they demand a safe depository for their earnings until such time as they may desire to use the money.

I do not want it understood that I object to the issuing of small bonds; on the contrary I shall favor the issue of small bonds for investment by all who desire to invest in the bonds of the Government. I shall favor the issue of small bonds for investment because I believe it will tend to place the debt of the nation back in the hands of the people, where it should be held. But I maintain, Mr. Speaker, that our first duty is to establish a safe depository for the earnings and savings of the people without compelling the depositor to purchase a bond. Under any contingency the postal savings is not at war with any system of bonds; but, on the contrary, the friends of postal savings generally, so far as I know, would favor the issuing by the Treasury of small bonds to all who may desire to purchase. Mr. Speaker, the confidence of the people has been sorely tried by the failure of savings-banks during the last three years, and the full confidence of the people can only be restored by the adoption of some system that will furnish to them a safe depository for their money, and in the Government the people have confidence, and that confidence will be increased as the number of depositors increase. I shall hail the day with delight when it shall be the pride of every man to say that he has money in the hands of the Government, the accumulation of his savings.

Mr. Speaker, I am fully aware of the fact that the postal savings system has met with strong opposition and was established in England only after a long and continued struggle; but time has proved the fallacy of the opposition. In the light of England's experience in postal savings Canada, New Zealand, Belgium, Australia, the Netherlands, Germany, Norway, Sweden, Brazil, Switzerland, and Japan have adopted the system. It is urged by some that the Post-Office Department will be unable to perform the duties required and that the system has a centralizing tendency. There never was a greater fallacy. Does anybody pretend that the money-order system tends to centralization? Not one. The money-order system has given entire satisfaction to the people, and I apprehend but few men in this land would desire its overthrow. At the date of the last report of the Postmaster-General, 1877-78, there were in operation 4,144 money-order offices. At these various offices there were issued during the year 4,925,931 post-office orders, amounting to \$72,820,509.70; and there was received by the postmasters for issuing these orders \$623,748.95. In addition a large number of orders were drawn on Switzerland, Great Britain and Ireland, the German Empire, and the Dominion of Canada.

I have not time to go into the details of this vast business, but must content myself by reference to the report of the Postmaster-General for the details. The value of this system cannot be estimated. It benefits the rich and the poor alike, and the system is only in its infancy.

If this great enterprise has proven beneficial to the people and its successful operation in no manner interfered with our postal system, why may we not hope that the operation of the postal savings system may not prove equally successful? As I have said there is and can be no constitutional objection to the adoption of this system, and I ask why not adopt it? Try it. If the system can be operated by the governments of the Old World and in Canada, I think it can be operated in this country with equal success. Try it. I desire to give the system a trial. I have faith that the Post-Office Department can manage the system successfully.

What I demand for the system is a fair trial. The issuing of bonds, large or small, in my judgment will not furnish the desired relief to the great mass of the people intended to be benefited by the postal savings system. They are neither dealers nor holders of bonds. What they desire is such legislation as will enable them on Saturday night to go to the post-office and deposit their savings of the week, and that they may add thereto from week to week until necessity or inclination may require them to withdraw it. They want, first, a safe depository for their money, and, second, that they can command it within a reasonable time. The details of the system are simple; the people and postmasters can readily understand them. In fact a careful study of the system for a few hours by any postmaster will enable him to carry out proper legislation on this subject without difficulty. In recommending this system of postal savings to Congress the Postmaster-General said:

I am clear in the conviction that the establishment of postal savings depositories will be found an eminently wise and practical measure.

Mr. Speaker, reason and justice unite in demanding at our hands the adoption of this system. Can we not tell, sir, what the people want? Can we not tell what legislation is necessary on this subject? Are we afraid to perform our duty in this regard? I hope not. Can we respond to our laboring friends, of whom we have heard so much on this floor, and say that we have performed our whole duty with-

out establishing some system at least that will insure absolute safety to depositors? I think not, and I hope every true friend of labor, every true friend of economy will give this measure his hearty support. Let no man talk to me about economy and then vote against this great measure of economy.

