

I think when we regard such statements in connection with this application to be relieved from this loss, or under circumstances of this kind, and remember the fact that this clerk had no connection or communication with the safe or its contents, we must either concede that his chief had no confidence in him or else we must concede that his chief used a little poetic license and drew with a pretty long bow when he put that clause into his affidavit. But he says he was recommended to him by somebody else. That may be. Is the Government to be made liable because this officer trusted to the recommendation of somebody else? The Government made him a paymaster, trusting to his capacity and to his honesty and ability to discharge the duties of the office. I hope it will not be said that gentlemen are appointed paymasters with somebody else to run the office for them; or that they are so appointed with the expectation that somebody else is to run the office. When they give up their own prerogatives, their own right of selection and appointment of their confidential subordinates, that very moment they make themselves responsible for the action of their appointees, or else they must plead the "baby act," and admit that they were not competent to discharge the duties of their offices.

Take another view of it. Here is a strange man, a man not personally known to the paymaster or disbursing officer, who comes seeking a place. He is indorsed by a friend, and comes to secure a position. The disbursing officer says: very well; I have this position in my gift. You recommend this man; I do not know him; he is a stranger to me, and his character for fidelity and honesty is unknown to me. I shall appoint him, but will require, as tellers of banks are required, that you who are responsible for his appointment and who recommend him, shall give to me the same pledge that I am myself required to give to the Government, a bond for the faithful discharge of the duties, and the proper care and disbursement of the money which I shall intrust to him.

Ah! but it will be said there is no law for that; there is no law authorizing such a bond. That there is no statute requiring a man who indorses another to give a bond, or permitting a man who has the appointing power to require as a condition of placing him in that position a bond for the faithful discharge of that obligation. That may be, but nevertheless he may require, as a condition precedent to conferring the appointment, a sufficient bond as a security for himself. Such a bond, although it might not be a statutory bond, would be a bond, I opine, that would be held good as a common-law bond given on the condition that a trust be reposed and made to be in force upon the neglect to perform the duties of that trust.

Now, there is still another objection to this bill which will be apparent, I think, to any gentleman who will read the report of this board of survey. And, by the way, I desire to call attention to this fact, that the robbery took place, it is supposed—and it is all guess-work—on the 1st day of April, 1876. It was discovered on the 3d day of April. The board of survey was not called until the next November. More than six months elapsed. The prisoner, who it was alleged and who confessed that he stole the money, was captured and brought back on the 12th day of April, having been captured in trying to escape across the plains into California, and he surrendered back \$290 of the money. In his confession he admits the stealing of the whole of the money. He says that he stole it from time to time as he required its use.

What is there to contradict the fact that he stole it from time to time? Not one single scintilla of evidence. Paymaster Maynadier swears that he counted his money on the 31st day of March, and that he balanced his books and his accounts at least once every week. Now, let us see how the facts tally with that statement. During the week ending March 31 there were paid into the pay office and placed in the safe of the paymaster, who is the recipient of that fund, the receipts from the sale of a deceased soldier's effects amounting to one hundred and forty-eight dollars and some cents. I do not state the sum precisely, as I am speaking from memory; but whether it be great or small that sum was paid in. Now, if the declaration of the paymaster be true, on the 31st day of March he made a statement of his accounts; he balanced his books; he then found he had in his possession \$4,017 when he should have had in his safe four thousand two hundred and some odd dollars, if no portion of the money had been abstracted. Now, if he examined his accounts carefully as a business man ought to have done he would have discovered that deficit. It is useless to say that that was another fund. It is supposed that the paymaster must be able to account for all his funds; and the balancing of his books shows that this fund was not taken up on his book. Hence it shows that he had received \$148 which was not entered on his books, and \$148 which was not in his safe-keeping; and he did not stop to inquire or to ascertain what had become of it. He made no inquiry of his clerk. He made no investigation. Now, what does that prove? That proves either that he did not use due diligence, or else it proves that he is in error when he says he made that careful statement of accounts.

The board of survey, in order to present their finding in the best shape possible for them upon the facts before them, made such an assumption as Jack Bunsby did: "First, if the vessel had gone down to the bottom of the sea, then the probability was the man would not come back again; but if so be that the vessel had not gone down, then, perhaps, he might come back again." So they assume, if Paymaster Maynadier did make the examination, he must have made it

by looking over little slips and counting packages and making memoranda, and they think that is the ordinary way of making these statements; and if he did make his account and statement in that way, then the possibility might be, and perhaps the probability would be, that certain sums of money had been abstracted from some of these packages. Ergo, the probability was as the possibility might be, that the thing might have been done about which there was no proof whatever. Of course it requires another presumption, that the packages, sealed handsomely and marked, with the Government bands on them, had not been disturbed at all; and there possibly was something else which had deceived the paymaster when he looked over the money, and that is the line of argument that is adopted all the way through that finding of that board of survey to enable them to come to the conclusion that one of their distinguished fellow-officers ought to be excused by Congress from paying the money which his clerk stole.

Now, if these gentlemen themselves represented the funds that were to be paid back to Major Maynadier, if they were willing out of their own funds to reimburse every brother officer on account of any feeling of comradeship, I should say it was very generous in them. But I think very little of the opinion of those who have nothing to do with the responsibility of opening the doors of the Treasury to these claims, when they quietly give us their opinion they think we ought to do it.

Mr. STEELE. I wish to say but a very few words in this case. And I shall in the first place refer to the closing words of the gentleman from Wisconsin [Mr. BRAGG] when he said, "if the men who were in favor of this claim had to pay it out of their own pockets they might not be so glib." That might apply to all legislation equally as well as it does in this case. If this is a just claim against this Government it should be paid, and I for one think it is.

The whole case may be briefly stated. In 1861 Maynadier entered the Army. He served as a gallant soldier till June, 1864, when his time expired. He was appointed a paymaster in 1870, and not being familiar with the class of people competent to act as paymaster's clerks and familiar with the law, he asked the Paymaster-General to nominate a man who was familiar with the law, and who was honest and trustworthy. The Paymaster-General was unable to do that; but other paymasters sitting by came to his relief and nominated this man Chandler as a man in whom he could place entire confidence.

As is usual with officers entering the Army, he was sent to a very undesirable station. I have been there myself and have experienced the same inconveniences that Maynadier experienced. At that time it was necessary, in order to reach those posts, to have from twenty to twenty-six days' ride in an ambulance, through the dustiest possible country and in as hot a climate as we have on this continent.

The Paymaster-General, under the orders of the Secretary of War, said:

Owing to the great distance of this office you are required to keep on hand funds for making certain disbursements.

Now, that is unusual. The law requires where there is in any city or town adjacent a United States depository that the money shall be kept in said depository. The Government provides a safe for the safe-keeping of this money. Maynadier, owing to his limited experience and his overcare, I might say, probably, or on account of his due diligence and extraordinary care, instead of doing as most paymasters do, giving the combination of his safe to his paymaster's clerk, kept it within his own breast. The evidence shows that this man was tinkering and working at that lock. A telegraph operator heard this going on, but when he would go into the room the man would sit down, turning his back to the safe and seem to be reading. And I say right here, Chandler confessed to that after his arrest. On the night of the 31st of March this man Chandler succeeded in opening that safe for the first time. He abstracted the funds from it. The charge that Maynadier had allowed this fund to be taken at different times, so far as I can see in the evidence, is unfounded. There was a \$148 certificate that he should have taken up; but the funds were turned over to the paymaster's clerk and a receipt taken, and the clerk omitted to take up these funds, consequently that clerk had in his possession this amount of \$148 in addition to the amount he stole and went away with. But that was not abstracted from the safe. It never was in the safe. He kept it in his own possession.

This man stole that money the same as any other thief. If he had blown the safe open and taken it it could be no greater offense in the eye of the law than it was, stolen in the manner in which he did commit the theft. The evidence shows that he ran away the same as any other thief; that he was arrested the same as any other thief; and that he was in charge of the United States marshal the same as any other thief; the evidence shows that he was brought back, and of all the funds stolen only \$290 were found on the person of this thief, which amount was turned over to Maynadier. The evidence goes unusually far in this matter, and shows that Maynadier wanted to protect his honor, and rather than have it supposed for an instant he had connived at this work he borrowed the money from his brother officers, or whoever it might have been; it must have been from his brother officers or from the sutlers, because there were no other people there; he borrowed the money, put it on his accounts, and put it in the very safe this money had been taken away from.

He reported this matter immediately to his bondsmen, and his

bondsmen said that he had done wrong, that they wanted the paymaster to give the money back to the different parties from whom he borrowed it, and to report the matter to the Treasury Department and they would stand by him.

It is true that six years have elapsed; but how many are there within the sound of my voice who were soldiers during the late war and have not yet had their accounts settled? The statute of limitations debarred him from going to the Court of Claims. He now comes to Congress the same as any other man having a just claim against the Government.

Major Maynadier asked that a board of officers of his peers be called together to pass upon this claim. That was done; and those officers exonerate him in every particular. The statement which this man Chandler makes that the lock was imperfect, which statement was read by my colleague, [Mr. HOLMAN,] is discredited by the board of officers, who say that it is not true; that they do not place any credence in what the man said in this respect; that the safe was just the same as all other safes which are provided for the use of certain disbursing officers.

Now, this being true, I can see a very good reason why this claimant should be relieved. And I can also see a very good reason why he should not be charged with being a broken-down politician. This thief Chandler, as I have said, was arrested the same as any other thief, and he escaped. The United States attorney of Arizona says:

I saw the written confession made by Chandler, and heard a statement from his own lips, which convinced me beyond a doubt that he committed the offense for which he was in confinement. Aside from this, he informed me that it was his intention to plead guilty to the charge against him on his arraignment before the court.

Chandler was in confinement from the time he was captured until his escape, and I say again that his escape was due solely and only to the criminal negligence of the deputy marshal.

That statement is signed by Everett B. Pomeroy, United States attorney, Arizona. Now this is the whole case. This man Chandler stole this money and made away with all but \$290 of it. Major Maynadier undertook to make it good and his bondsmen objected. This thief escaped punishment the same as any other thief who has escaped punishment.

Major Maynadier should not be held responsible for having been ordered to a post and to keep funds in a safe that could be easily opened, or that could be opened by the most skillful of robbers. I therefore hope that this bill as reported by the Committee on Military Affairs, after a careful examination of the case, will be passed by this House.

