my party? That would make me as much a partisan and as wrong in principle as those who refuse to relieve my political friends who would vote as I vote. Such an example I cannot follow.

I cannot recognize a man's political opinions at all in discussing the right to vote and hold office in this country. While men obey the laws and pay their taxes I shall make no further inquiry as to their partisan views. It matters not to me if every one named in this bill shall vote with the Republican party. It is a higher question than that. It is the question of constitutional government. It is by the right that I stand, whatever may be the political bias or sentiment of these persons. Having said this as a matter for present consideration, let me respectfully express to the House my profound regret that mercy does not flow faster and freer; that it should come in that strained and stinted measure, which is condemned by the philosophy and the religion of civilized mankind; that it should be so slow in these Halls, and that universal amnesty has not been proclaimed. Indeed, it is one of the wonderful features of the times which should rebuke the minds of men here, that even the colored race of the South is asking for an amnesty which shall wipe away all the bitterness and the acrimony left by the lamentable war through which we have passed. In their simplicity they speak but the voice of untutored nature.

I have some reason to complain; and if my private disappointment governed my conduct here I might vote against this bill. I have this session tried hard to get just one man, an excellent, quiet gentleman, relieved from political disabilities. It was at one time agreed that his name should be put in the bill which passed the House this winter; but in some way or other unknown to me the name was dropped out at the last moment. It was done possibly because I recommended him. The bill was in the hands of a Representative from South Carolina who is here no longer. Possibly the fact that my name was upon the application weighed with him, if not with other members of that committee.

I have to-day been to the gentleman from Illinois [Mr. FARNSWORTH] and asked him for the privilege of putting in this bill the name of the gentleman. The opportunity was refused me. But what matters that? Am I to stand here in a spirit of spite? Am I to say that because this man cannot have his political disabilities removed, therefore I will range myself upon the side of proscription, hate, malevolence, and malignancy? Sir, I cannot do that. I have received many letters from gentlemen in the South on this subject. Some of them have written that inasmuch as they could not have their own disabilities removed therefore they desired that none should be removed. I cannot concur in that sentiment. It is wrong. I expect to vote for every measure of relief, whether it is for one person, for two, for three, for six, or for a dozen—the more the better, of course. I shall vote for every one until this relic of despotism, this wrong, this blot and blemish upon the legislation of the times, this crime against the true principle of government, shall be wiped out. It may come slowly and it may be done slowly, but it will be done at last. This vestige of the dark ages and instrument of monarchies in their oppressions will at last pass away, and then all will wonder why it remained so long to cumber this progressive Christian era.

It will be a bright day when the last bill of this kind shall be offered here and passed. It will be a brighter day still when this Congress shall rise up and honor itself by saying, once for all, that the end has come and a universal amnesty, like the love of God, shall fill all the borders of the land. But until I can hail that blessed day I will take what I can get and be glad. As a member of the minority I will gratefully accept whatever may be offered in favor of the general principle which I indorse, the entire relief of all from political proscription.

[Here the hammer fell.]

Mr. FARNSWORTH. I withdraw the motion to reconsider.

The SPEAKER. The Clerk will finish the reading of the engrossed bill.

The bill having been read, the question was on its passage.

Mr. FERRISS. I call for the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

The bill was passed.

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

The latter motion was agreed to.

LOUISIANA ELECTION CONTEST.

Mr. STEVENSON presented, from the Committee of Elections, a report in the contested-election case of Morey *vs.* McCranie, from the fifth congressional district of the State of Louisiana.

The following resolution, accompanying the report, was read:

Resolved, That there was no legal election in the fifth congressional district of the State of Louisiana for Representative in the Forty-First Congress, and that neither George W. McCranie, nor Frank Morey, nor P. J. Kennedy is entitled to a seat as Representative in the Forty-First Congress from the fifth congressional district of the State of Louisiana.

The report was laid on the table, and ordered to be printed.

Mr. STEVENSON. I give notice that I intend to call up this case to-morrow after the morning hour.

CLAIMS OF LOYAL CITIZENS.

Mr. BUCK, by unanimous consent, introduced a joint resolution (H. R. No. 270) to extend the provisions of the act of July 4, 1864, limiting the jurisdiction of the Court of Claims to the loyal citizens of the States lately in rebellion; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PROTECTION OF POLITICAL RIGHTS.

Mr. SCHENCK, by unanimous consent, introduced a bill (H. R. No. 1887) to protect the political rights of persons in places purchased within the States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PROBATE COURTS IN IDAHO.

Mr. KELLOGG. I ask unanimous consent to report a bill of local interest which has been unanimously agreed upon by the Committee on the Judiciary, and upon which I propose to call the previous question. It simply provides for probate courts with a jurisdiction to the extent of $500 for the Territory of Idaho, corresponding precisely with a bill which has been passed with reference to the Territory of Montana. In some counties of Idaho the people are from two to four hundred miles from a United States court; and it is impossible to obtain the administration of justice in small cases. I am directed to report an amendment providing that the bill shall not affect any suit now pending in the district courts of the Territory.

Mr. INGERSOLL. Is the bill a copy of the Montana bill?

Mr. KELLOGG. It is precisely similar. It is a measure important for the convenience of the people of Idaho. I have been trying for two months to report it.

Mr. INGERSOLL. I hope there will be no objection.

There being no objection,

Mr. KELLOGG, from the Committee on the Judiciary, reported back, with an amendment, a bill (H. R. No. 228) to enlarge the jurisdiction of the probate courts in Idaho Territory.

The bill, which was read, provides in the first section that the probate courts of the Territory of Idaho, in their respective counties, in addition to their present jurisdiction, shall be authorized to hear and determine all civil causes wherein the damage or debt claimed does not exceed the sum of $500, exclusive of interest, and such criminal cases arising under the laws of the Territory as do not require the intervention of a grand jury. These probate courts are not to have jurisdiction in any matter where the title, boundary, or right to the peaceable possession of land may be in dispute, or in chancery or divorce causes. It is further provided that in all cases an appeal may be taken from any order, judgment, or decree of the probate courts to the district court. The second section repeals all acts or parts of acts inconsistent with the provisions in this bill.

The amendment reported by the committee was read, as follows:

Add to section two the following:

Provided, That this act shall not affect any suit pending in the district courts of said Territory at the time of its passage.

The amendment was agreed to.

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

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

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. PERCE, 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. 779) to redefine a portion of the boundary line between the State of Nebraska and the Territory of Dakota.

WASHINGTON AQUEDUCT.

Mr. COOK, by unanimous consent, reported from the Committee for the District of Columbia testimony taken by the committee in relation to the construction of the Washington aqueduct; which was ordered to be printed, and recommitted.

