

The question being taken by yeas and nays, resulted—yeas 20, nays 36; as follows:

YEAS—Messrs. Anthony, Bogy, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Cooper, Edmunds, Hamlin, Hitchcock, Jones of Florida, Logan, Mitchell, Morton, Norwood, Paddock, Ransom, Saulsbury, Sherman, and Whyte—20.

NAYS—Messrs. Allison, Bayard, Booth, Boutwell, Cameron of Wisconsin, Christian, Cockrell, Conkling, Conover, Davis, Dawes, Dorsey, Eaton, Ferry, Hamilton, Harvey, Howe, Ingalls, Johnston, Kelly, Kieran, Key, McCreery, McDonald, McMillan, Merrimon, Morrill of Maine, Morrill of Vermont, Oglesby, Sargent, Thurman, Wadeleigh, Wallace, Windom, Withers, and Wright—36.

ABSENT—Messrs. Alcorn, Bruce, Cragin, Dennis, English, Frelinghuysen, Goldthwaite, Gordon, Jones of Nevada, Maxey, Patterson, Randolph, Robertson, Sharon, Spencer, Stevenson, and West—17.

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question is on the resolution of the House of Representatives.

Mr. HOWE. Mr. President, if we are to have time to go to Philadelphia, and are to go there for the purpose of that opening on Wednesday, it seems to me very desirable that we should go there on Tuesday; and if we are to go there on Tuesday, that seems to me rather inconsistent with the holding of a session on that day. For that reason I should prefer that the two Houses would adjourn on Monday instead of on Tuesday.

Mr. SHERMAN. I was about to make a suggestion. The House declining to adjourn beyond Friday, we could meet on Friday with the understanding arrived at by general consent that an adjournment should take place from that day until the following Monday. That will accomplish the same purpose. I think with the Senator that we ought to be allowed a full week.

Mr. HOWE. But that was not my point at all.

Mr. SHERMAN. I thought it was.

Mr. HOWE. The question to which I asked the attention of the Senate was how we are to have a session on Tuesday and go to Philadelphia on Tuesday? It occurs to me that we should adjourn on Monday.

Mr. MORRILL, of Maine. I would suggest to the Senator that we can, so far as arrangements are concerned, have two legislative days, Monday and Tuesday, leaving here Tuesday evening in sufficient time to reach Philadelphia on Tuesday evening and at not a very late hour.

Mr. HOWE. At what time will the train leave here?

Mr. MORRILL, of Maine. Say six o'clock.

Mr. INGALLS. Five o'clock.

Mr. MORRILL, of Maine. We can leave at six o'clock and get to Philadelphia by ten o'clock.

Mr. HOWE. Upon that information I will not make the motion I was about to make.

Mr. CAMERON, of Pennsylvania. I think the Senator from Maine is mistaken as to the time it will require to go from here to Philadelphia. We cannot get into Philadelphia comfortably by taking the ordinary trains if we go later than half past one o'clock in the day. If we start at six o'clock we shall not get there till after eleven. We cannot go there in less than five hours, especially when so many cars and trains will be on the road. We shall not be able to do any business on Tuesday. It would be much better to adjourn at once from Monday. I make that motion, to strike out "Tuesday" as the day of adjournment and insert "Monday."

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves to amend the resolution by inserting "Monday" instead of "Tuesday."

Mr. MORRILL, of Maine. If that is founded upon the supposition that we cannot leave here on Tuesday after a convenient session on that day, I wish to say that my belief is, founded upon information which I think to be accurate, that Congress can go there and be taken over in an express-train in four hours, which will leave us a legislative day, and bring us to Philadelphia without any special inconvenience as to late hours.

Mr. CAMERON, of Pennsylvania. There is nothing impossible under the sun; but the trip has not been made lately in four hours, and it never has been done that I know of. I am sure when the road will be full of trains, when a part of the distance it is only a single-track road, no sensible person will be willing to risk his life in going over there in that time. Let us adjourn on Monday, start at a convenient hour in the morning of Tuesday, and reach Philadelphia at a comfortable hour in the evening.

Senators will remember also that the town will be filled with people, and there will be difficulty in getting accommodations, comfortable lodgings, &c. So it will be much better for all of us to start at an early hour of the day and take one of the regular trains, for they are always safer than special trains got up to furnish people cheap travel, when the cars are overburdened with crowds. For many other reasons I submit that the motion I have made is proper.

Mr. MORRILL, of Maine. The Senator does not need to be reminded that the trains are now regularly leaving here in the afternoon at half past five o'clock and reaching Philadelphia at half past ten o'clock. There is no marvel about this. We can leave here at six o'clock and reach Philadelphia at ten o'clock by an express train with perfect convenience; and if there is no disposition to fritter away a day, there is no occasion for amending this resolution.

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

Mr. THURMAN. I hope the resolution will pass just as it came from the House of Representatives. If we agree to adjourn on Monday, I do not know whether the arguments in the impeachment trial will be through—the counsel and the managers will know better—but I am not in favor of limiting them, and it may be necessary for us to sit on Monday in order that they may conclude their arguments, and they ought to be concluded before any other matter intervenes. I hope the resolution will pass just as it came from the House.

Mr. ANTHONY. If the time has arrived for the Senate to commence proceedings sitting as a court of impeachment, I hope we shall proceed in that capacity.

Mr. CAMERON, of Pennsylvania, and others. Let us have a vote on this.

The PRESIDENT *pro tempore*. The Chair understood that this matter was continued by common consent. Unless there is objection the Chair will put the question on the amendment proposed by the Senator from Pennsylvania, to strike out "Tuesday" and insert "Monday."

The amendment was rejected.

The PRESIDENT *pro tempore*. The question is on the resolution of the House of Representatives.

The resolution was concurred in.

Mr. CAMERON, of Pennsylvania. I desire to say to Senators that I am a little careful about my life, and I have arranged to have a special car for myself, which will leave here at about one o'clock on Tuesday, in which I hope that other gentlemen who are necessary to the country will take a seat.