POSTAL TELEGRAPHS.

In connection with the question that I have just been discussing, I desire to say a few words in relation to the system of the postal telegraph. These two systems go hand in hand, and the power of the Government under the Constitution to take charge of and operate the postal telegraph system is equally clear. Every civilized government in a greater or less degree has taken charge and control of the transmission of intelligence to its officers, civil and military, and the diffusion of general intelligence among the people.

If there ever was any doubt upon this question, I apprehend that such doubts have been dispelled, and that the universal opinion now is that the Government has power to control the transmission of news to the people. This view was taken by the Committee of Ways and Means at the second session of the Twenty-eighth Congress, and so far as I know has been uniformly adhered to by the Government ever since. The interests of the people, both in their business and social relations, have long appealed to Congress for the establishment of the postal telegraph system. We are advised by the report of the Postmaster-General that the importance of this measure has been urged from all points of view by State Legislatures, by boards of trade, by commercial conventions, by the independent press, and by private persons, many of whom have been prominently identified with the practical working of the telegraph in this and other countries. It is upon this principle that our whole postal system is based, and when the transmission of intelligence by telegraph came into being the same view was taken by the Post-Office Department, as is clearly shown by the reports of the Postmaster-General for the years 1845 and 1846. In his report for the year 1846 he recommends that the Government keep the control of the telegraph.

In the inception of the telegraph it sprang into existence as a Government institution. It was by the aid of Government that the first line of telegraph was constructed, and was for a time under Government control. It was placed under the control of the Postmaster-General, and he adopted regulations for its control in the transmission of intelligence to all at prescribed rates of postage. I maintain that every telegraph line should be declared by Congress to be a post-road, and that the Postmaster-General should have the same control of these lines that he has over any other post-route; and that the transmission of messages should be under the entire control of the Government. The power of the Government under the Constitution to establish post-offices and post-roads, and "to regulate commerce with foreign nations and among the several States," in my judgment fully authorizes the Government to control the telegraphic communications of the country. The gentleman from Massachusetts, [Mr. BUTLER,] from the Committee on the Judiciary of the Forty-third Congress, made a very able and elaborate report upon this subject, in which he uses this language. He said:

Your committee can have no doubt of the power of Congress to take most stringent and efficient action over telegraphic communication to insure the safety of the Government, the good of the people, the regulation of commerce among the States and with foreign countries, and for the spread of true and just reports of commercial and other news among the people, and the prevention of a most odious monopoly.

The Government, by legislation of Congress, should have kept the entire control of the telegraph, but from time to time such legislation was had as to encourage the telegraph in the hands of private citizens; but since the war closed legislation has tended toward the final adoption of the postal telegraph system, for which I am now contending.

By section 5267 of the Revised Statutes of the United States it is provided that—

The United States may, for postal, military, or other purposes, purchase all the telegraph lines, property, and effects of any or all companies acting under the provisions of the act of July 24, 1866, entitled "An act to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes," or under this title, at an appraised value, to be ascertained by five competent, disinterested persons, two of whom shall be selected by the Postmaster-General of the United States, two by the company interested, and one by the four so previously selected.

Mr. Speaker, Congress must either proceed under this provision of the statute, or provision should be made by law for the establishment at an early day of the postal telegraph and for the construction of the necessary lines. Upon this question the Postmaster-General in his report for the year 1873 made this recommendation:

The telegraph should be made a part of the post system without further delay. As Congress does not seem inclined to exercise the discretion given in the third section of the act of July 24, 1866, to appoint appraisers to value the "lines, property, and effects" of the companies now in operation, and as the Western Union Company appears to be unwilling to make a voluntary sale at a fair price, I recommend that provision be made by law for the immediate establishment of the postal telegraph, and for the construction of all such lines as may be needed, under the direction of competent officers of the Engineer Corps of the Army. The experience they acquired during the war of the rebellion would enable them to do the work in the most economical and satisfactory manner.