LAND DISTRICT IN COLORADO.

Mr. VAN WYCK. Let me appeal to the gentleman who has called for the regular order of business to yield for a moment to the gentleman from Iowa.

Mr. SMYTH, of Iowa. I ask unanimous consent to take from the Speaker's table Senate bill No. 177, to create an additional land district in the Territory of Colorado.

Mr. INGERSOLL. Perhaps this is right, but I wish the aid of the gentleman to go to the Speaker's table, and I must object.

Mr. VAN WYCK. This bill has been unanimously approved by the committee of the House. The gentleman knows that Delegates have little opportunity to get their business before the House, and as the Delegate from Colorado is desirous to have this bill taken up and passed I hope the gentleman will not object.

Mr. INGERSOLL. I will help the gentleman to go to the business upon the Speaker's table.

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

DEPARTMENT OF JUSTICE.

The SPEAKER. The regular order being called, the morning hour has now begun, and the pending question is House bill No. 1328, to establish a department of justice, reported yesterday from the Committee on Retrenchment by the gentleman from Rhode Island, [Mr. JENCKES.]

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

Mr. JENCKES. Mr. Speaker, I wish to explain to the House as briefly as may be the scope and purpose of this bill. It does not propose to create a new department in this Government, but simply to transfer to an exist-

ing Department some things properly belonging to it, but which are now scattered through other Departments. It proposes to make one symmetrical whole of the law department of this Government; and in order to understand its application to the existing state of things I will review the history and origin of these law officers.

Under the judiciary act of 1789 it was provided that a law officer should be appointed in each district of the United States, to be called the district attorney, and that a person learned in the law should be appointed an Attorney General of the United States; one chief law officer at the seat of the Government, with subordinate law officers in each district of the United States. That continued to be the law force, if I may use the phrase, of this Government from 1789 down to 1830. In that year an act was passed to establish the office of solicitor of the Treasury. The tradition concerning the passage of that law, as I have heard it, is that it was passed to create an office for a particular person, in the expectation of reconciling the hostility breaking out between the then President and Vice President of the United States. The office was created, but the hoped-for result was not obtained. In many respects that statute was anomalous. It created a law officer in one Department of the Government for certain purposes, placing him to a certain extent under the authority of the Attorney General, but to a greater extent making him independent. These continued to be the principal law officers until the establishment of the Court of Claims, in 1855, when it became necessary in order to have the Government properly represented before that court to have a solicitor to manage its cases. Subsequently an assistant solicitor was created. The law business of the Government increased, and in 1859 an act was passed authorizing the appointment of an assistant attorney general.

At the commencement of the rebellion, therefore, the law officers of the Government were the Attorney General, the solicitor of the Treasury, the solicitor of the Court of Claims, and the assistant attorney general. In 1861, there being a pressure upon the law department, the Attorney General was authorized to employ assistants to the district attorneys, and under this power eminent lawyers were employed in different parts of the United States to conduct special cases in each of the districts. At this time the law business of the Government greatly outgrew the capacity of the persons authorized to transact it, and the number of outside counsel, if I may use the phrase, appointed subsequent to 1861 was greater than all the commissioned law officers of the Government in every part of the country. The attention of the Committee on Retrenchment, soon after its organization in the Thirty-Ninth Congress, was called to the great expense the Government was put to by the employment of these extra counsel. They required reports from the different Departments by order of the House, and they obtained some knowledge of the extent to which this power was used, if not in some cases abused.

Early in the Fortieth Congress a bill was prepared to remedy this evil, and referred to the Committee on Retrenchment; and a similar bill with the same design was offered by the gentleman from Ohio, [Mr. LAWRENCE,] and referred to the Committee on the Judiciary. These bills had the same purpose and the same scope. They were referred to subcommittees of these committees, which consolidated them into one bill. And if the Judiciary Committee had been called for reports in the last Congress the bill of the gentleman from Ohio would have been reported. But neither of those committees was called after the bill was perfected during the Fortieth Congress. This bill was again introduced during the present Congress, and early referred to the Committee on Retrenchment, who now report it. The special reason why they have reported it earlier than any other relating to the organization of the Departments is the great expense the Government have been put to in the conduct of the numerous litigations involving titles to property worth millions of dollars, rights to personal liberty, and all the numerous litigations which can arise under the law of war. It has been impossible, with the force created by law, to attend to these matters properly in the various courts of the United States.

To give the House some idea of the magnitude of this business I will state the results obtained from the reports communicated to the House and to the committee by the officers of the Treasury. These have been presented at two different times, one terminating at the close of the year 1867 and the other embracing the years 1868 and 1869. From a report made to the House by the Secretary of the Treasury, in answer to a resolution passed February 11, 1868, it appears that there had been allowed or paid for extra legal services, through the First Comptroller's Office, from January 2, 1864, to February 19, 1868, the sum of $64,986 86; that there was paid through the Commissioner of Customs, between May 4, 1860, and January 16, 1867, the sum of $55,400 26; that there was paid through the same channel for captured and abandoned property, from September 4, 1865, to December 28, 1867, the sum of $112,841 15. There were paid under the authority of the Attorney General the following sums: for assistance to the Attorney General in 1866–67, $14,645; for special counsel to assist the district attorneys between the years 1861 and 1867, $57,739 50; for assistant district attorneys between the years 1861 and 1867, $91,928 99; for special counsel, $6,500. There was paid through the State Department, between the years 1861 and 1867, $71,148 66. These various sums make a total of extra law expenses, principally for three or four years, of $475,190 42.

Mr. VAN WYCK. Will the gentleman allow me to ask a question?

Mr. JENCKES. Certainly.

Mr. VAN WYCK. Is there any provision in this bill to prevent the recurrence of charges of the same nature?

Mr. JENCKES. This bill is shaped for that purpose, to cut off all this outside work. In the years 1868 and 1869 these sums were proportionally increased instead of being diminished. In 1868–69 there were paid through the office of the Commissioner of Customs, out of the appropriation for the collection of the revenue, $43,290; for services in 1868 in the cases relating to captured and abandoned property, $19,462, and in the cases relating to the cotton laws, $11,868 28; in 1869, for captured and abandoned property, $39,447 56; from April 10, 1868, to February 5, 1869, recovery of confederate property in foreign countries, $21,913 01. There were expended during 1868–69 by the War Department, for the services of counsel, the sum of $21,409 87; by the internal revenue department, $58,197 24; for miscellaneous services, Treasury Department, $13,168 65; for the United States district attorneys employed by the Treasury in 1868–69, $22,709 50; for additional counsel in 1868, $2,550. In connection with the Post Office Department there were expended $5,002 83.