Mr. MILLS. I hope the committee will now dispose of this case. We have been two days upon it. There are other bills on the Calendar which should be considered, and I hope the committee will now come to a vote on this bill.

The committee rose informally and the Speaker resumed the chair.

#### MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House, by Mr. PRUDEN, his secretary, who also informed the House that the President had approved and signed a bill and a joint resolution of the following titles:

A bill (H. R. No. 4754) to admit free of duty certain steam-plow machinery now at the port of San Francisco; and

A joint resolution (H. R. No. 140) to print certain eulogies delivered in Congress upon the late Michael P. O'Connor.

The Committee of the Whole resumed its session.

#### WILLIAM M. MAYNADIER.

Mr. WHEELER. I desire simply to say that if no other gentleman wishes to speak on this bill, then as a matter of defense of myself I will state that what the gentleman from Wisconsin [Mr. BRAGG] has said is true; when this case was before the House on a previous occasion most of the reports from which extracts have been read were not then in the Hall library, and I then had had no opportunity of seeing all the reports made by the Court of Claims.

With the investigation which I had the opportunity of making I did not find, as I stated, any case where the Court of Claims had taken jurisdiction of a claim like this.

I was right in my conclusion, but I admit that further and more careful investigation proved that I was wrong in one position I had taken. I promptly corrected my error, and had all the adjudicated cases read from the Clerk's desk, which showed to the House my error. While they showed that one view taken by me on the question of jurisdiction was not sustained by the rulings of the court, they nevertheless also showed that another ground was sustained, and the Hall case (ninth volume, page 273) conclusively shows that the Court of Claims has no jurisdiction of the case we are now considering.

I beg my esteemed colleague on the Military Committee [Mr. BRAGG] to observe that none of the decisions which have been read show that the point I argued on a previous day has as yet been brought to the attention of the Court of Claims, and therefore has never been decided adversely to the view which I submitted to the House. What that tribunal will decree when the question is brought before it, is yet to be determined.

It is always good policy in law to change front as a new phase of a case is developed by new facts or the discovery of new principles. On a former day it was asserted the Court of Claims had jurisdiction

to try this case, and the brunt of the argument was on that question. I endeavored to show that it did not have jurisdiction under the law, and my friends will admit my conclusion was correct. The same gentlemen have to-day argued on a different basis, and I have of necessity suited my remarks to meet the new phases presented.

The distinguished and gallant soldier from Wisconsin, [Mr. BRAGG,] who has illustrated his argument with a military phrase, will admit that this rule must of necessity be adopted in war. There most certainly we must change front to meet any new enemy who presents himself.

I wish to disabuse this Committee of the Whole of any idea that there is any member of the Committee on Military Affairs who has a particle of personal interest in this case. I believe that not one member of that committee has any knowledge of the parties who are the claimants in this case and in the other cases before this House. They simply want to have this case adjudicated in a proper manner. They have simply endeavored to lay the case with all the facts before the committee.

I will quote three or four lines of law which I think are very applicable to this case. The gentleman from Wisconsin has spoken of how it would have been possible for Major Maynadier to have avoided this loss. Judge McLane, in 18 Howard, page 486, says:

After a misfortune has happened it is easy to see how it might have been avoided. \* \* \* But this is not a fair mode of trying a case.

And so I say that it is not a fair mode of trying this case. In volume 4 of the Reports of the Court of Claims, page 506; this rule is laid down:

To require that disbursing officers shall be gifted with prescience, or with power to use superhuman efforts so as to always avoid or prevent loss, would be to exact from mortals the exalted excellence of superior beings.

Then the court lays down this rule in the Malone case, page 489:

Officers should be bound to the degree of care and diligence that a careful, prudent man would require of his agent in the matter of private interest, or exercise in his own affairs.

We have taxed the time of the House to so present the law and facts that we may use this case as a precedent for future action.

The Military Committee have now done their duty, and are relieved from further responsibility regarding this bill.

Mr. HOLMAN. I wish to make an inquiry of my colleague, [Mr. STEELE,] and to make my question intelligible I must read from this report:

In evidence of this the board find that Major Maynadier received on the 7th of March \$147.35 as effects of a deceased soldier, but Chandler neglected to charge him with the amount in that month, and consequently the balance which Major Maynadier reports to have been on hand in safe March 31, 1876, is \$4,081.11, \$147.35 short of the required amount.

Now I want to ask my colleague how he reached the conclusion that the \$147.35 had not been placed in the safe.

Mr. STEELE. This money was in the hands of the clerk and never in the safe; and when the clerk ran away this deficiency was discovered and was afterward certified against the paymaster.

Mr. HOLMAN. This paymaster knew of course that he had received \$147.35 belonging to a deceased soldier; and if that money was not in the safe when he made the count on the 31st of March, that fact should have called his attention to the circumstance that these funds were being abstracted.

I wish to put another inquiry to my colleague. This theft, if it was such, occurred about the beginning of April—from the 1st to the 3d—and this embezzling clerk was captured on the 12th. I believe it is conceded that the body of this money, some three or four thousand dollars, was taken after the 31st of March; yet only \$290 was found in the hands of the clerk when arrested. What had become of this large sum of money in the meantime, between the 3d of April and the 12th?

Mr. HEWITT, of New York. It is a part of the evidence that he was in the habit of gambling.

Mr. HOLMAN. But if this man was addicted to the crime of gambling, that was a fact certainly likely to be known to the paymaster.

Mr. HEWITT, of New York. It broke out spasmodically. [Laughter.]

Mr. HOLMAN. The fact remains that this money, nearly \$4,000, was taken from time to time—not all at once; and the further fact remains that this paymaster, until he voluntarily paid this money, had a complete remedy in the Court of Claims.

It is in vain for us to talk about establishing courts to adjudicate cases of this kind, if, after all, when these courts fail to find judgment for the claimant, or if the party declines to go into the proper tribunal established by us, the magnanimity of Congress is successfully appealed to, and the claim passed here. I think this Committee of the Whole should determine that where a party has had opportunity to go into court and obtain ample and complete redress, there should be an end of the matter, and Congress should not enter upon a rehearing of the case.

Mr. STEELE. I move that this bill be laid aside to be reported favorably to the House.

Mr. HOLMAN. If no other gentleman desires to be heard, I renew the motion which was adopted before by the Committee of the Whole; that the enacting clause of the bill be struck out.

The question being taken, there were—ayes 31, noes 21.



Mr. HENDERSON. No quorum.

Mr. HOLMAN. I hope the gentlemen will not press that point.

Mr. HENDERSON. I do not propose to give up the case on such a vote as that.

Tellers were ordered; and Mr. HENDERSON, and Mr. BRAGG were appointed.

The Committee divided; and the tellers reported—ayes 52, noes 23.

Mr. HENDERSON. I do not insist on a quorum.

So the motion of Mr. HOLMAN was agreed to; and the bill was laid aside to be reported to the House with a recommendation that the enacting clause be struck out.

MAJOR G. W. CANDEE.

The next business on the Private Calendar was the bill (H. R. No. 182) for the relief of Major G. W. Candee.

The bill was read, as follows:

*Be it enacted, etc.,* That there be paid to Major G. W. Candee, paymaster, United States Army, out of any money in the Treasury, the sum of \$2,650, being the amount stolen from him at Fort Arbuckle, Indian Territory, in the fall of 1869, without fault or negligence on his part, and restored by him out of private funds.

Mr. HOLMAN. I call for the reading of the report.

Mr. HENDERSON. The report has been read.

Mr. HOLMAN. The report was read at one time; but I believe it has not been read since the last reference of the bill to the Committee of the Whole.

The CHAIRMAN. The Chair is informed that the report has been read in the Committee of the Whole.

Mr. SPARKS. The present Committee of the Whole has a right to hear the report.

Mr. HOLMAN. I ask when this report was read?

The CHAIRMAN. On the 24th of February, as the Clerk informs the Chair.

Mr. HOLMAN. But after that the bill was sent back to the Committee of the Whole, and the report has never been read since.

The CHAIRMAN. The report will be read, if there be no objection.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 182) for the relief of Major G. W. Candee, paymaster United States Army, respectfully submit the following report:

The committee having fully considered said bill, and all the facts upon which Major Candee bases his application to Congress to be relieved from the loss sustained by him, report said bill back, and recommend its passage.

The facts upon which this recommendation is made are fully set forth in the reports of Major Candee and of the late Paymaster-General of the Army, General Benjamin Alvord, and in the testimonials of officers of high character in the Army, which are hereto annexed and made part of this report.

The committee entertain no doubt of the high character for integrity and fidelity of Major Candee and his clerk, and that said loss was sustained without any fault or negligence of theirs, and believe that under the circumstances he should be relieved from the loss sustained by him.

WAR DEPARTMENT,  
Washington City, January 8, 1880.

The Secretary of War has the honor to transmit to the House of Representatives, for the Committee on Military Affairs, copies of reports of Major G. W. Candee, paymaster, United States Army, and Brigadier-General Benjamin Alvord, Paymaster-General, United States Army, dated, respectively, December 29, 1879, and January 3, 1880, containing information called for under date of December 9, 1879, by the Hon. BENJAMIN LE FEVRE, sub-committee of the Committee on Military Affairs, in relation to the inclosed bill, House of Representatives No. 3049, for the relief of Major G. W. Candee.

ALEX. RAMSEY,  
Secretary of War.

The SPEAKER of the House of Representatives.

COMMITTEE ON MILITARY AFFAIRS,  
HOUSE OF REPRESENTATIVES, U. S.,  
Washington, D. C., December 19, 1879.

SIR: The accompanying bill (H. R. No. 3049) for the relief of Major G. W. Candee, paymaster, United States Army, is before the committee, and referred to me for examination and report.

I respectfully request the following information, viz:

First. The military history of the officer.

Second. Was there a want of reasonable care and diligence exercised by the paymaster, Major Candee, while on disbursing duty at Fort Arbuckle, Indian Territory, at the time \$2,650 was stolen from his safe?

Third. Is much consideration due Major Candee for his promptness in repairing the loss of the amount of money stolen?

Fourth. If no fault is attached to Major Candee, and his reputation is that of a faithful, industrious, and honorable paymaster, would the Department hold it to be an act of justice if the relief asked for in bill H. R. No. 3049 was granted?

I am, sir, very respectfully, your obedient servant.

BENJ. LE FEVRE,  
Sub-Committee.

The Hon. ALEXANDER RAMSEY,  
Secretary of War, Washington, D. C.

