The Clerk read amendment numbered 23, as follows:

The Secretary of War is hereby authorized and directed to cause to be paid, out of any unexpended balance of the appropriation for incidental expenses of the Quartermaster's Department for the fiscal year ending June 30, 1881, to twenty agents of the Quartermaster's Department employed by Major J. J. Dana, quartermaster, United States Army, the amounts deducted from their salary during the last quarter of said fiscal year, not to exceed $4,700.

Mr. SPRINGER. If we are to consider this bill in the House as in Committee of the Whole, and be responsible for making these appropriations, I would like to understand them as we go along. I ask the gentleman from New York to explain why these salaries were incurred, or why these persons were employed?

Mr. HISCOCK. I will say to the gentleman that I have moved to non-concur in all of these amendments mainly for the purpose of investigating the same question and get from the Senate the information the gentleman seeks to obtain from me.

Mr. RANDALL. I have been appealed to to withdraw my objection to having all of these amendments read and acted upon separately. The reason I made the objection was because I consider that every character of new legislation put on the bill by the Senate should have a hearing and be read in this House. If we do make law it should be read in both Houses; and that is the reason of my objection, which I feel compelled to continue. We have yielded our right to consider these amendments of the Senate in the Committee of the Whole House on the state of the Union; and therefore there is all the more necessity of having them read at least in open House.

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

BUREAU OF EDUCATION.

The SPEAKER. The Chair is in receipt of a telegram received to-day, which he thinks should properly be laid before the House. The Clerk will read it.

The Clerk read as follows:

SARATOGA, NEW YORK, *July* 13, 1882.

General KEIFER,
Speaker House of Representatives:

At a joint meeting of the American Institute of Instruction and National Educational Association, held this day, the following resolution was unanimously adopted by a rising vote:

Resolved, That the following communication, signed by the presidents of the two associations, be sent to the President of the Senate, to the Speaker of the House of Representatives, and to the chairmen of the Committees on Appropriations of both branches of Congress: "The National Educational Association and the American Institute of Instruction, now in joint session at Saratoga Springs, strongly commend to the care of Congress the Bureau of Education, and respectfully urge the importance of an appropriation not less in amount than that last granted."

WM. A. MOWRY,
President American Institute of Instruction.
GUSTAVUS J. ORR,
President National Educational Association.

The SPEAKER. The telegram will be referred to the Committee on Appropriations.

Mr. BRAGG. It ought to be referred to the tariff commission.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. DAVIDSON, indefinitely after to-morrow.

To Mr. THOMPSON, of Kentucky, for two days, on account of important business.

To Mr. JOYCE, for the remainder of the present session, on account of important business.

To Mr. BARR, for three weeks, on account of illness.

To Mr. HEWITT, of New York, indefinitely, on account of sickness.

ORDER OF BUSINESS.

The regular order is called for, which is the motion of the gentleman from New York [Mr. HISCOCK] that the House do now adjourn.

Mr. HISCOCK. I will yield to the gentleman from Massachusetts [Mr. ROBINSON] for the presentation of a conference report.

IOWA JUDICIAL DISTRICTS.

Mr. ROBINSON, of Massachusetts. I present the report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4166) to divide the State of Iowa into two judicial districts, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the House concur in the amendments of the Senate from 1 to 17, inclusive; and in lieu of Senate amendment No. 18 they have agreed to recommend and do recommend the following:

"That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within such district, and all prosecutions for crimes or offenses heretofore committed in the district of Iowa shall be commenced and proceeded with as if this act had not been passed."

GEORGE D. ROBINSON,
GEO. L. CONVERSE,
Managers on the part of the House.
A. H. GARLAND,
JOHN J. INGALLS,
GEORGE F. HOAR,
Managers on the part of the Senate.

Mr. SPRINGER. Is there a statement explaining this report?

Mr. ROBINSON, of Massachusetts. There is. I have sent it to the desk with the report.

Mr. SPRINGER. I desire to have it read.

The Clerk read as follows:

Statement of reasons for conference report on House bill No. 4166.

The report of the committee recommends concurrence by the House in the first seventeen amendments made by the Senate. The effect of these amendments is to reduce the number of places of holding court from eight to six.

Amendment No. 18, as recommended, makes more certain the necessary provisions for the prosecutions for crimes and offenses.

GEO. D. ROBINSON,
GEO. L. CONVERSE,
Conferees on part of House.

Mr. SPRINGER. That complies with the rule. But I would have preferred four places instead of six for holding courts.

The report of the committee of conference was concurred in.

Mr. ROBINSON, of Massachusetts, moved to reconsider the vote by which the report of the committee of conference was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. McMILLIN. I call for the regular order.

The question being taken on Mr. HISCOCK's motion to adjourn, it was agreed to; and accordingly (at five o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

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

By Mr. McLANE: The petition of J. M. Parr, president of the board of trade, Henry C. Smith, and others, business men of Baltimore, Maryland, for the speedy passage of Senate bill to encourage and promote telegraphic communication between America and Europe—to the Committee on Naval Affairs.

By Mr. WHITTHORNE: Papers relating to the claim of Walter Aiken, administrator of the estate of James Aiken, deceased, of Maury County, Tennessee—to the Committee on War Claims.

SENATE.

FRIDAY, *July* 14, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

REPORTS OF COMMITTEES.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. No. 1170) granting a pension to Jane S. Taplin, reported it with amendments, and submitted a report thereon, which was ordered to be printed.

Mr. GORMAN. I am instructed by the Committee on Printing, to whom was referred the joint resolution (H. R. No. 92) to print 25,000 copies of each of the second and third annual reports of the Director of the United States Geological Survey, to report it with amendments. I ask for the consideration of the resolution now.

Mr. HOAR. Let that stand over. I object to taking it up.

The PRESIDENT *pro tempore*. The joint resolution will be placed on the Calendar.

Mr. PLATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 6008) to restore the name of Eliza M. Bass to the pension-roll, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3599) granting a pension to David T. Stephenson, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1925) granting a pension to Ann Elizabeth Rodgers, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3582) to reinstate Cornelius Fitzgerald on the pension-roll, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Electa W. Jacobs, praying to be allowed a pension, submitted an adverse report thereon, which was ordered to be printed; and the committee were discharged from the further consideration of the petition.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (S. No. 1577) for the relief of Hardie H. Helper, reported it with amendments; and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of William C. Pennington, praying that a pension be granted to Mrs. Mary F. McKeever, widow of the late Commodore Israel McKeever, submitted an adverse report thereon, which was ordered to be printed; and the committee were discharged from the further consideration of the petition.

Mr. MITCHELL. I am instructed by the Committee on Pensions,

to whom was referred the bill (H. R. No 1332) granting a pension to Elizabeth Bauer, to report it unfavorably.

Mr. SHERMAN. I ask that that be put on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. No. 924) granting a pension to James Kitchen, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. HILL, of Colorado, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 2040) repealing section 3961 of the Revised Statutes and the proviso of section 2 of the act providing for a deficiency in the appropriation for the transportation of the mails on the star routes, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 2129) to punish postmasters for making false certificates of the arrivals and departures of mails, reported it with amendments.

He also, from the Committee on Mines and Mining, reported an amendment intended to be proposed to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

BILLS INTRODUCED.

Mr. CAMERON, of Pennsylvania, asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 96) relative to schools of medical practice in the United States and the graduates thereof; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

Mr. GEORGE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2144) to aid in improving the navigation of the Mississippi River and in preventing interruption to commerce and postal service by the overflow of the Yazoo Delta; which was read twice by its title, and referred to the Committee on the Improvement of the Mississippi River and Tributaries.

HOUR OF MEETING.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions," the morning hour is closed.

Mr. ROLLINS. Would it be in order to call up the resolution fixing the hour of daily meeting?

The PRESIDENT *pro tempore*. That was postponed until Monday by a vote of the Senate.

Mr. ROLLINS. A resolution was subsequently introduced by me, which was not postponed.

The PRESIDENT *pro tempore*. The Chair begs the Senator's pardon. The Senator from New Hampshire desires to have the resolution called up fixing the hour of meeting, which can be done, and the resolution can be proceeded with under the Anthony rule. The resolution will be read.

The Acting Secretary read the following resolution, submitted by Mr. ROLLINS on the 12th instant:

Resolved, That on and after Thursday, the 13th instant, the hour of meeting of the Senate during the present session shall be eleven o'clock a. m.

Mr. ROLLINS. I move to strike out "Thursday, the 13th," and insert "Monday, the 17th."

Mr. PENDLETON. I move the reference of the resolution to the Committee on Appropriations.

Mr. ROLLINS. I do not see any necessity for the reference of the resolution to the Committee on Appropriations at this time of the session. There is no occasion for it whatever. I think the Senate is fully competent to determine what hour we shall meet without that reference, and I hope the Senate will pass judgment upon it. This is a proposition to meet at eleven o'clock, commencing on Monday next, and if there is any purpose to close up this session and get away it seems to me that it is high time we should change the hour of meeting and meet at eleven o'clock in the forenoon. The objections which were urged by the Committee on Appropriations a few days since, it seems to me, have substantially passed away. The appropriation bills have all been reported, I think, except the sundry civil appropriation bill.

The PRESIDENT *pro tempore*. The Senator will suspend while the Chair receives a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the report of the committee of conference on the bill (H. R. No. 4166) to divide the State of Iowa into two judicial districts.

The message also announced that the House had passed a bill (H. R. No. 6716) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; in which it requested the concurrence of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask that the sundry civil appropriation bill be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from New Hampshire has the floor.

Mr. ALLISON. I think he will yield for that purpose.

Mr. ROLLINS. Certainly.

The bill (H. R. No. 6716) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

HOUR OF MEETING.

The Senate resumed the consideration of the resolution of Mr. ROLLINS, to fix the hour of meeting at eleven o'clock.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio [Mr. PENDLETON] to refer the resolution to the Committee on Appropriations.

Mr. SHERMAN. I ask the Senator from Iowa if the sundry civil is the last of the regular appropriation bills?

Mr. ALLISON. It is the last of the regular appropriation bills from the House.

Mr. SHERMAN. Is there any objection now on the part of that committee to agreeing to the resolution fixing the hour of meeting at eleven o'clock?

Mr. ALLISON. I shall interpose no objection.

Mr. SHERMAN. I think myself the time has arrived when we can meet at eleven. I was very willing before to defer to the Committee on Appropriations, because they did not then have possession of all the regular appropriation bills.

Mr. INGALLS. How many appropriation bills remain unacted upon?

Mr. ALLISON. All the bills before the committee have been reported except the pension appropriation bill, which will be reported this morning.

The PRESIDENT *pro tempore*. The Senator from Ohio is not heard on the other side of the Chamber.

Mr. SHERMAN. I say I see no objection now to meeting at eleven o'clock, because the Committee on Appropriations now have possession of all the regular appropriation bills. The other day, when they had not possession of all the bills, I thought it was proper enough to defer to them. It seems to me that now, having possession of all the bills likely to pass, we had better adopt as early an hour as eleven o'clock for our meeting, perhaps earlier still.

Mr. HARRIS. I suggest to my friend from Ohio [Mr. PENDLETON] that he change his motion to refer to the Committee on Appropriations to a motion to refer the resolution to the Committee on Finance. Ordinarily I grant the Committee on Appropriations would be the proper committee, but the most important matter now before the Senate, and the one that promises to consume the greatest amount of time, is in charge of the Committee on Finance. For that reason I suggest to my friend from Ohio that he modify his motion so as to refer the resolution to the Committee on Finance instead of the Committee on Appropriations.

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. The Senator from New Hampshire has the floor.

Mr. ROLLINS. I merely wish to suggest, if there is no occasion to refer the resolution to the Committee on Appropriations, that there can possibly be no reason for referring it to the Committee on Finance, because they have reported the last important bill referred to them, and the only one. I think there is nothing of importance before that committee at this time. The other day we were told by the Senator from Kentucky that it was absolutely necessary that the Committee on Appropriations should be present at all the sessions of the Senate; that they desired very much to be present. The force of that suggestion had its weight with the Senate, but I thought I would take notice of their movements. I think within fifteen minutes after the resolution was disposed of by postponement until Monday there was no member of the Appropriations Committee present in the Chamber. I find no fault with them by any means; I only call attention to the fact that whether we meet at eleven o'clock in the forenoon or at twelve o'clock it matters not to the Committee on Appropriations or the Committee on Finance; if there is any occasion for meeting in their committee-rooms, if there is any business for them to do, they will attend to that business.

I see no reason why we should postpone action upon this resolution any longer. I do not want to press it unreasonably on the Senate. I do not want the Senate to do anything that will interfere with the orderly conduct of the business of the Senate; but it does seem to me that with the large Calendar which has been accumulated here, with the very large number of bills upon it, it would be quite proper for the Senate to meet at eleven o'clock and undertake to act upon some of the bills which have been pending for a long time.

Mr. BECK. Mr. President, if the Senator from New Hampshire had waited a moment before he commenced the speech which he has just concluded, I should have saved him that trouble by announcing, as far as I am concerned, that now, since the last appropriation bill has come from the House, I care nothing about the time of meeting; and I was going to say that I make no objection to meeting at ten o'clock or nine o'clock, or as early as he wanted. That is all I cared about saying; but when the Senator from New Hampshire announced that I had assumed it was indispensable that either I or any other member of the Committee on Appropriations should be always pres-

ent in the Senate he did not state what I said. I said we had a right to be present during the sessions of the Senate, and there are measures brought up sometimes when it is very important that we should be present. Very likely we went out the other day in fifteen minutes afterward, because we have leave to sit during the sessions of the Senate, and when any subject is up that we think renders it safe for us to leave we go, subject to call by the Doorkeeper of the Senate; and we go in order to utilize the time.

Since we agreed yesterday that the tax bill shall suspend all other public business for a week, and I am willing to suspend all other public business for a month until we get through with it, I do not think we are going to be hastened any longer, and I do not think the Committee on Appropriations will find it necessary to absent themselves during the sessions of the Senate to attend to the sundry civil bill. I think we shall have the month of July, the month of August, and also the month of September to perfect that bill, for I surely will never vote to lay aside the tax bill until there has been a yea-and-nay vote on every item of taxation that I think ought to be reduced. We are going in to make a record now as to who wants the taxes reduced and who wants them kept up, and I want the record made complete. I expect to begin, if you please, with harness, trace-chains, horse shoes, Bessemer steel, woolen goods, tobacco, whisky, and plenty of other things, and we shall have a record that will satisfy the gentlemen on the other side if it takes until December. We shall have plenty of time now without absenting ourselves from the Senate to attend to the sundry civil bill. I expect to be in the Senate and I expect the committee to have ample time during the next two or three months to perfect that appropriation bill.

Mr. INGALLS. I should like to ask the Senator from Iowa [Mr. ALLISON] what is the occasion of the delay in reporting the pension appropriation bill? It passed the House several weeks since. It is a matter about which there is no possible question between the two Houses, and it is very strange to me that that matter, which affects the rights of so many of our citizens, has not been acted on before this time.

Mr. ALLISON. I will say to my friend that the pension appropriation bill will be reported this morning.

Mr. INGALLS. I asked why it had not been reported. It has been before the committee for two weeks.

Mr. ALLISON. Not quite two weeks.

Mr. INGALLS. Very nearly two weeks; there is no possible objection to it from any quarter, and there is great necessity on the part of thousands of indigent pensioners that it should be reported.

Mr. ALLISON. Of course it is to be presumed there will be no objection to the pension appropriation bill, but that, like other bills, must be considered in committee; and the committee have had under consideration a great many amendments to it. I do not know of any pensioner who is suffering because that bill has not been reported. It is time now that it should be reported and considered, and I hope it will be considered within a day or two.

Mr. INGALLS. I have been informed at the Treasury that very serious embarrassment has resulted, and they have been obliged to transfer funds under the joint resolution continuing appropriations, thus requiring delay, inconvenience, and trouble to pensioners.

Mr. ALLISON. It may have inconvenienced one or two clerks in the Treasury for a few moments, but my opinion is that no detriment will occur if the bill shall be passed within a few days.

Mr. INGALLS. I should like also to inquire why the naval appropriation bill is not taken up.

Mr. ALLISON. As far as the naval appropriation bill is concerned, I will say to my friend that it was reported yesterday. I have not had time this morning, having other matters on my hands, to ascertain whether it has been printed as reported.

Mr. COCKRELL. It is on our desks.

Mr. INGALLS. It is printed and on the table, and I ask the Senator when it is to be taken up?

Mr. ALLISON. It will be taken up at the earliest practicable moment.

Mr. INGALLS. When will that probably be?

Mr. ALLISON. On consultation with other Senators as to the condition of business.

Mr. INGALLS. Is there anything in the way of taking it up immediately?

Mr. ALLISON. I suppose the Senator from Vermont wants to take up the tax bill to-day.

Mr. MORRILL. I shall insist on the consideration of the tax bill, which was up yesterday.

Mr. INGALLS. It has always been the rule that appropriation bills had the right of way. It has always been the prac ice of the Senate, always understood, that appropriation bills were to be considered when they were ready, and it appears to me to be unjustifiable and invidious that this delay should occur in these great measures which affect the welfare of so many people.

Mr. ALLISON. I hope the Senator will allow me to interrupt him by stating that there certainly has been no delay so far as the Committee on Appropriations is concerned with reference to these bills. We have been sitting upon the naval appropriation bill for the last week, every day and every night except one or two.

Mr. MORGAN. I ask the Senator from Iowa if we shall not have to rescind the Republican caucus resolution before we can take up the naval appropriation bill? That seems to be in the way.

Mr. ALLISON. Mr. President——

The PRESIDENT *pro tempore*. The Chair will inform the Senator from Iowa and also the Senator from Alabama that all this is irregular, because the motion is now pending to refer the resolution.

Mr. ROLLINS. Let action be taken on that.

Mr. INGALLS. I should like to be advised how it is irregular. When a resolution is pending a Senator has a right to speak to it, and it is not proper for the Chair to say that discussion is not in order. The question is whether we shall meet hereafter at eleven o'clock, and it is legitimate and germane to ask what business is pending in order that we may vote intelligently upon that question. The rebuke of the Chair is not in place.

The PRESIDENT *pro tempore*. The Chair does not take the speech of the Senator from Kansas as any great rebuke; neither did he intend to rebuke the Senator. The Chair thought the catechism of the Senator from Iowa was not in order. The Senator from Kansas did not address the Chair to speak to the resolution, but was catechising the Senator from Iowa upon the appropriation bills.

Mr. INGALLS. Did the Chair refer to me as catechising any person?

The PRESIDENT *pro tempore*. Yes, sir; as catechising the Senator from Iowa.

Mr. INGALLS. The Chair I suppose is not bound by the ordinary rules of criticism. If the Chair means to assume by using the term "catechism" that I have no right to interrogate the chairman of the Committee on Appropriations as to the condition of the public business when we are discussing a resolution as to whether we shall meet at an earlier hour in order to enable us to adjourn, I beg to say that I differ with the Chair.

The PRESIDENT *pro tempore*. The Senator did not address the Chair. He commenced interrogating the Senator from Iowa, and the Chair has no apology to make in the matter.

