yesterday the pending question was upon sec-

Mr. TRUMBULL. As that bill will take

sion is seconded and the main question ordered. In regard to

Mr. PAINE. When the House adjourned

The SPEAKER. The regular order being

the pending question at the adjournment of the House yesterday; but with the advice we want to know that what that advice is, so that the law department of the Government shall not be giving different advice to different heads of Departments.

Mr. SCOFIELD. The bill only takes care,

The Speaker. The correction will be

Mr. JENCKES. Yes, sir. I now yield to the gentle-

DEPARTMENT OF JUSTICE.

The House then resumed the consideration of a bill (H. R. No. 1328) to establish a depart-

Mr. JENCKES, of Charles City county, Virginia.

Mr. MAYNARD. Has Mr. Christian made

The Journal of yesterday was read and

Mr. STEVENSON, from the Committee of Elec-

The report and resolutions were laid on the table.

Mr. STEVENSON. I will call up this case

Mr. STEVENSON. I will call up this case

Then the same difficulty, as the law now stands, in some way to be responsible to the Secretary of the Treasury, for they are constantly re-

Mr. JENCKES. I have no objection to that

The amendment was agreed to.

Mr. JENCKES. They are subordinate to

Mr. JENCKES. That was fully explained

We all understand that it is the duty of the President to advise Congress by message as to the times which he has been pleased to recommend for the public good. We also understand that by usage there are certain officers of the Government, heads of Departments, who are members of what is called by common usage the "Cabinet."

Mr. JENCKES. It is understood that the law officers are to be recorded in a distinct book, and that the law department of the Government— I propose to submit a few additional remarks.

Mr. JENCKES. I move to amend section three by inserting the word "naval" before the words "Judge Advocate General."

The amendment was agreed to.

Mr. JENCKES. I move to amend section

Mr. BENJAMIN. I object.

Mr. ALLISON. I call for the regular order.

Mr. PORTER. I ask unanimous consent to introduce for action at this time a bill for the removal of political disabilities from Isaac H. Christian, of Charles City county, Virginia.

Mr. MAYNARD. Has Mr. Christian made

But, on the other hand, the President may act in some cases in a different way upon the same subject.

The SPEAKER. The mere fact of calling

the Secretary of the Treasury in any way, or are they under the control of the head of the Department?

Mr. JENCKES. They are subordinate to

The amendment was agreed to.

The amendment was agreed to.

Now, I want to know whether under this bill the Secretary of the Treasury will be compelled to rely on the Attorney General to detail an officer, for the law officer can do this directly, as he now does call upon an officer, as he now calls upon the solicitor of the Treasury, to take up the specific business?

Mr. JENCKES. Under this bill they have no necessary connection with the Secretary of the Treasury.

Mr. STEVENSON, of Ohio, [Mr. GARFIELD, of Ohio]. And the decision of the House on yesterday. The heads of Departments may act on their own discretion; but with the advice we want to know what that advice is, so

The House then resumed the consideration of a bill (H. R. No. 1328) to establish a department of justice.

The SPEAKER. The gentleman from Ohio (Mr. LAWRENCE) is entitled to the floor.

Mr. LAWRENCE. I yield to the gentle-

The amendment was agreed to.

Mr. GARFIELD, of Ohio. And the decisions of the law officers are to be recorded in a single office.

Mr. JENCKES. Yes, sir. I now insist on the demand for the previous question.

The previous question was seconded and the main question ordered.

Mr. JENCKES. I now yield to the gentle-

Now, I want to submit to the House that it is utterly impossible that the President can intelligently give advice Congress on acts of international concern on affairs relating to our international rights, obligations, and duties when there is a law officer in the State Department, as now, advising the head of that Department, while the Attorney General may be advising the President in a different way. And thus our rights in relation to foreign nations, our duties to the people, are not accountable, being controlled by different and conflicting counsel. We have an officer called an examiner of claims, the law officer of the State Department, advising the Secretary of State and the President in matters affecting our foreign relations, our duties and obligations, while the President and Cabinet are receiving advice from the Attorney General.

Then the motion, as the law now stands,
Here, then, are questions of an international character which may affect the peace of our Government and the peace of the world. Here are questions relating to our revenue, affecting the interests of the States, the citizens, and the nation. Here are questions affecting the power of Congress over the States, the duties and obligations of the States to the national Government and their claims on it. As the law now stands, there are, or may be different and conflicting opinions given by the law officers of the Government affecting all these questions. One case was alluded to by the gentleman from Kentucky [Mr. Brough] yesterday. Not three governors of the States of Tennessee, applied to the President to furnish troops to aid him in the execution of the laws of that State. That application was very properly referred by the President to the Secretary of War, and he referred it to the Judge Advocate General of the Army. The Judge Advocate General gave a written opinion, deciding that troops could not, under the Constitution and laws, be given to the Governor to aid him as he desired. It so happened in that particular case his opinion was correct; but he might have given a different opinion. This case is one of many which may arise when the Judge Advocate General may give one opinion and the Attorney General another. Not only the Constitution and laws, but the Constitution and laws of the State and the nation may be called to act. The result is this. That application was made to the President, and the President referred it to the Judge Advocate General. The Judge Advocate General referred it to the Secretary of War, and the Secretary of War referred it to the Judge Advocate General of the Army, and the solicitor and naval Judge advocate, should all have been consulted upon one case. I mentioned that under the Constitution and laws, there are two opinions; but many of these opinions, the most important, and especially those upon the subject of war, are not of the kind that can be given to the President. There are other opinions, the most important, that are not of the kind that can be given to the President. There is this difference, however, and it is one to which attention was called by several gentlemen who spoke on this bill yesterday. The present bill does not interfere with the department of the Attorney General, to whom the President, in his department, refers all questions connected with the administration of justice, and so leaves him and his eight assistant judges to continue in their duties. The law officers in the Attorney General's department, so many of his assistants as were necessary should have been transferred to the department of justice, and that the duties now devolving upon the Judge Advocate General of the Army, and the solicitor and naval Judge advocate, should all have been devolved upon one officer; and it would not be material had there been no provisions of this bill, or by the establishment of a separate bureau in this department, to be denominated, as my bill originally proposed, a bureau of military justice, and any objection to it, and none has been presented.