In these two years, the sum expended for this extra counsel was $258,018,44, equal to the sum of $129,000 per annum, in addition to the salaries of the regular law officers of the Government. The whole amount thus expended from 1864 to 1869, principally in that period, although some small sums were expended previously, was $733,208 86. This is the amount, so far as we have been able to obtain it from the Treasury Department. There were a large number of outstanding contracts with counsel for fees at the time of making these reports, large amounts for fees in what are called the sugar cases in Louisiana and the champagne and sherry cases in New York, and other revenue cases of the same character. The officers of the Treasury informed the committee that it would be impossible to state the amount of their actual liabilities at the present time; but judging from the returns which we have, we estimate that these additional outstanding claims are at least $100,000, and perhaps nearer $200,000.

Mr. ARNELL. I desire to ask the gentleman to tell us the amount paid by the quartermasters's department for looking after abandoned property, particularly after the southern railroads?

Mr. JENCKES. We have no returns of that expenditure. We have only got the fees of counsel as they have been paid at the Treasury Department. We have not been able to get the sums expended in the manner indicated by the gentleman because no return has come to the officers of the Treasury in that specific form which shows what has been paid for counsel's fees.

One of the objects of this bill is to establish a staff of law officers sufficiently numerous and of sufficient ability to transact this law business of the Government in all parts of the United States. We have now in the Attorney General's department the Attorney General himself and two assistants. We propose to create in that department a new officer, to be called the solicitor general of the United States, part of whose duty it shall be to try these cases in whatever courts they may arise. We propose to have a man of sufficient learning, ability, and experience that he can be sent to New Orleans or to New York, or into any court wherever the Government has any interest in litigation, and there present the case of the United States as it should be presented. We do not complain that the officers of the Government have heretofore employed these leading counsel, nor of the amount of fees paid to them in some cases. It seemed impossible to transact the business of the Government properly without having their assistance; and if they employed eminent counsel, taking them out of their regular business, for the Government service, it was only reasonable to pay them what seem at first sight to have been large fees.

But the evil was in the fact that the necessity existed for going outside of the proper law force of the Government, that the Government could not always command the services of men of sufficient ability and learning to transact its law business. We believe that the addition of this officer would be sufficient to keep well in hand the business of the United States in its own courts. Of course he cannot perform all the duties himself. In some cases extra counsel may be required, but the district attorneys with his assistance can generally perform these duties; and we provide that if the Attorney General, under the authority given him by existing law, shall employ assistant counsel in any district he shall designate those counsel as assistant district attorneys or assistants to the Attorney General, and give them commissions as such in the special business with which they are charged, in order that they may be responsible to him and to the Government for the performance of their duties. The committee have been convinced most thoroughly by our investigations that no person should be charged with the conduct of litigation in behalf of the United States unless he holds a commission under the United States and is responsible to the law and the proper authorities. By this scheme we hope to have a law department equal to the present emergencies of the law business of the country.

Mr. LOGAN. I desire to ask the gentleman a question. I see from his argument that he has investigated this matter most thoroughly, and I see by the bill that the Judge Advocate General and the naval solicitor are included. Now, I would ask the gentleman if in organizing a department of justice to be called the department of law they include the Judge Advocate General and the naval solicitor, why not

include all officers of that class who are necessary?

Mr. JENCKES. If the gentleman will hear my explanation of that part of the bill I think he will be satisfied; if not, I will hear any amendment he may desire to offer, and allow him to submit it to the House.

Mr. LOGAN. I beg your pardon. I thought you were treating the subject generally.

Mr. JENCKES. I am giving generally the reasons why the Committee on Retrenchment thought that this evil which I have already explained should be corrected as soon as practicable and in as efficient a manner as possible.

Upon looking into the question further they found the other difficulty indicated by the question of the gentleman from Illinois, [Mr. LOGAN;] that is, that we have gone on creating law officers in the different Departments of this Government who are entirely independent of the head of the law department and of the Attorney General of the United States. Following the precedent set in the creation of the solicitor of the Treasury by the act of 1830, we have authorized the appointment of an assistant solicitor of the Treasury, and also a solicitor of the Internal Revenue Bureau; and during the war we had a solicitor of the War Department and an assistant solicitor of the War Department. In both of these last named cases the Government was fortunate in securing without great expense the services of accomplished lawyers, equal to the performance of any duties required of the law officers of the Government. We also created a law officer for the Navy Department, and in the course of time a law officer has been created for the Post Office Department, charged with special duties.

I need not dwell upon the manner in which these officers have performed their duties. I have no doubt they have performed them to the best of their ability and honestly in every case. But we have found that there has been a most unfortunate result from this separation of law powers. We find one interpretation of the laws of the United States in one Department and another interpretation in another Department. In fact, we had brought to our notice here early in the session an instance of different opinions upon the same subject, where the Paymaster General of the Army obtained one opinion from one law officer and another officer of the Government obtained from another law officer a different opinion upon the same subject, neither obtaining the opinion of the Attorney General, who ought to have been consulted. The consequence is a difference of opinion and a difference of advice in each case upon the same statute.

We have found, too, that these law officers, being subject to the control of the heads of the Departments, in some instances give advice which seems to have been instigated by the heads of the Department, or at least advice which seems designed to strengthen the resolution to which the head of the Department may have come in a particular instance. We found one most remarkable case, or the chairman of the committee [Mr. WELKER] did, when he went to California, in the case of a lease of land in San Francisco, which was said to have been done upon the advice of a former solicitor of the Treasury. Upon producing the letter of the solicitor it was found that it did not contain any such advice, although it had evidently been so worded as to seem to sanction this act of his chief, and the committee, upon looking further, found that there was no authority in any law for the Secretary to act in the manner he did; and it would have been strange if he had so acted under the advice of any law officer.

Mr. MAYNARD. Does the gentleman think it peculiar to this country for a law officer to give an opinion to sustain the attitude of his superior? Has it not been done more than once in the office of the Attorney General of the United States?

Mr. JENCKES. I have not made any charge against any of these officers. It is a misfortune that such should be the case, whether with legal or with other officers. It is a misfortune that there should be different constructions of the laws of the United States by different law officers of the United States. Whether the opinion of the Attorney General be right or wrong, it is an opinion which ought to be followed by all the officers of the Government until it is reversed by the decision of some competent court. It is for the purpose of having a unity of decision, a unity of jurisprudence, if I may use that expression, in the executive law of the United States, that this bill proposes that all the law officers therein provided for shall be subordinate to one head.