[Second indorsement.]

WASHINGTON, D. C., December 29, 1879.

Respectfully returned to the Paymaster-General, inviting attention to the following report:

November 15, 1869, I received orders from my immediate superior officer, Colonel N. W. Brown, Assistant Paymaster-General, United States Army, which orders commanded me to leave my station, Fort Smith, Arkansas, and proceed on a disbursing tour in a prescribed district, and pay the troops stationed therein. For the purpose I took with me \$83,000 in paper currency of the United States, in packages running from \$100 to \$5,000. At the Creek agency, Indian Territory, two companies of the Tenth Cavalry were stationed. In paying the said command I used \$2,350 from a \$5,000 package, which amount paid was marked off the strap that secured the bills; the broken package I returned to the safe and placed it with the unbroken packages forming the top layer; I locked the safe and put the key in my pocket, resumed my journey, arriving at Fort Arbuckle, Indian Terri-

tory, at four o'clock p. m. November 25, 1869. I accepted an invitation extended to me by Captain Joseph B. Rife, Sixth Infantry, to share his quarters during my temporary residence at the post. After luncheon arrangements were made to begin the payment of the troops. I unlocked and took from my safe several packages of money, locking my safe afterward; my clerk assisted in the removing of the straps and placing the bills on the pay-table. When I ceased disbursing for the day I returned to the safe the small amount of money left on the table. As I locked and took the key from the safe, my clerk, Lewis Candee, inquired if I remembered having assorted the broken \$5,000 package. I replied I did not handle it. My clerk secured the straps that were taken from the packages of bills paid out. We retired to my sleeping apartment; my clerk looked over the straps; the one belonging to the broken package was not among the number; the contents of the safe were removed, and no trace of the broken package containing the \$2,650 was to be found. On my return to my station, Fort Smith, Arkansas, I balanced my accounts and found a deficit of exactly \$2,650. It is evident it had been taken from the safe soon after it was opened, and during the few minutes when my clerk and myself had our faces to the pay-table, arranging the bills in rows and piles of their respective denominations. The loss of the \$2,650 being established, my brother, who was then my clerk, insisted that Captain Rife was the thief. I naturally felt that he committed the act, as there was no other way for me to account for the loss, he being the only other occupant of the quarters besides my brother and myself; yet it was a hard matter to charge the officer, whose hospitality I was accepting, as being the thief, when I did not detect him in the act of appropriating the money. In obedience to instructions, my brother went to Richfield, Illinois, and obtained from my father \$2,650, to make good the loss, which amount was deposited with the assistant treasurer of the United States at Saint Louis, Missouri.

It is the unanimous opinion of the officers stationed at Fort Arbuckle at the time that Captain Rife was the person who abstracted the \$2,650, which belief is strengthened by a later act of Captain Joseph B. Rife. While commanding an escort for Major David Taylor, paymaster, United States Army, he took from Major Taylor's pocket during the night, while he was asleep, the key to his safe, opened it, and stole from the only remaining \$10,000 a package of \$1,000, which theft later he acknowledged, and paid back the amount by draft drawn on his brother in Philadelphia, Pennsylvania. At this time Captain Rife was forced to resign on account of serious charges then pending, aside from the theft of the \$1,000. There can be no question; it is plain that he appropriated the \$2,650.

I feel as though I am in no manner deserving of reprehension, and that the desired relief should be granted, as the loss occurred through no fault of my own.

G. W. CANDEE,  
Paymaster, United States Army.

[Third indorsement.]

PAYMASTER-GENERAL'S OFFICE,  
January 3, 1880.

Respectfully returned to the honorable Secretary of War.

As to the military history of Major George W. Candee, paymaster, he was first appointed an additional paymaster February 23, 1864, and was mustered out January 15, 1866. He was afterward appointed a paymaster in the Army January 17, 1867, under the eighteenth section of act of July 28, 1866, which required the vacancies to be selected from those who had served as additional paymasters. His being selected for reappointment exhibits his standing during the war; and his entire course since has been confirmatory of the high character he has always held for probity, vigilance, and intelligent discharge of his duties. Thus I doubt not the affidavits presented by himself and his clerk, Lewis Candee, his brother, deserved to be treated with entire respect. His avowal as to his care, caution, and diligence on the occasion referred to should have great weight. His brother, Lewis Candee, several years clerk to him, stands very high in character.

No report of this transaction was made to this office. Major Candee no doubt refrained from making such report and applied at once to his father for the money to replace the amount, under the supposition that the loss must be promptly made up in order to maintain his record.

I think that consideration is due this officer for his prompt restitution. The claim he has for legislation in this case is not absolute but in proportion to his long and faithful service to the Government.

In private life a rich bank often makes good to a painstaking, faithful teller an amount unluckily paid or lost, when there is unmistakable evidence of high character and fidelity, though the act of the bank must be one not at all founded on legal claims, but prompted by the bounty of the corporation in the spirit of generosity and good policy toward an unfortunate employé.

BENJ. ALVORD,  
Paymaster-General, U. S. Army.

APPENDIX.

DETROIT, MICHIGAN, August 22, 1881.

I certify that during the years 1866, 1867, 1868, and a portion of 1869, I was in command of the posts of Fort Gibson, Indian Territory, and Fort Smith, Arkansas. Paymaster George W. Candee was the district paymaster, and I always considered him as being a man of great probity, and exceedingly correct as a man, and also as a Government disbursing officer. In 1874, 1875, 1876, 1877, 1878, and 1879 I was in command of Fort Randall, Dakota. Major Candee was the district paymaster, and until ordered to Washington paid my post with great regularity. I always considered him a good man, and faithful in the performance of his official duties. His brother, Mr. Louis Candee, who has always been his clerk, is universally respected for his correct habits and great business capacity. I have always considered him as being both intelligent and reliable. Being familiar with their method of doing business, and the very great care taken by them in looking after the public funds while making payments, I am fully convinced that his loss of funds in 1869 was not due to any neglect on their part.

PINKNEY LUGENBEEL,  
Colonel Fifth Regiment United States Infantry.

WAR DEPARTMENT,  
OFFICE OF THE CHIEF SIGNAL-OFFICER,  
Washington, D. C., August 19, 1881.

MAJOR: Having been informed that you contemplate applying to the next Congress for relief on account of money stolen from your safe at Fort Arbuckle, Indian Territory, in 1869, I desire to state that I was stationed in that military department, serving upon various duties, as district commander, post commander, and as superintendent of Indian affairs, during the time you were on duty there, and, having excellent opportunities for observing your conduct at that time, I take great pleasure in thus testifying to your high character for integrity, sobriety, and discretion, and the careful and prompt performance of every duty devolving upon you.

I sincerely hope that your application for relief may be successful, and you are at liberty to make such use of this letter as you may desire.

Very truly, yours,

W. B. HAZEN,  
Brigadier and Brevet Major-General, Chief Signal-Officer, U. S. A.  
Major G. W. CANDEE,  
Paymaster, United States Army.

392 FRANKLIN STREET, BUFFALO, N. Y., August 13, 1881.

I have the honor to state that I have known Major G. W. Candee for a number (ten or more) of years, serving a part of the time in the same department with him. I can testify to his promptness and correctness in business affairs, and his courage and perseverance in traveling over lonely and perilous routes in the Indian country, and to his general high standing as an officer and a gentleman. I firmly believe Major Candee's loss was from causes unavoidable in a frontier country.

D. S. STANLEY,  
Colonel Twenty-second Infantry, Brevet Major-General.

CAMP ON WHITE RIVER, COLORADO,  
August 17, 1881.

COLONEL: It is earnestly hoped by all your friends that the bill will pass for your relief which is now before Congress. Those who have known you for so long a time in the Army can give the strongest assurances of your unimpeachable rectitude and integrity, and in your various important duties you have won their highest respect and esteem.

Very truly, yours,

ORLANDO H. MOORE,

Major Sixth Regiment Infantry, U. S. A.

Colonel G. W. CANDEE, U. S. A.,  
Washington, D. C.

HEADQUARTERS TWENTIETH INFANTRY,  
Fort Brown, Texas, August 28, 1881.

I have known Major G. W. Candee, paymaster, United States Army, for the past nine years. During the year 1873 he paid the troops at Fort Randall, Dakota, and while I exercised command at that post. During the years 1874 and 1875, while I held the position of inspector of the military department of Dakota, I inspected his official accounts. Since 1876 I have not met him, as our stations have been widely apart. My knowledge of Major Candee's official transactions has been quite intimate, and I believe him to be a gentleman of upright character and strict integrity. His clerk and brother, Lewis Candee, I also know well, he having been present and given assistance at the numerous inspections which I made of Major Candee's accounts. He is honest, diligent, and faithful in the extreme.

E. S. OTIS,

Colonel Twentieth Infantry, Commanding.

Mr. CAMP. Mr. Chairman, I desire to state the reasons why I shall oppose the passage of this bill. First, because it seems to me from the report that Major Candee did not exercise proper care in the custody and control of this public money; secondly, because of the time that has elapsed since the loss occurred before claim was made.

I find from reading the report that in November, 1869, Major Candee took \$83,000 with which to pay off certain troops in the West. At the first station at which he stopped he paid \$2,350 from a five-thousand dollar package, leaving in the broken package the amount of \$2,650. He then returned the broken package to the safe and went to his next station, Fort Arbuckle, and there arranged to pay off the troops. In his report he states:

I unlocked and took from my safe several packages of money, locking my safe afterward.

Subsequently, in the same report, he states:

It is evident it had been taken from the safe soon after it was opened, and during the few minutes when my clerk and myself had our faces to the pay-table arranging the bills in rows and piles of their respective denominations.

Now, it appears, Mr. Chairman, this paymaster was at his quarters surrounded by a crowd, not at night, but in broad daylight, opened his safe and took out a certain amount of money, that which would be necessary for the payment of troops at that post. He says in his statement over his own signature he thereafter locked the safe, and subsequently in his report he says that while his back was turned to the safe, and while the door was open, showing he did not lock the safe immediately, this money was abstracted. It was not taken in the night-time, the safe was not burglarized, no defaulting clerk came to relieve him of his funds, but it was in broad daylight, when he and his clerk were present, that this money was taken.

It seems to me very clear if we reimburse officers who allow public funds to be abstracted under such circumstances we are but rewarding carelessness and putting a premium on neglect of duty.