Mr. Speaker, the path of duty is plain. Congress should at once establish the postal saving and the telegraph systems as a part of our national policy. It is just as much the duty of Government to furnish safe depositories for money as it is to furnish protection to any

other property, and it is just as much the duty of Government to furnish the transmission of intelligence by telegraph at a cheap rate of postage as by the ordinary mails of the country. Let us discharge this duty and give to the people that which will benefit the great mass, by giving them the ability to save and economize, and cheap postage on telegrams, and we shall have accomplished a great work.

Mr. Speaker, one word further in reply to the argument of centralization. I apprehend that there is no man on this floor who will guard the just rights of the States with a more jealous care than myself; but will any man contend that the duty of establishing the postal savings or postal telegraph is within the province of the States? I apprehend not, but on the contrary all will concede that this work is the work of the General Government, and I do not fear that the telegraph operators of the country have any disposition to augment their power, and on the establishment of this advanced postal policy all fears will be abandoned, and I hope that there are but few now, at least, that are skeptical upon this point, and I urge immediate action in this direction. I concede, Mr. Speaker, that the establishment of these two great systems will add two additional bands of strength to the Union of the States and I hope will have a tendency to further strengthen the social and commercial relations of the people of the several States and to more firmly unite the people throughout the Union in one common purpose, the greatest good to the greatest number.

Mr. HUMPHREY obtained the floor.

Mr. HAYES. If the gentleman will yield I will make a motion to adjourn.

Mr. HUMPHREY. I yield for that motion.

Mr. CONGER. I understand that the Chair has recognized the gentleman from Wisconsin [Mr. HUMPHREY] so that he will have the floor at the next evening session for debate.

The SPEAKER *pro tempore*. Yes, sir.

The motion to adjourn was agreed to.

And accordingly (at nine o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By the SPEAKER: Two petitions from citizens of Philadelphia, Pennsylvania, against the passage of any measure reviving the income tax—to the Committee of Ways and Means.

By Mr. ALDRICH: The petition of Culver, Page, Hayne & Co., job printers of Chicago, Illinois, for the abolition of the duty on type—to the same committee.

By Mr. BANNING: The petition of 69 iron-workers, citizens of Cincinnati, Ohio, that no change be made in the existing duty on iron or the finished productions of iron—to the same committee.

By Mr. BELL: A paper relating to the establishment of a post-route from Sulphur Springs to Sulphur Springs Station, on the A. and R. A. Railroad, in Hall County, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. BENEDICT: The petition of John S. Thompson and 230 others, of Wyoming County, New York, against the reduction of the tariff on wools and woolens—to the Committee of Ways and Means.

By Mr. BLACKBURN: The petition of citizens of Washington City, District of Columbia, against the use of the Central station-house, in said city, as a police-court room—to the Committee for the District of Columbia.

By Mr. BOONE: The petition of citizens of Paducah, Kentucky, against the removal of the United States court from said city—to the Committee on the Judiciary.

Also, estimate of the engineer in charge of the improvements on the Ohio River, as to the probable cost of removing obstructions in said river, near Cairo, known as "the grand chain"—to the Committee on Commerce.

By Mr. BRAGG: The petition of residents on the western shore of Lake Michigan, against the transfer of the life-saving service to the Navy Department—to the same committee.

Also, the petition of citizens of the United States residing on the shores of Lake Michigan, of similar import—to the same committee.

By Mr. CANNON, of Illinois: The petitions of the publishers of the Illini, Champaign, Illinois; of the daily and weekly Dahville (Illinois) News; and of the Gazette, Champaign, Illinois, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of workmen of Charleston, Illinois, against any reduction of the tariff on woolens—to the same committee.

Also, the petition of shippers of and dealers in live stock of Chicago, Illinois, against limitations of the transportation on railroads of live stock—to the Committee on Railways and Canals.