The question the gentleman asked has deeper significance, however, and the idea should be understood and borne in mind in considering every part of this bill. The head of a Department may act according to his own judgment, with or without the advice of his solicitor, and contrary to the advice of the Attorney General. If he does, he is responsible to the President of the United States for what he does as the head of a Department, and to nobody else. But we propose that if he takes advice at all, if he wishes to be fortified by the opinion of law officers, then he shall go to the fountain-head and receive the opinion of the chief law officer of the Government, and then act upon it or not, upon his own responsibility. This bill, if it shall become a law, will have that effect, which we deem will be highly beneficial.

Mr. MAYNARD. The gentleman will understand the idea I had in my mind, when I remind him of the anecdote of a former President who sent word to his Attorney General that if he could not find law for a particular policy he (the President) would find an Attorney General who could find law for it.

Mr. JENCKES. I have heard such anecdotes. It is true that the head of a Department or the President may act on his own responsibility, but he cannot in such a case shelter himself behind the opinion of a solicitor. This bill proposes to transfer these several solicitors from the Departments in which they are now located and to place them under the control of the Attorney General, as the head of the department of justice; that any advice or legal opinion which may be sought by any officer of the Government shall be sought at the Attorney General's Office; that he shall refer these questions to such officers as may be appropriate; questions relating to the Treasury to the solicitor of the Treasury; questions relating to internal revenue to the solicitor of the internal revenue department. When the opinions come back to the Attorney General they are to be recorded in his office, and when approved, they are to be the executive law for all the inferior officers of the Government.

We have now this great anomaly: the Attorney General is bound to conduct all the cases of the United States in the Supreme Court of the United States; yet in the majority of instances he never hears of the cases until the printed record is in his hands, and there is no place in Washington to which he can go to ascertain the history of the case. Under the law as it stands the solicitor of the Treasury may advise the district attorneys in certain cases. The Attorney General has a general supervision and control over the district attorneys in all cases; but this general supervision and control have never been defined by law or usage or in any opinion of the Attorney General. Hence the district attorneys have a divided responsibility. They have also a third responsibility—to send their accounts to the Interior Department to have them settled there. In every case they look for their guidance and for the settlement of their accounts to the Attorney General's Office, the office of the solicitor of the Treasury, and the Department of the Interior. This bill proposes to unite all these functions in one department and have the law business of clerks, district attorneys, and marshals of all the courts of the United States settled in the office of the Attorney General, or rather in the department of justice, subject, of course, to the same control in every respect that the accounting officers of the Treasury now have over these expenditures.

We have found instances in which not only direct supervision, but direct responsibility to the head of the Department is absolutely necessary for the protection of the Government. Ever since I have been making investigations upon the Committee on Retrenchment I have been inquiring why certain bonds to the United States which have been forfeited for several years have not been put in suit, and I have never obtained any satisfactory answer. Being in court not long since, I found a district attorney of the United States attempting to sustain suit upon distillery and warehouse bonds, where the language of the condition, as framed by some solicitor of the internal revenue department, or assistant solicitor of the Treasury, departed from the language of the statute requiring the bond; and this, too, though the bonds are in their nature compulsory, and should, as every lawyer of education knows, be in strict conformity to the statute. In consequence of that blunder or carelessness on the part of some solicitor or solicitor's clerk the Government failed to enforce payment on those forfeited bonds, and the money can never be recovered. This is only one instance; similar instances may be found in a great many cases.

Mr. WARD. I desire to ask the gentleman whether this bill creates any new offices?

Mr. JENCKES. Only one.

Mr. WARD. Does it do away with any existing offices?

Mr. JENCKES. No, sir; but it does away with the employment of outside counsel.

Mr. WARD. It does not do away with any of the solicitors?

Mr. JENCKES. No; but it transfers the solicitors to the Attorney General's department, and avoids the expense of employing outside counsel, which expense has amounted in some instances to $100,000 a year. The only additional expense involved by this bill is about thirteen thousand dollars per annum. The annual expenditure now is $130,000, so that the increase is about one tenth of what is sought to be saved. There will of course have to be employed some special assistants for the district attorneys; but, as I have said, they will be appointed by special commissions, receiving a fee to be agreed upon or determined by the Attorney General, and by him alone, and which in no case will exceed the compensation properly allowable for the service rendered.

Mr. MAYNARD. Does the gentleman think it practicable for us to organize by this bill a force adequate to all the emergencies and exigencies of the Government?

Mr. JENCKES. We cannot, of course, foretell with precise certainty how the system will operate; but we anticipate that the force organized by this bill will be able to transact the present law business of the Government. Cases in which the Government is concerned are constantly arising in different courts in various parts of the country. If a sugar case is to be tried to-day, the Attorney General can send his solicitor to attend to the trial. The champagne cases and the whisky cases and other revenue in New York could be postponed until the solicitor general can go there and try them. In the course of a year one competent lawyer could try all these important cases, and thus dispense with these numerous counsel. In order to show how much this expense has been, I will refer, without intending to be invidious to anybody, to the cotton cases in New Orleans. A retainer of $10,000 was sent to an eminent lawyer there, but we cannot find that he ever did anything. In the sugar cases a retainer of $10,000 was sent to another distinguished lawyer. He has tried them and succeeded, and has received additional fees. Retainers of $3,000 and $7,500 have been

sent to counsel in other parts of the United States. Some have rendered service, and some we cannot find rendered any at all. Nevertheless the money has been paid.

But, sir, this money has not been paid under any authority of law, but out of the gross sum appropriated for the collection of the revenue, which, as gentlemen know, is contained in the general appropriation bill, to the amount of eight or ten million dollars. Into that fund they put their hands to pay these extra expenses. If these extra services are needed I wish to have officers to attend to them.

Mr. MAYNARD. Can the law prevent it if these officers of the Government take the responsibility?

Mr. JENCKES. We propose to make it illegal for the Secretary of the Treasury to do so. If he wishes to engage counsel in any case he must send to the Attorney General. If the Attorney General cannot try the case and the emergency requires assistant counsel, he can employ them. It is then done by the head of the law department, and not by the head of the Interior Department or the head of the Treasury Department. He is responsible as the chief law officer of the Government. If any error is committed we shall know who is chargeable with it. We have then the assurance, if he be the proper person, that the office will be administered economically. These are the principal provisions of the bill. They may not provide a perfect system, but they are certainly adequate to the present law business of the country.

Mr. GARFIELD, of Ohio. With the gentleman's permission I wish to ask a question. Before doing so I wish to say that I have listened with great interest to the remarks of the gentleman from Rhode Island, and I think the whole House ought to be indebted to the gentleman for this move in the right direction. It is valuable substantive legislation to take up the scattered and fragmentary work now being done in the name of the law and to put it under one organization and one head. While I entirely approve of the bill so far as I have examined it, and feel myself greatly indebted to the gentleman from Rhode Island for the labor he has performed, I wish to know what will become of the Judge Advocate General with eight assistant judge advocates. Are they to be transferred?

