

shall be construed to abolish the office of register of wills in said county.

The amendment was agreed to.

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

#### SOUTHERN MARYLAND RAILROAD.

Mr. LEWIS. I ask the consent of the Senate to take up the bill (S. No. 597) to authorize the authorities of the city of Washington to indorse the bonds of the Southern Maryland Railroad Company. I will state that tomorrow will be the last day in the other House at this session for the consideration of District bills, and I am therefore desirous to have it passed to-day; otherwise I fear it will be of no avail.

The VICE PRESIDENT. Is there objection to the consideration of the bill indicated by the Senator from Virginia?

Mr. SPRAGUE. I object.

#### SIERRA IRON COMPANY.

Mr. COLE. I desire to call up the bill in regard to the Sierra Iron Company as to which my colleague made a motion to reconsider.

The VICE PRESIDENT. The Senator from California moves to take up the motion to reconsider the vote on the passage of the bill (S. No. 439) relative to the Sierra Iron Company.

Mr. CASSERLY. I ask my colleague whether he intends to oppose the motion for reconsideration?

Mr. COLE. I think the motion has been made and the bill reconsidered.

The VICE PRESIDENT. The motion to reconsider is pending. The bill was passed, and a motion to reconsider was entered and is now pending.

Mr. COLE. Very well.

The VICE PRESIDENT. Is there objection to the proposition of the Senator from California?

Mr. CASSERLY. I must ask my colleague to speak louder. I cannot hear what he says.

Mr. COLE. I ask my colleague if he intends to insist on his motion to reconsider the bill?

Mr. CASSERLY. I asked my colleague a question; but I cannot compel him to answer. I will read what he said when he induced the Senate to pass this bill during the first moments of an evening session, when I was absent.

Mr. COLE. I will not resist the motion to reconsider if my colleague insists on it; but I hope he will let the bill go through in some form.

Mr. CASSERLY. Of course I insist on it; and my colleague, when he got the bill through the Senate pledged himself that if anybody moved a reconsideration he would not object.

Mr. COLE. For the very reason that I had not the least idea that anybody could have any ground for moving a reconsideration.

The VICE PRESIDENT. If there is objection the bill can only be reached at this time by passing over the prior orders. The Chair understands the Senator from California [Mr. CASSERLY] to object to its present consideration.

Mr. PRATT. Mr. President—

Mr. CASSERLY. If the Senator from Indiana will allow me, I will say that I do not wish to defeat this bill by the mere lapse of time. I wish to prepare an amendment that will perhaps meet the views of my colleague; and in that event there will be no difficulty in passing the bill.

Mr. COLE. If my colleague has not had time to prepare an amendment I am afraid it will not be prepared before the term expires.

Mr. CASSERLY. My colleague will have to rest on his apprehensions, I suppose. I know what I propose to do.

#### JOHN W. SALYERS.

Mr. PRATT. I ask unanimous consent to take up Senate bill No. 883, for the relief of John W. Salyers, a soldier of the war of 1812,

now eighty-four years of age. This is the second or third trip he has made to Washington for the purpose of getting this bill through for his relief. He is very poor and dependent upon his personal friends here for his support. I hope the Senate will consent to take up the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 883) granting a pension to John W. Salyers, a soldier of the war of 1812. It directs the Secretary of the Interior to place the name of John W. Salyers, of Indiana, a soldier of the war of 1812, on the pension-roll, at the rate of eight dollars per month, to commence on February 10, 1868, and to continue during his natural life.

Mr. FENTON. Let me inquire what time the pension is to commence?

Mr. PRATT. Some day in 1868. That is, the day the bill was formerly reported and passed in this body for his relief.

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

#### DEPARTMENT OF JUSTICE.

Mr. PATTERSON. I ask unanimous consent to take up House bill No. 1328, to establish the department of justice.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1328) to establish the department of justice.

Mr. BAYARD. I ask the honorable Senator from New Hampshire, who has this bill in charge, whether the number of officers under the Government is increased by the bill? Certainly the number of regular officers is very seriously increased; but I can see that the design is to prevent the appointment of those who are not responsible men—that is, officers for temporary duties, and whose charges are in excess of the fees paid to regular officers in the way of salary.

Mr. TRUMBULL. It is impossible to hear the Senator from Delaware. I should like to hear what he says on this subject.