Mr. DAVIS, of West Virginia. Something has been said as to the delay of the appropriation bills. That inquiry would be more proper if addressed to the other end of the Capitol. The Senate Committee on Appropriations has worked diligently to get the bills reported to the Senate. I will say to my friend from Kansas that I agree with him that they ought to have been reported and passed long ago, but the fault lies at the other end of the Capitol. Those bills ought to have come here much earlier. The 1st of July was allowed to come, when the bills ought to have taken effect, before they were sent here, and then it is expected that they will be got through the Senate without proper examination. I can say that the fault is not here.

I have happened to belong to the sub-committee on each of the bills which has been inquired about, the naval and the pension appropriation bills; and I say to the Senator from Kansas that I agree with him that they ought to have been taken up and passed long ago. The committee of the Senate has acted diligently and faithfully and has done all that was possible in order to get the bills before the Senate. For one week has the pension appropriation bill been inquired into, and the Commissioner of Pensions more than once has appeared before the committee to give information. The Senator will find when the bill is presented, which will be to-day, that there are considerable amendments made by the committee, and some very important ones both to the pensioner and to the taxpayer; and I hope when he sees the bill he will not complain of the committee on this side, but let his voice go to the other end of the Capitol, as it ought to do. As to the naval bill, it is before the Senate; and it is for the Senate to say whether they will take it up this morning or when they choose to consider it.

Mr. PENDLETON. I have no desire to refer to either the Appropriations Committee or the Committee on Finance a resolution which neither desires to consider. Therefore I withdraw my motion to refer.

The PRESIDENT *pro tempore*. The motion to refer is withdrawn. The question recurs on the amendment of the Senator from New Hampshire to the resolution striking out "Thursday, the 13th," and inserting "Monday, the 17th."

Mr. COCKRELL. I move to amend by inserting the "20th" instead of the "17th." I do that because there are a number of committees which meet on Monday, Tuesday, and Wednesday, and they ought to have that hour in which to act. I know the Committee on Military Affairs has its regular meeting on Tuesday, and there are many important matters that we ought to be able to report on that day. If the Senate meets at eleven o'clock we shall have no time to consider them. We have been meeting regularly and the time has been consumed up to the hour of the meeting of the Senate, and I think it would be best, in the interest of the business of the Senate, in the interest of the Calendar, if we should defer the time until Thursday the 20th instant.

Mr. ROLLINS. If we concede this to the Committee on Military Affairs we shall be obliged to concede the same extension to other committees, and we shall not meet before twelve o'clock at any day of this session. The time has come when we ought to meet at eleven o'clock, and I submit no more courtesy should be extended to the Committee on Military Affairs than to other committees of this body.

I hope the amendment of the Senator from Missouri will not be agreed to, and that Monday, the 17th, will be fixed.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri fixing Thursday, the 20th instant, in place of Monday, the 17th instant, as the time when the Senate shall begin to meet at eleven o'clock.

The amendment to the amendment was rejected, there being on a division—ayes 22, noes 30.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from New Hampshire to insert "Monday, the 17th instant."

The amendment was agreed to.

The resolution as amended was agreed to, as follows:

Resolved, That on and after Monday, the 17th instant, the hour of meeting of the Senate during the present session shall be eleven o'clock a. m.

DOUBLE PENSIONS.

Mr. VAN WYCK. I propose to move that the Senate proceed to the consideration of the joint resolution (S. R. No. 94) directing the Secretary of the Interior to withhold action in payment of double pension to General Ward B. Burnett, of which I gave notice yesterday afternoon. It directs the Secretary of the Interior to withhold action upon the opinion of the Attorney-General until the action of Congress upon the bill reported from the Committee on Pensions on the same day the joint resolution was reported.

Mr. VOORHEES. I hope the Senator from Nebraska will allow that to go over until to-morrow. I have some views on the subject, and in the mean time I desire to look a little more carefully into the case.

Mr. VAN WYCK. At the suggestion of the Senator from Indiana I will consent that the joint resolution go over until to-morrow, and I shall call it up in the morning hour to-morrow.

IOWA JUDICIAL DISTRICTS.

Mr. GARLAND submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4166) to divide the State of Iowa into two judicial districts, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House concur in the amendments of the Senate from 1 to 17, inclusive; and in lieu of Senate amendment No. 18 they have agreed to recommend and do recommend the following:

"That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within said district, and all prosecutions for crimes or offenses heretofore committed in the district of Iowa shall be commenced and proceeded with as if this act had not been passed."

A. H. GARLAND,
JOHN J. INGALLS,
GEORGE F. HOAR,
Managers on the part of the Senate.
GEORGE D. ROBINSON,
GEO. L. CONVERSE,
Managers on the part of the House.

Mr. McMILLAN. Will the Senator from Arkansas state the substance of the report so that we may understand the effect upon the bill?

Mr. GARLAND. The House of Representatives passed a bill dividing the State of Iowa into two judicial districts, and fixed eight places for holding courts. When the bill was referred to the Judiciary Committee of the Senate that committee changed the bill, and instead of giving eight places gave six. The present law gives four, and the Senate committee gave two in addition to what the present law gives, and changed, as a matter of course, the distribution of the counties in the bill as it passed the House so as to meet at six places instead of eight. To make that change required seventeen amendments, but that is the aggregate of what is done in the bill. Then the eighteenth amendment was simply putting in the clause we always do under the sixth amendment to the Constitution, saving the places of trial and hearing of crimes which have been already committed in the district ascertained by law. That is now what the House has agreed upon in this report of the committee of conference, which I ask the Senate to concur in at this time.

The report was concurred in.

GEORGE W. MORSE.

Mr. HOAR. In the case of George W. Morse, relative to breech-loading fire-arms and ammunition, reported adversely by the Committee on Patents by the chairman, the petitioner has made some suggestions which seem proper to be considered by the Senator who made the report, and with his consent I ask unanimous consent that the vote of the Senate discharging the committee from the further consideration of the petition be reconsidered, and that the report be put upon the Calendar.

Mr. PLATT. I have no objection.

The PRESIDENT, *pro tempore*. There being no objection, it will be so ordered.

PENSION APPROPRIATION BILL.

Mr. LOGAN. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 6514) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1883, and for other purposes, to report it with amendments, and I give notice that as soon as it is printed I shall ask for the consideration of the bill.

PENSION BILLS.

Mr. PLATT. I ask the Senate to consider at this time the pension cases upon the Calendar, the unobjected cases, I suppose.

Mr. SHERMAN. There are some cases where there are a majority and a minority report, and I think they ought to be considered; at least one case I have in my mind.

Mr. PLATT. I will suggest that as there is a large number of cases on the Calendar in which majority and minority reports have been made, and also in which adverse reports have been made which have been reconsidered and placed on the Calendar, I think the first thing we ought to do is to go through the unobjected cases, and then if time remains, if Senators desire to consider cases in which majority and minority reports are presented, very well; but if we take up, for instance, the first case on which there is a majority and a minority report, it may lead to a discussion which will take all the morning. It seems to me that the unobjected cases should be acted on first, so that there may be opportunity to pass such as have been reported in the Senate and not yet acted upon by the House. I have no objection to taking up the others, but I think the order should be that the unobjected cases be taken up first.

Mr. SHERMAN. I will make a suggestion that I think the Senator will probably agree to; that is that we take up the House bills and act upon them first, whether there be minority reports or not. The House bills ought to have preference because the action of the Senate on them will be final; but if we pass new bills they will have to go to the House and may be delayed.

Mr. VOORHEES. I heartily sympathize with the purpose of the Senator from Connecticut. I wish simply to say that there is perhaps one case on the Calendar which has been reported adversely on which I have procured additional testimony which I hope may be considered. If I could present that testimony and obviate the objections which the chairman of the committee may have, and with that modification of his statement, I should be very glad to agree to his suggestion.

Mr. PLATT. What case does the Senator refer to?

Mr. VOORHEES. The case of Amanda J. McFadden, growing out of the Black Hawk war.

Mr. HARRIS. I suppose, of course, the Senator from Connecticut proposes to take up pension cases under the Anthony rule, in which event they are all subject to objection, but I suppose there will be no objection to the consideration of any case favorably reported. The Senator does not propose to take them up independent of the Anthony rule?

Mr. PLATT. Certainly not.

Mr. HARRIS. Then they are all subject to objection.

Mr. BLAIR. Mr. President, I wish to say with reference to the pension cases that those upon which there have been adverse reports and minority reports have many of them been pending since early in the session, and have been postponed from time to time. Not a single one of them has received attention; many of them are pressing severely for it and ought to have been discussed and disposed of long ago. But the unobjected cases have been called up from time to time, and there are now upon the Calendar but comparatively few which do not excite controversy. I think, as the chairman suggests, that it is a proper thing to pass over the Calendar disposing of the unobjected cases first, but in justice to these other parties we ought immediately to follow and to press as strongly as we can do as a committee the consideration of the others immediately after.

Mr. PLATT. I am perfectly willing that the Senate shall devote just as much time as it will devote to the consideration of pension cases about which there is a difference, but I do insist upon it that first we ought to pass the unobjected cases, whether they are House bills or Senate bills. If they are Senate bills, there is the more reason why they should be passed in order that they may go to the House.

Mr. HARRIS. If it is the intention to take up the pension cases under the Anthony rule, I have no objection. If it is the purpose to take them up under any other rule, I object, and demand the regular order.

The PRESIDENT *pro tempore*. Will the Senate consent to take up pension cases?

Mr. SHERMAN. Under the Anthony rule.

The PRESIDENT *pro tempore*. Under the Anthony rule.

Mr. BLAIR. Does that leave us better as to any right of way, or any preference over any other cases?

The PRESIDENT *pro tempore*. Yes, sir; they have preference over everything else.

Mr. BLAIR. I was not aware that pension cases had a preference under the Anthony rule.

The PRESIDENT *pro tempore*. They have not, but it is proposed to take them up under the Anthony rule.

Mr. BLAIR. That is, they are to be considered under the five-minute rule?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. PLATT. I ask for a vote on the motion to take up the pension cases.

The PRESIDENT *pro tempore*. Is there objection to taking up the pension cases under the Anthony rule? ["No!" "No!"] The Chair hears none. The first pension case will be called.

JACOB NIX.

The bill (S. No. 1201) granting a pension to Jacob Nix was announced as first in order, and was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "pension-roll," to strike out "subject to the provisions and limitations of the pension laws" and insert "with the rank of captain, at the rate of one-third disability;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Jacob Nix, who served as a captain in the Brown County (Minnesota) Militia during the attack upon New Ulm, Minnesota, in August, 1862, by the Indians, upon the pension-roll, with the rank of captain, at the rate of one-third disability.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

JACOB HUMBLE.

The bill (H. R. No. 5809) for the relief of Jacob Humble was considered as in Committee of the Whole. It provides for the adjudication of the pension claim of Jacob Humble, late a private in Company F, Sixth Indiana Calvary, (Seventy-first Volunteers,) as if the same had been duly filed in the office of the Commissioner of Pensions on the 5th day of August, 1879.

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

WILLIAM H. MORGAN.

Mr. PLUMB. I desire to call the attention of the Senator from Connecticut to order of business No. 704, being the bill (S. No. 473) for the relief of William H. Morgan, substantially a pension bill, but reported from the Committee on Military Affairs by the Senator from Indiana, [Mr. HARRISON.] I ask that he consent that that be included.

Mr. HARRISON. That is a case which ought to be considered. It is to give bounty to a soldier. He served his whole term and was mustered out thirty days before his regiment. By reason of that muster-out he loses technically his right to $300 bounty. He was simply discharged thirty days beforehand.

Mr. PLATT. I have no objection to its being taken up now if it will lead to no discussion and is of a similar nature to pensions.

Mr. PLUMB. It is of the same nature.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 473) for the relief of William H. Morgan.

The bill was reported from the Committee on Military Affairs with an amendment, in line 6, after the word "infantry," to strike out "the sum of $215 for arrears of bounty" and insert:

The full amount of the arrears of bounty that would have been due to him if he had remained in the service and been mustered out with his regiment.

So as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to William H. Morgan, late of the Ninth Regiment Volunteer Indiana Infantry, the full amount of the arrears of bounty that would have been due to him if he had remained in the service and been mustered out with his regiment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

ELECTA L. BALDWIN.

The bill (H. R. No. 2104) granting a pension to Mrs. Electa L. Baldwin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Electa L. Baldwin, widow of Charles Baldwin, late a private in Company B, Seventh Regiment of Pennsylvania Volunteer Cavalry, at the rate of $8 per month.

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

ELLEN GILLESPIE.

The bill (H. R. No. 4082) granting a pension to Ellen Gillespie was considered as in Committee of the Whole. It proposes to place on the pension-roll Ellen Gillespie, widow of John W. Gillespie, late a private in Company F, Twenty-eighth Regiment Pennsylvania Volunteers.

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

AMOS CHAPMAN.

The bill (S. No. 1437) granting a pension to Amos Chapman, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Amos Chapman, of the Indian Territory, late a scout under the immediate command of Colonel Nelson A. Miles, United States Army, he to be allowed the same pension as a private soldier for the loss of a leg.

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

ELIZABETH H. SPOTTS.

The bill (S. No. 1796) for the relief of Elizabeth H. Spotts was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out lines 7, 8, 9, 10, and 11, in the following words:

The 9th day of March, A. D. 1882, the date of the death of said James H. Spotts; the said sum of $50 per month to be in lieu of any pension the said widow may be entitled to under the general pension laws.

And to insert "passage of this act;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Elizabeth H. Spotts, widow of Rear-Admiral James H. Spotts, deceased, and pay her a pension of $50 per month from the passage of this act.

Mr. COCKRELL. I ask the chairman of the committee, had there not better be some restriction in that bill in regard to its being in lieu and satisfaction of all former pensions?

Mr. PLATT. I do not think we had better assume in the passage of bills to-day that a person will be entitled to a pension by special act and also by general law. I suppose that is the point of the inquiry made by the Senator from Missouri. I do not think we had better assume that. There is no difficulty, if it is not already provided for by law, in passing an act which shall settle it; but I do not think it is necessary to incorporate that language into every bill.

Mr. LOGAN. One inquiry I should like to make, not in opposition to the bill, but I want to ask for the purpose of governing myself about a statute that exists, whether this pension is granted to the widow of a rear-admiral who was retired as a rear-admiral or who died when he was a rear-admiral in fact, or whether he was one promoted on the retired list?

Mr. PLATT. Let the report be read.

The Acting Secretary read the following report, submitted by Mr. PLATT June 5:

The Committee on Pensions, to whom was referred the bill (S. No. 1796) for the relief of Elizabeth H. Spotts, having considered the same, make the following report:

Rear-Admiral James H. Spotts died in service March 9, 1882, from disease traceable to his service, after forty-five years' active and faithful service. The claimant is his widow, and is left without adequate means of support for herself and son.

Congress has by special act granted pensions at the rate of $50 per month to widows of naval officers of high rank where the services of the deceased had been long and faithful and where the widow's circumstances were necessitous. This case being similar to those in which such pensions have been granted, the passage of the bill is recommended, with an amendment, striking out all after the word "the," in line 7, and inserting the words "passage of this act."

Mr. LOGAN. I merely wished to know whether the officer died in the service.

Mr. PLATT. He died in the service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. GROOME. I think the suggestion of the Senator from Missouri was very well taken, and the words ought to be added to this bill "in lieu of the pension which she is now receiving under the general law." I move that amendment.

Mr. PLATT. This language which the Senator from Maryland proposes is the precise language which made trouble in the case referred to. We had the matter up this morning in committee, and we are of opinion that we had better not assume by adopting any such clause in a bill at the present time that the decision referred to is correct and affects other cases than the one in which it was made. If the bill introduced by the Senator from Maryland passes the general act will settle the whole matter, and we had better not try to settle it in each particular case.

Mr. GROOME. I do not assume that that opinion is correct, and I do not believe that any considerable number of the members of the Senate can be induced to believe it is correct, notwithstanding the respect that ought to be paid to the opinion of an Attorney-General of the United States after they have heard this matter fully discussed. But this woman is now on the pension-roll under the general law; she is drawing a pension, and this bill does not purport to be a bill to increase her pension, but it purports to be a bill placing her name upon the pension-roll. It has always been customary in such cases as that to be very careful in guarding them, in order that there may not be misconstruction. I think, therefore, that it is clear that in this particular case the amendment which I have suggested ought to be made.

Mr. PLATT. This lady is not drawing any pension under the general law. This is an original pension granted by the bill.

Mr. COCKRELL. If it is an original pension, of course the amendment is not applicable.

Mr. GROOME. If that statement is correct, and of course I know it must be when the chairman of the Committee on Pensions makes it, the remarks I made were under a misapprehension of facts. If this lady is not now on the pension-roll the language I have moved is not necessary.

Mr. PLATT. Mrs. Spotts is the widow of Rear-Admiral Spotts, who died March 9, 1882. As widows of rear-admirals are pensioned by special act at $50, she made no application to the Pension Office, but came here directly to get the pension which is allowed and has been universally by special act to the widows of rear-admirals, major-gen-

erals, &c. She is drawing no pension and has made no application to the Pension Office.

Mr. GROOME. Under the statement made by the chairman of the Committee on Pensions, which presents a state of facts of which I was not aware at the time I introduced the amendment, I withdraw the amendment.

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

ALBERT O. MILLER.

The bill (H. R. No. 1543) granting a pension to Albert O. Miller, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Albert O. Miller, late a seaman on board the United States steamship Bienville.

Mr. COCKRELL. I offer the following amendment to be added to the bill, and hope it will be agreed to.

And no person who is now receiving or shall hereafter receive a pension under a special act shall be entitled to receive in addition thereto a pension under the general law, unless the special act expressly states that the pension granted thereby is in addition to the pension which said person is entitled to receive under the general law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. COCKRELL. Let the title be changed by adding "and for other purposes."

The PRESIDENT *pro tempore*. The title will be so amended.

JOSEPH N. ABBEY.

The bill (S. No. 1264) to increase the pension of Joseph N. Abbey, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Joseph N. Abbey, late captain of Battery H, One hundred and twelfth Regiment Pennsylvania Artillery, from $24 to $50 per month, to take effect from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

JOEL R. CARTER.

The bill (H. R. No. 1997) granting a pension to Joel R. Carter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joel R. Carter, late a private in Company D, Eighty-second Indiana Volunteers.

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

NEWTON BOUTWELL.

The bill (H. R. No. 5684) granting a pension to Newton Boutwell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Newton Boutwell, of Morrisville, Vermont, as a dependent father.

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

THOMAS W. ROTHROCK.

The bill (H. R. No. 1451) granting a pension to Thomas W. Rothrock was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas U. Rothrock, late of Company G, Eighth Regiment Pennsylvania Volunteer Cavalry, on account of disabilities incurred while in the service and in line of duty.

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

JAMES HAWTHORNE.

The bill (H. R. No. 2872) to increase the pension of James Hawthorne was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause, and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Hawthorne, late a private in Company H of the Twentieth Regiment Indiana Volunteer Infantry, and pay him a pension from and after the passage of this act at the rate of $50 a month, in lieu of his present pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE J. WEBB.

Mr. PLATT. I desire to take up the next case on the Calendar. It has been passed and reconsidered.