Again, Mr. Chairman, it appears this money was abstracted in November, 1869, and for a period of twelve years this gentleman has slept on his rights. Now, for the first time, as I understand the facts, he comes before Congress and asks for this relief. For six years he had his remedy in the Court of Claims, and he saw fit rather to neglect the opportunity he had to prosecute his claim in a court where, if he had any rights at all, he would have received what he was entitled to, and to wait until the witnesses were perhaps dead, or until it was impossible to ascertain the facts, and then come to Congress and ask this money should be donated to him.

Under these circumstances, it seems to me, this claimant is not entitled to the money which he seeks at our hands. In the first place he did not exercise proper care and diligence, and in the second place he waited too long before asking relief.

Mr. HENDERSON. Mr. Chairman, I desire to occupy but a few moments in the consideration of this bill. When referred to the Committee on Military Affairs we found there a report which had been made by the same committee in the Forty-sixth Congress. I am not now able to state whether this officer ever made application before that time or not, but I believe he did not do so.

I understand these to be the facts. George W. Candee is a man of very high character as an officer. He has received and disbursed large sums of money, traveling upon the frontier and to distant and sometimes even dangerous posts of duty with the large amount of money which has been confided to his hands, and this is the only

instance in which that officer ever suffered any loss. I take it for granted there can be no doubt about his honesty and no doubt about his integrity. If, however, he was careless, as stated by the gentleman from New York, if he did not exercise due diligence and care in the custody of the public funds intrusted to him, he ought not to be relieved by this House. I would not ask the committee to recommend that he be relieved if he did not exercise due care and diligence.

And I say, Mr. Chairman, in regard to our public officers, as I said before, I would even require a high degree of diligence on the part of public officers in the performance of their duty. The conduct of this officer, the great length of time he held the office of paymaster, the large sums of money which he disbursed and paid out as such paymaster, traveling, as I have said, to remote and sometimes dangerous posts for the purpose of performing his duty, and not having met any loss until this, is all in favor of his character for diligence in the discharge of his duty.

Now, sir, what is the evidence? It is very brief. My friend says he was careless, or he did not exercise proper diligence in the performance of his duty. He says there was nobody present; that the door was open, and he thinks he was careless, and this money was lost through carelessness.

Why, Mr. Chairman, the facts in regard to the matter are that this man had accepted the hospitality of a brother officer of the Army and was sharing that hospitality at the time this loss occurred. It does seem to me that it would involve an extraordinary degree of diligence on his part to require him to suspect that an officer of the Army, an officer of rank and standing in the Army and who had a good character previous to that time, would have required watching. Now, Major Candee took this money, broke open a package of \$5,000, and took out \$2,350, as stated by my friend from New York, leaving \$2,650 untouched; and he took the wrapper which had been upon the package and marked it, showing that this sum \$2,350 had been taken out. That money was put in his safe; and while he was there performing his duty, undoubtedly in a manner which was clandestine a brother officer of the Army abstracted the sum of \$2,650; and of course he did not see it done, and because he did not observe the abstraction at that time then are we to say that he did not exercise proper care and proper diligence? Why, Mr. Chairman, I do not understand how a man could very well be engaged in performing the duty which this officer swore he was performing with his clerk at that time, and yet be engaged in the occupation of watching a brother officer who certainly could never have been suspected of being a thief. It seems to me that this officer lost this money under circumstances where any reasonable or prudent man might have lost it. I cannot for the life of me see how it can be otherwise than that any prudent or reasonable man, any man exercising proper diligence and proper care of his funds, might have lost the money in the same way and under the same circumstances Major Candee lost this money.

Now, so much as to that, and it is all I desire to say upon that branch of the subject. I say, Mr. Chairman, that this officer has been recognized as a man who stands high and as a gentleman of position and character in the Army. Now, in regard to the time that this took place. The evidence in this case shows that Major Candee, supposing himself liable for the loss of this money, immediately, when the fact became known that it was lost, dispatched his brother from the place he then was and got the money from his father and deposited it in the sub-treasury at Saint Louis, Missouri, for the express purpose of keeping his record free from any stain and his character free from the shadow of reproach. Believing himself to be responsible for the money, he made the amount good at once. He showed himself not only a diligent man in the care and custody of the money, but a man diligent in keeping the record of his own character free from stain or blemish after the robbery. Now, as to the time. This officer states that he did not even know that he could have a board of review; but, as my friend from Wisconsin [Mr. BRAGG] says, it is possible that the action of this House in passing some claim of this kind did suggest to him the possibility of getting relief from Congress. And, Mr. Chairman, I wish we could make a rule here, a rule which we could follow and which would not be partial to one and unjust to another, but a rule which would relieve uniformly in all cases where relief was proper to be bestowed. And yet, sir, it is very difficult to establish a rule which shall determine exactly what constitutes due care and diligence. I would like to see that established and thereby fix a rule to govern all such cases. But I have seen cases since I have been a member of this House where the claim for loss has been allowed on testimony not near so strong as this or the one rejected by the committee but a few moments ago, and I want this committee to consider carefully this question: Is it proper to relieve officers from such losses under any circumstances when moneys have been intrusted to their care? Is it proper to relieve postmasters who have lost postage-stamps, which they are required to keep in quantities sufficient to supply the demands or necessities of the public, when such stamps are stolen which the law requires them to keep? Is it right to relieve them in such cases? This House has uniformly said that it would relieve all proper cases; that it would extend relief where it was shown that due diligence had been used in the care or custody of Government property. That principle has been acted upon for the six years



that I have been a member of this body. They have always relieved men when due diligence was shown.

I think the weakest point in the case of Major Maynadier, which has been just disposed of, was that he had the right to select his own confidential clerk; and yet we relieved, in my own recollection, the collector of internal revenue at Louisville, Kentucky, in a case where he had the right to appoint his own deputy, and where the law authorized him to take a bond for his security, from the loss of a large amount of money. Still, in that case we relieved this officer for money stolen by his deputy, when he had the right to protect himself by a bond. There are other cases to which I might refer covering the same ground, and therefore I say, Mr. Chairman, there is a possibility of our doing injustice in some of these cases which come before us for consideration, after we ourselves have established the precedent of relieving men in cases where they were allowed by law to protect themselves by exacting a bond from their subordinates.

Now, Mr. Chairman, I want to say that I have no personal acquaintance with Major Candee or with Major Maynadier. I do not know either officer, and prefer that I should not know either; and I do not care what the committee does with this bill; but let us be careful, if we now adopt this policy here, that we observe it in the future when other cases come up; for I know there are many cases that could be cited within my own connection with the House of Representatives where relief has been given when the claim was not so strong nor so strongly fortified as these cases.

With these remarks, if the committee desire to strike out the enacting clause of this bill let them do so; but I, for one, do not agree with them, and do not believe in doing so that we are dealing out even-handed justice.

Mr. BRAGG. I agree with my colleague on the committee, the gentleman from Illinois, [Mr. HENDERSON,] that there have been a great many bad precedents as well as good precedents established by Congress. But each committee is responsible for its own acts and must act upon its own judgment. And because some other committee may have done what ought not to be done in our judgment, we ought not to follow in the same rut because some other committee has preceded us in that rut.

I know nothing of Major Candee except from a casual personal acquaintance. I know of his reputation among those who know him as being a gentleman of high character and one upon whose name, officially or otherwise, I would be the very last to cast the shadow of a reproach; but that does not necessarily lead me to the conclusion because he asks, twelve years after an alleged loss of money, that Congress shall make that money good to him that I must vote for it. I must vote on his case upon the facts that he presents to the committee for its consideration. And I would desire that the committee should be uniform in its action. We have already expressed our opinion upon the merits of a case that comes here fortified by an affidavit, fortified by a report of a board of survey, which is the military tribunal to ascertain all the facts connected with a loss under circumstances of this kind, and the committee have decided adversely to the allowance of such a claim. Now, what are we asked to do? We are asked to make an allowance of a claim that comes here without a single affidavit to support it.

Mr. HENDERSON. The report shows affidavits were made.

Mr. BRAGG. The report of the Committee on Military Affairs contains simply statements and certificates of character without a single affidavit attached to the report, and without showing that one was ever presented to the committee.

Mr. HENDERSON. The report of the Paymaster-General shows that affidavits were made.

Mr. BRAGG. The report of the Paymaster-General states that he saw an affidavit made by the brother of the officer who now asks this claim to be allowed. But in returning the official papers which are to support this claim no such affidavit is presented; and perhaps we might be authorized to say that that might be a slip of the pen of our friendly Paymaster-General when he made that certificate, because it would be difficult for us to presume that a case that was presented for allowance to Congress should have all of the testimony that was to support it left out, so that we should have to rely merely upon a letter of the Paymaster-General, who knew nothing of the facts, to supply the place of the evidence which otherwise it was in the power of the claimant to furnish in support of his claim.

The statement of Major Candee is a statement not verified by oath. The statement of Major Candee does not show that he knew when he lost the money. The time when he lost the money in his own statement is fixed by guess. He does not know of any time that he lost it. He lost it when he and his clerks sat with their backs to an open safe, arranging the bills in piles ready to make the payments. But whether it was so stolen he does not know. Neither did he discover that it had been stolen until some time subsequent to that. Who stole it he does not know; but it seems to me to be assumed that it was stolen by a captain of the United States Army. Why should it be so assumed? Why, because at some subsequent time, which is not stated by anybody, that same captain stole other money. Ergo he must have been the man who stole this money. There is no proof to show that he was in a position where he could have reached the funds. There is no proof here to show that the clerk himself did not steal the money except the certificate that he was a man of reputed good character and integrity. So we are asked

to pass this claim upon the declaration of the party that he lost the money, not knowing when he lost it. But he thinks he must have lost it at a particular time, and that somebody must have stolen it, because at some other time that same man stole money. Therefore we are to draw an inference and convict Captain Rife of larceny because Major Candee does not see how else he could have lost the money.

If we were proceeding to try Captain Rife on the statement here that it was the unanimous opinion of the officers at some later period in the history of Captain Rife that he was the man that was guilty, I would like to know how such a declaration as that would be received by a jury of which my distinguished colleague, the gentleman from Illinois, was foreman, as evidence to convict Captain Rife or anybody else.

The truth is, this is the case of a man who lost his money without knowing when or how he lost it, and he applies to Congress hoping that in a sentimental mood Congress will return to him a loss he has quietly submitted to since it took place in 1869; that this loss will be made good to him, as General Alvord says, out of the kindness and generosity of our hearts.