Mr. MORRILL, of Maine. I hope the honorable Senator if he leaves the Senate will be careful to get leave of absence.

Mr. CAMERON, of Pennsylvania. No leave of absence will be required on Tuesday.

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

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

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

The Senate sitting for the trial of the impeachment having adjourned, then resumed its

#### LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative session. The Chair will lay before the Senate a bill from the House of Representatives.

#### HOUSE BILL REFERRED.

The bill (H. R. No. 3368) appropriating \$9,000 to pay the expenses of the select committee to investigate the Federal offices in Louisiana was read twice by its title, and referred to the Committee on Appropriations.

#### WITHDRAWAL OF PAPERS.

On motion of Mr. WRIGHT, it was

Ordered, That Alexander C. Crawford have leave to withdraw from the files of the Senate his petition and papers on leaving copies of the same with the Secretary.

#### REPORTS OF COMMITTEES.

Mr. ALLISON, from the Committee on Pensions, to whom was referred the petition of Laura M. Knowlton, widow of Thomas J. Knowlton, veterinary surgeon Eighth Iowa Cavalry, praying to be allowed a pension, submitted a report thereon accompanied by a bill (S. No. 816) granting a pension to Laura M. Knowlton.

The bill was read and passed to the second reading, and the report was ordered to be printed.

#### EXECUTIVE SESSION.

Mr. PADDOCK. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were re-opened, and (at four o'clock and forty-two minutes p. m.) the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, May 5, 1876.

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

The Journal of yesterday was read.

#### CORRECTION.

Mr. LANDERS, of Indiana. I find that the Journal, as read, is incorrect in this: When the gentleman from New York [Mr. MACDOUGALL] offered a resolution in regard to certain alleged murders in the State of Louisiana, and an amendment was offered by the gentleman from New York [Mr. BEEBE] that the investigation should also embrace

the alleged killing of a negro man and the wounding of eight others at Indianapolis at the late election, the gentleman from New York [Mr. TOWNSEND] said that the killing of that negro was caused by democrats, and the gentleman from Indiana [Mr. ROBINSON] said that he was killed by democratic policemen. I do not find those declarations in the Journal.

The SPEAKER *pro tempore*. There is nothing recorded in the Journal that pertains to that question.

Mr. LANDERS, of Indiana. I desire to inquire of the Chair whether the remarks of those gentlemen ought not to have been a matter of record?

Mr. HURLBUT. Do you want them recorded?

Mr. LANDERS, of Indiana. I do want them recorded. If gentlemen will make such remarks I want them recorded.

Mr. ROBINSON. The statement was true.

The SPEAKER *pro tempore*. The Chair cannot rule on the question submitted by the gentleman from Indiana, [Mr. LANDERS.] At the time the remarks of the gentleman from New York [Mr. TOWNSEND] and the gentleman from Indiana [Mr. ROBINSON] were made they were entirely out of order. Their remarks were not inserted in the RECORD, and it was not proper to put them in the Journal.

Mr. WELLS, of Mississippi. Will they not appear in the RECORD if they are stated by the gentleman from Indiana to-day?

The SPEAKER *pro tempore*. The gentleman from Mississippi understands that as well as the Chair. The Chair cannot entertain the motion to correct the RECORD on a matter that does not appear in the RECORD. In fact the remarks the gentleman refers to were not heard by the House and were not in order. The gavel of the Chair seemed to be the more prominent noise in the House at that time.

The Journal was then approved.

#### PRINTING OF DISTRICT DELINQUENT TAX LIST.

Mr. BUCKNER, by unanimous consent, introduced a joint resolution (H. R. No. 111) as to the printing of the delinquent tax-list of the District of Columbia for 1875; which was read a first and second time.

Mr. BUCKNER. I ask that the joint resolution may be put upon its passage.

The joint resolution was read. It directs the commissioners of the District of Columbia to cause to be published the list of lands and lots in said District delinquent in the payment of taxes for the year 1875 in pamphlet form. It also provides that the printing thereof be done at the Government Printing Office at the net cost thereof, and that three thousand copies of said delinquent tax-list be printed and kept for distribution among the tax-payers of the District at the office of the collector of taxes of the said District.

Mr. BUCKNER. The object of this joint resolution is to carry out the provisions of the tax bill that has gone over to the Senate from this House and to reduce the cost, which has hitherto been very large, of printing delinquent tax-lists for this District. We can save the District \$10,000 by the passage of this joint resolution.

Mr. WALLING. Let us pass it, then.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

#### VENTILATION OF THE HALL OF THE HOUSE OF REPRESENTATIVES.

Mr. YOUNG, by unanimous consent, from the Committee on Public Buildings and Grounds, submitted a report in regard to the ventilation of the Hall of the House of Representatives, accompanied by the following resolution:

*Resolved*, That the sum of \$4,600 be, and the same is hereby appropriated out of the contingent fund of the House for the purpose of securing a more thorough ventilation of the Hall of the House of Representatives; \$1,000 of said sum to be expended under the direction of Professor Joseph Henry, Colonel Thomas L. Casey, Hon. Edward Clark, F. Schuman, and Professor John S. Billings; and \$3,600 under the direction of the Committee on Public Buildings and Grounds, in such manner as they may deem proper in carrying out the purpose hereinbefore indicated.

The resolution was adopted, and the report was ordered to be printed, and to lie on the table.

#### PACKING TOBACCO.

Mr. WALLING, by unanimous consent, presented the memorial of Brooks & Houston, Isaac Eberly & Co., and nine other firms, engaged in the manufacture and sale of tobacco, of the city of Columbus, Ohio, against any change in the mode of packing tobacco; which was referred to the Committee of Ways and Means, and ordered to be printed in the CONGRESSIONAL RECORD.

The memorial is as follows:

Memorial of manufacturers and dealers against any change in the mode of packing tobacco.