The VICE PRESIDENT. Conversation will be suspended in the Senate Chamber.

Mr. BAYARD. I rose more for the purpose of asking the honorable Senator from New Hampshire to explain to the Senate, or demonstrate rather to the Senate, that which I suppose to be the real object of this bill, to diminish the expense which the Government of the United States is now at for temporary legal assistants, and to substitute therefor a class of officers on fixed salaries, who shall be responsible to their immediate superior, and whose payment shall be regulated by law. I take it for granted, considering the highly respectable and discreet source from which this bill originates, that the object of the bill is retrenchment. The object of the bill is the prevention of what I may call the sporadic system of paying fees to persons, not to speak disrespectfully of them, who may be called departmental favorites. It is to regulate that which I think is an abuse. I ask the honorable Senator from New Hampshire to explain it.

Mr. PATTERSON. In 1789, as the Senator is well aware, an act was passed authorizing the appointment of district attorneys, and also a person learned in the law who should act as Attorney General. That continued to be the law of the General Government down to the year 1830, when a solicitor of the Treasury Department was appointed, and appointed not so much because the Government needed the services of any such officer, but in order, if possible, to bring about a state of harmony between the President and the then Secretary of the Treasury; but it failed in its object.

In 1861 the amount of law duties devolving upon the Government had so increased that an act was passed authorizing the employment of outside counsel to assist the district attorneys

and the Attorney General. The expense of those persons who were employed outside the regular legal force of the Government from 1864 to 1869 was nearly eight hundred thousand dollars; and instead of expediting the business of the Government, it seemed as though the law was passed to delay the legal business of the Government.

The object of this bill is to cut off that extra and unnecessary expense to the Government; but in order to do that it is thought necessary to create a solicitor general, acting under the Attorney General. That officer will be a new officer. Then one or two clerks additional to those now employed will be authorized by this bill. The entire increased expense of the legal force under this bill over what it now is will be about thirteen thousand dollars, while all that outside expense, which from 1864 to 1869 amounted to about eight hundred thousand dollars, will be saved. And in addition to that the opinions given by the law officers of the Government will be a unit, will be in harmony with each other. It now happens that an opinion will sometimes be given by the solicitor of the Treasury, or the solicitor of some other Department, in conflict with the opinion of the Attorney General. The Senator from Delaware will understand better than I do the absolute necessity of harmony in the legal business of the Government.

Mr. BAYARD. Allow me to ask the honorable Senator if the bill does not also provide for the appointment of special deputies still by these fixed officers?

Mr. PATTERSON. In case such deputies are absolutely needed; but they are to have a special commission, and to act under the Attorney General.

Mr. THURMAN. I wish to say that being a member of the Committee on Retrenchment, by whom this bill was reported, and also of the Committee on the Judiciary, I have felt it my duty to examine this bill very carefully; and without going into details I desire to say that I approve of it in every particular, I believe. Possibly some little amendments might be made to it; but this bill has passed the House, and I hope it will pass the Senate just as it is. I think it a good bill and will save money to the Government, and introduce uniformity and regularity in the legal decisions made by the Departments.

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

Mr. CARPENTER. Mr. President—

Mr. ROBERTSON. I ask unanimous consent to take up Senate bill No. 969.

Mr. CARPENTER. Has this bill to establish the department of justice passed?

The VICE PRESIDENT. It has.

Mr. CARPENTER. I was trying to get the ear of the Chair to move an amendment to it.

The VICE PRESIDENT. The Senator from Wisconsin can move to reconsider the vote on its passage.

Mr. CARPENTER. I move a reconsideration for the purpose of allowing me to offer an amendment.

The VICE PRESIDENT. The Senator from Wisconsin moves a reconsideration of the vote on the passage of the bill for the purpose of offering an amendment to it.

Several SENATORS. No, no.

Mr. CARPENTER. I withdraw the motion.

#### AMENDMENT TO APPROPRIATION BILL.

Mr. MORRILL, of Vermont. I desire to give notice to the Committee on Appropriations of an amendment to be offered to the civil appropriation bill, for the erection of an iron fence around Franklin square. I move its reference to the Committee on Appropriations. The motion was agreed to.

#### ORDER OF BUSINESS.

Mr. ROBERTSON. I now move to take up the bill (S. No. 969) to relieve certain persons