My friend from Illinois asks what greater care could Major Candee have used? How could he be expected, he says in substance, facing one way at the money table arranging his money and his bills, to be able to keep his eye on his safe to see that no money was abstracted from it? I can answer my friend, and I think the answer is entirely satisfactory, that when he left his safe he should have left his safe, if he left his money remaining in it, locked, and not unlocked, with the door open, subject to pilfering by any person who might be passing by while he was attending to his business at the pay-table in another part of the room. It is stated in the declaration of the claimant himself, that that was the only time known to him when a larceny could have taken place, when the safe door was open, and while he with his back and his clerk with his back to the safe were engaged in arranging the money by denominations and packages relative to the payments to be made.

In my judgment this case is not nearly as strong as the one which was presented a short time since by my friend and colleague on the Committee on Military Affairs, the gentleman from Alabama, [Mr. WHEELER,] the case of Major Maynadier; and yet the Committee of the Whole in that case decided to strike out the enacting clause of the bill. Now, acting upon the suggestion of my distinguished colleague, the chairman of the Committee on Military Affairs, that the action of the committee should be uniform, I move that the enacting clause of this bill be stricken out.

Mr. HENDERSON. Will the gentleman yield to me for a moment?

Mr. BRAGG. Certainly; I withdraw for the present the motion to strike out.

Mr. HENDERSON. The gentleman from Wisconsin says that here is an officer appealing to Congress for relief in a case where he does not even know how he lost his money. If the gentleman from Wisconsin had read the report carefully he would have seen in the report made by the Paymaster-General in the Army that the affidavits of Major Candee and his brother accompanied the statement; and the Paymaster-General refers to it. The Paymaster-General says:

I doubt not the affidavits presented by himself and his clerk, Lewis Candee, his brother, deserved to be treated with entire respect.

Those are the affidavits which accompanied the report made by Major Candee to the Paymaster-General.

Mr. BRAGG. Let me make a suggestion to my friend. Is it not rather reflecting upon the judgment of the Committee on Military Affairs to say that it was reported by a letter to it that certain evidence or affidavits exist in some Department of the Government relative to the loss of this money, and the committee omitted to call for those affidavits?

Mr. HENDERSON. I think the committee was perfectly satisfied in regard to the statement, so far as that is concerned. I think the affidavits were all with the committees which have examined this case; but the papers are not here. I looked for them, but was unable to find them. But that there were such papers I have no doubt at all.

I adopted the report made in this case by a member of the Committee on Military Affairs of the last Congress, and who is now a member of this House. I believe this bill has passed the Senate, and is now on the Speaker's table. So far as that is concerned I do not think there is any reason to doubt that the money was taken from Major Candee.

I only rose at this time for the purpose of stating that this officer tells exactly what he did with his money, and that he then locked his safe, proceeded on his journey, and when he got to Fort Arbuckle he, the next day, the 26th of November, his safe not having been disturbed in any way, and still being locked, unlocked the safe and proceeded with the discharge of his duty. He says that after taking out the money he did lock the safe. So that part of the statement of the gentleman from Wisconsin [Mr. BRAGG] does not seem to be in accordance with the report.

Mr. BRAGG. This is what Major Candee says:

It is evident it [the money] had been taken from the safe soon after it was opened, and during the few minutes when my clerk and myself had our faces to the pay-table arranging the bills in rows and piles of their respective denominations.

Mr. HENDERSON. Yes; but he says also:

I unlocked and took from my safe several packages of money, locking my safe afterward.

Mr. BRAGG. But not at that time.

Mr. HENDERSON. Yes.

Mr. BRAGG. Then that would demonstrate that the money was not taken from the safe at that time. I move that the enacting clause of this bill be stricken out.

The question was taken; and upon a division there were—ayes 57, noes 9.

So (no further count being called for) the motion to strike out the enacting clause was agreed to.

SAMUEL W. DABNEY.

The next business on the Private Calendar was the bill (H. R. No. 3547) authorizing Samuel W. Dabney, United States consul at Fayal, to accept a gold medal from the French Republic.

The bill was read, as follows:

*Be it enacted, &c.,* That Samuel W. Dabney, United States consul at Fayal, be, and is hereby, authorized to accept from the President of the French Republic a life-saving testimonial gold medal for gallantry in rescuing four seamen of the French bark Jacques Couer, wrecked at Fayal on the night of November 30, 1880.

There being no objection, the bill was laid aside to be reported favorably to the House.

CAPTORS OF THE RAM ALBEMARLE.

The next business on the Private Calendar was the bill (H. R. No. 676) to refer the claims of the captors of the ram Albemarle to the Court of Claims.

Mr. ROBESON. The gentleman from Massachusetts, [Mr. HARRIS,] the chairman of the Committee on Naval Affairs, who has this bill in charge, is absent on public duty, and has requested me to ask unanimous consent that it be passed over informally, to retain its place on the Calendar.

There was no objection, and it was so ordered.

SABIN TROWBRIDGE.

The next business on the Private Calendar was the bill (H. R. No. 2036) for the relief of Sabin Trowbridge.

The bill was read, as follows:

*Be it enacted, &c.,* That the Secretary of the Treasury be, and he hereby is, directed to place to the credit of the Post-Office fund the sum of \$214; and the Auditor of the Treasury for the Post-Office Department is hereby directed to credit Sabin Trowbridge \$214 in his account as postmaster at Lee Center, Illinois, being for postage-stamps stolen from said office without fault or neglect on the part of said postmaster.

Mr. HOLMAN. Inasmuch as we have passed a general law covering all claims of this character, I hope the gentleman reporting this bill will move that it be laid aside to be reported to the House and laid upon the table.

Mr. BROWNE. In the interest of economy I move to strike out the enacting clause.

Mr. HENDERSON. I hope the gentleman will not do that, because it might prejudice the claim before the Department.

Mr. BROWNE. I do it in order to save discussion. That will be the result any way.

Mr. HENDERSON. I am willing that this bill be reported back to the House with the recommendation that it lie upon the table without prejudice. I make that motion.

The motion was agreed to.

Mr. BROWNE. I rise to a parliamentary inquiry. Did the Chair recognize the motion I made to strike out the enacting clause?

The CHAIRMAN. The Chair did not understand that the gentleman from Indiana [Mr. BROWNE] had the floor.

HENRY MULLEN.

The next business on the Private Calendar was the bill (H. R. No. 1399) for the relief of Henry Mullen.

The bill was read, as follows:

*Be it enacted, &c.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to allow Henry Mullen, postmaster at Columbia, Pennsylvania, a credit in the settlement of his account of \$1,464.26, the same being the amount of money-orders, postal funds, and postage-stamps stolen by burglars from the office safe, by blowing up the same, on the night of April 30, 1880, without any fault or negligence on the part of said postmaster.

Mr. SPRINGER. The case to which this bill refers is covered by the general bill, which has passed both Houses and gone to the President.

A MEMBER. It is not signed.

Mr. SPRINGER. But it will undoubtedly be approved; it passed both Houses unanimously. It covers this case precisely. As soon as that bill is returned with the signature of the President, it is my intention to move a resolution that the Clerk be authorized to transfer the papers in all cases of this kind from the House to the Postmaster-General. As this case is covered by that general bill, I suggest that it be reported to the House with a recommendation that it lie on the table.

Mr. TAYLOR. I think there may be some mistake in regard to the statement of the gentleman from Illinois, [Mr. SPRINGER.] This bill includes postal funds, and the bill recently passed does not.

Mr. SPRINGER. Let the bill be again read.

The Clerk again read the bill.

Mr. TAYLOR. This case would not come under the general bill.

Mr. SPRINGER. I think there is a clause in this bill that is not in the general law. "Postal funds" is the phrase, I believe.

Mr. TAYLOR. Yes, sir.

Mr. SPRINGER. Then I suggest that the report be read in this case and the bill considered.

The report was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 1399) for the relief of Henry Mullen, have had the same under consideration, and beg leave to submit the following report:

On the night of April 30 1880, burglars forcibly entered the post-office at Columbia, Pennsylvania, and stole therefrom \$1,464.26, consisting of postal-money funds, postal funds, and postage-stamps.

These funds and property were locked in a safe furnished by the Post-Office Department for the use of the office at Columbia. The safe was blown open with gunpowder by, as the proof shows, expert burglars.

Henry Mullen was the postmaster at Columbia, and exercised all practicable caution in the care of the funds of the office. Of this the proof is satisfactory, and that the robbery was without fault on his part.

The committee therefore report back the bill, with the recommendation that it do pass.

Mr. TAYLOR. I move that this bill be laid aside to be reported to the House with a recommendation that it pass.

Mr. HOLMAN. I had supposed that since the action on the general bill all these special bills would be reported to the House and laid on the table.

Mr. TAYLOR. It will be remembered that in the general bill this item of postal funds was, against the protest of some of us, omitted. Why any one in the House should wish to pass the bill after that omission I do not know; for every case involving postal funds, as nearly all these cases do, is still left to trouble the House just as much as before. A portion of the money in this case was postal funds, and therefore the case would not be covered by the general bill to which the gentleman from Indiana refers.

Mr. HOLMAN. Will the gentleman from Ohio state what is covered by that general bill? It covers postage-stamps, I believe.

Mr. TAYLOR. It covers every kind of funds except those called technically postal funds; I mean to say money-order funds.

Mr. HOLMAN. I suggest to the gentleman from Ohio that if there is such a defect in that general bill it ought to be corrected at once. The intention undoubtedly was—

Mr. TAYLOR. The attention of the House was called to the fact at the time.

Mr. MILLS. And "postal funds" was struck out.

Mr. HOLMAN. There seems to be no reason for the discrimination.

Mr. BUCKNER. I suggest that the passage of the general bill does not oust the jurisdiction of this House. If we are satisfied this claim ought to be allowed we had better pass this bill, because really the general bill is not yet in force. The President has not signed it.

Mr. HOLMAN. But he probably will.

A MEMBER. He has signed it.

Mr. HOLMAN. I should be very glad if the general bill covered this claim, for the reason that the gentleman reporting this bill has not thought proper to furnish the House with any data whatever upon which the Committee of the Whole can intelligently act. The statements of the report are so general as to furnish us no information whatever. I have seldom had occasion to examine a report that consulted brevity so completely. Generally it is deemed important the House should know upon what data the committee reporting the bill has acted. Here there are no affidavits, no statements from the Post-Office Department—simply the conclusion, very briefly expressed, of the committee. I submit to my friend from Ohio, [Mr. TAYLOR,] who made the report in this case, that he can scarcely ask the Committee of the Whole to pass a bill of this kind without some data upon which to base its judgment. There is nothing in the report indicating the character of the testimony, whether by affidavit or letter, or statement from the Post-Office Department, or investigations by officials of that Department. We have simply the conclusion of the committee reporting the bill.