*To the honorable members of the Senate and House of Representatives:*

The undersigned manufacturers and dealers in tobacco, of Columbus, State of Ohio, respectfully, but earnestly, petition your honorable bodies to permit the law regulating the manner of packing tobacco to remain as it is at present. They would respectfully represent that a change in the packing of fine-cut chewing tobacco, forbidding the use of large wooden packages, would seriously derange the tobacco business of the country, and cause widespread dissatisfaction to the consumers, who would have just cause to protest against the greatly increased cost of

their tobacco, occasioned by the proposed change in packing, with a knowledge that no portion of such a grievous tax would go into the public Treasury. It is requisite that this kind of tobacco should be kept in a soft, moist condition, which is best accomplished by the use of the large package. No reason can possibly be given for this attempt to radically break up an established trade of the country on the ground of any failure in the payment of tax which we believe is paid to the fullest extent.

#### INFRINGEMENT OF PATENTS.

Mr. HURLBUT, by unanimous consent, introduced a bill (H. R. No. 3370) to amend the statutes in relation to damages for infringement of patents, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The morning hour begins at twenty-three minutes after twelve o'clock, and this being Friday the business of the morning hour is the call of committees for reports of a private nature. The call rests with the Committee on Private Land Claims.

CALEB L. BRAYTON.

Mr. AINSWORTH, from the Committee on Private Land Claims, reported back, with a favorable recommendation, the bill (H. R. No. 1997) to grant title to certain lands to the heirs of Caleb L. Brayton; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### LEGAL REPRESENTATIVES OF ZACHARIAH B. WASHBURN.

Mr. CANNON, of Illinois, from the Committee on Private Land Claims, reported back, with a favorable recommendation, the bill (H. R. No. 3093) for the relief of the legal representatives of Zachariah B. Washburn, deceased.

Mr. CANNON, of Illinois. I am directed by the committee unanimously to report this bill, and I ask that it be passed. There is no question about it; its object is only to perfect the title to about one hundred and fifteen acres of land where, owing to a technical defect, the Department is prevented from granting title.

Mr. BLOUNT. I object.

Mr. CANNON, of Illinois. I hope the gentleman will withdraw his objection. This is a bill to perfect a title merely, and it is unanimously reported. The Government has no interest in it at all; the difficulty in the way of perfecting the title is a technical one. I have here a letter from the Commissioner of the General Land Office in reference to the case.

Mr. BLOUNT. Let the letter be read.

Mr. CANNON, of Illinois. I call for the reading of the letter of the Commissioner.

The SPEAKER *pro tempore*. The bill will first be read.

The Clerk read the bill, as follows:

Whereas on the 20th day of January, 1836, the said Zachariah B. Washburn did enter and purchase, of the proper officers, the west part of the northeast fractional quarter of section 24, in township 18 north, of range 11 west of the second principal meridian, in the district of public lands then subject to sale at Danville, in the State of Illinois, and did thereupon receive a certificate of purchase therefor, in which the said land was erroneously described as the northwest fractional quarter of said section 24, and also a patent therefor was afterward issued to the said Washburn, in which the said lot of land was also erroneously described as aforesaid: Therefore,

*Be it enacted, &c.*, That the Commissioner of the General Land Office issue to the legal representatives of the said Zachariah B. Washburn a patent for the said west part of the northeast quarter of said section 24, in the township and range aforesaid, and that the preamble above herein be recited in said patent.

Mr. BLOUNT. I now ask for the reading of the letter of the Commissioner.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
Washington, D. C., June 17, 1875.

SIR: Your letter of the 7th ultimo has been received, relative to cash entry No. 4147 by Zachariah B. Washburn, January 20, 1836, described as the northwest fractional quarter of section 24, township 18 north, range 11 west of the second principal meridian, Illinois, and said to contain 115.13 acres.

In reply I have to state that from a thorough investigation of this case the following facts appear, namely: That Zachariah B. Washburn paid for 115.13 acres, and received a patent therefor, November 1, 1839; that it is probable a clerical error was made in filling up the entry papers describing the tract as northwest fractional quarter of section 24, when it should have been described as west part of northeast fractional quarter of said section 24.

This appears from the fact that at a subsequent period, namely, November 29, 1836, the said Washburn, with John H. Adams, entered together the greater part of the northwest quarter of said section 24, namely, east half of northwest quarter and northwest quarter of northwest quarter of section 24, as per certificates Nos. 6821 and 6822, which tracts were patented to said Washburn and Adams, November 1, 1839.

Hence there can be little doubt that Washburn intended to enter the west part of northeast fractional quarter of said section 24, containing 115.13 acres, as per certificate No. 4147.

The plat of survey, a diagram from which is hereto attached, shows no other legal subdivision of said section 24 having the same area of 115.13 acres.

On the 12th of November, 1872, the register at Springfield, Illinois, was instructed, in relation to this case, to call upon Mr. Washburn or his grantee to surrender the patent describing the northwest fractional quarter of section 24, and forward it to this Office, accompanied by a deed of relinquishment of the land therein conveyed, together with a certificate of the county recorder of non-conveyance and non-encumbrance of the same, and that upon receipt thereof a new patent would be issued for the west part of northeast fractional quarter of said section 24.

It appears by a communication from you to the register at Springfield, dated March 25, 1871, that said Zachariah B. Washburn has been dead for many years, as also the administrator of his estate; that his heirs have left the country, and that no trace of the patent can be found.

In view of the above showing I have to state that, without being in possession of the patent, this Office can take no further action in the case, and the only remedy

left is for the present grantee to purchase the said west part of northeast fractional quarter from the United States, at the rate of \$1.25 per acre, or to apply to Congress for a special act authorizing this Office to issue a patent to him for said tract. Respectfully,

S. S. BURDETT, *Commissioner.*

E. S. TERRY, Esq.,  
Danville, Illinois.

Town. 18 N., Range 11 W., 2d P. M., Ill.

40 A. Washburn and Adams, Nov. 29, 1836.	E. N. W. 1/4, 80 A. Washburn and Adams, Nov. 29, 1836.	Entered by Washburn, June 20, 1836, as the N. W. fr. 1/4.	24. 80 A. E. fr. N. E. 1/4. George White, May 16, 1836.
No. of entry 1636, Tho. Hathaway, Dec. 23d, 1834. Patented 16 March 1837.	Sec. 24.		