Also, the petition of W. M. Camp and other citizens, of Piatt County, Illinois, against changing the present tariff on wool—to the Committee of Ways and Means.

By Mr. CLARK, of Iowa: Eight petitions of citizens of Cedar, Jones, Iowa, Tama, Benton, Clinton, and Linn Counties, and of Iowa City and Johnson County, Iowa, that terms of the district court of the United States for Iowa be held at Iowa City, in said district—to the Committee on the Judiciary.

By Mr. COBB: The petitions of the publishers of the Bloomfield (Indiana) Democrat, of the Pike County (Indiana) Democrat, and

of the Crawford County (Indiana) Democrat, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. CONGER: The petition of the publisher of the Tuscola County (Michigan) Pioneer, for the abolition of the duty on type—to the same committee.

By Mr. CRAPO: The petition of Charles Thacher 2d and 57 others, of Barnstable, Massachusetts, for the amendment of the pension law so that men discharged for disease shall be paid the same bounty as if discharged for wounds—to the Committee on Military Affairs.

By Mr. CRITTENDEN: The petition of Sarah Jenks, for a pension—to the Committee on Invalid Pensions.

By Mr. CUTLER: The petition of the Albany and Rensselaer Iron and Steel Company of Troy, New York; of the Bethlehem (Pennsylvania) Iron Company; of the Lackawanna Iron and Coal Company, Scranton, Pennsylvania; of the Penn Steel Company, Baldwin, Pennsylvania; of the Cambria Iron Company, of Johnstown, Pennsylvania; of the Cleveland (Ohio) Rolling Mills Company; of the Union Rolling Mill Company, Chicago, Illinois; and of the Edgar Thompson Steel Company, Bessemer, Pennsylvania, against the reduction of the tariff on spiegeleisen—to the Committee of Ways and Means.

By Mr. ELAM: The petition of the publishers of the Bassier Banner, Bellevue, Louisiana, and of the People's Vindicator, Natchitoches, Louisiana, for the abolition of the duty on type—to the same committee.

By Mr. ELLSWORTH: The petition of the publishers of the Emmet County (Michigan) Democrat, of similar import—to the same committee.

By Mr. ERRETT: The petition of 52 business men of Pittsburgh, Pennsylvania, against any attempt to re-enact the income tax law—to the same committee.

By Mr. EVINS, of South Carolina: A paper relating to the establishment of a post-route from Lancaster, via Craig's Mill and Sapp's Cross Roads, to Hampton, South Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. FIELD: The petition of George C. Leach and 54 others, against re-establishing by law an income tax—to the Committee of Ways and Means.

By Mr. GARFIELD: The petition of citizens of Ashtabula County, Ohio, against the passage of the bill to transfer the life-saving service to the Navy Department—to the Committee on Appropriations.

By Mr. GARTH: The petition of citizens of Morgan County, Alabama, relative to the distribution of proceeds of sales of public lands among the several States in aid of popular education—to the Committee on Education and Labor.

By Mr. GAUSE: Memorial of the mayor and common council of Fort Smith, Arkansas, concerning the improvement of the Arkansas River at Fort Smith—to the Committee on Commerce.

By Mr. HALE: The petition of Stephen Longfellow and others, against the transfer of the life-saving service to the Navy Department—to the same committee.

By Mr. HARMER: The petition of citizens and type-founders of the United States, requesting that, in order to prevent fraud in the introduction of foreign type into the United States, the duty may remain a specific one, and not be changed to an *ad valorem* duty—to the Committee of Ways and Means.

Also, two petitions from citizens, of Philadelphia, against the passage of any law reviving the income tax—to the same committee.

By Mr. HARRIS, of Massachusetts: The petition of Boston branch pilots, for the improvement of the harbor of Scituate, Massachusetts—to the Committee on Commerce.

By Mr. HARTTRIDGE: The petition of certain bankers and merchants, of Savannah, Georgia, for the repeal of the tax on bank deposits—to the Committee of Ways and Means.