Mr. JENCKES. He is not transferred. "Judge Advocate General" is the title of an officer of the Navy Department.

Mr. GARFIELD, of Ohio. It reads here Judge Advocate General.

Mr. JENCKES. That is the naval Judge Advocate General. We do not touch in this bill the Bureau of Military Justice of the Army nor the Judge Advocate General of the Army. They are out of the scope of this civil law business.

Mr. GARFIELD, of Ohio. I wish to ask the gentleman from Rhode Island the reason for not adding the Judge Advocate General to this department. Of course there is great dissimilarity between military and civil law; but it seems to me that this department of military justice should be in some appropriate way subordinated to the civil law. The gentleman has examined this subject sufficiently to say whether the two are incompatible. If they are, I will not press the matter.

Mr. JENCKES. We have examined it.

Mr. WOODWARD. I wish to say in answer to the suggestion of the gentleman from Ohio that I understand there is no such civil officer as Judge Advocate General. It is a monstrosity which has grown up, and in my opinion it ought to be thrown overboard. It is a military office and does not belong to the civil service at all. Instead of being transferred to the Attorney General's department it should be abolished. I would not disfigure our civil system by retaining or transferring this to it.

Mr. JENCKES. It is an entirely different branch of law, and ought to be under a military chief and not a civil law officer.

Mr. GARFIELD, of Ohio. Why, then, include the naval Judge Advocate General? Are not the duties similar to those of the Judge Advocate General of the Army?

Mr. JENCKES. The duties of the naval Judge Advocate General are, as we learned on inquiry, purely civil. He has nothing to do with courts-martial. His duties are similar to those formerly performed by the solicitor of the War Department. He gives advice when the Department comes into conflict with the civil Departments.

Mr. GARFIELD, of Ohio. I do not agree that the office of Judge Advocate General of the Army should be thrown overboard. It has been of very great service in subordinating courts-martial in the Army to some general review.

Mr. WOODWARD. Does the gentleman from Rhode Island propose to legislate in reference to the Judge Advocate General as a civil officer?

Mr. JENCKES. Not at all. That is out of the scope of this bill altogether, and belongs to the Military Committee.

Mr. LOGAN. I should like to say a word in reference to that point.

Mr. JENCKES. Mr. Speaker, how much time have I left?

The SPEAKER. Twelve and a half minutes.

Mr. JENCKES. I yield to the gentleman for a few moments.

Mr. LOGAN. I desire to say a word or two in consequence of the remark made by the chairman of the Committee on Retrenchment that he thought this was purely a military office, and that it therefore belonged to the Committee on Military Affairs. Heretofore the system in the Army with regard to courts-martial was the same as that which prevails in the Navy now. Detail was made, it being always understood that any intelligent officer in the Army was sufficiently competent to be a judge advocate on a court-martial. Lieutenants were generally detailed for the purpose. During the war this system sprung up. Since the war we have had judge advocates from the rank of brigadier general downward, any number of them, thus doing away entirely with the old system. Some of these men, however, are judges of civil courts in Virginia, while at the same time judge advocates of the Army, drawing pay, I presume, for both offices. From the facts which have come within my knowledge I think there are too many of them. I believe, too, that many questions relating to civil matters are referred to the Judge Advocate General to be decided by him. For instance, a question as to the assessment of the taxes on salaries was referred by the Adjutant General to the Judge Advocate General of the Army, a question which ought, of course, to have gone to the Attorney General. In the Army they have got into the habit of referring every legal question, civil as well as military, to the Judge Advocate General. I think that the decision of all these questions should be in one department, so as to subordinate the military to the civil, which is the theory of our Government. I would prefer to have it in that way. And when the gentleman says that he leaves that to the Committee on Military Affairs, I will make this suggestion to him. The gentleman proposes to organize a bureau of justice. This belongs to his committee. If I were to come before the House to propose a bill of that kind from our committee we would be attacked as we have been heretofore, and charged with a desire to act to the prejudice of the Army.

I hope the gentleman from Rhode Island will succeed with his measure, and that he will include in it the Judge Advocate General, leaving him as many judge advocates as the committee may consider to be necessary, after examination, doing away with the rest, because there are some of them down here who hold judgeships in civil courts, getting pay in that capacity, and who as judge advocates are of no advantage to the Army or the country.

Mr. BECK. With the permission of the gentleman from Rhode Island, I desire to make a suggestion in connection with the remarks just made by the gentleman from Illinois, [Mr. LOGAN.] An important case came before the Committee on Reconstruction the other day. Governor Senter, of Tennessee, sent a message to the President of the United States asking for troops and authority to use them. That communication was referred to the Judge Advocate General, and his opinion was laid before the Reconstruction Committee of this House to govern theirs. I think it is clear that the opinion which should have been given in such a case was that of the Attorney General.

Mr. JENCKES. The committee have preferred to confine the bill entirely to the officers who belong to civil Departments, and not to transfer to the department of justice any military office. But if the gentleman from Illinois has any amendment to offer to the bill on this subject I am willing that he should take the sense of the House upon it.

Mr. LOGAN. I do not desire to act in opposition to the Committee on Retrenchment. I merely made a suggestion to the committee which I think is a proper suggestion. The Judge Advocate General is not properly a military officer. He has military rank, but not military command. He holds merely a military title, but is a law officer and not a military officer. I think what belongs to the legal aspect of the War Department will be transferred to the department of justice. But I will trespass no further on the gentleman's time.

Mr. JENCKES. The committee had this matter fully under consideration, and went into it very carefully. They found two systems existing entirely distinct. They did not wish to mingle the military law and the civil. They wished to keep the offices distinct, as far as practicable, and to hold the War Department, as well as all others, to their responsibility, so that in asking legal advice they should go to the proper office, the Attorney General's. But these courts-martial are not composed of lawyers, but of officers. The military law which is enforced in those courts has very little analogy to the common law or the civil law. The modes of proceeding are entirely different, and as the gentleman has said, almost any well-informed officer, either of the Army or the Navy, can act as judge advocate.

Mr. WOODWARD. I wish the gentleman would provide in his bill for doing away with the office of Judge Advocate General of the Army, and clear away this whole excrescence which grew up during the war.

Mr. JENCKES. That is a question belonging to the Committee on Military Affairs.

Mr. GARFIELD, of Ohio. I think the gentleman from Pennsylvania [Mr. WOODWARD] ought not to let it go on the record that this office is an excrescence. We have in the whole range of the Army judicial questions arising in relation to military men, and their examination and trial, and there ought to be some general supervising power.