Mr. CANNON, of Illinois. I now ask for the reading of the letter referred to in that communication.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
Washington, D. C., April 25, 1876.

Sir: In the matter of your reference of a letter from this office addressed to E. S. Terry, esq., of Danville, Illinois, dated June 17, 1875, relative to cash entry No. 4147, by Zachariah B. Washburn, dated January 20, 1836, I have to state that this office has no legal authority to take any other action in the case than that expressed in the letter above referred to, which is herewith returned.

Very respectfully,

U. J. BAXTER,  
*Acting Commissioner.*

Hon. J. G. CANNON,  
*House of Representatives, Washington, D. C.*

Mr. BLOUNT. I believe the report of the committee is unanimous.

Mr. CANNON, of Illinois. Yes, sir.

Mr. BLOUNT. Then I withdraw my objection.

The SPEAKER *pro tempore.* The gentleman from Georgia withdraws his point of order, because it was properly a point of order.

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

Mr. CANNON, of Illinois, 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.

#### NORTHWESTERN IMPROVEMENT COMPANY.

Mr. MORGAN, from the Committee on Indian Affairs, reported back, with a favorable recommendation, the bill (S. No. 176) to authorize the Northwestern Improvement Company, a corporation organized under the laws of the State of Wisconsin, to enter upon the Menomonee Indian reservation and improve the Oconto River, its branches and tributaries; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

#### WINNEBAGO INDIANS OF WISCONSIN.

Mr. MORGAN also, from the same committee, reported, as a substitute for House bill No. 1296, a joint resolution (H. R. No. 112) to aid the Winnebago Indians of Wisconsin to obtain subsistence by agricultural pursuits and to promote their civilization; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the resolution of the House of Representatives accepting the invitation of the Centennial Commission to attend the ceremonies to be observed at the opening of the international exhibition of 1876, on the 10th instant, at Philadelphia, and that to that end when the respective Houses shall adjourn on

Tuesday the 9th instant it shall be to meet at twelve o'clock m. on Friday, the 12th instant.

The message further announced that the Senate had agreed to the resolution of the House in relation to the distribution of the reports of the United States geographical survey west of the one hundredth meridian.

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

#### BENJAMIN L. CORNISH.

Mr. HURLBUT, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (S. No. 560) for the relief of Benjamin L. Cornish, late second lieutenant of the Twenty-second Wisconsin Volunteer Infantry; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

#### ADVERSE REPORTS.

Mr. HURLBUT also, from the same committee, reported adversely in the following cases; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 1137) for the relief of Maria B. Lemmon;

The petition of John C. Griffin;

The memorial of John R. Roche;

A bill (H. R. No. 638) for the benefit of Elkanah Huddleston;

A bill (H. R. No. 502) for the relief of Charles D. C. Williams, late a captain of marine artillery;

The petition of Elijah Cudgington, praying Congress to grant compensation for services as a scout and spy;

The petition of Thomas Raines, asking compensation for services rendered the United States;

The petition of Captain James A. Dougherty, asking pay for services as an officer of the United States Army;

The petition of William Witherow, asking pay for services in the United States Army; and

The petition of Mrs. Jane Jamieson, of Green County, Missouri, for relief.

#### BOUNTIES TO SOLDIERS.

Mr. HURLBUT moved that the Committee on Military Affairs be discharged from the further consideration of the following petitions, and that the same be laid on the table:

The petition of 39 citizens of the State of Pennsylvania, asking Congress to grant one hundred and sixty acres of land to all soldiers who have served in the military or marine service of the United States for a period of thirty days and received an honorable discharge; and

The petition of Benjamin Newcomb and 65 others, of Canton, Pennsylvania, late soldiers of the United States, praying for a grant of one hundred and sixty acres of land and an appropriation of \$200 in money to each and all soldiers who served for the term of thirty days either in the military or marine service of the United States and received an honorable discharge therefrom.

The motion of Mr. HURLBUT was agreed to.

#### LEAVENWORTH STREET RAILROAD COMPANY.

Mr. TERRY, from the same committee, reported adversely upon the following; which were laid on the table, and the accompanying report ordered to be printed:

A bill (S. No. 25) granting the right of way to the Leavenworth Street Railroad Company across the Fort Leavenworth military reservation; and

A bill (H. R. No. 156) granting the right of way to the Leavenworth Street Railroad Company across the Fort Leavenworth military reservation.

#### NORTHERN RAILWAY COMPANY OF CALIFORNIA.

Mr. TERRY also, from the same committee, reported back, with a recommendation that the same do pass, the bill (S. No. 153) to grant the right of way for railroad purposes through the United States arsenal grounds near Benicia, California.

The question was upon ordering the bill to be read a third time.

The bill grants the right of way, not exceeding one hundred feet in width, through the lands of the United States included in the military reservation near Benicia, in the State of California, to the Northern Railway Company for the purpose of constructing a railroad, and provides that the said right of way, and the width and location thereof through said lands, and the regulations for operating said railroad within the limits of the reservation so as to prevent all danger to public property, shall be submitted to and approved by the Secretary of War prior to any entry on said lands, or the commencement of the construction of said works; that whenever said rights of way shall cease to be used for the purposes aforesaid, the same shall revert to the United States, and that the right to repeal, alter, or amend the act is reserved to Congress.

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

Mr. TERRY 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.

## NAVAL FISCAL AGENTS IN LONDON.

Mr. BEEBE. I ask unanimous consent to have taken from the Speaker's table and referred to the Committee on Expenditures in the Navy Department, without printing, a communication just received from the Secretary of the Navy.

There was no objection.

The SPEAKER *pro tempore* accordingly laid before the House a letter from the Secretary of the Navy, transmitting, in response to a House resolution of March 21, 1876, copies of all accounts of the Navy Department with fiscal agents of that Department in London, for each year since 1868; which was referred to the Committee on Expenditures in the Navy Department.