Also, papers relating to the bill for the relief of Augustus Burgdorf—to the Committee for the District of Columbia.

By Mr. HAYES: The petition of citizens of Streator, Illinois, against the reduction of the tariff—to the Committee of Ways and Means.

By Mr. HENDEE: The petition of D. C. Holcomb and 15 other citizens of Isle Lamotte, Vermont, for the amendment of the pension laws—to the Committee on Invalid Pensions.

Also, the petition of James S. Peck, adjutant-general of Vermont, and 28 other officers in the late war, of Vermont, for the encouragement of rifle practice—to the Committee on Military Affairs.

By Mr. HISCOCK: The petitions of the publishers of the Baldwinville (New York) Gazette; of the Jordan (New York) Transcript; and of the American Wesleyan, Syracuse, New York, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of soldiers of the late war, that pensions be granted soldiers discharged for disease—to the Committee on Invalid Pensions.

By Mr. HUBBELL: The petitions of the publishers of the Lake County (Michigan) Star, of the Mason County (Michigan) Record, and of the Pioneer-Magnet, Big Rapids, Michigan, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of John Dorsey, George Ray, and 25 other citizens of Michigan, that the tariff on wool remain unchanged—to the same committee.

By Mr. ITTNER: Papers relating to the claim of Samuel A. Lowe—to the Committee of Claims.

By Mr. KILLINGER: The petition of the publishers of the North-

umberland County (Pennsylvania) Democrat, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. LIGON: The petition of citizens of Autauga County, Alabama, relative to the distribution of proceeds of public lands among the several States in aid of popular education—to the Committee on Education and Labor.

By Mr. MCKINLEY: The petition of 250 workmen and farmers of Stark County, Ohio, against any reduction of tariff duties—to the Committee of Ways and Means.

By Mr. McMAHON: The petition of Jacob Farance, for a pension—to the Committee on Invalid Pensions.

By Mr. MULLER: The petition of type-founders of the United States, in favor of a specific tariff duty on type—to the Committee of Ways and Means.

By Mr. NEAL: The petition of W. P. Martin and others, against the proposed change of duties upon sugar—to the same committee.

By Mr. OLIVER: The petition of the publisher of the O'Brien Pioneer, Primghar, Iowa, for the abolition of the duty on type—to the same committee.

By Mr. O'NEILL: A communication from W. O. Leslie, of Philadelphia, Pennsylvania, suggesting the issue of five hundred millions of Government coupon-bonds, at thirty years, of the denominations of \$5, \$10, \$25, and \$100, at 3.65 interest in current coin—to the Committee on Banking and Currency.

By Mr. PATTERSON, of New York: The petition of the publisher of the Argus, Franklinville, New York, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of citizens of Erie, Pennsylvania, against transferring the life-saving service to the Navy Department—to the Committee on Commerce.

By Mr. PHELPS: The petition of Matthew G. Elliott and others, of New Haven, Connecticut, against taxing incomes—to the Committee of Ways and Means.

By Mr. POWERS: The petition of the publisher of the Aroostook Valley Sunrise, Fort Fairfield, Maine, for the abolition of the duty on type—to the same committee.

By Mr. RICE, of Ohio: Papers relating to the pension claim of Margaret Cahill—to the Committee on Invalid Pensions.

By Mr. SAPP: A paper relating to the establishment of a post-route from Council Bluffs to Logan, Iowa—to the Committee on the Post-Office and Post-Roads.

Also, the petition of the publisher of the Malvern (Iowa) Leader, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. SINGLETON: Papers relating to the claim of Mrs. Susan Wilson—to the Committee on War Claims.

Also, papers relating to the claim of William D. Wilson—to the same committee.

By Mr. SMITH, of Georgia: The petition of the publisher of the Early County (Georgia) News, for the abolition of the duty on type—to the same committee.