Mr. TAYLOR. Mr. Chairman, the papers in this case consist of the affidavits of the party, and I think other persons, showing very clearly the manner in which the loss occurred, with the amount of the loss in detail. There is also the report of the special agent showing the results of his examination. No case concerning post-offices more satisfactory in every detail and every fact than this, I might perhaps say none equally so, has come under the eye of the Committee on Claims.

It was my own personal fault, because I had not time or did not think of the matter. I did no more than say in this report, as I originally made it, what was the result of all this evidence. The papers, however, are on file and will show what I have stated.

Mr. HOLMAN. I hope the gentleman will have the report of this special agent read. He will perceive there is nothing but mere conclusions stated in the report.

Mr. PEELLE. In order that there may be no misunderstanding when we come to consider the Private Calendar in the future I desire to explain the bill which will be reported as having been signed today or to-morrow and become a law. That bill simply includes postage-stamps, envelopes, newspaper wrappers, postal cards, and money-order funds; nothing more. The reason why the committee did not report the bill to include postal funds was because we did not think it wise to furnish an opportunity for a possible defaulting



postmaster to cover up his losses in case of burglary or fire, whereas money-order funds can always be ascertained by the reports which are required to be made, and postal cards and stamps can be ascertained by virtue of the requisition required to be made at the end of each quarter.

Mr. TAYLOR. Please state what postal funds technically are.

Mr. PEELLE. As I understand postal funds it means funds which are recieved from the sale of stamps, newspaper wrappers, and box-rents—everything in a word except money-order funds.

Mr. ROBINSON, of Massachusetts. My attention has been called to this matter on other occasions by the action of the different branches of Congress on bills of a character like this, and I have found in many instances Congress has refused to pay back money which was taken under circumstances like the present, although the claimant asserted the money was the proceeds of the sales of postage-stamps. The policy of Congress has seemed to be it would be unsafe to go into an allowance of moneys which might be taken, because, as we all know, in many instances the postmaster is a storekeeper, and mingles, or it may be assumed he does, the funds of his office with the funds of his store. It would be difficult to prove the precise property he could recover the value of. The rule has been general, in cases of this kind, Congress did not allow for the loss of money, although it was claimed that money came from the sales of stamps and cards. Whether it is just or not, I make the statement so we may understand it.

Mr. TAYLOR. That is not correct, so far as this Congress is concerned, for they have acted differently several times. And again, in this very case the postmaster was so careful and the transaction was so open and plain, there was no doubt left in the minds of the committee but this ought to be paid. I suggest, regardless of what the law is already passed, or whether it is a law or not, this bill may be acted on without injury to any interest. And therefore I move it be laid aside to be reported to the House with the recommendation it do pass.

Mr. HOLMAN. Let the report of the special agent be read. Gentlemen will see there is substantially nothing in this report. If he has the report of the special agent let it be read.

Mr. TAYLOR. The gentleman from Pennsylvania who introduced the bill will dispose of the matter, as I am so hoarse to-day I cannot speak to be heard.

Mr. SMITH, of Pennsylvania. In this matter, Mr. Chairman, in relation to the postmaster at Columbia in my district, I will say that the case was thoroughly investigated at the last session and received a favorable report. The Postmaster-General sent a special agent to Columbia who made a full and exhaustive report of the facts. It has been ascertained the burglars were arrested and are now confined in jail at Easton. Requisition was sent to the keeper of that jail that as soon as the term of their imprisonment expired notification should be given, and they would be then arrested and tried for this burglary in Columbia. They have not as yet served out the term of their present imprisonment. The burglary was an ingenious one, and the safe was a good one. It was furnished by the Government. The postmaster exercised, as the report shows, the utmost care and diligence. The fault is not to be traced in any way to him.

The facts were very carefully reported and no difficulty was had on the part of the committee in making their report, which they did unanimously at the last session of Congress as well as at this.

Mr. ROBINSON, of Massachusetts. State how large a portion of this sum of \$1,464.26 was cash and how much stamps.

Mr. ATHERTON. We would like to hear over here as well as on the other side what is going on.

Mr. ROBINSON, of Massachusetts. I desire to say I am informed by the committee that the affidavit showing the distribution of this will be here in a moment; that it has been sent for in the committee-room.

Mr. ATHERTON. What is understood to be the difference between postal-money funds and postal funds? Why are those terms used?

Mr. SMITH, of Pennsylvania. All that appears in the evidence.

Mr. ATHERTON. Will the chairman tell us what is the difference between postal funds and postal-money funds?

Mr. TAYLOR. It has been stated already.

Mr. SMITH, of Pennsylvania. There is no difficulty about it. All these funds belong to the Government. That was the fact that was ascertained beyond all question by the agent sent there by the Post-Office Department to investigate the loss.

Mr. ATHERTON. May that not be a question? If the postmaster, for instance, sells a certain amount of postage-stamps and the money received from their sale is stolen from the office in connection with other things, might it not be a question as to who the money belonged to? How are you to tell when a sum of money is stolen what portion of it belonged to the Government and what part belonged to the postmaster himself?

Mr. SMITH, of Pennsylvania. That must be done by the agent. We must rely upon him. He has the testimony of the postmaster; he has the testimony of the witnesses to the fact. He is sent there by the Department with instructions to make a full and careful investigation. He goes and makes his report upon evidence which is accessible. Of course you cannot go, nor can I go to ascertain the facts. I was not present. I must take the evidence that is presented. No one here was present at that examination; but we have here the

report of an officer who was sent there by the Department, who, after making a careful and full investigation and taking testimony upon the subject, submits a report to the Government which eventually comes to the House, and by the House is referred to the committee. Now, two committees have acted upon this report; and the bill which has been presented is the result of the report made by the special agent of the Post-Office Department. That evidence we are compelled to rely upon.

Mr. ATHERTON. I should like to rely upon the record of facts, which should be contained in the report of the committee. Now what are the facts which they have found, but which they do not lay before the House? It seems to me that the criticism made upon the report of the committee is an eminently proper one, and also that reports in this form should not be presented. You present here no evidence for the action of this Committee of the Whole House. You present simply the conclusion at which your committee has arrived. The House acting as in Committee of the Whole might want to act in reference to the facts presented to the committee in the first instance, and not upon the conclusions arrived at by the committee itself.

Mr. SMITH, of Pennsylvania. Let me say I did not make the report. I simply introduced a general bill. The report came from the committee. That general bill is in accordance—

Mr. ATHERTON. What I was going to suggest to the chairman of the committee, and what would seem to meet the approbation of the House, is that the bill should be recommitted to the committee for this reason, that a portion of the substance of the bill is covered by the general law. As I understand it the postage-stamps are embraced in the general law, and a portion of the loss here incurred. Now, that item could be well left out of the report altogether, and let it be covered by the general law; and then we could ascertain how much of this amount was money-order funds, if that is a distinct fund from the postage funds. Then, too, let the committee state on what evidence they acted; what facts they had before them, and how they were enabled to arrive at that conclusion. I now give notice that I shall at the proper time, if in order, move to recommit this bill to the committee.

Mr. SPARKS. I apprehend the gentleman from Ohio is mistaken. The gentleman from Pennsylvania is not the chairman of the committee, but simply introduced the bill.

Mr. ATHERTON. Pardon me, then; I was mistaken.

Mr. SPARKS. The gentleman from Ohio [Mr. TAYLOR] reported the bill, and he can probably give the information required.

Mr. ATHERTON. But it should be in the report.

Mr. SMITH, of Pennsylvania. The report shows their conclusion, based on the evidence.

Mr. ATHERTON. The committee should incorporate in their report something of the facts on which they base their conclusion. We are not supposed to know what was in the mind of the committee.

Mr. TAYLOR. I will state to my colleague from Ohio that it is not in the mind of the committee alone, but in the affidavits on file which are a part of the case, to which he can turn and from which these facts will be ascertained as well as from the report. Now, this evidence is accessible. It has been called for and I suppose it is here. If not it will be in a moment. The report of the officer and the affidavits and evidence obtained by the officer sent there by the Department are the facts suggested in the report on which the committee acted. That evidence will be here directly.

Mr. ATHERTON. Then I would suggest that this bill be passed over informally for the present or recommitted. The Committee of the Whole House should have the facts, and I hope there will be no objection to recommitting the bill.

Mr. SMITH, of Pennsylvania. I move that it be passed over for the present informally.

Mr. CAMP. I desire to suggest to the gentleman from Ohio that it is not an unusual thing for the committees of this House to report their conclusions without embodying the evidence upon which they are founded. That is certainly the case with the Committee on Elections. It presents its conclusions to the House, and action is taken upon that report in that form. The committees receive the evidence and consider the facts which are presented, and report their conclusions to the House; and it is rather an unusual thing for the committees to report the evidence to the House. They arrive at certain conclusions from the evidence, and it is upon that we have to act.

I desire to suggest further to the gentleman from Ohio, as it is proposed to have this case postponed, because there is another bill pending which may some time become a law if it is not to-day, that it may become a law or it may not become a law. If the President signs it, this general bill to which he refers will become a law. If he does not sign it, or if he chooses to veto it, it may or may not become a law. But it is not the law to-day, and is not applicable to the present case.

Mr. ATHERTON. Let me correct the gentleman from New York; as I understand it, the bill is already signed by the President and is a law.

Mr. CAMP. Then the gentleman has information which I was not in possession of. I was mistaken.

Mr. TAYLOR. I understand it has been signed to-day.

Mr. ATHERTON. So I have understood.

Mr. CAMP. Possibly it has been signed. I was not aware of the fact. The gentleman has been a little previous and ascertained the fact in advance of me. At any rate, however, we do not know that fact officially.

Now, we have the report of this committee, showing the result reached by them upon the facts submitted to them, and it seems to me that should be sufficient, and certainly there is no reason why we should not take action upon the bill in view of that report. There is no reason for delaying action upon it.

Mr. ATHERTON. Let me ask the gentleman a question. Is it not true that the committee will not exhibit the report and evidence which record the facts upon which they found their conclusions?