## KEY WEST, FLORIDA.

Mr. TERRY, from the Committee on Military Affairs, reported back, with a recommendation that the same do pass, the bill (S. No. 391) to authorize the Secretary of War to purchase a parcel of land on the island of Key West, Florida.

The question was upon ordering the bill to be read a third time.

Mr. RANDALL. I reserve the point of order on that bill, as to its being a public bill.

Mr. TERRY. Let the bill be read.

The Clerk read the bill, as follows:

*Be it enacted, &c.*, That the Secretary of War be, and he is hereby, authorized to purchase, for the use of the United States, at a price which shall be agreed upon between him and the owners, and not to exceed \$2,000, a certain parcel or tract not exceeding five acres of land, claimed by W. C. Malone and wife, lying and situated on the island of Key West, Florida, and adjoining the military reservation on said island: *Provided*, That the title of said parties to said property shall be found to be in all respects good and valid in law and equity. And this authority shall expire at the end of one year from the passage of this act; and the necessary amount of money to pay for the said land, in the event of purchase, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 2. That if the Secretary of War and the owners of said property shall be unable to agree upon a price to be paid by the United States for said land, or if for any reason the United States shall fail to acquire the title to the same within a reasonable time after the passage of this act, then it shall be the duty of the Secretary of War to cause the possession of said property, if the same belongs to the said Malone and wife, or such part of it as is now or may be occupied by the United States, to be restored to them.

Mr. RANDALL. The point of order applies both to the fact that the bill contains an appropriation and that it is a public bill. But the gentleman from Virginia [Mr. TERRY] tells me that the Secretary of War is desirous to have this bill passed; and therefore I withdraw my point.

Mr. RUSK. I renew the point. I must object to any public bill being reported under this call.

The SPEAKER *pro tempore*. The point of order being raised, the Chair feels bound to sustain it, because to allow the presentation of public bills under this call would confuse the two Calendars and give rise to inextricable confusion. The Chair therefore sustains the point of order.

## MAJOR FOSTER A. HIXON.

Mr. THORNBURGH, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (S. No. 333) for the relief of Major Foster A. Hixon, late a paymaster in the Army; which was referred to the Committee of the Whole on the Private Calendar.

## SIGNAL-SERVICE OBSERVATIONS FOR PUBLIC HEALTH.

Mr. HARDENBERGH. I am directed by the Committee on Military Affairs to report back, with a favorable recommendation, the bill (H. R. No. 222) to extend the observations of the Signal Service of the Army so as to benefit the public health.

Mr. RANDALL. That is a public bill.

The SPEAKER *pro tempore*. It is certainly a public bill. The Chair must sustain the point of order.

Mr. RANDALL. I suggest to the Chair that he consider the point of order as raised against all bills of this character.

The SPEAKER *pro tempore*. It has been the practice of previous occupants of the chair to rule out all bills of this character without the point being specifically raised in each case. The Chair will follow that practice.

## JOHN HEBERER.

Mr. HARDENBERGH, from the Committee on Military Affairs, reported back adversely the bill (H. R. No. 2082) for the relief of John Heberer; which was laid on the table, and the accompanying report ordered to be printed.

## THE NATION'S DEBT TO ELIZA POTTER.

Mr. HARDENBERGH. By the unanimous direction of the Committee on Military Affairs I report back, with a favorable recommendation, the bill (S. No. 384) for the relief of Mrs. Eliza Potter, widow of Lorenzo T. Potter, deceased, late of Charleston, South Carolina.

The bill was read. It appropriates \$20,000 to Mrs. Eliza Potter, widow of Lorenzo T. Potter, deceased, late of Charleston, South Carolina.

Mr. HARDENBERGH. Mr. Speaker, it has fallen to my lot, by direction of the Committee on Military Affairs, to report as approved by them this bill for the relief of Mrs. Eliza Potter. It is a Senate bill, having received the unanimous sanction of the Senate, was referred to the Committee of the House on Military Affairs, and is now reported to the House, not alone for its respectful consideration, but its kindly

and generous approval, and I ask in its behalf the attention of Representatives.

It is an anomalous case—stands by itself—and should not be determined by the common rules which apply to losses sustained in war. The evidence before the committee is sufficient to justify us in recommending an appropriation for the relief of the petitioner.

Here was a citizen of the United States in affluent circumstances, fulfilling all his obligations of fealty and duty to the Government for protection in his person and property, residing in a State the people of which had rebelled against the national authority. Amid the tempest of indignation and hate which is gathering about him he maintains his loyalty. His faith and courage never forsake him. He ministers to the sufferings of Union soldiers, prisoners of war; supplies them with money, dresses their wounds, alleviates their pain, and cheers them with the hope of restoration to friends and liberty; and this not for days or weeks, but for months and years.

As the numbers increase and the horrors of war are multiplied, he lavishly expends his time and means in the establishment of hospitals, planning methods of escape, devoting his best energies to mitigating the calamities which attend the fierce conflict of arms. He exposes his life, endures privation and losses, his property is destroyed by national as well as confederate troops, until, reduced to penury and maddened by the frightful experience he has endured, reason fled from her throne and he died a lunatic, bereft when living of all that can render life desirable and without even the consolation of knowing that his country would provide his remains even with a grave. Such was his career, such his history.

Listen, and I will tell you more. His widow, disconsolate and broken down with grief, appeals to that country for a return of only so much of property as will enable her to pass the remainder of her life in repose and comparative tranquillity, and my judgment affirms the suggestions of sympathy and informs me it would be an act of righteousness and justice to contribute to her relief.

Sir, there was a time when this man, this family, were in the enjoyment of every blessing a kind Providence vouchsafes to the most favored of his creatures: position, wealth, and troops of friends. A time came when the life of his country was in danger; when darkness, dismay, and doubt struck terror into the firmest hearts; when friends were faltering and enemies became exultant; when the eye of the patriot was dim with tears and the heart of the philanthropist was heavy with sorrow. With Roman fortitude he adhered to the fortunes of his country and sacrificed his own.