Also, the petition of Hon. L. E. Welch and other citizens of Georgia, for the distribution of the proceeds of the sale of public lands in aid of popular education—to the Committee on Education and Labor.

By Mr. SPRINGER: The petition of a committee of type-founders of the United States, that the tariff duty on type remain unchanged—to the Committee of Ways and Means.

By Mr. STRAIT: The petition of W. M. Galt & Co. and others, for the reduction of charges on the inspection of flour in the District of Columbia—to the Committee for the District of Columbia.

By Mr. SWANN: The petition of Jesse Stringluff, J. F. Shaffer, J. A. McKillip, and 48 other citizens of Maryland, against the revival of the income tax—to the Committee of Ways and Means.

By Mr. THROCKMORTON: The petition of the publisher of the Texas Northwest, Montague, Texas, for the abolition of the duty on type—to the same committee.

By Mr. VAN VORHES: The petition of Captain Hiram Burch and 95 other boat-owners, boatmen, and other business men for the survey and location of an ice harbor in the Muskingum River, above the first dam, for the protection of steamers and other water craft against injury and destruction by the flocs of ice in the Ohio River—to the Committee on Commerce.

Also, the petition of Captain C. M. Cole and 189 others, steamboat owners, officers, and other business men of Marietta, Pittsburgh, and other points on the Ohio, of similar import—to the same committee.

Also, the petition of Hon. E. H. Moore and 120 other citizens of Athens County, Ohio, against any reduction in the present tariff on wools and woolens—to the Committee of Ways and Means.

Also, the petition of Thomas J. Allison and 42 other citizens of the same county, of similar import—to the same committee.

Also, the petition of T. E. Van Law and 168 other citizens of Morgan County, Ohio, of similar import—to the same committee.

Also, the petition of E. J. Hiatt and 25 other citizens of the same county, of similar import—to the same committee.

Also, the petition of Richard Edgerton and 37 other citizens of the same county, of similar import—to the same committee.

Also, the petition of Henry Logan and 46 other citizens of Athens County, Ohio, of similar import—to the same committee.

By Mr. WALSH: The petition of Isaac Young and John L. Young, executors of John Young, deceased, for stores taken by the United States Army—to the Committee on War Claims.

By Mr. WILLIAMS, of Alabama: The petition of citizens of Eu-
faula, Alabama, that aid be granted to the Texas Pacific Railway—
to the Committee on the Pacific Railroad.

By Mr. WILLIAMS, of New York: The petitions of David Hinds,
James Edwards, and others; of M. E. Brown, C. P. Pike, and others;
of Frank Palmer, E. B. Rand, and others; of W. F. Weston, Henry
J. Huntington, and others; of William B. Wever, E. Carroll, and others;
of Oscar F. Maynard, Albert A. Boynton, and others; and of J. C.
Whitney, Garrett Smith, and others, for an amendment of the law to
allow payment of bounty to soldiers discharged for disease contracted
in the service—to the Committee on Military Affairs.

Also, the petitions of J. M. Taylor, E. A. Moore, and others; and of
Jacob Broadwell, G. V. Spaulding, and others, against any change in
the tariff—to the Committee of Ways and Means.

By Mr. WILLIAMS, of Oregon: The petitions of the publishers of
the Weekly Mercury, Salem, Oregon; of the Pacific Christian Messen-
ger, Monmouth, Oregon; of the Dalles (Oregon) Itemizer; of the
Washington County (Oregon) Independent; and of the State-Rights
Democrat, Albany, Oregon, for the abolition of the duty on type—to
the Committee of Ways and Means.

Also, the petition of 222 citizens of Lane County, Oregon, for the
establishment of a harbor of refuge at Cape Foulweather, Oregon—to
the Committee on Commerce.

Also, the petition of citizens of Yam Hill County, Oregon, that the
time for the completion of the Northern Pacific Railroad, be ex-
tended—to the Committee on the Pacific Railroad.