Mr. BINGHAM. I desire to ask whether the bill is so changed as not to subject the Judge Advocate General of the Army to its provisions.

Mr. LAWRENCE. That is changed as my colleague desired. I beg to say, as I have already stated to the House, and as my colleague has already stated to the House, and as my colleague has already stated to the House, and as my colleague has already stated to the House, that this bill is not designed to interfere with the department of war, or with any of the officers of the war department;

Mr. BINGHAM. Why, sir?

Mr. LAWRENCE. Yes; it is much of it.

Mr. BINGHAM. Well, take notice of every member of the Judiciary Committee.
The Cabinet is the creature of usage only. But since the establishment of the Attorney General, the Attorney General has been a member of the Cabinet by usage just as much as any head of a Department. He ought to be in law, as well as in practice, a member of the Cabinet, for the reason that he is the chief officer of the Department of Justice, and he is the person to whom the President turns when he wishes to consult with the heads of Departments. This is the import of the amendment that was made to the bill before the words "authorized by law;" so that, as long as there is a Department of Justice, there must be a member of the Cabinet whose duties shall be the management of that Department, and who shall have the power to act when the affairs of the Department are brought to the President. It will be remarked that the amendment to the bill provides for the appointment of the Attorney General to the Cabinet, as well as for the appointment of the heads of other Departments.

Mr. JENCKES. I have no objection to that amendment, and hope it will be agreed to.

Mr. WOODWARD. Is it too late to offer amendments to this bill?

The SPEAKER. It is, except by unanimous consent, as the main question has been ordered.

Mr. WOODWARD. I ask unanimous consent to move to amend this bill by adding to it the following:

Sec. And be it further enacted, that the offices of Judge Advocate General and of all his assistants be, and they are hereby, abandoned.

The question was upon the adoption of the resolution.

Mr. PETERS. I propose to call the present question, and then I will yield for debate if desired.

Mr. NIBLACK. I think there will be no opposition to this resolution. I hope it will be adopted unanimously.

The resolution was then adopted unanimously.

Mr. PETERS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VENTILATION OF THE HALLS OF CONGRESS.

Mr. JENCKES, from the Joint Committee on Ventilation, reported a resolution (H. Res. No. 271) in relation to the ventilation of the Halls of Congress; which was read a first and second time.

The question was upon ordering the joint resolution to be engrossed and read third time.

The joint resolution, which was read, provides that the sum of $5,000 shall be appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of making experiments in the ventilation of the Halls of the Capitol, to be made by the Clerk of the House; and extending the jurisdiction of the joint committee of the two Houses on that subject.

Mr. GULLOM. Does the gentleman wish to ventilate this subject by any means?

Mr. JENCKES. One of the objects of reporting this joint resolution is for the purpose of ventilating the subject of ventilation. Within the past few years there have been several special committees of the House appointed on this subject. It is one in which every member of this body is personally interested, and I find the appointment of these committees has been the printing of a considerable body of literature, amounting now to quite a large octavo volume, but without, I believe, any beneficial or practical result. The number of theories upon this subject of ventilation, any number of speculations; and the committee now have before them a number of propositions from different individuals, each of whom thinks himself competent to afford us perfect ventilation and to improve the lighting and heating accommodations.

Now, Mr. Speaker, I suppose that when this committee was appointed it was expected to do something; the House did not intend that the committee should waste its efforts in making reports of the conjectures of the members or other persons upon this subject, but desired some practical result.

In order to arrive at any useful conclusion whatever I find it necessary to ascertain the precise state of facts to which all the science that is being poured out upon us is to be applied. I find there is not in the opinions of these scientific experts as to the evils which they are expected to remedy as there is in the remedies which they offer. They all agree that something is needed; but as to what, and whether the condition is a natural or artificial one, there is no agreement.

Mr. PETERS. I move to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIBRARY APPROPRIATIONS.

Mr. PETERS. I have been instructed by the joint Committee on the Library to ask unanimous consent of the House to have taken from the Speaker's table Senate joint resolution No. 169, for the transfer of an unexpended balance of $2,000 appropriated by acts of April 16, 1870, and March 8, 1869, for the expenses of exchanging public documents for the publications of foreign Governments, the latter motion was agreed to.

The resolution was then adopted unanimously.

Mr. JENCKES. The latter motion was agreed to.

Portraits of Major General Thomas.

Mr. JENCKES, from the Committee on the Library, reported the following concurrent resolution:

Resolved by the House of Representatives, (the Senate concurring therein,) That the joint Committee on the Library be authorized to present a portrait of the late Major General George H. Thomas, to be placed in a conspicuous position in the Capitol, as a memorial of his great services to his country, and of his distinguished worth as a soldier and citizen; and that the cost of such portrait, not exceeding $2,200, be paid in equal proportions out of the contingent funds of the two Houses of Congress.

The question was upon the adoption of the resolution.

Mr. PETERS. I propose to call the present question, and then I will yield for debate if desired.

Mr. NIBLACK. I think there will be no opposition to this resolution. I hope it will be adopted unanimously.

The resolution was then adopted unanimously.

Mr. PETERS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.