Now, I do not pretend that it was necessary to report all the evidence, but to report the facts that they find with some reference to the evidence upon which they found them is usual, and the thing which the House ought to require and which every committee ought to give heed to in their reports, in my opinion. And I think that is neglected in this report in a way that is peculiar, and in a way you would not see followed in many reports of committees.

Mr. ROBINSON, of Massachusetts. Let me suggest that this matter be passed over for the moment and that we take the next case until the papers are here.

Mr. MILLS. I move that the committee rise.

Mr. SMITH, of Pennsylvania. Oh, no; let us pass this over for the present and go on with the next bill on the Calendar.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RICH reported that the Committee of the Whole House on the Private Calendar had had under consideration sundry bills and had directed him to report the same back to the House with various recommendations.

#### SESSION FOR DEBATE.

Mr. ATHERTON. I move that when the House adjourns it be till to-morrow with the understanding that the session of to-morrow shall be for debate only on the Chinese bill.

The SPEAKER. The Chair does not think that that is in order as a motion.

Mr. ATHERTON. Then I ask that that order be made by unanimous consent.

The SPEAKER. The gentleman from Ohio asks unanimous consent that on to-morrow no business shall be in order except debate on the bill (S. No. 71) to execute certain treaty stipulations relating to Chinese. Is there objection? [After a pause.] The Chair hears none, and such will be considered the order for to-morrow.

#### MAJOR W. M. MAYNADIER.

The SPEAKER. The first business reported from the Committee of the Whole House on the Private Calendar is the bill (H. R. No. 670) for the relief of Major William M. Maynadier. This bill is reported by the committee with the recommendation that the enacting clause be stricken out, which amounts under the rules to a rejection of the bill.

Mr. BRAGG. I move the previous question.

The previous question was ordered.

The SPEAKER. The previous question having been ordered, the first question to be submitted is on the recommendation of the Committee of the Whole House, which is that the bill be rejected, that being the effect of the motion adopted in the committee.

The question being taken, it was decided in the affirmative, and the bill was rejected.

Mr. BRAGG moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### MAJOR G. W. CANDEE.

The next business from the Committee of the Whole House on the Private Calendar was the bill (H. R. No. 182) for the relief of Major G. W. Candee, reported with the recommendation that the enacting clause be stricken out.

Mr. BRAGG. I move the previous question.

The previous question was ordered, and under the operation thereof the recommendation was concurred in, and the bill was rejected.

Mr. BRAGG moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### SAMUEL W. DABNEY.

The next business from the Committee of the Whole House on the Private Calendar was the bill (H. R. No. 3547) authorizing Samuel W. Dabney, United States consul at Fayal, to accept a gold medal from the French Republic, reported with the recommendation that it do pass.

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

#### SABIN TROWBRIDGE.

The next business reported from the Committee of the Whole House on the Private Calendar was the bill (H. R. No. 2036) for the relief of Sabin Trowbridge, reported with the recommendation that it do lie on the table without prejudice.

The question being taken, the recommendation of the Committee of the Whole House was concurred in.

#### ENROLLED BILLS SIGNED.

Mr. ALDRICH, 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. 1514) appropriating \$100,000 for continuing the work on Davis' Island dam.

Mr. WEST, 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. 4698) to create two additional land districts, and to change the boundaries of the Watertown land district, in the Territory of Dakota.

#### REGULATION OF STEAM VESSELS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, with an inclosure, recommending an amendment to section 4412, Revised Statutes, title 52, relating to the regulation of steam vessels; which was referred to the Committee on Commerce, and ordered to be printed.

#### OSAGE INDIAN LANDS IN KANSAS.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, with accompanying papers, covering the action of the Osage Indians declining to accede to the terms of the act of March 3, 1881, reducing the price of their lands in Kansas.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, March 17, 1882.

#### SUFFERERS BY MISSISSIPPI OVERFLOW.

The SPEAKER also laid before the House a letter from the Secretary of War, in response to a House resolution requesting an estimate of the number of persons made destitute by the overflow of the Mississippi and its tributaries, and the time during which the necessity for giving them aid will continue; which was referred to the Committee on Appropriations, and ordered to be printed.

#### IOWA AGRICULTURAL COLLEGE.

The SPEAKER also laid before the House memorial and joint resolutions of the General Assembly of the State of Iowa in relation to the investment of the endowment fund of the Iowa Agricultural College; which were referred to the Committee on Education and Labor.

#### INTERNAL REVENUE.

Mr. DUNNELL, from the Committee on Ways and Means, reported, as a substitute for House bill No. 4281, a bill (H. R. No. 5237) to amend the laws relating to internal revenue, and for other purposes; which was read a first and second time, recommitted to the Committee on Ways and Means, and ordered to be printed.

#### JOHN KANE.

Mr. KING, by unanimous consent, introduced a bill (H. R. No. 5238) for the relief of John Kane; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### SPEIDIE B. EGGLESTON.

Mr. RAY, by unanimous consent, introduced a bill (H. R. No. 5239) granting a pension to Mrs. Spedie B. Eggleston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### CONDEMNED CANNON.

Mr. ERMENTROUT, by unanimous consent, introduced a bill (H. R. No. 5240) to authorize the Secretary of War to furnish a condemned cannon for the use of McLean Post No. 16 of the Grand Army of the Republic; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### MOHAMMED KAHN, OR JOHN AMMAHOE.

Mr. RANNEY, by unanimous consent, introduced a bill (H. R. No. 5241) granting a pension to Mohammed Kahn, otherwise John Ammahoe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### JOHN AMMAHAIE, OR AMMAHE.

Mr. RANNEY also, by unanimous consent, introduced a bill (H. R. No. 5242) explanatory of an act directing the Second Auditor to settle the pay and bounty of John Ammahaie, or Ammahe, passed June 30, 1876; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

#### BRIDGE ACROSS THE MISSOURI RIVER.

Mr. BUCKNER. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of Senate bill No. 308, to authorize the construction of a bridge across the Missouri River at the most accessible point within five miles above the city of Saint Charles, Missouri. I will say there is a slight amendment proposed by the Committee on Claims of this House, and with that amendment the committee unanimously recommend the passage of the bill.

Mr. WASHBURN. This bill was referred to the Committee on Commerce of this House, and has been reported back unanimously with a recommendation that it be passed. It embraces all the features which have been put in other bridge bills.



Mr. HOLMAN. Does it place the work under the charge of the Secretary of War?

Mr. WASHBURN. It does.

Mr. HOLMAN. And does it contain a provision in regard to the transportation of the mails?

Mr. PAGE. It does.

There being no objection, the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill, and the same was brought before the House.

The bill is as follows:

*Be it enacted, &c.,* That the Saint Louis, Hannibal and Keokuk Railroad Company, a corporation organized under the laws of the State of Missouri, be, and is hereby, authorized to construct and maintain a bridge and approaches thereto over the Missouri River at the most accessible point within five miles above the city of Saint Charles, in the county of Saint Charles, and State of Missouri. Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the corporation by which it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge; and it shall enjoy the rights and privileges of other post-roads in the United States.

SEC. 3. That if said bridge shall be made with unbroken and continuous spans, the spans thereof shall not be less than three hundred feet in length in the clear, and the main span shall be over the main channel of the river. The lowest part of the superstructure of said bridge shall be at least fifty feet above extreme high-water mark, as understood at the point of location, and the bridge shall be at right angles to, and its piers parallel with, the current of the river: *Provided*, That if the same shall be constructed as a draw-bridge, the draw or pivot shall be over the main channel of the river at an accessible point, and the spans shall not be less than one hundred and sixty feet in length in the clear, and the piers of said bridge shall be parallel with, and the bridge itself at right angles to, the current of the river, and the spans shall not be less than ten feet above extreme high-water mark, as understood at the point of location, to the lowest part of the superstructure of said bridge: *Provided, also*, That said draw shall be opened promptly by said company, upon reasonable signal, for the passage of boats; and said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe. No bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed at the expense of the owner or owners of said bridge; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in the district court of the United States of the State of Missouri in which any portion of said obstruction or bridge may be located: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operation of the same.

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

SEC. 5. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore-lines of high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

The SPEAKER. The Committee on Commerce of the House recommend an amendment, which will be read.

The amendment was read, as follows:

In section 2 of the bill, after the words "United States," insert the words "or for passengers or freight passing over said bridge."

The amendment was agreed to.

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

Mr. BUCKNER 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.

#### PRINTING OF A BILL.

Mr. DINGLEY. I ask unanimous consent for an order of the House to print, as it passed the Senate, the bill (S. No. 861) now on the Speaker's table, to provide for a commission on the subject of the alcoholic liquor traffic.

There was no objection, and it was so ordered.

#### PLATTSBURGH RESERVATION, NEW YORK.

Mr. HISCOCK. I ask unanimous consent to take from the Speak-

er's table for consideration at this time Senate bill No. 650, to authorize the Secretary of War to release a right of way across lands of the United States at Plattsburgh, New York. I desire to have this bill passed in lieu of House bill No. 2128 for the same purpose. It merely grants a temporary right of way to a railroad company across the reservation at Plattsburgh. A bill of a similar character was reported favorably to this House during the last Congress, and has been reported favorably to the House during this Congress. It is a matter of consequence that it be passed soon.

Mr. SPARKS. If it is the bill I think it is, it has been examined by two committees, one of the last House and one of this House.

There was no objection, and the bill was taken from the Speaker's table and read a first and second time.

The bill was read, as follows:

*Be it enacted, &c.,* That the Secretary of War be authorized and empowered, in his discretion, and on such conditions and restrictions as he may think necessary to protect the interests of the United States, to release to the Chateaugay Railroad Company, for railroad purposes only, a right of way not exceeding four rods in width over and along the northerly side of the lands of the United States in Plattsburgh, Clinton County, New York, and extending from the Saranac River to the depot grounds of said company, a distance of about — rods, or so much thereof as said company may require for said purpose.

Mr. HOLMAN. There is a blank in this bill which should be filled.

Mr. HISCOCK. I move to insert the word "eighteen," if that is sufficient.

Mr. CAMP. Make it "thirty."

Mr. HISCOCK. Very well, I move to amend by filling the blank with the word "thirty."

The motion was agreed to.

Mr. ROBINSON, of Massachusetts. I desire to call the attention of the gentleman from New York [Mr. HISCOCK] and the committee having charge of this bill to the fact that there is in it no provision like one which is common to bills of this character, applicable to military reservations, reserving to Congress the right to amend or repeal this act in future if necessary. I know such provision as that was in the bill applicable to the grounds of the Springfield Armory. Such a provision may be important, and it is one common to bills of this character.