When such an example is presented we cannot disregard the obligations of justice. We may not restore home or lands or houses or kindred; we may not rekindle hopes which have been blasted or renew affections which have been crushed; but we can establish the precedent that this Government will recognize those claims which are based on signal services rendered to the Republic, and that when a citizen has made extraordinary sacrifices involving the total loss of his property his family shall not be permitted to linger in suffering and want.

If the State of New Jersey under the law of necessity had destroyed the property of one of her citizens she would have made compensation for the loss, for the obligation of the State is to protect. But to what State could a citizen of South Carolina apply for the reparation of losses sustained in defending the General Government? South Carolina had repelled the allegiance of all those who bore fealty to the Union.

This petitioner was an enemy to the confederacy, and as such his property was beyond protection—nay, became forfeited. But he was a loyal citizen of the United States, and had a right to security in his person and property, for allegiance and protection are reciprocal.

If there is any reason why, under our Constitution and laws, we are prohibited from recognizing the prayer of this petitioner, then one of the highest attributes of sovereignty is not inherent in the national authority.

It will be time enough to listen to the suggestions of policy when this House finds itself unable to determine the righteousness of matters submitted for its judgment. If we have the power to destroy property we have the power to compensate the owner for it. Whether we will compensate or not depends upon the facts presented. If we shall pass this bill it will be no precedent except where the same facts have occurred, and wherever they have I am in favor of granting relief.

The exigencies of war open the door to innumerable frauds. Individuals advance their interests to the detriment of the public welfare. A good cause may be imperiled by the selfish conduct of those who hasten to change the government when their interests are jeopardized and refuse to submit to any sacrifices for the preservation of the national authority.

If no distinction is to be made between those who cheerfully surrender their lives and their property in order to strengthen the arm of Government in the hour of danger and those who embrace such an hour as the opportunity for their lust of gain, then are republics so far contemptible. They cannot appeal to the noblest instincts which animate our nature.

The nation which deems it impolitic to distinguish between right and wrong in the conduct of its citizens cannot command the devotion or stimulate the enthusiasm of the noblest and best among them. What secured for Rome those marvelous exhibitions of self-sacrifice

which adorn the pages of her history and inflame the mind to generous and ardent sympathy?

To be a Roman citizen was even among barbarians a defense more impenetrable than armor of triple brass. On the desert, in the mountains, among strange races, he who bore that character was protected by an empire that never permitted the meanest of its subjects to feel himself abandoned. It was this consciousness which inspired heroic resolution, gave constancy in suffering, fidelity in temptation, and consolation in death. And shall the American citizen never feel emotions of gratitude toward his Government as such? Is the mighty arm that has subdued a continent powerless to defend one single family? Let it be known and appreciated that this Government represents the concentrated will of the entire people and has a moral as well as a physical power to exercise; that it has not been reserved for great empires in the past to encourage disinterested and generous impulses, and that our Christian civilization is as prompt to recognize the higher virtues of the individual citizen as it is able and willing to reward them.

Mr. Speaker, in the endeavor to discharge the high duties which devolve upon us here, I trust to have discarded in the review of this case all else than the simple obligations of duty to my country. While the records of our unhappy conflict on the fields of civil war are replete with the devotion of woman to the alleviation of its woes, no matter on which side had contended the stricken heroes, this bright and beautiful example of heroic devotion seems to stand aloof from all others in the intensity of its devotion, the wealth of its affection, and the beauty and brilliancy of its example.

Weary and worn with care and trial, a woman clad in the habiliments of mourning for six years past has wended her way to these halls of legislation for the relief so eminently her due. Three times the Senate of her country has approved her case and sent to this House a bill for her relief, and as often has it been postponed, not that it was unjust, but that in the hurry of legislation attention was not given it. With a more than Spartan valor she gave of her time and means to alleviate the sorrows of the wounded and the dying. With a consciousness of her own wealth she lavished all she could utilize in hospital and in prison upon the weary and the wounded, nor limited her charities, her benevolence, and her care to creed or kind. Her cause was for the Union, but in the melting tenderness of a woman's heart she bound alike the wounds of the soldier who was suffering, whether for the Union or for the confederacy. It is a God-like charity which dispenses its awards, and asks not by what bullet stricken amid the iron hail of war.

In behalf of this award the noblest of the land have yielded their expressions of sympathy. Sumner gave to it his unfaltering support. BURNSIDE certifies with earnestness to the debt this nation owes Eliza Potter; and acting Vice-President Wade, when in high authority, pronounced his unqualified approval, and at this session has urged with all his energy that in such a case as this the nation should hasten to discharge its obligation and acknowledge the service so faithfully rendered.

It is a record of woman's work in the civil war. Let it be rewarded as a proud nation should reward it; and by the passage of this bill let this House say that in giving all of wealth and family and home to her country that country will not desert her, but give solace and comfort to her advancing years by an offering substantial upon the altar of its patriotism and its affection. She asks no reward for long service by day or by night in the soldiers' hospital, soothing the wounded and holding converse with the souls of the departing so far as mortals may. Such deeds may not be measured by earthly values; but, when all else of her fortune has been lost, she has a right to ask that you return to her the simple moneys spent in the purchase of medicines administered by her and others in Carolina's hospitals when beyond the reach of the aid or comfort of that Government for whose wounded honor they were suffering in agony and want.

Various characteristics have been awarded this House since entering upon its career of legislation, but I have that faith in its generosity and that reliance upon its magnanimity to believe that, however else we may differ in the common effort to advance the better interests of our country, here at least we may join hands and hearts and votes in the interests of patriotism, of benevolence, and of charity.

Pass this bill, Mr. Speaker, and while you will relieve the suffering you give an example for history at once glowing and beautiful.

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

Mr. HARDENBERGH 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.

#### HEIRS OF GUSTAVUS B. HORNER.

Mr. COOK, from the Committee on Military Affairs, reported back the memorial for the benefit of the heirs of Gustavus B. Horner, and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Revolutionary Pensions.

The motion was agreed to.

#### LIEUTENANT JAMES RANDON.

Mr. COOK also, from the same committee, reported back adversely the petition of Lieutenant James Randon, of Grant County, Kentucky,

for compensation for services as lieutenant; which was laid on the table, and the accompanying report ordered to be printed.