Mr. JENCKES. The committee have carefully considered this whole subject; yet I do not propose to call the previous question upon the bill this morning. If gentlemen wish to offer any amendments in regard to the administration of military law they will have time to do so. The opinion of the committee was clear that those questions should not be intermingled with the objects provided for in this bill. If the House thinks otherwise it can be easily done by an amendment. I will now yield the floor, trusting that the gentleman to whom the floor may be awarded will allow me to take the floor and move the previous question after he shall have concluded his remarks.

Mr. LAWRENCE. Mr. Speaker, for nearly two years and a half I have been urging upon

the attention of the House the necessity of passing a bill substantially in the form of the one now under consideration. I trust that after it shall have received the attention it deserves it will receive the sanction of the House and will speedily become a law.

The general purpose of the bill now before the House (H. R. No. 1328) will be readily understood from its provisions and from the explanations given of them. The necessity for its passage will be apparent from a consideration of the statutes providing law officers for the Government, and the evils which have grown and are likely to grow out of the present system. These laws are all, or nearly all, referred to in a speech which I had the privilege of making in this House on the 19th of February, 1868, and they are generally so well understood that I need not repeat any reference to them now.

They provide a law officer for the War Department, the Navy Department, the Post Office Department, the State Department, several for the Treasury Department, for the Court of Claims, and an Attorney General, who is a mere officer, not the head of a Department. There is no law department. These various officers have no common head or superior. Each gives his opinions, and they are the guide for officers, bureaus, or Departments. Not only these, but the Comptroller of the Treasury, and the Auditors and other officers, decide the gravest questions of law and frequently give opinions. This host of officers, giving opinions or deciding questions, are not controlled by any common head to secure uniformity, and the result is that no citizen, no lawyer, can ever learn what has been decided, what are the rules governing any Department, bureau, or, officer; or if these could be learned, so great is the confusion and conflict that we might as well attempt to read the whirlwind.

It may be proper to allude to an example or two.

On the 17th of January the Comptroller of the Treasury gave an opinion on section one hundred and nineteen of the internal revenue act of June 30, 1864, as amended by section thirteen of the act of March 2, 1867, and directed the Assistant Treasurer at New York to retain the income tax from salaries paid by him.

But a week prior to that time the Judge Advocate General of the Army had advised the Paymaster General that the income tax could not be deducted, and a circular was issued accordingly by the Paymaster General to the paymasters of the Army. These conflicting opinions may be found in the speech of my colleague [Mr. SCHENCK] made in this House on the 19th of January. The bill now under consideration proposes to remedy this by providing that—

> The officers of the law department, under the direction of the Attorney General, shall give all opinions requiring the skill of persons learned in the law necessary to enable the President and heads of the Executive Departments to discharge their respective duties, &c.

No opinion will be authority to a Department unless approved by the Attorney General. This will secure uniformity.

I will cite another case showing the necessity of this bill. On the 15th of August, 1865, the Comptroller of the Currency, a most able and faithful officer, in an elaborate and very learned opinion of twenty-six printed pages, advised the Secretary of the Treasury that a *bona fide* holder of "Texas indemnity bonds," issued under the act of September 9, 1850, but not indorsed by the Governor of Texas, as required by the act of the Legislature of that State of December 16, 1851, was entitled to payment. Since that opinion, one hundred and seventy-five of these bonds, not indorsed by the Governor, have been paid at the Treasury, some of them previously sold in England by rebel agents of Texas to aid the rebellion.

The Supreme Court has recently decided that no holder could claim payment unless the bonds were indorsed by the Governor, and by a Governor, too, not in rebellion. (Texas *vs.* White & Chiles, 25 Texas Rep., Supplement by Paschal.)

Mr. MAYNARD. The heads of Departments and of bureaus are charged with the execution of the law, and of course they must execute it as they understand it. If they have to interpret the law and execute it accordingly, how are we to prevent it? What remedy have we?

Mr. LAWRENCE. I have referred to a case in which an opinion was given to the Secretary of the Treasury by a subordinate officer of the Treasury Department. The Secretary of the Treasury seems to have called upon the Comptroller of the Treasury for a legal opinion, and here it is in a printed pamphlet of twenty-six pages. Now, we propose to say by this bill that it shall be the duty of the law officers of the Government to give all the opinions necessary to enable the President, heads of Departments, heads of bureaus, and all officers, to perform their respective duties. We will make the law, and if these officers do not obey it the fault will be theirs. If this bill passes no such opinion can again be given. And it will clearly be the duty of officers executing the laws to ask for opinions of the proper law officers in all cases admitting of doubt or construction.

Mr. MAYNARD. I suggest to the gentleman that the Secretary of the Treasury is the head of these several chiefs of bureaus, and yet each one is independent. It is the duty of the First Comptroller to pass upon certain cases, and so with the other comptrollers and the several auditors. The Secretary of the Treasury has personally about as little to do with the matter as the gentleman has or I have.

Mr. LAWRENCE. One great object of this bill is to provide a law officer whose opinion shall be asked upon all questions admitting of doubt, and whose opinions shall become the rule of action for the Departments and for the several heads of bureaus. That will be the effect of this bill. And if this bill had been the law when this opinion of the Comptroller of the Treasury was asked we would have had the opinion of the Attorney General instead of the opinion given, and it is not probable that the Attorney General would have given such an opinion as this.

Mr. COX. The opinion of the Attorney General was asked and given, and it confirmed the opinion of Comptroller Tayler, and many payments were made under it.

Mr. LAWRENCE. I have read the manuscript opinion of the Attorney General, (Mr. Stanbery,) and his opinion was not given upon the facts and questions presented either in the opinion of Comptroller Tayler or in the opinion of the Supreme Court of the United States. His attention was not called to the act of the Legislature of Texas upon which the decision of the Supreme Court turned. If the opinion of the Attorney General had been asked upon all those questions it is not probable that he would have given the same opinion as that upon which the Treasury Department acted.

Mr. COX. The gentleman must not understand me as objecting to the bill at all. I believe some such law is necessary. I approve of the bill, so far as I understand it.

Mr. LAWRENCE. The object of this bill is to carry out precisely the purpose which the gentleman indorses, and which I and others also indorse.

And now I proceed to show further the necessity of passing this bill. The Auditor of the Post Office Department, in charge of the prosecution of mail depredations—immense in number and importance as they are—and controlling them throughout the country, is merely a fourth-class clerk. He gives opinions and directions, and has compiled and published the Post Office laws without the aid of or the accuracy to be secured by the profounder attainments and riper skill of the Attorney General. The law officers of the Treasury Department and Internal Revenue Bureau decide questions involving millions annually wholly independent of the Attorney General, who may frequently give different and conflicting opinions. Examples might be multiplied without number, but these are sufficient for illustration. The fault is not in the officers who have been called upon to discharge these legal duties, but in the system itself. This bill is necessary, then, to secure uniformity in the legal advice given to the President, heads of departments, bureaus, and officers.