Mr. HISCOCK. This right is given at the will of the Government under any circumstances. It grants the right, subject to be retaken at any time.

Mr. ROBINSON, of Massachusetts. That does not appear by the bill.

Mr. HOLMAN. This is a subject the House is not familiar with, and I ask why should not the matter be left discretionary with the Secretary of War?

Mr. HISCOCK. It is so left.

Mr. HOLMAN. I do not so understand it.

Mr. HISCOCK. Oh, yes.

Mr. HOLMAN. I ask that the first part of the bill be read again.

The Clerk read as follows:

*Be it enacted, &c.,* That the Secretary of War be authorized and empowered, in his discretion, and on such conditions and restrictions—

Mr. HOLMAN. That is sufficient.

Mr. HISCOCK. I ask that the blank in the bill be filled by the insertion of "one hundred and thirty" instead of "thirty." The House bill is here, and one hundred and thirty rods is the distance.

Mr. DAVIS, of Illinois. The report of the Committee on Military Affairs recommends the insertion of "one hundred and thirty."

The SPEAKER. If there be no objection the amendment suggested will be made.

There was no objection, and it was ordered accordingly.

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

Mr. HISCOCK 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.

#### JAMES H. OWEN.

Mr. SINGLETON, of Mississippi, by unanimous consent, introduced a bill (H. R. No. 5243) for the relief of James H. Owen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted,  
To Mr. PRESCOTT indefinitely, on account of sickness in his family and important business; and

To Mr. LE FEVRE, for one week, on account of important business.

#### WITHDRAWAL OF PAPERS.

Mr. STRAIT, by unanimous consent, obtained leave for the withdrawal of papers in the case of L. P. Fluke, there having been no adverse report.

Mr. BROWNE. I move that the House do now adjourn.

#### ORDER OF BUSINESS FOR TO-MORROW.

Mr. PAGE. I ask unanimous consent that the order made a few moments ago that to-morrow be set apart for debate on the Chinese immigration bill be so changed as that the bill shall be considered, and if the debate should be exhausted the previous question may be

called to-morrow night. I desire this for the purpose of having members present. To come here and debate a question of this kind to empty benches is not desired by gentlemen who wish to speak. We want it understood that if the debate should be exhausted to-morrow the previous question may be called on the bill.

Mr. BAYNE. I object.

Mr. SPARKS. I do not think the proposition is understood. The desire is simply to move the previous question, but that no vote be taken to-morrow. [Cries of "Regular order."]

Mr. CONVERSE. I rise to a parliamentary inquiry. I understand that the form of the order adopted a while ago was, that no business whatever should be done in the House to-morrow except debate on the Chinese question.

The SPEAKER. The Chair so understood.

Mr. CONVERSE. Was the intention to make it so broad as that?

The SPEAKER. The Chair so understood.

Mr. CONVERSE. There may be petitions to be presented, or other important business.

The SPEAKER. The mere presentation of petitions through the box would not be excluded under the order.

Mr. SPRINGER. But there can be no request for unanimous consent to make anything a special order.

Mr. BROWNE. I insist on my motion to adjourn.

The motion was agreed to; and accordingly (at four o'clock and twenty-seven minutes p. m.) the House adjourned.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: The petition of A. R. Fergus and 122 others and of Jos. S. Taylor and 43 others, ex-soldiers, non-residents of the twenty-third Congressional district of Pennsylvania, for the passage of the bill to establish a soldiers' home at Erie, Pennsylvania—severally to the Committee on Military Affairs.

Also, the resolutions adopted at a meeting of the citizens of Philadelphia, asking the President and Congress to enter a protest against the inhuman treatment of the Hebrew race in Russia—to the Committee on Foreign Affairs.

Also, memorial of the Maimed Soldiers' Association of Philadelphia, Pennsylvania, praying that an increase of pension be granted to soldiers or sailors of the late war who lost a leg or an arm while in the line of duty—to the Committee on Invalid Pensions.

By Mr. BERRY: The petition of citizens of Sonoma and other counties in California, praying Congress for legislation to regulate charges for railway transportation—to the Committee on Commerce.

By Mr. BINGHAM: The resolutions adopted at a meeting of citizens of Philadelphia on March 4, 1882, asking Congress to enter public protest against the inhuman treatment of the Jews in Russia—to the Committee on Foreign Affairs.

By Mr. BREWER: The petition of manufacturers of pottery ware, protesting against placing a duty on boracic acid—to the Committee on Ways and Means.

By Mr. BUCK: The petition of Frederick W. Sprague, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. CARPENTER: The petition of citizens of Crawford County and of citizens of Sioux County, in the State of Iowa, asking that the same encouragement be given to the building of railroad bridges across the Missouri River, between Iowa and Nebraska, above Omaha, as below that city—severally to the Committee on Commerce.

By Mr. CASWELL: The petition of Hon. C. C. Washburn and others, officers of the State Historical Society of Wisconsin, praying for the adoption of measures for the celebration of the anniversary of the discovery of the mouth of the Mississippi River—to the Committee on the Library.

By Mr. DAWES: The petition of S. J. Hathaway and others, citizens of Marietta, Ohio, for legislation to authorize the issue of fractional currency—to the Committee on Banking and Currency.

By Mr. DE MOTTE: The petition of Eliza A. Baron and 67 citizens of Logansport, Indiana, praying the granting of a pension to the said Eliza A. Baron—to the Committee on Invalid Pensions.

By Mr. DUNNELL: The petition of F. N. Goodrich and 40 others, citizens of Minnesota, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. ERMENROUT: The resolutions adopted at a meeting of citizens of Philadelphia, relative to the treatment of Jews by the Russian Government—to the Committee on Foreign Affairs.

By Mr. S. S. FARWELL: The petition of G. W. Kelsall, of Jackson County, Iowa, in favor of the passage of the bill granting pensions to soldiers and sailors of the late war who were confined in confederate prisons—to the Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. HERNDON: The petition of Hannah J. Jones, for relief—to the Committee on Foreign Affairs.

By Mr. KLOTZ: The petition of 40 ex-soldiers, residents of Monroe County, Pennsylvania, for the passage of the bill to establish a soldiers' home at Erie, Pennsylvania—to the Committee on Military Affairs.

By Mr. LACEY: The petition of the cigar manufacturers of the third Congressional district of Michigan, asking a reduction of the tax on cigars—to the Committee on Ways and Means.

Also, memorial of the tobacco manufacturers of Detroit, Michigan, protesting against any change in the tax on tobacco—to the same committee.

Also, the petition of George Thompson, George T. Venn, and D. J. Willson, of Jackson, Michigan, asking increase of pay to letter-carriers in cities of population of less than 75,000—to the Committee on the Post-Office and Post-Roads.

Also, the petition of 600 citizens of Calhoun County, Michigan, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. MCKINLEY: The petition of citizens of East Liverpool, Ohio, engaged in the manufacture of pottery ware, protesting against the passage of the bill imposing a duty on boracic acid—to the Committee on Ways and Means.

By Mr. MOORE: Papers relating to the claim of Enoch Taylor—to the Committee on the Judiciary.

Also, papers relating to the claim of Julian Bedford—to the Committee on War Claims.

By Mr. MOREY: The affidavit of Ed. B. Wright and others, in support of the claim for pension of Amanda Stokes—to the Committee on Invalid Pensions.

Also, the petition of James K. Blackburn, for increase of pension—to the same committee.

Also, the petitions of H. P. Courtier, relating to the pension claim of Francis Orebaugh—to the same committee.

By Mr. MORSE: The petitions of H. O. Bailey and others, of Mary Holmes and others, of Robert C. Mackay and others, and of Lucia M. Watson, praying for the passage of the French spoliation claims bill—severally to the Committee on Foreign Affairs.

By Mr. PHELPS: Memorial of the letter-carriers of New Haven, Connecticut, asking the same pay as carriers in larger cities—to the Committee on the Post-Office and Post-Roads.

By Mr. PRESCOTT: Papers relating to the pension claim of William T. Brown—to the Committee on Invalid Pensions.

By Mr. J. S. ROBINSON: Papers relating to the claim of E. D. Wheeler—to the Committee on Military Affairs.

By Mr. WM. G. THOMPSON: Memorial and joint resolution of the Legislature of Iowa relative to the investment of the endowment fund of the Agricultural College of Iowa—to the Committee on the Judiciary.

Also, the petition of the Iowa Prisoners of War Association, for the passage of the Bliss bill granting pensions to all soldiers and sailors of the late war who were confined in confederate prisons—to the Committee on Invalid Pensions.

By Mr. THOMAS UPDEGRAFF: The petition of the Iowa Prisoners of War Association, for the passage of the Bliss bill granting pensions to all soldiers and sailors of the late war who were confined in confederate prisons—to the same committee.

By Mr. VANCE: Papers relating to the claim of Julia A. Duncan—to the Committee on War Claims.

Also, the petition of Hill Gowdy, for relief—to the same committee.

Also, paper of Mrs. Harriet de la Palm Baker, heir of Lieutenant-Colonel Frederick H. Weissenfels, and of the heirs of Brigadier-General William Thompson—severally to the Committee on Claims.

Also, papers relating to the claims of Septimus Brown and of Lott W. Crocker—severally to the Committee on War Claims.

By Mr. WILLITS: The petitions of H. N. Gardiner and 73 others, of New York City; of Mrs. H. P. Smith and 33 others, of New York City; of E. Trumbull Lee and 37 others, of New York City; and of F. L. Upham and 280 others, of Boston, Massachusetts, for legislation for the suppression of polygamy—severally to the Committee on the Judiciary.

By Mr. WILSON: The petition of Z. T. Woodyard, for a pension—to the Committee on Invalid Pensions.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, March 18, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

#### CHINESE IMMIGRATION.

The SPEAKER. Under the order of the House, adopted on yesterday, the session of this day will be devoted exclusively to debate upon the bill (S. No. 71) to execute certain treaty stipulations relating to Chinese. Under the order, the Chair holds that the reading of the Journal at this time is dispensed with, and the House proceeds at once to the consideration of the bill just named.

Mr. SPEER. Mr. Speaker, when the House adjourned on Thursday last my colleague [Mr. BLOUNT] had just yielded to me, having consumed half an hour of his time. I have an hour also in my own right. I state this because, in addition to discussing the question