By Mr. WILLIS, of Kentucky: Papers relating to the claim of the
owners of the steamer Fannie Branders—to the Committee on War
Claims.

By Mr. WILLIS, of New York: The petition of Colonel J. C. Slaght,
of New York City, late assistant quartermaster United States Volun-
teers, for reimbursement of \$1,840—to the same committee.

By Mr. WILSON: The petition of D. T. Atkinson, J. D. Whitham,
and 576 other citizens of West Virginia, Ohio, and Pennsylvania, for
maintaining the present rates of duty on wool and woolen goods—to
the Committee of Ways and Means.

By Mr. WREN: A paper relating to the establishment of a post-
route from Tybo to Tem Pahute, Nevada—to the Committee on the
Post-Office and Post-Roads.

By Mr. YOUNG: The petition of the publisher of the Bolivar (Ten-
nessee) Bulletin, for the abolition of the duty on type—to the Com-
mittee of Ways and Means.

IN SENATE.

TUESDAY, *March 12, 1878.*

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

The Secretary proceeded to read the Journal of yesterday's proceed-
ings, when, on motion of Mr. SPENCER, and by unanimous consent, its
further reading was dispensed with.

PETITIONS AND MEMORIALS.

Mr. GARLAND presented the petition of Charles E. Cunningham
and 1,400 others, citizens of Little Rock, Arkansas, praying that the
greenback currency be made a legal tender for all debts public and
private; which was referred to the Committee on Finance.

Mr. WHYTE presented the memorial of Jesse Slingsluff, Daniel
Miller, Young, Kimmel & Co., and others, citizens of Baltimore,
Maryland, protesting against the passage of any law imposing a tax
on incomes; which was referred to the Committee on Finance.

Mr. WHYTE. I desire also to present a resolution, which is in the
nature of a memorial, and although addressed to me is evidently
intended for Congress, by the Maryland Academy of Sciences, recom-
mending the passage of the bill in relation to the Woodruff scientific
expedition around the world. As the bill is before the Senate, I
move that this paper lie upon the table.

The motion was agreed to.

Mr. TELLER presented the petition of Robert G. Ingersoll, of Illi-
nois, and others, citizens of the United States, praying for the repeal
of sections 1785, 3878, 3893, 5389, and 2491 of the Revised Statutes of
the United States, or that they be modified so that they will not
abridge the freedom of the press or of conscience; which was referred
to the Committee on Revision of the Laws.

Mr. SAUNDERS presented resolutions adopted by the Iron Mold-
ers' Union at Omaha, Nebraska, protesting against the passage of the
bill known as the Wood tariff bill; which was referred to the Com-
mittee on Finance.

Mr. KERNAN presented the petition of Lieutenant-Commander
James H. Sands, of the United States Navy, praying that he may be
advanced ten numbers in his grade for gallant service, as recom-
mended by the board of officers appointed under a joint resolution of
Congress approved July 1, 1870; which was referred to the Commit-
tee on Naval Affairs.

He also presented the petition of Charles Curtis and others, citizens
of Mooers, Clinton County, New York, praying for an amendment of
the pension laws, extending the limitation of the time for obtaining
arrears of pensions to July 4, 1880; which was referred to the Com-
mittee on Pensions.

Mr. MORRILL presented a petition of the National Association for
the relief of destitute colored women and children, praying that
Congress may make the usual appropriation for the continuation of
the work of the association; which was referred to the Committee
on Appropriations.

Mr. MITCHELL presented the petition of John C. Smith, James
F. Cooper, Lyman L. Kellogg, William B. Royal, Levi Kent, Will-
iam Noltz, and John H. Myers, residents of Oakland, Douglas County,
Oregon, praying that certain moneys be refunded to them which they
paid as sureties on the official bond of James A. Sterling, late post-
master at Oakland, Oregon, for losses occurring through his insanity;
which was referred to the Committee on Claims.