This bill is also a measure of economy. It will reduce expenditures for legal services to the Government and put an end to a system which might be perverted to purposes of favoritism.

Under various laws, and sometimes, perhaps, without any very definite law, a practice has grown up largely since 1860 of giving employment to counsel for the Government in almost every conceivable capacity and under a great variety of circumstances—to counsel who are not officers of the Government, nor amenable as such. Under appropriations for collecting the revenues, and other general purposes, very large fees have been paid for services which could have been performed by proper law officers at much less expense. As an example I may say, that in one year—1867—over one hundred thousand dollars were paid for fees and expenses for counsel employed by Departments and officers of Government, in addition to salaries paid district attorneys and other regular law officers of the Government.

I submit a statement, as follows:

Statement of allowances for legal services during the year 1867.

By the Treasury Department	$67,311 16
By the Attorney General's department in Supreme Court of the United States	6,050 00
By the special counsel to assist district attorneys	7,950 00
By the assistant district attorneys	6,092 96
Special counsel employed	6,500 00
By the State Department, (about)	5,500 00
Total for one year	$99,404 12

Besides this, the fees in the Surratt case were paid. (See House Executive Documents, Fortieth Congress, second session, Nos. 198, 221, 289, [298,] 338; also, Senate Executive Document, second session Forty-First Congress, No. 4.)

I have not deemed it necessary to compile the expenditures for other years, but they are such as to demonstrate the necessity for speedy retrenchment and reform.

In some instances the amount paid one single attorney for a series of years has largely exceeded the whole salary of the Attorney General. As an example of this I submit the following statement of fees and expenses paid:

Year.	*To whom.*	*Employed by—*	*Amount.*
1861...	W. M. Evarts...	Attorney General.....	$1,250 00
1863...	W. M. Evarts...	Attorney General.....	2,500 00
1864...	W. M. Evarts...	State Department.....	11,845 86
1864...	W. M. Evarts...	Treasury Department.	7,500 00
1865...	W. M. Evarts...	Treasury Department.	8,500 00
1867...	W. M. Evarts...	Treasury Department.	10,500 00
1867...	W. M. Evarts...	Attorney General.....	5,450 00
Total			$47,545 86

Of this sum for the years 1864, 1865, 1867, the amount paid was $43,795 86, or an average of $14,598 62 each year; and this does not include fees paid by the State Department in the case of the United States *vs.* John H. Surratt, tried in Washington in 1867 for the assassination of the President.

The contingent funds of the Departments are now sometimes used to employ counsel. And in all the forms and under whatever authority counsel are employed there is now no limit on the fees that may be paid, and none of the sanctions of official authority.

For some time there has been in the Treasury Department a most excellent lawyer in charge of what are called the "cotton-claims"

cases, and cases relating to captured and abandoned property in the rebel States. He is not an officer of the Government. No law fixes or limits his salary or fees. But he is there enjoying all the advantages of a law officer of the Government, with none of the official sanctions or responsibilities of an officer. He is employed under general appropriation laws. I do not allude to this to complain of him or of any officer of the Government, but to point out defects in our system of securing law services for the Government. No one more faithful, honest or competent could be found to perform the duties he is so faithfully rendering; but all legal services should be performed by regularly authorized law officers.

This bill proposes to prohibit the employment of counsel unless specifically authorized by law in terms, and not by vague generalities. It devolves all legal duties on the proper law officers of the Government, and will thus secure efficiency in legal services, economy in the expenditures therefor, and prevent the danger of favoritism and the lavish expenditure of money. I hope this long-delayed measure may pass and speedily become a law. For more than two years it has been before committees of Congress.

On the 12th December, 1867, this House adopted a resolution, which it was my privilege to offer, instructing the Judiciary Committee to consider the propriety of reporting a bill to consolidate all the law officers of the Government at Washington into one law department.

On the 19th February, 1868, I had the privilege of reporting on leave of the House a bill (H. R. No. 765) to establish a law department, which was referred to the Judiciary Committee, though an error in the print on the bill makes it read "to the Committee on Retrenchment."

On the 15th of May, 1868, I reported this bill back from the Judiciary Committee, with an amendment, in the nature of a substitute, substantially in the form of the original bill, and it was recommitted to the Judiciary Committee. This committee subsequently agreed to the bill, and I was directed to report it to the House and recommend its passage; but in the order of business it could not be reached in the House for want of time.

On the 3d of February, 1868, the gentleman from Rhode Island [Mr. JENCKES] introduced a bill (H. R. No. 610) "to establish a department of justice," which was referred to the Committee on Retrenchment, but no action was had in the House.

Soon after the commencement of the Forty-First Congress, on the 5th of April, 1869, I again introduced a bill (H. R. No. 379) "to establish a law department," substantially in the form I had previously reported it from the Judiciary Committee. This was referred to the Committee on Retrenchment.

On the 24th of February, 1870, the gentleman from Rhode Island introduced a bill (H. R. No. 1328) to establish a department of justice; which was referred to the same committee.

The bill now before the House contains substantially the provisions of all these bills, and in good part in the same words.

[Here the hammer fell.]

The SPEAKER. The morning hour has expired, and this bill will go over until to-morrow.

DEBATE IN COMMITTEE.

Mr. SCHENCK. Before I move to go into Committee of the Whole upon the special order I ask, as relating to that subject, the unanimous consent of the House for the adoption of the resolution which I send to the Clerk's desk to be read.

The Clerk read as follows:

Resolved, That when the House shall be again in Committee of the Whole on the state of the Union on the special order, the bill to amend existing laws relating to the duty on imports, and for other purposes, in case debate should arise on any one of the paragraphs relating to the duty on any form of iron, such debate shall not be allowed to extend beyond twenty minutes on such paragraph.

The SPEAKER. It requires unanimous consent.

Mr. ELDRIDGE. I object.

Mr. WOOD. Permit me to say that I have not participated at all in the discussion upon this bill, and therefore I do not speak on my own behalf. But I do think ample opportunity should be given to members of this House to discuss every one of the duties proposed in this bill.

The SPEAKER. It requires unanimous consent, as it proposes a suspension of the rules.

Mr. SCHENCK. I know that, and was in hopes no one would object. However, I shall be driven only the more frequently to move that the committee rise for the purpose of closing debate.

Mr. ELDRIDGE. There are other paragraphs as important as any we have considered, and they should be debated.

ORDER FOR A NIGHT SESSION.