The Senate resumed the consideration of the bill (H. R. No. 2349) granting an increase of pension to George J. Webb.

Mr. JACKSON. Let the report in that case be read.

Mr. PLATT. I will make a statement in regard to it.

The PRESIDENT *pro tempore*. The bill will be read.

The bill was read.

Mr. PLATT. That bill was passed some time ago, and after it was passed an anonymous letter was addressed to a Senator saying that it was a fraudulent case, and at the request of the Senator I asked the Commissioner of Pensions to investigate it. The Commissioner sent a special agent to investigate it. Webb was then in the Government Printing Office, and it was very easy to determine whether he was entitled to the increase or not. The result of the special agent's investigation and of my own investigation is that we think the letter was malicious and that the bill ought to pass.

Mr. JACKSON. I waive the call for the reading of the report.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

The bill was passed.

WILSON W. BROWN AND OTHERS.

Mr. SHERMAN. I should like the bill (H. R. No. 4444) granting pensions to Wilson W. Brown and others taken up.

Mr. PLATT. I desire that that bill should not be taken up now. I do not want to object to it and put it over for the day if it can be taken up after we get through the unobjected cases. I am willing it shall come up then.

Mr. SHERMAN. I shall move to take it up this morning if there is time after the unobjected cases are disposed of.

JOHN H. JACKSON.

The bill (H. R. No. 2278) for the relief of John H. Jackson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John H. Jackson, formerly of Company G, One hundred and forty-ninth Regiment Indiana State Volunteers.

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

MARY E. MATTHEWS.

The bill (S. No. 2026) granting a pension to Mary E. Matthews was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary E. Matthews, widow of Edward S. Matthews, late a surgeon in the United States Navy having the rank of lieutenant-commander.

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

ANN LEDDY.

The bill (S. No. 1680) granting a pension to Ann Leddy was considered as in Committee of the Whole. It proposes to grant a pension to Ann Leddy, widow of Thomas Leddy, late of Company B, Sixty-ninth New York Volunteers, United States Army, subject to the rules of the office of the Commissioner of Pensions adopted in conformity with the laws.

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

EMELINE PINK.

The bill (H. R. No. 4914) granting a pension to Emeline Pink was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emeline Pink, widow of Charles Pink, late of Company B, New York State Heavy Artillery, who served as a soldier in the Union Army during the rebellion.

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

LIZZIE M. MITCHELL.

The bill (H. R. No. 3581) granting a pension to Mrs. Lizzie M. Mitchell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Lizzie M. Mitchell, widow of John Mitchell, deceased, late a captain in the United States Army, who died of wounds received and disease contracted while in the service.

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

ELIZABETH C. CUSTER.

The bill (S. No. 1819) granting a pension to Mrs. Elizabeth B. Custer, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out, after the word "to," in line 4, the words "place on the pension-roll the name of Mrs. Elizabeth B. Custer, widow of George A. Custer, late lieutenant-colonel of the Seventh United States Cavalry, at the rate of $50 per month," and insert "increase the pension of $30 now received by Mrs. Elizabeth C. Custer, widow of General George A. Custer, to $50 per month, to take effect from and after the passage of this act;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of $30 now received by Mrs. Elizabeth C. Custer, widow of General George A. Custer, to $50 per month, to take effect from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The title was amended so as to read: "A bill granting a pension to Mrs. Elizabeth C. Custer."

Mr. SAULSBURY. I desire to ask the chairman of the Pensions Committee whether it is proper to be passing these bills for the increase of pensions under what is said to have been the opinion of the Attorney-General as to their effect, until there has been some legislation to correct that matter.

Mr. GROOME. The Senate has passed it this morning.

Mr. SAULSBURY. But it has not passed through the House, and I suggest whether the committee had not better withhold those bills which propose an increase until some definite action is taken by Congress to correct what is supposed to be an evil which has been mentioned here several times. It occurs to me that while it may be proper to pass such bills, we ought not to do so until there has been some legislation to prevent those parties who get an increase from drawing double pension.

Mr. PLATT. I stated—I presume the Senator from Delaware was not in—that we had had that matter under consideration in the committee and had concluded that it was not necessary to put the clause in each bill. It would be in some sense an assumption that the opinion of the Attorney-General was correct; and we supposed a bill would undoubtedly pass which would settle the matter if there was any doubt about it. The amendment has already been attached to one of the House bills and has passed the Senate directing that in no instance shall a person draw a pension by special act and also by general law. There is no doubt that will pass the House to-day or to-morrow, and the whole matter will be settled.

Mr. BLAIR. I think in regard to this matter, so much talked about, that it is well enough to state that the Attorney-General says in his opinion that the Burnett case is a peculiar case. He decides it as a peculiar case. I do not think that that decision subjects the Treasury to the slightest danger as to the payment of double pensions; but if that were so, the general law which was attached to a special bill passed this morning will protect the Treasury and the Government to the utmost extent that it is possible to do it. If vested rights have already accrued, they must be settled by the judicial power, and it is impossible for us by an act of legislation to deprive any pensioner of rights he already has; but we have done the utmost that can be done to save the Government from any double payment arising from any misapprehension as to the state of the law. I do not think we are in the slightest danger. The universe is all right; so are we.

Mr. SAULSBURY. It may be, notwithstanding the Senate has passed this provision, that the House will not concur in it. My suggestion is simply to postpone these bills for an increase of pension until some definite action has been had upon the bill which was sent from the Senate to the House. It may be that we may assume that the House will concur, it is very likely that they will, but it is always best to be on the safe side. Therefore I suggest to the committee that we reserve these measures providing an increase until there has been definite action taken by the House.

CAROLINE FRENCH.

The bill (S. No. 2089) granting a pension to Caroline French was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Caroline French, widow of Brevet Major-General William H. French, at $50 per month.

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

E. G. HOFFMAN.

The bill (S. No. 547) granting a pension to E. G. Hoffman, late a captain in the One hundred and sixty-fifth Regiment New York Volunteers, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to add the words "to commence from the passage of this act, and to be in lieu of the pension he is now receiving;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of E. G. Hoffman, late a captain in the One hundred and sixty-fifth Regiment New York Volunteers, and pay him a pension at the rate of $20 per month, to commence from the passage of this act, and to be in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

BERNARD BRADY.

The bill (H. R. No. 1048) granting an increase of pension to Bernard Brady was considered as in Committee of the Whole. It proposes to increase the pension of Bernard Brady, formerly a private in Company I, Fourth Regiment United States Infantry, to the sum of $50 per month, for the loss of left leg and part of right foot.

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

LABAN CONNOR.

The bill (H. R. No. 803) granting a pension to Laban Connor was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Laban Connor, late of Company E, Eighth Michigan Volunteer Infantry.

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

PETER J. WELSHBILLIG.

The bill (H. R. No. 5382) granting a pension to Peter J. Welshbillig was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Peter J. Welshbillig, late captain of company G, Thirty-second Indiana Volunteers.

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

ELIJAH W. PENNY.

The bill (H. R. No. 2005) to increase the pension of Elijah W. Penny was considered as in Committee of the Whole. It proposes to increase the pension of Elijah W. Penny, late lieutenant-colonel of the One hundred and thirtieth Regiment of Indiana Volunteers, to the sum of $36 per month.

Mr. PLATT. I move to amend the bill by adding:

Said increase to take effect from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ELIZABETH VERNOR HENRY.

The bill (H. R. No. 1147) granting a pension to Elizabeth Vernor Henry was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Vernor Henry, orphan sister of the late Commander Edmund W. Henry, of the United States Navy, at the rate of $25 per month.

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

SARAH HAYNE.

The bill (S. No. 70) granting a pension to Sarah Hayne was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to add:

And to pay her a pension at the rate of $16 per month, to date from his death.

So as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Hayne, widow of Michael Hayne, who was a seaman on board the United States ships Ontario, Allegheny, and Brandywine, and to pay her a pension at the rate of $16 per month, to date from his death.

Mr. PLATT. Let that be passed over for the present. I wish to examine it.

The PRESIDENT *pro tempore*. It will be passed over.

BETTY TAYLOR DANDRIDGE.

The bill (H. R. No. 4719) granting a pension to Betty Taylor Dandridge was announced as next in order.

Mr. CONGER. I should like to have that bill go over.

Mr. HALE. I appeal to the Senator from Michigan to let the bill pass. It is a very meritorious case. The committee has examined it fully. The bill came with a unanimous vote from the House. The lady is infirm and in need, and I hope the Senator from Michigan will not obstruct the bill, but will let it go through. It is the case of the daughter of General Taylor, the widow of Colonel Bliss.

Mr. CONGER. My desire to have this bill go over was upon information which has been communicated to me—I am not certain about it—relative to some conduct of the person named during the war, some alleged conduct toward Union soldiers during the war. I dislike very much to object to a bill of this kind, and do not wish to make any statement which shall be definite. I am not very particular about it.

Mr. HALE. I hope the Senator will allow it to go. I am sure it is a worthy case.

Mr. CONGER. Not being certain that my information is correct—and if I were I should oppose the bill more strenuously than I do—I withdraw my objection to the consideration of the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes to place on the pension-roll at $50 per month Betty Taylor Dandridge, daughter of the late General Zachary Taylor, and widow of William W. S. Bliss, late a lieutenant-colonel in the Army of the United States.

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

AMELIA ANN WILSON.

The bill (H. R. No. 6401) granting a pension to Amelia Ann Wilson and her minor children was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an

amendment, in line 5, after the word "the," where it occurs the second time, to strike out:

Names of Amelia Ann Wilson and her minor children, widow and orphans of the late Marcellus Wilson, a private soldier in the war with Mexico.

And insert:

Name of Amelia Ann Wilson, widow of the late Marcellus Wilson, who was a private in the war with Mexico, and pay her a pension of $8 per month, and $2 per month for her daughter, Alice A. Wilson, until she arrives at the age of sixteen years.

So as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Amelia Ann Wilson, widow of the late Marcellus Wilson, who was a private in the war with Mexico, and pay her a pension of $8 per month, and $2 per month for her daughter, Alice A. Wilson, until she arrives at the age of sixteen years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "A bill granting a pension to Amelia Ann Wilson and her minor child."

ROBERT P. WALKER.

The bill (H. R. No. 4372) for the relief of Robert P. Walker was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Robert P. Walker, late of Company H, Ninety-fourth Regiment Ohio Volunteers.

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

KATE L. USHER.

The bill (H. R. No. 1206) granting a pension to Mrs. Kate L. Usher was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Kate L. Usher, who is the widow of the late Captain James D. Usher, of the United States Revenue Marine Service, at the rate now paid the widows of officers of corresponding rank in the United States Navy.

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

MARY WADE.

The bill (H. R. No. 1422) granting a pension to Mary Wade was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Mary Wade, of Gettysburgh, Pennsylvania, who was the mother of Jennie Wade, who was killed while baking bread for the Union soldiers, and for paying Mary Wade a pension at the rate of $8 per month, to continue during her widowhood, she having been dependent for support on her daughter.

Mr. COCKRELL. Is there any report in that case?

Mr. CAMERON, of Pennsylvania. The case is all right.

Mr. HARRIS. Let the report be read.

The Acting Secretary read the following report, submitted by Mr. MITCHELL on the 8th instant:

The Committee on Pensions, to whom was referred the bill (H. R. No. 1422) granting a pension to Mary Wade, mother of Jennie Wade, who was killed at Gettysburgh, Pennsylvania, while in the act of baking bread for the Union soldiers, having carefully examined the same, submit the following report:

That it appears from the evidence filed in this case that Mary Wade was the mother of the said Jennie Wade, a resident of Gettysburgh, on Friday, the 3d day of July, 1863, the day of the battle at that place; that long prior to this time, to wit, ten years, the husband of said Mary Wade was confined as a lunatic in Adams County poor-house, where he continued up to the time of his death; that the family of the said Mary Wade consisted of three boys, a married daughter, and the said Jennie Wade; that the said mother received nothing toward the support of the family from the boys or the married daughter, but was dependent upon the help and assistance of the said Jennie Wade to a very great extent.

The mother, in an affidavit under date April 4, 1878, makes oath—

"That seven days previous to the death of the said Jennie Wade she, the said Mary A. Wade, had gone to nurse, take care of, and stay with her eldest daughter, George Anna, intermarried with John Lewis McClellan, for her said daughter George Anna was confined in childbirth, and her said husband, John Lewis, was away in the nine months' service; that she remained there till after the battle, but on the 1st day of July, 1863, (being the first day of the battle,) becoming anxious and concerned about the safety of her said daughter Jennie, sent home for her and had her come out to where she was staying; that from that time, namely, the 1st day of July, A. D. 1863, to the 3d day of July, A. D. 1863, she, the said Mary A. Wade, and her two daughters, the said George Anna and the said Jennie, staid in the same house, and that said house was situate near the extreme south end of Baltimore street, in the said borough of Gettysburgh, on the east side of the street, near the top of Cemetery Hill, and was just within the Union lines, and was occupied during the battle by Union sharpshooters; that on Thursday, the 2d day of July, A. D. 1863, all the bread in the house had been given away to and eaten by Union soldiers; that on Friday, the 3d day of July, 1863, the said Jennie Wade was making up a large batch of bread for the Union soldiers and the family; that she had just finished making the bread, and was standing in the kitchen with her back to the door opening from the kitchen into the yard on the south side of the house; that she had just taken out some more flour and turning to her mother, the said Mary Wade, had said, "Mother, I am going to make some biscuit now; won't they be nice for the boys?"—meaning by the term "boys" the Union soldiers—when she was shot. The ball passed through the outside kitchen door and a door leading from the kitchen to the dining-room, which door was standing open, and entered the small of the back just below the left shoulder blade. She expired instantly.

"That upon hearing the shot the said Mary A. Wade turned and saw her daughter, the said Jennie, sinking to the floor. On running to her and lifting her up, she found that her daughter was already dead. That finding her dead, she, the said Mary A. Wade, with the assistance of some Union soldiers, put a quilt over the dead body, and put it on a lounge in the room, but afterward removed it to the cellar. That her said daughter Jennie was killed about eight o'clock on the morning of the 3d day of July, 1863, and was buried in a hole in the garden back of the house, about three o'clock in the afternoon of the 4th day of July, 1863, but was afterward removed to the cemetery.

"She further states that at this time, in the month of July, 1863, her husband John Wade, was living, but that for ten years previous to this time, and at this time, and ever after till the time of his death, he, the said John Wade, was and continued so to be, an inmate of the Adams County poor-house, being confined there as a lunatic; that at this time and for many years previous the support of her family and the partial support of the said Mary A. Wade's mother depended upon the labor of the said Mary A. Wade and her daughter Jennie; * * * that she and her daughter, the said Jennie, supported the family by taking in sewing; that the said Jennie was a stout, healthy girl of twenty years of age, and was at the time of her death, and had for some years previous thereto contributed materially to the support of the family; that the said Jennie was very faithful, steady, and expert with the needle, and was of great aid to the mother, the said Mary A. Wade, and in her death the said Mary A. Wade lost her main support; that since the death of her said daughter Jennie she has been thrown upon her own labor for support; that she is now fifty-six years of age, and has no family or relations to support or maintain her; that she is dependent for her living upon the labor of her own hands and the charity of her friends; and that in addition there has of late years been thrown upon her hands the support of her now aged mother."

The said Mary A. Wade in a subsequent affidavit says:

"She is poor, and owns no property whatever, real or personal, except a little furniture, not exceeding in value $40. She further states under oath that her daughter, who was killed as above stated, was a tailoress by trade, and with her assistance your affiant was barely able to make a living."

In a later affidavit the said Mary A. Wade swears as follows:

"She says further that the making of the bread was begun at the request of the soldiers there, who at that time were unable to go out of the house for fear of being shot by rebel sharpshooters who were not over three hundred or four hundred yards away. * * * That she had not before furnished any during that day, and had not received any pay or demanded any within her hearing or to her knowledge for anything done by her for Union soldiers. * * * We gave them nearly all we had to eat, without asking or thinking of reward."

Mrs. Catharine Bushman makes affidavit substantially as follows: That she has known Mary A. Wade and her daughter, the former for forty years; that Jennie was a tailoress, and supported the family by working at her trade. That for about thirty years Mary A. Wade has been generally broken down; and for several years prior to Jennie's death Mrs. Wade could not have supported herself and her children without Jennie's assistance.

A. W. Fleming swears:

"I know Mrs. Mary A. Wade, and knew her daughter Jennie, who was killed during the battle of Gettysburgh by a bullet. I saw where the bullet came out. It came out on the left side in front, about the heart or just below it. She was buried just as she fell. I saw the dough on her hands, and flour and blood on her clothes. I took her body up from the garden where she was buried by the soldiers, and I buried her in the cemetery in this place. I knew her before she was killed, and identified the body as that of Jennie, Mrs. Mary Wade's daughter."

Julia Ann Fleming, in an affidavit, corroborates the general facts in the case.

Emanuel P. Bushman, Catharine A. Bushman, Annie R. Feistel, John M. Reiding, and Samuel Bushman, who were neighbors, living on the same street with Mrs. Mary A. Wade at the time of her daughter's death, make oath as to the general facts in the case.

Edward Meuchly and Peter Warren make oath as to the facts alleged, and that Mrs. Mary A. Wade is in destitute circumstances.

J. H. Skelly and W. T. King make oath "that they have been residents of Gettysburgh, respectively, forty-five and thirty-seven years." They swear that during that time they have been merchant tailors; that both Mary A. Wade and her daughter Jennie worked for them at tailoring; that they don't believe, from their acquaintance with Mrs. Wade and their knowledge of the amount of tailoring done by her, that she could have supported herself and family without the assistance of Jennie.

The evidence in this case proving the facts to have been as alleged is unquestionably conclusive. The House of Representatives have, at the present session, passed the bill giving Mrs. Mary A. Wade a pension of $8 per month from and after the passage of the act. And your committee concur in the belief that Mrs. Wade should receive this pension, and accordingly report the bill (H. R. No. 1422) back with a recommendation that it pass.

Mr. HARRIS. I should like to know of the chairman of the Committee on Pensions if it is pretended that Jennie Wade was in any sense in the military service of the country? I had supposed that pensions were granted to persons who were injured either in the military or naval service of the country, that they were confined to persons or the dependents of such persons as were employed in the military or naval service and were injured by reason of that service. This seems to me to be an entirely new departure, an opening of the doors of the Pension Office to a new class of persons that includes the whole community, whether in the service or not. I should be glad to hear from the chairman of the committee as to whether or not it is pretended that this lady who unfortunately fell at Gettysburgh was in any sense in the military service of the country?

Mr. PLATT. The report says the precise facts. She of course was not an enlisted soldier. She was perhaps as much in the military service as a teamster in the Quartermaster's Department, and Congress has pensioned at some time—although I thought when the pensions were first granted to that class of people they ought not to have been granted—persons of that character. This is a peculiar case. I suppose no case ever occurred like it or ever can occur like it. It is a case where at the battle of Gettysburgh a girl, upon whom her mother was dependent, while engaged in the business of baking bread for the soldiers, was killed by a gunshot. It is true that the girl was not serving with a musket on her shoulder, she was not in the ranks, but she was aiding and assisting and in a certain sense taking part in that engagement. She was helping others to fight if she was not fighting herself. While it is a case about which in a previous Congress I had some doubt and caused the fullest investigation to be made as to the facts, I have no doubt whatever that the facts set out in the report are correctly stated both as to the circumstances of the death of the girl and as to her mother's dependence.