#### DAVID I. EZEKIEL.

Mr. COOK also, from the same committee, reported back adversely the bill (H. R. No. 1882) to authorize the President of the United States to promote First Lieutenant David I. Ezekiel, of the Fourth Regiment of Infantry, United States Army; which was laid on the table, and the accompanying report ordered to be printed.

#### WILLIAM WELSH.

Mr. COOK also, from the same committee, reported back adversely the bill (H. R. No. 1682) for the relief of William Welsh, late a captain in the Twenty-fifth Infantry, United States Army; which was laid on the table, and the accompanying report ordered to be printed.

#### WILLIAM M. MOORE.

Mr. COOK also, from the same committee, reported back adversely the bill (H. R. No. 762) for the relief of William M. Moore; which was laid on the table, and the accompanying report ordered to be printed.

#### LAWRENCE A. WILLIAMS.

Mr. COOK also, from the same committee, reported, as a substitute for House bill No. 1847 a bill (H. R. No. 3371) to place Lawrence A. Williams, late major Sixth Cavalry, United States Army, upon the retired list of the Army; which was read a first and second time.

Mr. COOK. That bill passed the last House unanimously, but went to the Senate too late for action there. It is a meritorious case, and has been unanimously reported by the Committee on Military Affairs. I ask that it be now put upon its passage.

The bill, which was read, authorizes and directs the President of the United States to place on the list of retired officers of the Army the name of Lawrence A. Williams, late major Sixth Cavalry, United States Army, with the rank of major; provided the said Lawrence A. Williams shall be entitled to pay as such only from the date of the passage of this act.

Mr. HURLBUT. That word "directed" should be stricken from the bill.

Mr. COOK. The word "directed" is not in the substitute.

Mr. HURLBUT. If the substitute contains the objectionable word "directed" I must object.

Mr. WILSON, of Iowa. I make the point of order that the bill under the rule must go to the Committee of the Whole on the Private Calendar.

The SPEAKER *pro tempore*. This bill is obnoxious to the point of order and must go to the Committee of the Whole on the Private Calendar, as it makes an appropriation.

Mr. COOK. It merely restores this officer to the Army list.

Mr. BANNING. It does not make any appropriation.

The SPEAKER *pro tempore*. The Chair will read the rule:

All proceedings touching appropriations of money, and all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first discussed in a Committee of the Whole House.

Mr. BANNING. This requires no appropriation of money.

The SPEAKER *pro tempore*. It authorizes the payment of money already appropriated or to be appropriated.

Mr. BANNING. He gets no pay up to this time.

The SPEAKER *pro tempore*. The Chair will sustain the point of order out of abundant caution. The bill will be referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### MILITARY POSTS, YELLOWSTONE AND MUSCLESHELL RIVERS.

Mr. THORNBURGH. I am directed by the Committee on Military Affairs to report a bill (H. R. No. 2118) to provide for the construction of military posts on the Yellowstone and Muscleshell Rivers, with the recommendation that it do pass, and to ask for its consideration at this time. I desire to make a statement in reference to this matter, which I think will be satisfactory.

Mr. RANDALL. Prior to the statement of the gentleman from Tennessee I will reserve the point of order.

Mr. THORNBURGH. If the point of order be made against the bill, it will hold good.

The preamble recites that Lieutenant-General Philip H. Sheridan and Brigadier-General Alfred H. Terry have, in their reports to the Secretary of War for the year 1875, set forth the great importance and immediate necessity of the construction of military posts at certain points on the Yellowstone and Muscleshell Rivers, in the Territory of Montana, and in the military department of Dakota, and such recommendations have been transmitted to Congress with the approval of the Secretary of War.

The bill then appropriates the sum of \$300,000, or so much thereof as may be necessary, for the construction of such military posts or depots, at such points as may be selected by the Secretary of War.

Mr. RUSK. That is general legislation, and not in order on private-bill day.

Mr. RANDALL. I desire to state that this bill involves a large expenditure of money. I suppose it is right in itself that these two new posts should be established on the Yellowstone and Muscleshell Rivers, but the same bill ought also to embrace a provision for the vacation of several other posts, so we may not leave anything to un-

certainty. If we do establish these two new posts, then the six posts which are not now necessary, according to the same evidence upon which this bill is founded, ought to be abolished.

Mr. THORNBURGH. I withdraw the bill if it cannot be considered by unanimous consent. It is important that it should be considered at this time.

Mr. RANDALL. If the gentleman will provide in his bill for the vacation of the six or eight other posts mentioned by the same evidence not to be necessary, I will not object.

Mr. THORNBURGH. I desire to say to the gentleman from Pennsylvania that the Military Committee have considered this question, and believe the particular post to be abandoned by the establishment of these new posts had better be left to the discretion of the military authority.

Mr. RANDALL. I am willing to leave it to their discretion with the assertion in the bill that they shall vacate these six or eight posts.

Mr. MAGINNIS. As soon as possible.

Mr. THORNBURGH. They have said to the Committee on Military Affairs they will abandon certain other posts on the establishment of these new posts.

Mr. BANNING. If the bill is amended as suggested by the gentleman from Pennsylvania it may be passed without objection this morning, and it is important that it should be passed at an early day.

Mr. RANDALL. We have considered this subject in the Committee on Appropriations, and I am not speaking my own judgment, but that of the committee. I understood the gentleman from Tennessee to concur in the opinion these other posts were not necessary.

Mr. HURLBUT. I object to any debate upon a subject not before the House.

The SPEAKER *pro tempore*. There is nothing before the House, the point of order having been made and sustained that this is a public and not a private bill.

Mr. THORNBURGH. I withdraw the report.

JOHN AMMAHAIE OR AMMAHE.

Mr. STRAIT, from the Committee on Military Affairs, reported back a bill (H. R. No. 1075) directing the Second Auditor to settle the pay and bounty account of John Ammahaie or Ammahe, with the recommendation that it do pass; which was referred to the Committee of the Whole on the Private Calendar, and the report ordered to be printed.