He also presented nine petitions of citizens of Oregon, praying an
appropriation for the erection of a light-house at the entrance of the
Umpqua River, in the State of Oregon; which were referred to the
Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. PLUMB, from the Committee on Military Affairs, to whom was
referred the bill (S. No. 848) providing for the construction of the
Mount Jefferson military wagon-road, in Oregon, asked to be dis-
charged from its further consideration and that it be referred to the
Committee on Public Lands; which was agreed to.

He also, from the Committee on Military Affairs, to whom was re-
ferred a letter of the Adjutant-General, submitting tracings of plats
of Fort Fetterman reservations, &c., reported a bill (S. No. 901) to
relinquish to the custody of the Interior Department certain portions
of the Fort Fetterman military reservation which are no longer re-
quired for military purposes; which was read twice by its title.

Mr. RANDOLPH, from the Committee on Military Affairs, to whom
was referred the petition of Martha G. Vaughn and Louisa Jackman,
praying to be allowed compensation for services rendered during the
war of the rebellion, asked to be discharged from its further consid-
eration and that it be referred to the Committee on Claims; which
was agreed to.

He also, from the Committee on Military Affairs, to whom was re-
ferred the bill (S. No. 394) to place the name of Daniel H. Kelly upon
the muster-roll of Company F, Second Tennessee Infantry, reported
it without amendment, and submitted a report thereon, which was
ordered to be printed.

He also, from the same committee, to whom was referred the bill
(S. No. 455) for the relief of Patrick Sullivan, reported it with an
amendment, and submitted a report thereon, which was ordered to
be printed.

Mr. BURNSIDE, from the Committee on Military Affairs, to whom
was referred the bill (S. No. 800) for the relief of the heirs of Major
D. C. Smith, reported it without amendment, and submitted a report
thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the peti-
tion of Carl Jussen, late adjutant Twenty-third Wisconsin Volun-
teers, praying to be paid the difference of pay between sergeant-
major and adjutant from August 2 to December 13, 1863, submitted
a report thereon, accompanied by a bill (S. No. 902) for the relief of
Carl Jussen.

This bill was read twice by its title, and the report was ordered to
be printed.

Mr. THURMAN. I am instructed by the Committee on the Judi-
ciary, to whom was referred the bill (S. No. 851) to prohibit members
of Congress from becoming sureties in certain bonds, to report it
with one amendment and to submit a report thereon. I wish to say
in reference to the bill that as it will probably incur no opposition
and give rise to no discussion, I shall ask, at a very early day, the
Senate to take it up and pass it, probably in the morning hour.

The VICE-PRESIDENT. The bill will be placed upon the Calen-
dar, and the report printed.

Mr. ALLISON, from the Committee on Finance, to whom was re-
ferred the bill (H. R. No. 535) for the relief of the executors of the
estate of John S. Miller, deceased, reported it without amendment,
and submitted therewith a letter of the Commissioner of Internal
Revenue on the subject and the report of the House Committee of
Ways and Means.

Mr. SPENCER, from the Committee on Military Affairs, to whom
was referred the bill (S. No. 740) to authorize the Secretary of War
to relinquish and turn over to the Interior Department certain parts
of the Camp Douglas military reservation in the Territory of Utah,
reported it without amendment, and submitted a report thereon,
which was ordered to be printed.

Mr. GARLAND, from the Committee on Public Lands, to whom
was referred the bill (S. No. 612) for the relief of John A. Torrence,
reported it with an amendment.

Mr. JONES, of Florida, from the Committee on Public Lands, to
whom was referred the bill (S. No. 350) to amend section 2288 of the
Revised Statutes of the United States, so as to enable citizens of the
State of Florida to transfer a portion of their pre-emptions or home-
steads to aid in the construction of railroads, reported it with an
amendment.

Mr. WITHERS. I am instructed to submit adverse reports in sev-
eral cases by the Committee on Pensions. I will state that many of
the cases being applications for pensions to soldiers of the war of
1812 and their widows, are already provided for in the bill that has