I think that sometimes Congress may, outside of any law, grant pensions; indeed, I think it would be very much better if the attention of Congress was engaged in the granting of pensions which are entirely outside of the law rather than as we do, grant pensions under

the law, assuming that the Pension Office has not correctly passed upon the applications. It seems to me that really the only province of Congress is to pass those pensions which are outside of the law, and that we are doing very great injustice often when we undertake to regulate pensions under the law.

It seems to me that this is peculiarly a case for the action of Congress. You may call it a gratuity pension if you please. Call it what you choose; but the circumstances surrounding the case are such that I believe every person or almost every person will say that that poor dependent mother who lost her daughter at the battle of Gettysburgh under these circumstances ought to have a pension.

Mr. HOAR. I should like to ask my friend from Connecticut how he distinguishes in principle this case from a case, which his committee reported adversely, of a woman whose husband was a mechanic in the Mexican war, going with the army, and they were obliged to impress non-combatants and he was actually enlisted; I do not mean enlisted in the technical sense, but he was impressed, and being exposed to military danger, marching some distance from Vera Cruz I think, where he got the yellow fever and died, and the committee refused to allow a pension in that case? It is on the docket now with the adverse report. What is the distinction between this case and that?

Mr. PLATT. I can hardly stop to draw distinctions now. I think there are distinctions, however, between the two cases, but I do not want to argue two cases at the same time. I do not remember precisely the circumstances of the case to which the Senator from Massachusetts refers. The man, however, was in the Quartermaster's Department, I suppose.

Mr. MITCHELL. Under a contract for pay.

Mr. PLATT. Under a contract for pay.

Mr. HOAR. Under a contract to make wagons for pay, not under a contract to march as a soldier for pay.

Mr. PLATT. Perhaps the committee may have decided wrongly in that case. I do not know about that.

Mr. HOAR. That is what I want to get the chairman to admit.

Mr. PLATT. I do not admit it; but for the purpose of not mixing up the two cases and not defeating this case, which it seems to me the inquiry of the Senator from Massachusetts is very likely to do if persisted in, I will not argue at this time the question as to whether the cases are similar or whether the committee acted wrongly in relation to his case.

Mr. HOAR. At present the Senator does not see any distinction.

Mr. COCKRELL. I should like also to ask the Senator from Connecticut if he can draw any distinction between this case and the case of Mrs. Emma A. Porch, which has passed the House and is now and has been for some time before the Committee on Pensions. She was a scout, doing military duty, and contracted disability in the line of duty, and the committee has not reported that bill favorably to the Senate. If you can report a pension to the mother of somebody who was not in the service at all, it does seem to me you ought to pay some attention to those who were in it.

Mr. PLATT. Does the Senator from Missouri say that the Pensions Committee have reported upon the Porch case?

Mr. COCKRELL. No; I say they have not reported upon it.

Mr. PLATT. It will be quite time for us to draw distinctions, I think, when the case comes up for action.

Mr. HARRIS. I do not see from the statement made by the chairman of the committee that this case differs in any degree from the thousand other ladies at Gettysburgh who were devoting themselves to contributing to the comforts of the one or the other of the armies. There is no pretense that she was employed by the Commissary Department to furnish bread; it seems to have been a mere voluntary act; and while she was engaged in baking the bread that she said was for the Union soldiers a stray bullet struck her down. It is opening an entirely new class; at least I know of no precedent. I know of no single case in which a pension has been granted under the facts of this case, and I cannot consent, so far as my vote goes, to opening a new class of pensions, especially in view of the fact that our pension-roll now amounts to about $100,000,000 a year.

The PRESIDENT *pro tempore*. The hour of two o'clock has arrived.

Mr. CAMERON, of Pennsylvania. I hope this bill will be disposed of.

Mr. MORRILL. I shall not give way if there is going to be any more debate. If there can be a vote, I do not object.

Mr. BLAIR. We cannot have a vote now, of course.

Mr. CAMERON, of Pennsylvania. Let us have a vote without debate.

The PRESIDENT *pro tempore*. There are several additional pension cases which will occupy fifteen or twenty minutes, the Secretary says.

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

Mr. PLATT. We may as well dispose of it.

Mr. MORGAN. I desire to enter a motion to reconsider the vote by which the Senate passed on this call this morning House bill No. 4719.

Mr. PLATT. Does the pending bill lose its place by the call for the regular order?

The PRESIDENT *pro tempore*. No, sir.

Mr. BLAIR. As a member of the Committee on Pensions, I prefer that this case should not be disposed of unless it can be debated.

The PRESIDENT *pro tempore*. The bill will go over.

Mr. MORRILL. I call for the regular order.

BETTY TAYLOR DANDRIDGE.

The PRESIDENT *pro tempore*. The Senator from Alabama [Mr. MORGAN] moves to reconsider the vote by which the bill (H. R. No. 4719) granting a pension to Betty Taylor Dandridge was passed. The motion to reconsider will be entered.

Mr. HALE. May I ask the Senator from Alabama why it is that he desires to obstruct this bill which gives a pension to the daughter of ex-President Taylor, and the widow of Colonel Bliss, a case against which I have heard no objection whatever?

Mr. MORGAN. I ask the Senator from Maine why he assumes that I desire to obstruct any case by making a motion to reconsider it?

Mr. HALE. The answer to that is that no more effectual way of obstructing a case which has passed the Senate and which will speedily become a law presumably exists than to move to arrest it by reconsidering it.

Mr. MORGAN. I desire to amend it.

Mr. HALE. Let me ask whether he deems it a fair and just thing to a case that has come from the House, a good and worthy case in itself, and has passed the Senate, to move to reconsider in order to amend it by adding, as I know he wants to add, another case that has not passed the House, thus sending the bill back at this stage to the House with the risk of losing it entirely.

Mr. MORGAN. If the Senator from Maine understands exactly what I mean to do he has no authority for saying that I am trying to obstruct the passage of this bill. I desire its passage, but I desire its passage with an amendment, which the Senator seems to comprehend, and which has just as much claim upon the consideration of this country, if not a higher claim, than the case embraced in the bill.

Mr. HALE. I know the case the Senator refers to. It is in no respect such a case as that of Mrs. Dandridge; it does not stand on the same ground; and yet it is so good a case that of itself I could vote for it if duly reported and submitted; but, I repeat, it is not fair to submit this good case, that everybody wants to go through now, to delay for the sake of putting a new case on and sending the bill back to the House. I hope the Senator will bring the matter up now and let the Senate, while it is considering this case, pass upon it.

Mr. HOAR. What is the question?

The PRESIDENT *pro tempore*. There is no question before the Senate. The Senator from Alabama moved to reconsider the vote on the passage of the bill referred to.

Mr. HALE. I move to lay that motion on the table.

Mr. MORGAN. The Senator does not want to hear any explanation of it. I thought he had challenged me for an explanation, and then he cuts it off by moving to lay my motion on the table, cutting off debate. I trust the Senate will not dispose of this matter in quite so summary a way as that.

Mr. HALE. I do not desire that.

Mr. MORGAN. The Senator knew that I desired to put this amendment on the bill, but unfortunately I was not in the Chamber at the time the bill was called. I was called out on a matter of business by a gentleman of the House.

Mr. HALE. I certainly did not know the Senator wanted to put the amendment on this bill.

Mr. MORGAN. I offered the amendment the other day when the bill was reported.

Mr. HALE. The Senator offered it at that time, but after conversation with him I got the impression that he would not push it, knowing it would delay this bill. I do not say the Senator told me that.

Mr. MORGAN. The Senator has no authority in the world from any utterance or intimation of mine to suppose that I would in any respect relax my effort to get this amendment on the bill.

Mr. HALE. I have not intimated that. I got the impression that that would be the result.

Mr. MORGAN. I did not mean it, say it, or intimate it.

Mr. HALE. I have no disposition to shut off discussion, but I want the case ended, if possible, now, and I am sure the Senate when it hears the whole case briefly will not decide to obstruct this good case of Mrs. Dandridge, the widow of Colonel Bliss and the daughter of President Taylor.

Mr. MORGAN. It is no better case than the other.

Mr. MORRILL. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is called for.

Mr. MORGAN. Is my motion entered?

Mr. HALE. If the Senator insists on his motion, if I have the right I shall move to lay it on the table, rather than let it go over.

The PRESIDENT *pro tempore*. The regular order, being the unfinished business, is called for.

Mr. HALE. I am afraid this bill will never come up unless it is settled now. Therefore if the Senator from Alabama insists on making the motion to reconsider to delay this bill, I will move to lay his motion on the table and I will not ask to debate it a moment.

Mr. MORGAN. When is the subject up for consideration?

The PRESIDENT *pro tempore*. The Chair will hardly be able to tell. The Pensions Committee can bring it up to-morrow.

Mr. PLATT. I was going to inquire whether we can go forward to-morrow morning and get through with the remaining pension bills.

The PRESIDENT *pro tempore*. The Senate will have to settle that to-morrow.

Mr. PLATT. I then give notice that I will ask the Senate to-morrow to consider the pension bills until at least we conclude the unobjected cases, and then leave it for the Senate to say whether they will go further with the pension cases.

Mr. HALE. What becomes of the case of Mrs. Dandridge?

The PRESIDENT *pro tempore*. There is a motion to reconsider, and the motion to lay it on the table attaches, but the Senator from Vermont [Mr. MORRILL] calls for the regular order.

Mr. PLATT. I will bring that case up to-morrow morning, if I can get the attention of the Senate.

The PRESIDENT *pro tempore*. The motion to reconsider is entered.

Mr. HALE. I have no objection to its going over if it is to come up the first thing in the morning and be settled, and I wish to say here that so good is the case that I am speaking for, that I do not desire to inflict any talk upon it on the Senate, but I do want to insist that it shall be disposed of, and not go over and be lost.

The PRESIDENT *pro tempore*. The Senator from Alabama enters a motion to reconsider. When that motion comes up the Senator from Maine can move to lay it on the table.

Mr. HALE. But when will that come up.

The PRESIDENT *pro tempore*. At the pleasure of the Senate.

Mr. HALE. I ask to call it up now, and then I will consent that it go over till to-morrow morning, and the chairman of the Committee on Pensions may bring it up at that time.

The PRESIDENT *pro tempore*. But the Senator from Alabama does not desire to have his motion to reconsider acted upon now.

Mr. HALE. Has he a right to enter a motion to reconsider and postpone it indefinitely, and prevent the passage of the bill?

The PRESIDENT *pro tempore*. Certainly not; but he has a right to enter a motion to reconsider the vote. The bill has been passed to-day. The motion to reconsider may be called up.

Mr. HALE. I move to take it up now.

Mr. MORRILL. It can be called up to-morrow.

Mr. HOAR. Is this not precisely the ordinary case of a matter which any Senator desires to bring to the attention of the Senate? He must first move to lay aside the pending order. When that is done then a motion to take it up becomes in order, just as with the bill introduced yesterday. That requires another vote of the Senate. The chairman of the committee has given notice that he will call it up to-morrow.

Mr. HALE. I am entirely content.

Mr. PLATT. I will make an effort to-morrow morning to have the consideration of pension cases continued, and I think it will be fair and right that they should be continued just exactly where we have left off to-day.

Mr. HALE. That satisfies me, but I do not mean that this case shall go over and be lost, if I can help it.

The PRESIDENT *pro tempore*. The Senator from Connecticut proposes to consider all the pension cases, not only those reported favorably, but those where there has been a difference of opinion between the majority and minority of the committee.

Mr. MORRILL. I insist on the regular order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in some and non-concurred in other amendments of the Senate to the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 1095) to provide for the erection of a public building at Poughkeepsie, New York; and

Joint resolution (H. R. No. 237) concerning an international fishery exhibition to be held at London in May, 1883.

AMENDMENTS TO BILLS.

Mr. CALL, Mr. COCKRELL, Mr. HOAR, Mr. JONES of Florida, and Mr. WINDOM submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. HARRIS and Mr. MORGAN submitted amendments intended to be proposed by them to the bill (H. R. No. 5538) to reduce internal-revenue taxation; which were ordered to lie on the table, and be printed.

Mr. VAN WYCK submitted an amendment intended to be proposed by him to the bill (H. R. No. 2997) granting right of way to the Fremont, Elk Horn and Missouri Valley Railroad Company across the Niobrara military reservation, in the State of Nebraska, and authorizing the sale of a portion of said reservation; which was referred to the Committee on Military Affairs, and ordered to be printed.

INTERNAL-REVENUE AND TARIFF DUTIES.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, which is the bill (H. R. No. 5538) to reduce internal-revenue taxation.

Mr. BAYARD. Mr. President, I congratulate the country that, even at this late hour and in this unprecedented way, Congress is approaching the question of reducing the heavy burdens of taxation upon the people, of emancipating American industries, commercial and manufacturing, from the incubus of an indiscriminate and excessive taxation laid in time of war, and only because of war, and improperly and unwisely maintained in time of peace. Any approach, however indirect, to the great question of giving to American labor relief and to American industry more extensive fields for the disposal of its products than the home market to which it is now confined, and, as I believe, chiefly because of the system of tariff taxation imposed, is a matter of public congratulation.

The Senator from Vermont [Mr. MORRILL] dealt summarily and confidently with the bill under consideration. He was backed by the order and assurance of his party caucus. He presented to the Senate their decree and was naturally impatient for a vote which should ratify it. In the short speech which *pro forma* he read to us yesterday he denounced in advance any amendments which might be offered or speeches which might be made in opposition as "buncombe" amendments and buncombe speeches. His party associate from Iowa [Mr. ALLISON] in the same key said the sun need not set before this bill should pass the Senate. This is certainly hot haste in dealing with the great interests and complicated questions embraced in this bill, a bill "reducing taxation," as it is strangely miscalled.

Upon what principle has the Republican caucus proceeded? A principle that should reduce the great body of tariff taxes as has been done in the prior laws of 1870, changed again in 1874, by what is termed a horizontal reduction? There, at least, it is shown that the fact being admitted that taxation was excessive, you were safe to make a general horizontal reduction. But nothing of the kind is suggested here. The bill is petty, delusive, and abnormal; it is unprecedented. This is the first time in the history of the United States that the Senate have originated a bill to change the tariff; but party exigency causes it. It is true there is a tariff commission deliberately appointed who, by those who controlled it, were to have charge of the general subject, and after a revision of the whole body of existing tariff laws were to report a judicious, wise, and just system of tariff legislation that should be based upon a spirit of justice and equity to all interests and parts of the country and all that goes by the name of American industry.

There is, however, at least one feature in the present bill that is satisfactory. By combining the internal-revenue taxes and the tariff taxes in the same bill an important admission is obtained, and that is, we are dealing with a TAX question, and whether it is laid at the exterior ports of entry or in the interior of the country it is in either case a tax imposed by law:

> A tax is a rate or sum of money assessed on the person or property of a citizen by government for the use of the nation or state.—*Webster's Dictionary.*

Said Judge Cooley:

> Taxes are burdens or charges imposed by the Legislature upon persons or property to raise money for public purposes.

Judge Coulter, cited approvingly by Mr. Justice Miller in the Supreme Court in the case of Loan Association *vs.* Topeka, said:

> I think the common mind has everywhere taken in the understanding that taxes are a public imposition, levied by authority of the Government for the purpose of carrying on the Government in all its machinery and operations; that they are imposed for a public purpose.

I am glad to read this definition, and to have now a bill which by its very title recognizes that the internal revenue and the external revenue are alike and equally exercises of the taxing power of the Government. My reason for feeling satisfied with this is the progress made in the last twenty years in the minds of a large number of the advocates of a protective tariff, until they have reasoned themselves into such a state of mind that they declare the imposition of a tariff duty is no longer a tax, and that it is not subjected either to the reasons or the constitutional limitations upon the taxing power and the objects for which taxation was suffered to be imposed; that it is not to be viewed, as a practical fact, as a burden in any shape; but that giving it a different name it changes its nature, and by changing its name you change the whole relation of the subject to the public interest. I am glad that the minds of the people of this country are brought to the consideration of this question undisturbed by the excitement of war and by the equal perturbations of the revolutionary period styled reconstruction, free from all the fires of sectional animosity which have so darkened the minds of our countrymen and which have prevented the calm consideration of economic questions. I am glad now and

here to emphasize especially the principles upon which we are to proceed in order to test what justification there may be for taking any portion of the property of a citizen against his will for other than a really public purpose.

We are told by the title of this bill it is a reduction, and I ask the Senate now to consider whether it is such a reasonable and equivalent measure of relief to the masses of the American people as now is admittedly their right to receive. I will state the subjects of the bill. It proposes to repeal the tax on bank deposits, which amounted to $7,987,851 last year, and upon banking capital, to $1,242,329. Let me discuss those two.

I never believed that a banking deposit was properly subject to taxation in the hands of the depositee. The deposits in a bank are not permanently even if they are held to be technically the property of the bank; they are rather evidences of its debt to the depositor. I have never held it wise that upon a property so floating in ownership a tax should have been imposed. I have voted heretofore for its repeal. Under the instruction of the Finance Committee I presented a year ago in the Senate a bill for the repeal of that tax, which was passed without a division, and so far as it appears, by the unanimous voice of the Senate. As it should have been repealed long ago, it should now be repealed. It is not a tax upon the banks; it is a tax upon those who employ the banks; it is in effect a tax upon the business of those who are dealing with the banks. The tax upon banking capital falls three-fourths upon State institutions and banks other than national banks, about $200,000 upon national banks and $600,000 upon the State banks. I am perfectly willing to see that tax abolished, as I hold it to be a useless burden upon the general business of the country.

The tax upon bank checks is one of those taxes that cannot be transferred. The imposition of the check-stamp tax is of itself a formality in business which I am by no means sure is not of value, to those whose money is passed to and fro by checks. One thing is certain, it costs nothing to collect. It is troublesome to bank officers, and I believe from them, chiefly, the cry for its repeal comes. It is not a distressing tax. It is one that is paid easily, and affords, as I have said, by the very formality of its affixing some degree of protection to those who use it. There are so many other taxes that are oppressive and which should be sooner repealed, that I am in doubt as to whether the repeal of the stamp tax upon bank checks is a wise means of relief, or that it would form any appreciable relief to the mass of American people.

Another thing is that the whole of this tax without cost to the Government reaches the Treasury. It does not involve the employment of a single extra clerk in any of the Departments; it is a thing that is very easily settled, cheaply and certainly collected. It may be said, and I may refer to that hereafter, it leads to a certain amount of inquisition that is always objectionable, especially to a people like our own, and that I think is about the only objection to the check-stamp tax of which I know.

Then comes the tax upon friction matches, which is sought to be repealed. It brings a revenue remarkable in its proportion to the article subjected to tax. No less than $3,278,580 were paid into the Treasury last year by this stamp tax. It did not involve the employment of a single extra clerk; it cost the Government not one stiver for its collection; every dollar of that tax reached the Treasury; and can any one here say that there is a member of the great American family oppressed by it? If to have what is called a public burden universally and equally distributed upon every class and occupation, to have no man capable of saying that he is oppressed, injured or even inconvenienced by it, and that the tax is net, clean and clear in its profits to the Treasury—if this constitutes the definition of a wise tax, then I say it is unwise to repeal the tax upon matches. With a revenue so great, so easily and honestly paid, so cheaply and certainly collected, upon an article so universally used, if this be not wise taxation, it is difficult to imagine or to state an item of wise taxation; and yet by this bill it is proposed to repeal it.