JAMES G. WILLIAMS.

Mr. MILLIKEN, from the Committee on War Claims, made an adverse report on the petition of James G. Williams, of Memphis, Tennessee, for pay as scout and guide and for remuneration for property lost in the service of the United States; which was laid on the table, and ordered to be printed.

SEWELL B. CORBETT.

Mr. CABELL, from the Committee on War Claims, reported back, as a substitute for House bill No. 1119, a bill (H. R. No. 3372) for the relief of Sewell B. Corbett, of Alexandria County, Virginia; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. HOSKINS. Mr. Speaker, I am directed by the Committee on War Claims—

The SPEAKER *pro tempore*. The Chair has made a mistake in calling the Committee on War Claims. Other reports from that committee will be received when it is called in its order. The call rests with the Committee on Naval Affairs.

There were no reports from the Committee on Naval Affairs.

REAR-ADmirAL JOHN J. ALMY.

Mr. FAULKNER, from the Committee on Foreign Affairs, reported back, with an adverse recommendation, the joint resolution (S. No. 2) authorizing Rear-Admiral John J. Almy, United States Navy, to accept a decoration from the King of the Hawaiian Islands; and the same was laid on the table, and the accompanying report ordered to be printed.

CÉLESTE M'GOWAN, NOW FREYTET.

Mr. BLAND, from the Committee on Revolutionary Pensions, reported back, with an adverse recommendation, the bill (H. R. No. 2600) granting a pension to Mrs. Céleste McGowan, now Freytet; and the same was laid on the table, and the accompanying report ordered to be printed.

ROBERT M. BARR.

Mr. DAVIS, from the Committee on Revolutionary Pensions, reported back the petition for bounty of Robert M. Barr, father of William B. Barr, deceased, late a private of Company E, Seventy-third Regiment Pennsylvania Volunteers; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

ESTHER P. FOX.

Mr. HENDERSON, from the Committee on Revolutionary Pensions, reported back, with an amendment, the bill (H. R. No. 1238) granting a pension to Esther P. Fox; and the same was referred to the Com-

mittee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. COCHRANE. I ask the Chair whether the morning hour has not expired?

The SPEAKER *pro tempore*. The morning hour has expired.

Mr. COCHRANE. I move that the House now resolve itself into Committee of the Whole on the Private Calendar.

Mr. RUSK. I hope the gentleman will withdraw that motion until the call of the committees is completed.

Several members called for the regular order.

Mr. HOSKINS. I ask the gentleman to yield to me to present two reports from the Committee on War Claims.

Mr. COCHRANE. The regular order having been called I must insist on my motion.

Mr. HOSKINS. I desire to say that before the next regular day for the call of committees for reports of a private nature I may be absent, having been appointed as a member of the investigating committee to go to New Orleans. In view of that fact I ask unanimous consent to present the two reports which I hold in my hand.

Mr. COCHRANE. In consideration of the fact that the gentleman from New York expects to be absent on the next day when committees are called for reports of a private nature, I yield to him; but will yield no further.

Mr. RUSK. I shall object to the gentleman yielding to any one unless the call shall proceed.

The question being taken on Mr. COCHRANE's motion, there were—ayes 67, noes 60; no quorum voting.

The SPEAKER *pro tempore*, under the rule, ordered tellers, and appointed Mr. HOSKINS and Mr. COCHRANE.

The House again divided; and the tellers reported—ayes 76, noes 72.

Mr. SINNICKSON. I call for the yeas and nays.

The yeas and nays were not ordered.

So the motion was agreed to.

Mr. HOSKINS. I now ask unanimous consent to get these reports off my hands before I go South.

Mr. DUNNELL. I object.

Mr. COCHRANE. I hope there will be no objection to the gentleman reporting these matters, as he expects to be absent by the order of the House.

Mr. DUNNELL. I withdraw the objection.

HARRY E. EASTMAN.

Mr. HOSKINS, by unanimous consent, from the Committee on War Claims, reported a bill (H. R. No. 3374) for the relief of Harry E. Eastman, late lieutenant-colonel Second Regiment Wisconsin Cavalry Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SUSAN E. WILLARD.

Mr. HOSKINS also, by unanimous consent, from the same committee, reported a bill (H. R. No. 3373) for the relief of Susan D. Willard, widow of Sylvester D. Willard, of New York; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. NEW. I am in the same situation as the gentleman from New York, [Mr. HOSKINS] being a member of the same committee which is to proceed to New Orleans. With the consent of the gentleman from Pennsylvania [Mr. COCHRANE] and of the House, I will be glad to submit some reports.

Mr. RUSK. If the Committee on Invalid Pensions shall be permitted to report also, I will interpose no objection; otherwise I must.

Mr. COCHRANE. I hope the same privilege will be extended to the gentleman from Indiana as has been to the gentleman from New York, as he is a member of the same committee, and expects soon to leave for Louisiana.

Mr. RUSK. Will the gentleman from Pennsylvania then yield for reports of the Committee on Invalid Pensions to go on the Calendar?

Mr. COCHRANE. I cannot yield for that without yielding for many other things.

Mr. RUSK. Then I object.

Mr. NEW. I submit that the gentleman's objection comes too late.

The SPEAKER *pro tempore*. The Chair must rule that the House has already by vote resolved itself into Committee of the Whole on the Private Calendar, and without unanimous consent the proposition of the gentleman from Indiana [Mr. NEW] cannot be entertained.

PRIVATE CALENDAR.

The House, pursuant to order, resolved itself into Committee of the Whole on the Private Calendar, Mr. SAYLER in the chair.

ARIEL K. EATON AND JAMES D. JENKINS.

The first business on the Private Calendar was the bill (H. R. No. 2829) for the relief of Ariel K. Eaton and James D. Jenkins.

The bill directs the Secretary of the Interior to allow and pay to Ariel K. Eaton, of Osage, Iowa, late receiver of the United States land office at Decorah and Osage, in the State of Iowa, the sum of \$3,600, on