Mr. SCHENCK. I move that the Committee of the Whole be directed to take a recess this afternoon from half past four to half past seven o'clock.

The question was taken; and upon a division, there were—ayes 53, noes 61; no quorum voting.

Tellers were ordered; and Mr. SCHENCK and Mr. ELDRIDGE were appointed.

Mr. INGERSOLL. I understand that the New Yorkers have a sociable to-night.

Mr. HOTCHKISS. Yes; and their last one.

Mr. INGERSOLL. Then I think we should not have a session to-night.

The House again divided; and the tellers reported that there were—ayes 64, noes 68.

Before the result of the vote was announced,

Mr. CONGER called for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were twenty-seven in the affirmative.

So (the affirmative being more than one fifth of the last vote) the yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 100, nays 66, not voting 61; as follows:

YEAS—Messrs. Allison, Ambler, Ames, Archer, Armstrong, Asper, Atwood, Beatty, Benjamin, Bennett, Bingham, Bird, Blair, Booker, George M. Brooks, James Brooks, Buckley, Buffinton, Burchard, Roderick R. Butler, Cake, Cessna, William T. Clark, Amasa Cobb, Coburn, Conger, Conner, Covode, Cowles, Cullom, Dawes, Farnsworth, Ferry, Finkelnburg, Fisher, Fitch, Fox, Getz, Gilfillan, Hay, Heflin, Hoar, Hooper, Kelley, Kellogg, Laflin, Lawrence, Logan, Loughridge, Maynard, McCarthy, McCormick, McCrary, McDrew, Mercur, Milnes, Eliakim H. Moore, William Moore, Samuel P. Morrill, Myers, Negley, O'Neill, Packard, Packer, Palmer, Peck, Phelps, Poland, Pomeroy, Roots, Sanford, Sargent, Schenck, Scofield, Shanks, Lionel A. Sheldon, John A. Smith, William Smyth, Stevens, Stevenson, Stoughton, Strickland, Strong, Taylor, Tillman, Townsend, Tyner, Upson, Van Auken, Van Wyck, Ward, Welker, Wheeler, Whitmore, Willard, Williams, Eugene M. Wilson, John T. Wilson, Winans, and Witcher—100.

NAYS—Messrs. Adams, Arnell, Ayer, Barry, Beaman, Beck, Biggs, Burdett, Calkin, Cleveland, Clinton L. Cobb, Cook, Cox, Dickinson, Dockery, Dox, Eldridge, Ferriss, Griswold, Haight, Hale, Hamill, Hamilton, Harris, Hawkins, Hill, Hotchkiss, Ingersoll, Jenckes, Johnson, Alexander H. Jones, Thomas L. Jones, Judd, Kelsey, Kerr, Knapp, Knott, Mayham, McKee, McKenzie, McNeely, Jesse H. Moore, Morphis, Niblack, Paine, Perce, Peters, Platt, Prosser, Rice, Rogers, Joseph S. Smith, William J. Smith, Stiles, Stokes, Stone, Swann, Sweeney, Taffe, Tanner, Voorhees, Cadwalader C. Washburn, Wilkinson, Winchester, Wood, and Woodward—66.

NOT VOTING—Messrs. Axtell, Bailey, Banks, Barnum, Benton, Boles, Bowen, Boyd, Buck, Burr, Benjamin F. Butler, Churchill, Sidney Clarke, Crebs, Davis, Degener, Dickey, Dixon, Donley, Duval, Dyer, Ela, Garfield, Gibson, Haldeman, Hambleton, Hawley, Hays, Heaton, Hoge, Holman, Julian, Ketcham, Lash, Lynch, Marshall, Morgan, Daniel J. Morrell, Morrissey, Mungen, Orth, Porter, Potter, Randall, Reeves, Ridgway, Sawyer, Schumaker, Porter Sheldon, Sherrod, Shober, Slocum, Worthington C. Smith, Starkweather, Strader, Trimble, Twichell, Van Horn, Van Trump, William B. Washburn, and Wells—61.

So the order for a recess was agreed to.

Mr. MORRILL, of Maine. I move that the New York delegation be excused from attendance at the session of to-night in consequence of their arrangements for a social gathering this evening.

Mr. FERRISS. I hope that motion will prevail.

Pending the motion,

J. H. ESTES.

Mr. SHELDON, of Louisiana, asked and obtained leave to have withdrawn from the files of the House the papers in the case of J. H. Estes.

D. D. T. FARNSWORTH.

Mr. McGREW asked and obtained leave to have withdrawn from the files of the House the petition and papers in the case of D. D. T. Farnsworth, for the payment of a claim for $1,000.

LEAVES OF ABSENCE.

Mr. HOGE was granted leave of absence for thirty days.

Mr. HILL was granted leave of absence for one day.

Mr. ROGERS was granted leave of absence for one day.

Mr. CALKIN was granted leave of absence for one day.

Mr. DIXON was granted leave of absence for one day.

Mr. HAWKINS was granted leave of absence for two weeks from to-morrow.

WALLIS PATTEE.

Mr. SCOFIELD asked and obtained unanimous consent for discharging the Committee on Naval Affairs from the further consideration of the claim of Wallis Pattee, and referring the same to the Committee of Claims.

CHARLES FIERER.

On motion of Mr. LOGAN, by unanimous consent, the Committee of Claims was discharged from the further consideration of papers in the case of Charles Fierer, and they were referred to the Committee on Revolutionary Claims.

LOCATION OF A NATIONAL BANK.

Mr. GARFIELD, of Ohio. I ask unanimous consent that Senate bill No. 746, providing for the change of the location of a national bank, be taken from the Speaker's table and put upon its passage. It is necessary it should be passed at once. There will be no debate on the question, or if there should be, I will not press the matter.

Mr. INGERSOLL. I object. I want the House to go to business on the Speaker's table and dispose of it regularly.

LEAVE OF ABSENCE.

Mr. PROSSER obtained leave of absence from the evening sessions of the House on account of sickness.

Mr. MORRILL, of Maine. I renew my motion that the New York delegation be excused from attendance during the session this evening.

The SPEAKER. Does the gentleman make the motion at the request of the New York delegation?

Mr. VAN WYCK. None of the New York delegation are asking this.

Mr. MORRILL, of Maine. I have made the motion by request of a New York member.

The SPEAKER. The Chair understands the gentleman from New York [Mr. VAN WYCK] has objected.

Mr. ELDRIDGE. I ask that the whole Pennsylvania delegation be excused from attendance while the tariff bill is under consideration. [Laughter.]

Mr. SCHENCK. I decline to yield for that motion.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, announced that the Senate had disagreed to the amendment of the House to the bill (S. No. 95) in relation to the Hot