There is another tax, upon patent medicines, &c. They paid a revenue of about $1,800,000 last year, a very acceptable contribution to the public Treasury. The ad valorem per cent. of that tax upon these medicines is far less than the tax upon matches. Upon matches the tax is not less than from 100 per cent. to 300 per cent. ad valorem. We have no coin so small as to express the value of what the difference will be to the public by taking the tax off of a bottle of a patent medicine that costs twenty-five cents and has now a penny stamp upon it. Is it supposable that that bottle will be any cheaper to the consumer because that penny stamp is removed from it? I do not know whether we will ever have statistics to prove it, but I feel perfectly satisfied as a practical man that this repeal of $1,800,000 is simply a gift to those engaged in the perfume and proprietary medicine business, and that the mass of the American people will never derive the slightest advantage from the repeal.

These are the features of relief to the American tax-payers which came to us from the beneficent Committee on Ways and Means of the House. They bear their birth-mark unmistakably. The Bureau of Internal Revenue of this Government costs in its machinery rather over $5,000,000 annually, and the estimate for the next year is about five millions and a quarter. I wish the Senate to note that there is not to be the diminution of one farthing in the expense of collecting the internal revenue by the abolition of any of the taxes proposed. There is not to be one clerk the less; there is not to be one dollar of cost the less. The cumbersome, inquisitorial, expensive machinery of the Bureau of Internal Revenue stands undiminished by the proposition now before the Senate. There is the fact; not one official the less, not one dollar the less salary, not a saving in any way, not an amendment, as I said, of those inquisitorial, un-American features of the excise law, which will be always standing objections to it—the right of the tax-gatherer to invade the place of business of the citizen whenever and wherever he pleases, by night or day. Of these excise taxes, which so often have had the history of their enforcement written in blood, which have frequently been executed at the cost of the lives of innocent men, not one of those features, not one of those objections is in any degree ameliorated or lessened by the bill now before us.

Mr. BECK. Will the Senator allow me to state that in the legislative, executive, and judicial appropriation bill we took great pains to designate each man who was employed in the Departments of the Government and how much he should have, but we gave by the hundred thousand dollars to the Internal Revenue Department to employ whom they pleased, when they pleased, as they pleased, to send where they pleased in order to carry out these inquisitorial functions without any thought of curtailment? The trouble is that the effort is not made to give relief in that respect.

Mr. BAYARD. There are also some very unimportant diminutions in the tax for licenses for certain dealers in manufactured tobacco. There is no change whatever in the regulations or their stringency, but simply diminishing the cost of the annual license. That is all that is found there. That is small relief, and for such relief no doubt we will have the thanks of a very limited body of our citizens.

There is also a diminution in the tax on cigars from six to four dollars a thousand, a difference of two dollars a thousand. To the consumer of cigars, who buys them singly or in small numbers, I apprehend that the diminution will prove very immaterial, for, as I said before, there are reductions to the consumer which are so small that we have no coin to express their value, and this is one of them. Two dollars a thousand is the fifth of a cent apiece, and while there may be upon wholesale prices a result in a diminution equal to 33 per cent. of the present tax, it is so laid upon these articles that I doubt the relief to those who are the actual consumers of tobacco, and therefore we will have simply a diminution of the revenue without a practical diminution of the burden upon the consumers of the commodity.

I now pass from the internal tax to the external or tariff taxes, and will consider for a moment what that amounts to. The first of these is the reduction, as it is called, of the tariff on sugar. On the 3d of March, 1875, an increase of 25 per cent. ad valorem was enacted upon the descriptions of sugars, melada, molasses, and the like, embraced in this bill. It is now proposed to repeal that 25 per cent. advance, but while it nominally takes from the duty a subsequent clause restores it. The duties of our present tariff upon sugar are very high, complicated, and obscure. They are neither ad valorem, nor are they specific. They are nominally specific, but testing that specific duty by the Dutch standard of color, they virtually become ad valorem. It is an obscure, complicated, and impracticable tariff. It has led to litigation of a most disastrous character to importers, and ultimately to the public Treasury. It has led to an illegal imposition by the former Secretary of the Treasury of the test which is sought by this bill with his favor and influence now to make lawful, and that is, the test for obtaining the saccharine strength as the basis for taxation, virtually disregarding the standard of color which is specified in the present tariff law.

The bill proposes to give a discretion to the Secretary of the Treasury in the employment of the polariscopic test to ascertain the saccharine strength, which contains as I fear too wide a discretion for public safety. Every one knows that as a commercial fact the polariscope is used by buyers and sellers of sugar everywhere, but every one also knows that in determining the saccharine strength no two tests by the polariscope are found often to agree. It is perfectly easy for the examiner at the custom-house by using a polariscope in which his eye may detect crystals of certain saccharine strength to place sugar above or below a given number in the Dutch standard of color and consequent rate of duty. He may either make it pay 1¾ cents duty per pound or he may make it pay 2¼ cents, and the difference is ruin to the owner or an enormous and unjust advantage to the purchaser.

As a practical fact merchants do employ the polariscope in their purchases and sales of sugar. As a practical fact those tests seldom agree, and then an accommodation takes place by way of bargain and arrangement between the buyer and seller, which enables something like justice, with certainly a voluntary bargain; but what is to become of the importer who can have no test of his own to set up against the Government examination and who is bound by it, although after he has paid that duty the polariscope in other hands may disclose a wholly inferior strength of the saccharine crystals, and he may have been taxed to death by the error or by the willful act of the Government agent over whose action he has no control and from whose decision he has practically no appeal.

Here is a commodity of universal consumption, that paid last year into the Treasury $47,000,000 revenue. Its proportions are vast. Every change in our sugar tariff has wrought a change in our trade

with foreign countries. The examination of the subject has been most painstaking, able, and profound. Courts have sat upon these questions; experts have been examined under oath; everything has been done; and yet you find the question so filled with doubt, so surrounded by variant opinions, that the House of Representatives wrestling with the question in their Committee on Ways and Means for the last six years have been unable up to this time to present a measure acceptable and admittedly just upon all sides. The conflict of interests is violent; it has proven so far to be almost incapable of reconciliation; and here when we have not before the Senate or its committees one line of testimony, when we have not the word of a single witness, we are called upon by this bill, in July weather, suddenly to decide upon a question so fraught with importance to our native producers, to our importers and refiners, and to the Treasury of the country!

It so happens that I scarcely have the personal acquaintance of those who are engaged in the growth or the manufacture and refining of sugars, but I am conscious of the ruin which may be inflicted upon the grower, upon the importer, upon the manufacturer, by dealing hastily with such a question. Go over to the city of Baltimore and see there the sugar refineries on the most extensive and admirable scale once operated with abundance of capital, with ample intelligence, with long experience in the trade, and find those grand buildings empty and deserted, the business broken up and ruined, by the manner in which the present tariff has been dealt with by those having in charge the collection of duties, and then ask yourselves whether it is becoming and proper and right to throw here into the Senate, before a committee who, I say emphatically, have never examined a witness, have never had four hours of consultation on the subject, and ask the Senate to pass off-hand a measure like this? And by way of relief we are told, forsooth, it is only a "temporary" measure, and that the tariff commission, supposed to be charged with the consideration of the whole question of tariff duties, will at some time in the future report a "permanent" measure! Sir, I suppose if you were to thrust a man's head under water and keep it there for ten minutes it would be a temporary measure, but it would be death to him.

I cannot contemplate with equanimity this method of dealing with a subject so vast in its proportions, so important in its consequences to so many of my countrymen whom I may never see or know, but whose interests nevertheless I am here to vote upon—I say I cannot contemplate this reckless off-hand way of dealing with a subject of this kind without a feeling of absolute distress in being compelled to vote either "yea" or "nay" upon a proposition, in regard to which I do declare the Committee on Finance have not been prepared to present to the Senate reasons for their decision—because they have never had it under proper or I may say decent consideration.

The title of the bill says it is a reduction of taxation. I deny it. It takes off 25 per cent. ad valorem, but at the same time it substitutes a test that renders the color standard utterly nugatory. Grant that a dark discolored sugar under No. 7 of the Dutch standard is brought in, it would pay a cent and three-quarters duty. Subject the same sugar to the polariscopic test, and you may raise the duty to 2½ or 3 cents a pound; you may double the duty notwithstanding the color. Therefore it is idle to speak of a color test. No matter what shall be the color of the sugar, no matter how low in grade it may be, the polariscopic test can raise it to a tax double that which the tariff assigns to the lower grade of sugar according to the Dutch standard.

Therefore to say that this bill is a reduction of the sugar tariff is to speak inaccurately and erroneously. It will be rather an advance in the sugar tax, because any one who has had dealings with the Treasury Department and knows what its rulings have been, knows that they are almost invariably against the importer. I think to-day that there are some three thousand suits brought against the collectors at various ports taken under law by way of protest and appeal from the decisions of collectors and of the Secretary of the Treasury, and the law-books here before us show how constantly the courts have been called upon to rectify the errors of collectors and Secretaries of the Treasury. So that I say, judging as you must by probabilities, you cannot count upon this proposed amendment in the sugar tariff being a reduction in the duty. I believe it is about equivalent to those reductions of taxes whereby you diminish the rate and raise the assessment. That it seems to me is about what has been done in this case.

Mr. SHERMAN. I do not know that I ought to interrupt the Senator from Delaware in his remarks, but I desire to say that there is not the slightest question that the repeal of the 25 per cent. imposed by the act of 1875 will undoubtedly reduce the tax between nine and ten million dollars. In regard to the polariscopic test, the application of that test probably will raise the revenue from one to two millions, because we have had the actual experience for two years, and we know exactly what it will produce. Let me say another thing: that as to the accuracy of that test there have probably been thousands of importations to which it has been applied, and yet there has not been a single controversy growing out of the accuracy of the polariscopic test in all those importations.

Mr. BAYARD. I do not see how there could be a suit growing out of the accuracy of the polariscopic test, because that would be a question of fact. The appeal you can make is on a question of law. The court does not decide upon false grades of sugar, nor will it decide upon false colors of sugar, but the court would sit upon the question whether the Secretary of the Treasury had a right to apply a test which the law had not warranted, or whether a higher rate of duty had been collected than the law warranted. In other words, it must be a legal error that can be appealed from, not the question of fact.

Mr. SHERMAN. As to the question of law the Supreme Court undoubtedly did decide that owing to the neglect of Congress, the Department and the courts had no power to correct a rule that was shown to be an unjust rule. The fact is that the polariscopic test as applied to sugar was never doubted or questioned. On the contrary, merchants bought and sold by the polariscopic test applied by the custom-house officers.

Mr. BAYARD. The Supreme Court decided that a test had been used by the Treasury Department unwarranted by law. I have in my possession, and could have brought to the Senate, a copy of testimony taken by the other House on this subject, the statement of witnesses before the Committee on Ways and Means, and I believe I am warranted in saying, (I speak from memory, not having the book with me,) that many witnesses declared the polariscopic test to be so variant, that it depends wholly in whose hands the instrument is, and, to use the language of a sugar merchant who spoke to me here the other day, this bill is but handing over the sugar duties to the discretion of the Secretary of the Treasury and his agents. I am not in favor of having discretion as the basis of law. I believe with Lord Camden that the discretion of the judge is the law of tyrants. I do not believe that the business interests of this country ought to rest, nor do I think it is safe for the officer that they should rest, upon his discretion.

All this I say in a spirit of questioning, and endeavoring to ascertain what is true in regard to this matter so important to the pecuniary interests of so large a body of our people, and again to repeat my belief that while you lower with one hand in the shape of the reduction of the ad valorem duty you raise with the other in the shape of the polariscopic test. I therefore do not believe there is any serious amount of diminution in these duties.

So far as sugar is concerned, I submit to the Senate whether there would be any great reduction in the duty, and whether it is wise for us to adopt what is said by the author of this feature to be a temporary measure, which the tariff commission may hereafter set entirely aside at the end of three, six, nine, or twelve months. It seems to me that if I were engaged with my capital and exertions in business connected with this commodity, I should feel great embarrassment in having laws unshipped "temporarily," for the purpose of trying an experiment which might so soon be wholly done away with under the examination and recommendation of the board of tariff commissioners.

But the bill contains another feature. After changing the law in regard to sugar duties in the way that I have mentioned it proposes to diminish the tax upon Bessemer steel rails, to take off $8 per ton. What is that to be? Will not the duty of $20 that is left be in effect equally prohibitory? Does not every man here know that $20 per ton is a higher rate ad valorem compared with the present prices of rails, than $28 was when the rate was first established in 1870? If you mean reduction, effect it; but here you have $20 per ton upon this iron changed to steel by a simple pneumatic process almost without expense, and you have a proposed duty at a greater rate ad valorem upon the present prices than when your duty of $28 per ton was imposed in 1870; and you speak of that as a reduction.

Everything in price is comparative. Everything depends upon the results of invention and the facilities of manufacture. You are not reducing the relative rates of this commodity in the way of taxation, but you are simply adjusting them at the same rate or indeed a higher rate to existing trade and business. The tax of $20 per ton upon Bessemer-steel rails will be in effect a prohibitory tax. It cannot be said to be laid either to increase revenue or to diminish cost to the American consumer. The cost has been diminished, but diminished how? By progress in skill in manufacture, by the progress of invention, by the facilities which discovery has given to the production of this commodity. That is what has brought Bessemer steel to a lower price both in England and the United States.

Mr. HOAR. May I ask the Senator from Delaware if he states the fact to be that the duty of $28 a ton upon steel rails is a prohibitory tariff?

Mr. BAYARD. Virtually so.

Mr. HOAR. I understand that the importations have been very large.

Mr. BAYARD. That was under the force of having no sufficient supply manufactured in the United States.

Mr. HOAR. I state the fact.

Mr. BAYARD. They were compelled to import, and even to pay any price.

Mr. HOAR. But the United States supply has largely increased; it has more than doubled.

Mr. BAYARD. There is no doubt about its having much more than doubled; it has been stimulated by an excessive tariff taxation, and I think any business would be that paid 77 per cent. per annum profit. No wonder the production is increased, no wonder the American supply is greater; but I repeat what I said, that $20

a ton is a higher rate ad valorem, according to the present prices of steel rails, than $28 per ton when the duty was originally laid.

Mr. HOAR. My question related to the statement of the Senator that it was a prohibitory duty, it being in fact a duty under which enormous importations are going on. Whether that importation is caused by extraordinary demand, it certainly is not a prohibitory duty at $28 a ton.

Mr. BAYARD. The demand may be so urgent, the demand may be so instant and pressing, that contractors for railways cannot avoid it; but the proof is that the prices which did obtain in 1870 have been lowered simply because of the increased skill and facilities and the extension of discovery in the manufacture of steel by this remarkable process——

Mr. SHERMAN. I will state to the Senator that the importations of the very article referred to by the Senator now this last year show figures that would astonish him. The foreign production of iron rails is now competing very severely with the manufacture of iron rails in this country. The amount of importations of steel rails last year was 334,085,026 pounds, so that the importation already under existing law is very large; and this reduction of $8 a ton will make a sharp competition between the manufacturers in this country and the manufacturers in Europe.

Mr. BAYARD. I do not think that the figures are fairly cited, or that they meet the real and full meaning of the facts of this case. Here was a discovery that ranks among the greatest of the age, the effects of which in the beneficence to the human family were most remarkable. Everybody could get the benefit of that, except the American people, who needed it almost more than any others. The European patents were possessed in this country by a very limited number of individuals, some of them, as I have been told, members of the House of Representatives, who voted for this increase of duty themselves, who dishonestly used the public trust of legislative power to enrich themselves, and doubled the tax upon steel rails when this English invention, so blessed in its results to mankind, was to be restricted and cut off by the imposition of an unjust tariff tax. Then, having possessed themselves of a monopoly first of the patents, they were unable to meet the great demand for steel rails. It was not a matter of choice whether a company could lay down an iron rail or a steel rail. No railroad man would dream of constructing a railroad of iron rails. Steel is no longer a matter of choice; its durability and strength make it a necessity. So under the necessity they had to import what our protected manufacturers were unable to supply. That is the reason why I say the duty was and is virtually prohibitory. The payment of a double price for steel rails was no more voluntary than the voluntary payment by the poor clerks of these political assessments to Mr. HUBBELL. It was involuntary, it had to be done or the railroads could not be built. That is the true history of the consequences of this abuse of the taxing power by Congress.

Is $8 per ton an equivalent reduction? Is that a reasonable reduction with the monopolies that exist in this country under the tariff, with the combinations that exist to manufacture Bessemer-steel rails? It was proved the other day by the records of the orphan's court of the city and county of Philadelphia that a yearly dividend of 77 per cent. profit had been declared by those who controlled the Bessemer patents and who are making these steel rails. What is fair and just among the American people? What is fair and just in legislation? Why were those dividends so high? Because you had a tariff tax of $28 a ton upon this commodity. Why should they not be satisfied with one-half of 77 per cent., that is 38 per cent? How many farmers are there in this country who have made upon their holdings a clear income and dividend in *five* years—not one year—of 38 per cent? Yet when the proposition is made to reduce this tax from $28 to $14 a ton it is voted down, and this proposition of $8 a ton is thrown in to lessen public indignation.

I do not deny that it is a reduction, but I do not consider it a reasonable or an equivalent reduction in the face of existing facts. I could repeat here to the Senate statements to me by men who have been compelled to build railroads in which the cost has been increased millions of dollars because of this excessive duty. Go to the Mexican frontier and see men building two miles of railroad at the cost of one built in Texas, and ask the reason why. Go to Canada and see two railroads running parallel down the Saint Lawrence River, and see two miles built on that side at the same cost as one mile on this side, and ask the reason why. Railroads are no longer luxuries; they are necessities, and their cost must be paid for. If they are more expensive of course their freights must be higher. They are no longer matters of choice as to their use; they are matters of necessity, and all that enters into the cost of the railway and increases its cost is a direct and immediate burden upon the producing classes of the American people, and mainly upon the agricultural classes. The problem of distribution and transportation is to-day more difficult in the United States than that of production, and the cost of railways controls the rates of transportation and affects every business interest.

But there is another amendment by way of alleged reduction. It proposes to amend section 2504 by adding—

That on and after the 1st day of October, 1882, on all manufactures, articles, vessels, and wares made from hoop, band, or scroll iron, or of which hoop, band, or scroll iron shall be the component material of chief value, there shall be levied, collected, and paid the same duty, or rate of duty, as that imposed on the hoop, band, or scroll iron from which they are made or which shall be the component material of chief value.

What does that mean? It is called manufactures of hoop-iron. It is simply to double the present duty of 35 per cent. ad valorem upon all the iron cotton-ties and all the iron hoops used throughout the United States. By a fair calculation it would add 12 cents cost on the hoops of every bale of cotton that shall be raised in this country. If we have, as probably there will be, 6,000,000 bales, there will be an increased tax upon every cotton-grower, black and white, of seven hundred and odd thousand dollars; and that is called a reduction of the tariff.

Thirty-five per cent. ad valorem is certainly a full measure of protection. Why should you change that to 1½ cents a pound upon these pieces of hoop-iron? Is it fair or reasonable that a tax should be laid of 70 per cent. ad valorem to prevent coopers, cotton-packers and cotton-growers from fastening their wares, for use at home or for export? About three-fifths of this iron in cotton-ties goes out of the country with the cotton and no drawback is allowed upon it.

Mr. BECK. Seventy-one per cent. is exported.

Mr. BAYARD. That is about three-fourths. Every bale of cotton that is exported carries out of the country the iron ties which came into it, and no drawback whatever is allowed for duties paid. I submit, Senators, that when you consider the condition of the Southern country, and of that class of colored laborers for whom so much sympathy has been professed, and, under the pretense of lessening public burdens put an additional weight of $700,000 a year upon them, you are doing something that cannot be advocated on the score of sincerity, justice, morality, or right.

It is an abuse of the taxing power to do this thing. It is not laid for a revenue; it is not laid for a public use, but for a private advantage, and so it will stand that in this bill, on whose false face is written the word "reduction," there is a doubling of this duty, not only to every man who packs and grows cotton but to every cooper who shall make any cask, or keg, and everything requiring the use of hoop-iron in smaller pieces and cut into lengths, and he is to pay hereafter at the rate of $35 a ton duty. That is what it amounts to. Hoop-iron is worth about $50 a ton. Thirty-five per cent. the present duty upon that is about $16½ or $17. The duty proposed is one and a half cents per pound; that is very nearly $35 a ton.

When you lower the tax upon Bessemer-steel rails, as at last the ears of the majority are sufficiently penetrated by the demand for relief upon that subject to take off this small portion of a duty, in the same bill you raise the duty upon these fragments of hoop-iron to $35 a ton. What consistency or justice is there in such legislation?

That is all there is now in the bill. What may be done in the way of amendment hereafter I do not know, but that is the way the Republican party in Congress propose to "reduce" taxes. I think it would be a matter of easy arithmetic to figure up that taxes will be rather advanced so far as the tariff is concerned by the bill, and that the reductions of the internal-revenue taxes are really those that will give least relief to the great body of the industries of this country.

The tariff of 1861 was arranged with the avowed object of increasing the revenue to provide for the extraordinary and necessary expenses of war. Our present tariff system may be said to have its basis, its theory, in the tariff of August, 1861. Accompanying the demand for revenue was the accepted principle in laying the tariff taxes, to which I give my assent, of discriminating by those tariff duties in favor of our home industries. The doctrine was fully admitted in the tariff law of 1861, which, whether it was wisely laid as to the amounts and subjects, had for its professed real object the raising of revenue to maintain this Government in war, carrying with it the principle of discriminating in favor of our home industries wherever that could be done.

The principal object for which those taxes were imposed was revenue; the incident was protection. So long as those relations are maintained we have safety as the basis and the principle of laying taxes. Whenever you reverse them you are without warrant in the Constitution and you have started upon a course which I think can easily be shown will be pregnant with disaster and filled with injustice.

Gradually, however, those who were specially benefited by the tariff increased in boldness as they gathered strength and power and protection, and protected interests substituted themselves instead of the idea of public revenue. In that way that which was intended to be the incident became the principal. This was the gradual growth of the tariff. Taxation on imports had revenue for its principal and protection of American industries for its incident. Time has reversed all this, and doctrines which would have shocked and astonished the friends of the American system enough to make Henry Clay, the great advocate of the American system, turn in his coffin, are now laid down and calmly delivered as axioms in political economy. One distinguished gentleman still holding a high place in the other House has announced that no political economist worthy of respect any longer "pretends to consider a protective duty as a tax!"

In fact, a new political lexicon seems to have been adopted in certain circles, and the word "duty" to have lost its former signifi-

cance, and to mean no longer an obligation or debt from a citizen to support his government, but rather an obligation of the Government to support the citizen—a "duty" to protect his private interests by taxing the public for his support and profit. They would have us believe that "a duty" is something to be paid *out of* and not *into* the public fund. Thus we have within the last year witnessed conventions of certain manufacturers applaud the announcement that "a tariff for protection with incidental revenue" is what is needed in the United States.

And the Senator from Maine [Mr. FRYE] has announced on the floor of the Senate that he is in favor of protection for its own sake, and were there no public debt and no demand in that way he still would lay tariff taxes for the sake of protection.

Mr. President, it seems to me that under such a course of thought the limitations of the Constitution upon our powers of legislation and of justice and safety are lost sight of. If the right exists to have a tax laid, not for a public but for a private purpose, a right *per se*, not as an incident but as a principal, who is entitled to it? Who shall adjudge such rights or dispense such favors? Do you say they belong to American industry? What is American industry? There is a definition I will read that perhaps at the present time may have some influence. It is in a speech of the late President Garfield, made in 1870, in which he described what "industry" was entitled to protection. He said:

> We are limited in our tariff legislation by two things: first, the demands of the Treasury; and second, the wants and demands of American industry. The Treasury we understand, but what is "American industry?" I reject that narrow view which considers "industry" any one particular form of labor. I object to any theory that treats the industries of the country as they were treated in the last census, when we had one schedule for "agriculture" and another for "industry," as though agriculture were not an industry, as though commerce and trade and transportation were not industries. American industry is labor in any form which gives value to the raw materials or elements of nature, either by extracting them from the earth, the air, or the sea, or by modifying their forms, or transporting them through the channels of trade to the markets of the world, or in any way rendering them better fitted for the use of man. All these are parts of American industry, and deserve the careful and earnest attention of the legislature of the nation. Wherever a ship plows the sea, or a plow furrows the field; wherever a mine yields its treasure; wherever a ship or a railroad train carries frieght to market; wherever the smoke of a furnace rises, or the clang of the loom resounds; even in the lonely garret, where the seamstress plies here busy needle—there is industry.

Who has thus far obtained the favors of protection in the history of this country? Has it been the weak or the strong? Protection carries in its very name the suggestion of weakness to be protected, but we have seen in the history of tariff legislation that the strongest lobby and the most powerful interests have been the most successful in obtaining protection. I have never known a subsidy beggar who was not a millionaire.

Mr. President, one glance at the great departments of wool and iron will show that the duties in all those leading products have been carefully increased, harmonized, and adjusted in accordance with the views of the parties interested. Is it not a fact that in the first proposition introduced in the other House there was, originally, an item to double the duty on steel blooms? Steel blooms to-day pay 45 per cent. ad valorem. There was a proposition made that they should be put upon the steel list and taxed the same as steel railway bars. Why was not that pursued? Because, Senators, it awoke too strong an opposition among other strong and protected classes.

Mr. ALDRICH. I suppose the Senator from Deleware does not mean to intimate that any such thing was in the bill in the Senate or before the Committee on Finance of the Senate?

Mr. BAYARD. I spoke of the original proposition. We know where it originated.

Mr. ALDRICH. I have no knowledge of where it originated. No such proposition has been before the Committee on Finance or any committee of the Senate.

Mr. BAYARD. The Senator is very innocent of information. I am only speaking of the published fact to be read and to be found in the records of the other House, published in every newspaper, that the proposition was made to double the duty on steel blooms I believe by Mr. MCKINLEY, of Ohio.

I ask why was it not insisted upon? I think I can tell you. Because instantly throughout the press all over the country there came protests from strong interests that were invaded by the proposed change. It was because it was not "an infant industry," a weak interest that was assaulted; and I say it was the strong influence of those who were interested in rolling steel blooms, which pay but 45 per cent., into the rails and other manufactures that are protected by a duty of 90 per cent. that prevented that amendment being in this bill to-day. The proposition was made, it cannot be denied. The Senator from Rhode Island will not venture to deny it. I did not say it was brought into the Committee on Finance; I did not say it was ever in the bill before the Senate; but I said that the proposition was made and it was abandoned. I can turn to the public press, and I can show the protests and the reasons given; they had waked up the wrong customer, a little bit too strong, and they were obliged to succumb and withdraw.

So I say we have come to this pass in this country, that the protection is not to the weak, the protection is to the strong, and to him who grows strong by what he feeds upon, which is the unequal and unjust exercise of the great public power of taxation.

I ask under what pretext was the tariff which began in 1861 advanced steadily until 1875? The war needed supplies, and it was a just exercise of the taxing power. The tariff taxation was not sufficient. It rose so high that importations under it greatly lessened. Then what was resorted to? In 1862 commenced the system of internal taxation. The excise tax and the excise system were then just essayed; both were declared to be temporary. The war tariff was to be temporary, but it was made dependent upon the continuance of the internal revenue, and the internal revenue was to be temporary.

I want to read some extracts in the presence of the gentlemen who uttered the words, many of whom were the fathers and friends of the present system. The honorable Senator from Vermont [Mr. MORRILL] and the honorable Senator from Iowa are two. Here was the doctrine laid down: the tariff does not supply sufficient revenue for the enormous expenses of the war; we will resort to an excise system, and we will tax our manufacturers and others by an internal system of taxation. Then the idea was evolved that by taxing a man under the internal-revenue system you destroyed the benefit and advantage of protection he had from the tariff system, and *ergo* the higher went the internal-revenue taxation the higher the tariff must go to correspond with it; they must move on *pari passu*. You had built your embankment to protect them against exterior assault. You then raise the plane by taxation on the interior; and at once were obliged again to raise your exterior embankment. That was the avowed principle of legislation. I propose to read a few extracts to show that I am justified in this statement. In 1864 the honorable Senator from Vermont [Mr. MORRILL] thus laid it down:

> In adjusting the tariff upon iron the principle has been to give an increase upon the tariff of 1861 equal to the internal duties. With the enormous demand of the Government for iron, and with some protection against the influx of unlimited importations, the trade could not be otherwise than prosperous. We shall not now import as much iron under the present bill, but we shall, I think, get a little more revenue.
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> I estimate that the present bill will increase the revenue not less than fifteen millions, and probably more. This is intended as a war measure, a temporary measure, and it is needful that it should pass speedily.
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> The Treasury requires a larger supply of means, and such sources of revenue as have not already yielded their maximum contributions must now be sought, so that we may fill the measure of our wants. This has made an increase of internal duties necessary, and that increase, to a considerable extent, imposes upon us the duty, as well as affords us the power, of obtaining an increased revenue from duties on imports from abroad.
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> And when we impose a tax of 5 per cent. upon our manufactures and increase the tariff to the same extent upon foreign manufactures, we leave them upon the same relative footing they were at the start, and neither has cause of complaint.

I observe as usual nothing is said there about the consumer or the citizen. There is the proposition that because the want of revenue under the tariff necessitated the creation of the excise system, the advance in the excise tax necessitated the imposition of increased burdens by the tariff tax, and so they went on under that system, raising the internal-revenue taxes and raising the tariff taxes *pari passu* until 1868. In 1866 the internal-revenue tax was highest, and there was a tax of 6 per cent. upon the gross products of manufacturers, and there were other subsidiary taxes which made all that they used in manufacture much more expensive. There was a tax of 5 cents per ton upon coal that he paid; there was a tax upon almost everything under the excise system as there is now under the tariff system. Six per cent. upon the gross products of a manufacturer was probably equivalent to 12 per cent. tax upon the commodity which entered into his manufacture. At page 136 of Mr. Young's Customs-Tariff Legislation I find a statement from Mr. Fessenden, who afterward became Secretary of the Treasury:

> The tariff is adjusted, and was adjusted before, upon that simple principle with reference to the internal-revenue taxation.

Which is, as you raise the internal-revenue tax you must correspondingly raise the tariff. The Senator from Vermont [Mr. MORRILL] again declared, in speaking of the tariff act of 1866:

> No duty is needed for the protection of American cotton, but it is manifestly proper when we levy an internal tax upon any article that at least an equal amount of duty for revenue purposes should be levied upon any foreign importation of the article.

Then my friend from Iowa [Mr. ALLISON] took the same view and adopted the same rule. He said:

> At the close of the session yesterday afternoon I was endeavoring to show the rise and progress of the existing tariff and the causes therefor, originating in the internal-revenue laws that were passed from time to time from 1861 to 1865, for the purpose of raising revenue to maintain the Government in its struggle with the rebellion. I stated on the 30th of June, 1864, an ad valorem internal-revenue tax was imposed upon manufacturers in this country equivalent to 5 per cent. upon their gross products, and that tax of 5 per cent. was increased by an act passed in March, 1865, so that it became 6 per cent. upon the gross product of every article manufactured or consumed in this country in the way of internal-revenue tax. This large internal-revenue tax was made the excuse and the cause of the advance of the tariff of July 14, 1862, and June 30, 1864.
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> In 1866, when Mr. MORRILL introduced into the Thirty-ninth Congress a tariff measure as a temporary measure, the manufacturers of the country were groaning under a weight of (internal) taxation equivalent to $128,000,000 per annum.
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> It is admitted by all that the increase of the tariff was commenced and carried on upon the basis of the protective duties of the Morrill tariff of 1861, the increase of direct taxation, which, added to the price of domestic manufactures, rendered an increased tariff necessary, in order to prevent our country from being flooded with cheaper foreign productions. Certainly, then, upon the decrease of internal taxation, the tariff may be, and ought to be, decreased in proportion; the danger being no longer in existence which was sought to be averted by those increased duties.

But I may be asked how this reduction shall be made. I think it should be made upon nearly all leading articles; and for that purpose, when I can get an opportunity in the House, I shall move that the pending bill be recommitted to the Committee on Ways and Means, with instructions to report a reduction upon existing rates of duty, equivalent to 20 per cent upon the existing rates upon the leading articles, or one-fifth reduction. Even this will not be a full equivalent for the removal of all internal taxes upon manufactures. It will not be difficult to make a reduction upon this basis.

Mr. BUTLER. What year was that, may I inquire of the Senator?

Mr. BAYARD. In 1866. Here is another quotation from Mr. Garfield which I shall also read, and I would commend it to his fellow-countrymen both in and out of this Senate. Mr. Garfield said:

One of the most efficient methods of encouraging home industry is to secure extensive markets; and to do that, prices here must be so adjusted as to open to our trade more of the markets of the New World. I do not suppose that we shall for a quarter of a century reach the old level of prices; for, with $250,000,000 of taxes to be paid every year, prices cannot go down where they were when we paid but $50,000,000 or $60,000,000 a year. In 1866, when we reached the highest point of taxation, expenditures, and prices, Congress began the work of reduction. But while we have made heavy reductions in the taxes, and thus greatly relieved the burdens of the people, there has been no substantial reduction of the taxes on imported goods.

Here we have the history (short and simple) of how the tariff passed from being a tariff for revenue with incidental protection into being in fact a tariff for protection with incidental revenue, and how the principal object for which it was laid, revenue, was thus forgotten or overlooked. I will not say that but how it was found impossible to recall the special privileges and powers that had once been granted.

Where are your internal-revenue taxes now? There is no longer a tax upon a manufacturer; there is no longer an income tax; there is no longer a tax laid upon every subsidiary manufacture in the country that entered into the leading manufactures. These all were repealed long ago, most of them in 1868, and some prior to that.

Since the pretext and the avowed reason for these abnormal and excessive tariff taxes has passed away, why is it your promise has not been kept, and the tariff reduced to its only justification, and that is a measure of revenue to support the Government? Protection should be the incident and not the principal; but under this, I will not say stealthy, but under this gradual growth of privilege the owners of that privilege have waxed fat and they have kicked and they have kicked over the ladder by which they rose. The excise duties have gone, but the excessive tariff which was based on the pretext of those excise taxes still stands, and indeed has been greatly increased; because after the speeches were made which I have read, after Mr. ALLISON and Mr. MORRILL, Mr. Fessenden and many others had spoken, you had the tariff of 1867, which advanced the duty upon wool and woolens so immensely, and brought the woolen trade into the condition in which it now stands, which I hold to be utterly indefensible and unreasonable.

Why, sir, in 1861 and for some years after it was alleged, and with some show of truth, that our capitalists needed protection from the still richer and greater capitalists of Europe; that money and capital were cheaper there than here; and so it came that the rich were to be protected against those still richer, and then you turned to labor and said: "We will protect the poor man against him who is still poorer." The plea of protection was urged in either case.

Now, what is the fact about capital? Has that changed? Are money rates the same as when this tariff was instituted? I have in my hand a paper from the Government actuary at the Treasury Department, dated the 3d of July, 1882, showing the rates of interest received by a present investor in United States 4 per cent. bonds. An average interest of 2.9 per cent. per annum was realized during the month of June and 2.89 in the month of May. Is there any cheaper capital in Europe than that? That is not one-half of the rates when this tariff was formed. The cry then was that capital must be protected from greater capital abroad. That, at least, is put an end to by these figures and by the facts.

Then, as to the protection of the laboring-man, that idea has been pretty well exploded. As far as I know, every thingthat the incentive of patent laws can give to any invention of labor-saving machinery has been availed of; as far as I know the freest importation of laborers, black, white, or yellow, from any quarter of the world that can take the place of discontented workmen here has been allowed; transportation has been quickened and cheapened; immigration has been encouraged to the utmost, and by the million the laboring classes of Europe have been imported to this country and have taken their place in the ranks of labor in every branch of employment.

It is a rule in the courts that where the reason ceases the law ceases. When the reason for this excessive tariff taxation, which now, as far as the estimate may be intelligently made, is something over an average of 50 per cent. on our entire list, ceased, why is it that it is not reduced? Your general excise taxation was abolished long ago, and with the exception of the stamp tax now proposed to be repealed upon checks and deposits, it is confined to whisky and tobacco and beer.

If there is to be some relief to manufacturers, I could have suggested that which I think would be a very measurable service to all manufacturing chemists, and that is a reduction in the cost of alcohol. I believe to-day that the tax both upon tobacco and distilled spirits is far past the revenue point. I know that some years ago when we reduced the tax on tobacco from 24 to 16 cents it was declared by the then Secretary of the Treasury, now Senator from Ohio, [Mr. SHERMAN,] that there would be a diminution of revenue of some ten or twelve millions of dollars. He turned out to be mistaken, and the increase of revenue was almost as great as his estimate of the supposed deficit. The same thing was said by my friend from Vermont, [Mr. MORRILL,] and he was in error. The fact is 16 cents per pound on tobacco has produced very nearly $10,000,000 more than the tax of 20 cents; and so I believe that a tax of 10 cents upon this commodity would produce in the course of two years a revenue equal to that which we receive now, which reached the enormous amount of $43,000,000 per annum last year.

So I believe that by a duty of 600 per cent. ad valorem upon whisky you have passed the revenue point, and that you would receive more revenue if you lowered your tax to 60 or perhaps 50 cents per gallon; and there would be in that more saving, in my judgment, to the manufacturers of this country, if they could obtain alcohol 30 cents per gallon less than they now pay, than in all these proposed reductions of your internal revenue. I have not the figures to show the relative proportions of this commodity that are used in the arts and manufactures. I do know, however, that it is very essential in the manufacture of certain varnishes and also as a vehicle for nearly all medcines in fluid form. Nearly everything that is to be used in solution must employ alcohol. So I can well imagine that a reduction in the tax upon that article of 30 cents per gallon would cause no diminution of the revenue, but prove an assistance far greater than these proposed reductions which have been sent here by the Committee on Ways and Means and so trumpeted as important reductions of taxation.

Notwithstanding the war had ended and the revenues were not needed, yet the habit of advancing taxes for other purposes than revenue had grown so strong and so irresistible that the duty on wool and woolens was again advanced in 1867. The internal taxes having been repealed, the manufacturer having been relieved from them, still the increase of the tariff went on.

There is one little illustration of the practical working of this tariff that I want to lay before the Senate. I have in my hand a letter written to me last December by a very intelligent, upright man, who is a manufacturer. He has gone through every stage of manufacture, from being a mill-hand to being a mill-owner, and to-day carries on woolen mills with success in Delaware. He spent last summer in England, and he writes me, sending me a specimen of the cloth he refers to, as follows:

Our present tariff on wool and its substitutes is an outrage on the consumers of woolen goods of America. I herewith inclose a sample of woolen goods which was selling in Leeds, when I was over, by manufacturers at seven pence half penny per yard, or say 15 cents currency. It is fifty-four inches wide and weighs 18 ounces per yard. The specific duty of 40 cents per pound, which will be 45 cents per yard, and 40 per cent ad valorem will be 6 cents per yard or 51 cents per yard duty on goods selling by manufacturers at 15 cents per yard.

Here is the cloth. [Exhibiting.] Any gentleman can examine it. It is a plain, useful piece of goods, and the duty upon it under our tariff is very nearly 340 per cent. ad valorem. To such absurdities this tariff has come, building it up upon the pretext of internal taxation and letting it stand after the internal taxation has been removed. This is not the rich man's cloth, although I do not know but that any man would be glad to have clothing of it. There it is; let it speak for itself.

Can you justify a law that will allow the clothing of the poorer class of your countrymen to stand with such a tax upon it? I cite it because it is a fair and a practical expression of what this man says, whom I vouch for from my knowledge of his truth and honor, and if he is questioned I have no doubt he will be perfectly able to substantiate his facts before the tariff commission or anywhere else, and I should be glad to furnish his address.

Mr. HAWLEY. It struck me that the Senator from Delaware made a slip of the tongue in speaking of that matter. He referred to tariff duties built up on internal-revenue taxation in connection with the heavy duties on woolen goods. Now, it is our understanding in New England, where we manufacture a good deal of woolen goods, that the large duty upon those goods is due to the irresistible demand of the wool-growers in the West and Southwest and elsewhere, that they have protection on their wool. Certainly if the Senator can bring about a peaceable settlement with the wool-growers, the wool manufacturers would be very willing to have the former duty on woolen goods restored.

Mr. BAYARD. If the gentleman can furnish any satisfaction to the American purchaser of this cloth out of that argument, I should like to hear it. The poor man is crushed between the upper and nether millstones. You represent one, and the wool-grower may represent the other, but that does not make the consumer any happier, his fate is the same, and I propose to rescue him from both. I propose that there shall be a just and reasonable tax, that shall bring revenue, and at the same time, by discriminating, give a fair protection to home industry,—but not a tax that enhances the cost of nearly every article of living, that prohibits importation, and kills commerce.

But I want to go further than that. I want before I get through a speech that I am in no condition to make on such a day as this, and I am only making it perforce because this tariff question has

been brought here and dumped down in the Senate without notice and without any of the ordinary regularities of proceeding——

Mr. SHERMAN. I want to ask a question. The Senator says that a pound and a half of woolen cloth of the fabric he exhibited is sold for 15 cents in England.

Mr. BAYARD. I said that the duty is 40 cents per pound——

Mr. SHERMAN. But I mean the cost of the article.

Mr. BAYARD. It cost 7½*d.* to the yard. It weighs eighteen ounces to the yard.

Mr. SHERMAN. I doubt very much whether raw wool is sold in England at those rates, of any grade whatever.

Mr. BAYARD. I suspect this cloth is chiefly made of woolen rags, which if brought to this country would pay a duty of 12 cents per pound. That is another feature of this tariff.

Mr. SHERMAN. Our duties are framed to exclude just that kind of shoddy manufactures, because we were covered with them before the war, and we had to pass severe laws really to exclude that kind of shoddy manufacture. As a matter of course, that amount of wool in England or anywhere else would cost more than 7½*d.*

Mr. BAYARD. I am not a skilled manufacturer. I do not know the arts and contrivances to which they resort. I have in my possession one or two letters relating to another species of alleged woolen manufacture which will show how very little wool there may be in an alleged woolen manufacture, but here is the cloth. [Exhibiting.] The man who bought this is a practical man. It can be examined by any Senator. I propose to let it speak for itself on these statements, and there is the fact that on woolen cloth that has intrinsic value, that is useful for the purpose of clothing mankind, there is a tariff duty to-day of 340 per cent. ad valorem. Is that a tariff for revenue or what? Is it not a tariff for prohibition "only?"

What is the result? There is not in the Senate or anywhere a man who means to deal more fairly by every interest in this country than I; but I do propose to consider them on an equal scale of justice to all. What is the result of the present system upon our manufactures? I ask you if they have not been unduly stimulated by this system of tariff taxes, and I ask you whether with all our great and varied productions, where have we any market except at home? Is there not to-day in this country, owing to the enterprise, the industry, the inventive genius, and the skill of our countrymen, a production ample for at least one hundred millions of people? We have fifty-five millions at the outside; and when they are supplied, where is our market for the surplus? Where are you to go? You cannot go abroad with these duties upon wool and duties which you lay upon everything. Your protection has been not only heavy but indiscriminate, and it seems to me that wherever you shall reach the point of prohibition in your duties you will find two-edged; it will kill your foreign market and glut your home market; and between the two where is the advantage to the American manufacturer?

Commerce is not and cannot be one-sided! Commerce means mutuality of exchange and mutuality of benefit; for, if there be not mutuality of benefit, it will soon come to an end by the ruin of one of the parties. Duties that prohibit imports put an end to commerce, and when you put an end to commerce what becomes of your shipping interest? We hear a great deal about it. The Senator from Maine [Mr. FRYE] brings in resolutions pointing to an amelioration of the condition of our foreign shipping. But, what is the use of talking of ships unless they are to have cargoes, and they cannot carry a cargo one way only; they must run full both ways or run at a loss. So that, I say, you begin with an excessive and indiscriminate tariff duty, you glut your home market, you utterly disable yourselves for a foreign market, and you have not the instrumentalities to carry your products, even if they were able to be sailed in competition with foreign vessels. Agriculture needs foreign markets for its surplus production; but if agriculture cannot buy in foreign markets with its proceeds those things its owner needs, because of excessive tariff duties it cannot bring them home, certainly there is great disadvantage and loss and we cannot expect to be paid for all our exports in cash. An examination of our list of exports, and the picture presented by our merchant marine, will tell the whole story, and explain the necessity of reform in our taxing system.

Look at the effects of overproduction of manufactures in this country. Here is a subject which I approach with a great deal of gravity and hesitancy. I mean the subject of the strikes of labor. If manufacturers are not prosperous they cannot pay the wages needed by labor for its support. If you have overproduction and consequently low prices, you will have greater supply than demand; and why? It is because your home market, which is your only market, is overstocked. What is your only remedy for an overstocked home market? Exportation. Can you export? The tariff forbids you. If you go abroad, you are handicapped by these indiscriminate and heavy tariff taxes that have increased the cost of your production, and you cannot sell in competition with those who have had no such taxes to pay. What then is your remedy? To stop production, shut down the mill, close the mine, until scarcity shall raise prices again; and in the meantime where is labor? Idle and suffering. What are the fruits of idleness? What are the natural results of idleness? Is there not a lesson of philosophy in this question that should check men in their heedless pursuit of gain irrespective of the laws of nature. Wise thoughts I have found are often best expressed by men who sit upon the serene heights of reflection and consider their fellow-creatures without the perturbations of selfish interest and ambition. In speaking of mechanical employment, Sir Henry Taylor says in an essay on Wordsworth:

> Mechanical employment has no doubt a tendency to alleviate suffering and subdue excitability, and this truth has a political as well as a moral bearing; for in seasons of commercial or agricultural difficulty, the political disturbances which arise amongst the lower orders of the people may be attributed, not to distress and destitution only—for it has often been observed that they extend to many who are under no immediate pressure of want—but also to the concurrent deprivation of that great sedative to the human mind which is found in the employment of the body. Neither hunger nor full feeding act alike upon all men—the one will not invariably produce irritability, still less will the other be unfailingly attended with contentment—but steady labor or manual employment will always promote composure of mind, a fact which may add one more to the many considerations which lead the politician, as well as the moralist, to insist that a high rate of wages is less to be desired for a country than work which is regular even though ill paid.

Was there ever in any country so many men idle and organized in a wages strike as we see to-day in the United States? Did not events connected with the discontents of the laboring classes shock and startle the country five years ago?

There are elements of danger in our political system, which it behooves us gravely to consider, and to remember that the very freedom which so marks our popular institutions places them in greater danger should that liberty be misunderstood or abused.

To prevent any pretext for such abuse, I now draw your attention to that system of unequal and excessive taxation, which I believe contributes more than any other single cause, to produce these periodical cessations and abandonment of regular and steady labor, the consequences of which fall most painfully upon the laboring classes.

I do not see how this evil can be expected to be lessened until we discover and remove the latent causes. Can the manufacturer continue his production in the face of a market which is unprofitable to him when overproduction has taken place, when his only market is glutted? Can he send the surplus to some foreign country and dispose of it? What is his first relief? He has purchased his materials as closely as he can and then he pays out as little as he can for its manufacture. He cuts down the wages of labor until they are so low that either the men are in revolt for want of sufficient wages to enable them and their families to live, or the employer is unable himself to pay at all, and his mill or workshop must be closed, and remain closed until the market is relieved by consumption, and a demand is again generated for his products.

Now, I say that if I am right in this, the change cannot come too soon in our tax system that shall give to the American manufacturer an outlet for his productions, more expansive markets for his commodities, and in that way enable him to give his laborers regular and steady employment. It is the glutted market that causes a cessation of production. It is the glutted market that causes the strike. Diminished production means unemployed labor.

Capital can lie by and rest, but the laboring man has nothing to support himself and his family but the work of his hands from day to day, and those little savings, which, if the strike is to last long, must soon be exhausted. I submit to you it is our duty, so far as laws may accomplish it, to assist in removing causes so demoralizing as the enforced periodical idleness of labor. What capital loses by the delay it may regain in the enhanced price, but what labor loses by delay is gone and lost forever. I hold that it is not a healthful condition and least of all in a government based upon a suffrage almost universal.

Mr. BLAIR. Will the Senator from Delaware allow me to ask him a question at that point? I do not wish to interrupt him, but it is in reference to that principle.

Mr. BAYARD. If the Senator wishes to ask a question, I will answer, but I am rather fatigued. I have spoken longer than I intended.

Mr. BLAIR. I will not interrupt the Senator.

Mr. BAYARD. I will answer any question the Senator wishes to ask.

Mr. BLAIR. I understood the Senator to enunciate this principle, that what capital loses by delay it makes up afterward and what labor loses by delay is gone forever. Now, is there a distinction between the losses of capital by delay and the losses of labor by delay? Is there not in the subsequent demand for labor an increased recompense for labor precisely as there is increased compensation for capital?

Mr. BAYARD. No, I think I am perfectly right, because the labor I refer to is labor specially instructed and adapted to the line of its occupation. The man employed in a mill cannot turn out and work at something else wholly different; the blacksmith must be a blacksmith, the spinner must be a spinner; he cannot part with his trade and take up a new occupation suddenly. What I said is true. Capital in the first place can afford to lie by because what it loses at the time it gains by the enhanced price caused by non-production; but when the laboring-man remains idle for a week or two or three weeks, it is simply to him a dead loss and nothing accrues; on the contrary, probably at the end of that time, starving, weak, and dispirited, he is glad to accept even reduced wages.

Mr. BLAIR. Is it not true that the idleness of capital and of labor is alike enforced by excessive production, and that capital

and labor alike will resume production when there is a demand for the product? So that if capital is idle it loses; if labor is idle it loses in its time; but whenever there comes a demand for the thing produced labor and capital again combine and wages increase precisely as compensation comes again to capital. Is not that so?

Mr. BAYARD. I think not.

Mr. BLAIR. The divergence of labor into other directions has not been taken into account.

Mr. BAYARD. I thought the Senator wished to ask a question which I should answer with the greatest pleasure if I were able, but I do not think this is the time for him to make general comments. The proper time will be hereafter. If my propositions which are submitted in all candor will not bear criticism, dismiss them. If they contain truths, if they shall tend to alleviate the dangers which I feel to-day are threatening our social system, do not, I beg of you, shut them from your minds, gentlemen of the majority, because they come from one of your political opponents.

You may estimate the losses in such strikes as we now witness by millions of dollars in the mere loss of wages to labor. As I have said if scarcity is produced by diminished production the capitalist may regain and recoup his losses though he may shorten his gains. The laborer cannot do this. But the actual loss to labor is not his measure of money wages. There is not only diminished production that affects the whole country; there not only is a diminished home market for other commodities, which we are told is one of the chief advantages of well-paid labor, that it creates a market for home productions; there not only is diminished consumption which of course involves loss to producers, but more than that there is the substitution of a speculative temper and habit among men in lieu of a regular, steady, and wholesome trade. If men believe there is to be an overproduction and consequent temporary fall in prices, if there is to be periodical or irregular stoppages in production, then regularity of supply and demand will vanish and speculation upon these emergencies will take place. Then there is a demoralization of the laboring class arising from idleness and from those vices that follow inevitably in its train, the ill-effects of which never wholly depart, and are replete with dangers. I read the passage from Sir Henry Taylor to show that steady occupation, the regularity of employment is the true sedative for human excitability, and it is the true method by which men shall lead contented and honorable lives, and not be subjected to these periodical disturbances which interfere with steady labor and retard productive industry.

Besides, such seasons of distress always are the chosen time, the opportunity for demagogues, the curse and pest of popular government, those men who seize occasions of depression to exaggerate distress, and appeal to all the lowest and worst instincts of humanity, and to all the dishonorable and mean traits in a community to shake the foundations of public credit, to disorder its occupation, to weaken its law-abiding spirit, and in that way to make a republican form of government less safe and respectable.

And what will be the result upon political parties if you shall agree that the taxing power of our Government shall be used by those who can command the strongest cohorts to make their raids upon the public Treasury? Will it be any longer a republican government? Will it be a representative government founded upon popular intelligence, and upon the virtues that adorn domestic and support public life, or will it be a government of mere wealth, a corrupt plutocracy, in which everything shall be given to him who hath and from him who hath not even his little shall be taken away?

I believe that the legislation of this country for a long time has been too much influenced by combinations of property which control its taxing power, and which take for private and personal ends just that portion of the property of each citizen that they can obtain through the forms of law. The ultimate consequences of this is to my mind plain. Political power in this country is in the majority, and these abuses will always increase and strengthen until finally you will drive mere numbers into opposition to the institutions of property, which has been accumulated by the agency of an unjust and unequal system of legislation and taxation.

What will give relief? What will enable manufacturers to pay labor, and labor to earn steady and reasonable wages? Lighter burdens of taxation, more extensive markets for the joint products of labor and capital. We need for this a reduction in the cost of our production such as will enable the products of American industry to compete on terms of reasonable equality with the products of foreign nations. Can they do it to-day? Can the products of our most highly protected industries compete to-day in foreign markets with those of other nations?

I can imagine no more dangerous doctrine than in a popular government to admit that the taxing power can be used by the majority for class or for special benefits. I profess that I cannot distinguish between the claim and exercise of such a power and communism and agrarianism. It is communistic in its theory, in its principle; it will be found so in its results.

I say this earnestly, because I believe that now we have come to the point in this country when this question of public taxation has to be considered down to its very roots. We are dealing with the sovereign power of taxation, a power that has no constitutional limitation excepting that it shall be exercised only for public ends. Congress, to save this country, to uphold its institutions, can tax to the uttermost dollar the possessions of the citizens. It is unlimited in that respect. It is the wise and high discretion alone which can control the exercise of that great power. The question now is, are you ready to accept, are the American people prepared to accept, the doctrine that such a power can be used for any other than public ends and for the uses of the Government itself? It has been denied over and over again by every jurist whose name is authority in America. The Supreme Court of the United States made a late review of this principle and I will adopt their language. Mr. Justice Miller, speaking in the Supreme Court of the United States of certain rights that were beyond the control of Congress, private rights which were not to be invaded under the forms of law, said:

> It must be conceded that there are such rights in every free government beyond the control of the state. A government which recognized no such rights, which held the lives, the liberty, and the property of its citizens subject at all times to the absolute disposition and unlimited control of even the most democratic depository of power, is after all but a despotism. It is true it is a depotism of the many, of the majority if you choose to call it so, but it is none the less a despotism. It may well be doubted, if a man is to hold all that he is accustomed to call his own, all in which he has placed his happiness, and the security of which is essential to that happiness, under the unlimited dominion of others, whether it is not wiser that this power should be exercised by one man than by many.
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> Of all the powers conferred upon government that of taxation is most liable to abuse. Given a purpose or object for which taxation may be lawfully used, and the extent of its exercise is in its very nature unlimited. It is true that express limitation on the amount of tax to be levied or the things to be taxed may be imposed by constitution or statute, but in most instances for which taxes are levied, as the support of government, the prosecution of war, the national defense, any limitation is unsafe. The entire resources of the people should in some instances be at the disposal of the government.
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> The power to tax is, therefore, the strongest, the most pervading, of all the powers of government, reaching directly or indirectly to all classes of the people. It was said by Chief-Justice Marshall, in the case of *McCulloch vs. The State of Maryland*, that the power to tax is the power to destroy.
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> *To lay with one hand the power of the Government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.—Loan Association vs. Topeka*, 20 Wallace's Reports, page 662.

Mr. President, standing now as we do upon the threshold of a discussion that must almost necessarily last for a long time, I have no idea that those who have gained, as historically I have shown how they gained, these excessive powers through the forms of tariff legislation in favor of class and individual interests, will loosen their hold willingly or quickly. I believe we are upon the verge of a severe and excited struggle of public opinion upon this subject. I have been anxious to-day, not so much to produce statistics, not so much to bring mere figures which may be questioned in this vast problem which we are discussing, but to plant myself upon a doctrine and principle that I believe is fundamental, and that is, that you are not to pervert a public power merely to promote private interest.

The Constitution of the United States, the constitution of every State in the Union, I believe of every civilized state, written or unwritten, provides that private property may be taken for public use upon just compensation being rendered therefor; but where was the converse of that principle ever admitted—that public property can be taken for private use? There is the heresy, there is the danger. Into that I do not say criminally, I do not say unpatriotically, but naturally and selfishly, I believe a favored class in this country have entered, so that to-day an unequal distribution of the burdens of taxation rests upon the American people. They have been unjust as between ourselves, and they are dangerous and deleterious even to those in whose behalf they have been laid. They are imposing to-day a strain upon our social and political fabric which should not be continued.

I would be glad to-day to go heart and hand with those of my fellow-citizens who have a share in these undue privileges in order that they should themselves, by taking part in the reform which I am satisfied ought to come and is to come, prevent it from being violent or extreme. I am not in favor of inconsiderate and hasty change; I am not in favor of abrupt and violent disturbance of established business, of tearing town and destroying property and rights of property which have been invested under the faith of existing law; but we must now take up this question in a spirit of justice. This vast country of ours is now opened for the first time to the full comprehension of its people, because it is at last at peace, each with all. There is not a corner of the Union to which the telegraph and the post-office do not carry the message; everywhere our people can come together. They can now as they never could before understand each other, and their various needs and capacities. They can see how far science and discovery have changed the relations of production. All this can be done. We should go into high council on this subject, and endeavor, when we are exercising this sovereign power of a great people, the power to tax, to tax in discretion, and take heed that it is done strictly and solely for the purposes and objects for which that power was delegated to Congress under the Federal Constitution.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole.

Mr. MORRILL. The question will be on the committee's amendments.

Mr. COCKRELL. Has the bill been read?

The PRESIDENT *pro tempore*. It has not been read. It will be read.

Mr. HOAR. Is it necessary to read it?

Mr. BECK. Has the bill ever been read?

The PRESIDENT *pro tempore*. It has to be read at some time.

Mr. HOAR. Nobody has demanded the reading now.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Missouri to ask its reading.

Mr. COCKRELL. I want the bill read.

Mr. SHERMAN. I suggest that the usual course be taken, that the formal reading be dispensed with, and that the bill be read with the amendments reported.

The PRESIDENT *pro tempore*. Is there objection to having the bill read with the committee amendments?

Mr. BECK. I desire the bill read, and then I desire the amendments to be acted on.

The PRESIDENT *pro tempore*. The bill will be read.

The Acting Secretary read the bill.

The PRESIDENT *pro tempore*. The amendments will now be read.

The ACTING SECRETARY. The first amendment of the Committee on Finance is, in section 1, line 3, after the word "that," to strike out "on and after the passage of this act, except as hereinafter provided."

Mr. SHERMAN. That is a formal amendment.

The question being put, it was declared that the noes appeared to prevail.

Mr. COKE. I ask for the yeas and nays.

Mr. SHERMAN. The amendments to the first section are merely formal, about which there is no dispute whatever.

Mr. MORRILL. They were agreed to unanimously by the committee.

The PRESIDENT *pro tempore*. Does the Senator from Texas call for the yeas and nays?

Mr. COKE. I withdraw the call.

The amendment was agreed to.

The next amendment of the Committee on Finance was, in section 1, line 5, after the word "laws," to strike out "internal revenue."

The amendment was agreed to.

The next amendment was, in section 1, line 6, after the word "repealed," to insert "as hereinafter provided."

Mr. PENDLETON. I have here before me the bill (H. R. No. 5538) reported July 6, 1882; I do not see any such amendment.

Mr. ALDRICH. That is the wrong print.

Mr. BAYARD. I will state to the Senator from Ohio that there are several prints of this bill and he had better get the last one.

Mr. MORRILL. This is "July 12;" that is the last print.

Mr. BAYARD. I would rather we should each have a copy before us.

Mr. SHERMAN. The Doorkeeper has copies that he can furnish to all Senators. The amendments to the first section are merely *pro forma*. There is no objection to any of them.

Mr. PENDLETON. I should like to know which form of this bill we are considering? The House bill No. 5538, reported by the Finance Committee, lying on the table, was the one taken up on the motion of the Senator from Vermont.

Mr. MORRILL. "July 12," is the print.

Mr. PENDLETON. How did that get substituted for the other?

Mr. ALDRICH. By the vote of the Senate.

Mr. PENDLETON. By a vote of the Senate that was substituted for the one reported July 6th?

Mr. ALDRICH. By unanimous consent.

Mr. SHERMAN. The bill was recommitted.

Mr. HARRIS. I will state to the Senator from Ohio that the bill was recommitted and afterward reported back.

Mr. PENDLETON. There are so many reports that it is hard to keep track of them.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will get any additional copies that may be needed.

Mr. BECK. The reason I called for the reading of the bill at length was so that each Senator could see exactly what bill he had before him, and I was very sure that there would be just such misunderstandings as have now grown up. The bill as it came from the House was purely an internal-revenue bill, with no item of tariff taxation in it. As it was reported back by the Finance Committee, it was purely an internal-revenue bill, and was so placed upon the Calendar on the 6th day of July, and so remained, so far as the Senate knew, although the Committee on Finance were considering matter pertaining to tariff taxation until the day before yesterday, when on motion of the chairman of the Finance Committee the bill was recommitted to the committee and reported back instantly with all these items of tariff taxation in it, and ordered to be printed. I was sure, just as it has turned out, that a large number of Senators who had not heard these facts stated, had not the right bill before them so as fairly to understand what was really to be considered.

Now the bill that is up, as I understand, is the bill that was recommitted and reported back the day before yesterday with items of tariff taxation as well as internal revenue. I simply make the statement for the purpose of endeavoring to have all Senators understand, without confusion, what we are acting upon.

The PRESIDENT *pro tempore*. The Senator is correct. The pending amendment will be read.

The ACTING SECRETARY. In line 6 of section 1 it is proposed to insert the words "as hereinafter provided."

The amendment was agreed to.

The next amendment of the Committee on Finance was, in section 1, to strike out all after the word "the," in line 6, to and including "two," in line 17, in these words:

Stamp tax on bank checks, drafts, orders, and vouchers; the tax on the capital and deposits of banks and bankers under section 3408 of the Revised Statutes of the United States, as amended; the tax on the capital and deposits of national banks under section 5214 of said Revised Statutes, not including the taxes on the capital and deposits of said banks, bankers, and national banks for the six months' period ending in the case of national banks on the 30th day of June, 1882, and in the case of other banks and bankers on the 31st day of May, 1882.

And in lieu thereof to insert——

Mr. BECK. The question is on striking out those words, is it not?

Mr. SHERMAN. To strike out and insert.

The PRESIDENT *pro tempore*. Will the Senator from Kentucky allow the matter proposed to be inserted to be read before he proceeds?

The PRINCIPAL LEGISLATIVE CLERK. The matter to be inserted is:

Taxes on capital and deposits of banks and bankers, except such taxes as are now due and payable; and on and after the 1st day of October, 1882, the stamp tax on bank checks, drafts, orders, and vouchers, and.

Mr. BECK. I desire to amend by inserting, in lieu of what is stricken out:

After the 1st day of January, 1883, the tax on manufactured tobacco shall be ten cents per pound.

Mr. SHERMAN. The motion to strike out and insert is a not a divisible motion.

The PRESIDENT *pro tempore*. But a Senator can move to amend either the part to be stricken out or the part to be inserted.

Mr. SHERMAN. Am I correct in the general proposition that a motion of that kind is not divisible?

The PRESIDENT *pro tempore*. It is not divisible.

Mr. SHERMAN. This committee amendment is simply a transposition of words and a change of phraseology. The Committee on Finance reduced a sentence of ten lines to a sentence of three or four lines and we thought made it clearer and better. As a matter of course, it is not the proper place to put in the tobacco tax; but if the Senator wishes to have a vote on the tobacco tax, I suggest to him as a matter of convenience that he put it in below. There is no objection to his having a vote on that question, but it ought to be inserted after the repeal of the other taxes named. This would not be a proper place for the amendment, if inserted.

Mr. JOHNSTON. I wish to make an inquiry. This I understand is an amendment of the committee, and although, as the Senator from Ohio says, it is a mere formal amendment transposing the words, still if adopted now it will prevent any amendment but that amendment until we get into the Senate.

Mr. SHERMAN. Not at all. The proper place for the insertion of the proposal to reduce the tobacco tax will be section 2. Section 2 relates entirely to the tobacco tax, and the amendment of the Senator from Kentucky when offered should be offered as an amendment to that section.

Mr. JOHNSTON. Suppose somebody wants to substitute for the words in this section a repeal of the tobacco tax. If the vote is taken on the committee amendment now and it is adopted by the Senate no amendment to that can be offered afterward.

Mr. SHERMAN. The Senator can move to strike it all out afterward; but the first section relates entirely to the tax on deposits of banks and bankers, the stamp tax on bank checks, drafts, orders, and vouchers, and the tax on matches, perfumery, medicinal preparations, &c. It relates entirely to the stamp tax. Section 2 relates to the tobacco tax.

Mr. BECK. Section 2 relates to nothing connected with the tobacco tax, as I understand, except that it lightens up the tax on a number of dealers; but that has nothing to do with the tobacco tax.

Mr. SHERMAN. But that will be the proper place for the amendment.

Mr. BECK. It mentions dealers and sales and things of that kind; but I propose, if I can, to insert, in lieu of what the committee struck out from line 10 to line 18 of section 1, the following:

After the 1st day of January, 1883, the tax on manufactured tobacco shall be ten cents per pound.

If that fails I shall endeavor to get a vote on eight cents a pound, one-half what the tax is now. I want some relief.

Mr. JOHNSTON. Mr. President, I gave notice a few days ago of an amendment to this bill, which I had printed, and upon which I desire the action of the Senate. It is in relation to the tobacco tax, and proposes the entire abolition of the tax on tobacco. I would prefer, if agreeable to the Senate, that the vote be taken on that proposition before any vote is taken on a mere proposition to reduce the tax, because being a more radical amendment it ought to be voted upon first. I submit the amendment at this time and ask that it be read.

The Principal Legislative Clerk read as follows:

That from and after the 1st day of July, 1883, all laws and parts of laws imposing internal taxes upon tobacco, snuff, cigars, cheroots, and cigarettes shall be, and they are hereby, repealed; and on all original unbroken packages of tobacco, snuff, cigars, cheroots, and cigarettes held by manufacturers or dealers on the

said 1st day of July, 1883, upon which the tax has been paid, there shall be allowed a rebate or drawback of the full amount of the tax. And all laws and parts of laws which impose any limitation or restriction on the sale or use of leaf tobacco by the producer are hereby repealed. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this act into effect.

The PRESIDENT *pro tempore*. That amendment is not in order now. The Committee on Finance moved to strike out from line 6 to line 18 of section 1 and insert other words. The Senator from Kentucky, as the Chair understands his motion, wishes to substitute what was read at his suggestion in place of what the committee move to insert.

Mr. BECK. In lieu of what is stricken out by the committee's amendment I move to insert:

That from and after the 1st day of January, 1883, the tax on manufactured tobacco shall be 10 cents per pound.

Mr. HARRIS. No vote has been taken on striking out. The committee propose to strike out.

Mr. BECK. I propose to insert in lieu of the matter stricken out the words:

That from and after the 1st day of January, 1883, the tax on manufactured tobacco shall be 10 cents per pound.

Mr. MAHONE. Before I vote upon that question I desire to say that at another place in this bill I propose to offer a similar amendment looking to the same object. It does not occur to me that the amendment proposed by the Senator from Kentucky is offered at the proper place.

Mr. SHERMAN. It is as clear as day; we are not children here. This is a mere amendment to embarrass the regular order and framing of this bill. It has that effect. The first section relates simply to the proposition to repeal certain taxes imposed by stamps and also the tax on bank deposits. It does not relate to tobacco at all. It has nothing in it about tobacco. The committee propose a simple proposition, agreed to by the Senator from Kentucky and every member of the Committee on Finance, as a substitute for the language used by the House, as a question of phraseology, a mere question of words; and it is manifest upon the face of the paper that the committee's amendment is a proper one to be inserted in lieu of the words used by the House.

If the Senator wants to make his proposition in regard to the repeal or reduction of the tobacco tax, he can do it properly in any other part of the bill, especially in the second section, which relates to the tax on dealers in tobacco. There is no objection to that being offered there.

It seems to me proper that in this bill we should proceed in such a way that we shall understand what we are voting about. I do not deny that the amendment of the Senator from Kentucky is in order; that when it is proposed by the committee to strike out certain words he may move to amend the words proposed to be stricken out by putting in something entirely incongruous, having no connection whatever with the subject-matter, which would compel the reframing of the whole section. I do not think that is the best way to do.

If the Senator will wait a few moments until these formal amendments about which there was no contest in committee shall be agreed to or disagreed to, then he can submit his proposition in regard to the whole or a partial repeal of the tax on tobacco and I am ready to vote on it, but I hope he will not embarrass the work of the committee of which he is a member by putting tobacco in a section that has no relation whatever to tobacco and which relates to an entirely different subject.

Mr. MORRILL. I call the attention of the Senator from Kentucky to the third section, where his amendment would be germane and proper. It does not seem to me that it is proper at any other point.

Mr. BECK. The Senator from Ohio indulges in the suggestion that adopting my amendment would embarrass the action of the committee on the bill. I have as much right to say—though he would think it very impolite if I did say—that under the bill to reduce internal-revenue taxation, when there are a hundred and twenty-odd millions of taxes produced from distilled spirits and tobacco, and you are seeking to give relief to the country and to the producers of the country, you have made the bill which is entitled "A bill to reduce internal-revenue taxation" a mere pretext in order to leave out all the real burdens, and to alleviate the burdens, if there are any now, imposed upon banks and bankers, perhaps the most favored and the least burdened of all classes of men in the country. I was voted down in committee, I admit; but my amendment is pending, and I have a right under the rules of the Senate to bring the Senate to the test of whether they do intend to reduce internal-revenue taxation, which they can do by the proposition I make, or whether they intend, merely assuming that they are going to reduce internal-revenue taxation, to give favors and benefits and privileges to an already privileged class, and ignore all that ought to be considered in regard to internal-revenue taxation.

If I am in order, as the Chair has decided that I am and the Senator from Ohio admits that I am, in moving to bring the Senate to a vote upon this amendment, then I for one will know by the votes of gentlemen whether they do intend to reduce internal-revenue taxes or whether they intend to vote down all that ought to be reduced and to reduce what ought not to be reduced except as part of a general system. I am willing to remove burdens from banks and bankers; I am willing to remove burdens anywhere as part of a system that relieves everybody; but to have them selected and picked out, that being all the House of Representatives could find that was of value and all the Committee on Finance could find that was of value until the bill was recommitted after a good while and by an order that I do not care again to allude to, is to leave out what I think is the substance of reduction of internal-revenue taxes. I desire, if I can, and the Chair says I can, to have a vote upon one of the main questions first. If this carries, I shall move to reduce the tax on distilled spirits to fifty or sixty cents a gallon; and I believe I can show that, although we shall thereby lighten a great many millions of burdens, we shall obtain more revenue at that rate than we are receiving now and with less loss than we have now. I want to relieve substantial burdens and not to give favors to a class to the exclusion of all others.

Mr. MORRILL. It is perfectly obvious that we may remove all the taxes in the world, and unless we remove the tax on tobacco and whisky we do nothing substantial, according to the idea of the Senator from Kentucky. When we reduced the tax on tobacco from twenty-four cents to sixteen cents a pound we had the pledge of that Senator and of various others that they would not ask for a further reduction upon tobacco for five years; yet now the Senator is the first one to make a proposition to reduce it over one-third.

Mr. HARRIS. Mr. President, both sides of the Chamber profess to be in favor of reducing taxes. It becomes important to determine on what we will reduce taxes. The bill as reported from the committee, that part of it at least which we are now acting upon, proposes to relieve the capital of banks from taxation. The amendment of the Senator from Kentucky proposes in lieu of that to relieve, to some extent at least, this agricultural product, tobacco, from taxation. It is a direct question presented, and a question that the Senate will for itself decide whether we will relieve bank capital from taxation or this agricultural product, tobacco.

Mr. HOAR. This is a proposition to strike out and insert, and under the rules of the Senate it is indivisible, as the Senator from Ohio said a little while ago. If it prevail, it is impossible to change the proposition inserted hereafter, because when language has once been inserted by a vote of the Senate it cannot afterward be stricken out. It is also impossible, if the motion prevail, to restore the language stricken out, because when language has once been stricken out by a vote of the Senate it cannot be reinstated by other language which is the same in form or substance. Therefore those Senators who wish, as some of the Senators on the other side say they do, notably the Senator from Kentucky, to abolish the tax on bank deposits, vote against their purpose if they vote for this amendment, because they have stricken out that language from the bill, and it cannot be put back under our rules. So those Senators who wish to reduce the tax on tobacco by making a different rate from that proposed now, or to abolish it altogether, as I understand the senior Senator from Virginia [Mr. JOHNSTON] proposes, cannot do that if they vote for this amendment and it carries, because they put into the bill this language which thereafter becomes unchangeable.

It appears, then, to be clear that this hurrying in this amendment in a section where it does not belong has the parliamentary effect of compelling every gentleman who wants to abolish the bank taxes to take a position where it is impossible to do it, of compelling every gentleman who wants to abolish the tobacco tax to take a position where it is impossible for him to do it, or who wishes to get at any other rate of taxation on tobacco than the one proposed in this amendment. It is therefore obvious—I do not impute motives to the Senator from Kentucky, I only speak of results—that this is a mere amendment to make confusion and not an amendment to accomplish anything that anybody in the Senate wants.

Mr. FERRY. I should like to ask the Senator from Massachusetts does he understand that voting down this amendment precludes the right of any Senator to move to strike out the words here?

Mr. HOAR. Of course not.

Mr. FERRY. So I supposed.

Mr. HOAR. I addressed myself distinctly to the proposition that if a motion to strike out and insert, which, under the rules of the Senate, is indivisible, be carried as it is put, you may amend either of these things before you put that motion, if you choose, but if this is carried as it is put it prevents every Senator hereafter from abolishing the tax on bank deposits and prevents every Senator hereafter from reducing the tax on tobacco to a lower rate or abolishing it altogether.

Mr. FERRY. I take exception to the proposition of the Senator from Massachusetts. The motion of the Senator from Kentucky is to strike out the words that have lines across them in the print from line 6 to line 18, inclusive, and insert a reduction of the tax on tobacco. Now, if that should be voted in it would not prevent a motion to strike out those words and insert the language of the committee.

Mr. HOAR. The Senator is too good a parliamentarian to differ from me if he understands; the difference between us arises out of a misunderstanding. If the text of the bill now contains proposition A and it is moved to strike that out and substitute proposition B, under Rule 31 of the Senate that is an indivisible motion; it is

put as one motion. You can, before putting it, move to amend A, or you can before putting it move to amend B, and those motions, though made afterward, take precedence because they are amending the text; but when you reach your proposition to strike out and insert, if it carries you cannot put back into the bill afterward what was stricken out, because it has been stricken out by order of the Senate. You cannot take out of the bill what you have put in because that has been put in by order of the Senate.

Mr. FERRY. You can move to strike out A, taking the illustration of the Senator, and insert B; if that is carried, you can move to strike out A and insert C.

Mr. HOAR. What does the Senator mean? The Senator says if you carry that motion to strike out A and it is done, and A is gone, you can still make another motion to strike out A.

Mr. FERRY. I want to remind the Senator——

Mr. HOAR. Is the Senator thinking of what he is saying?

Mr. FERRY. I think I am. I will remind the Senator that a motion to strike out and insert certain words does not prevent a motion to strike out and insert other words, because the question is indivisible. Therefore if this motion is carried to strike out and insert the amendment of the Senator from Kentucky, there is nothing to prevent then striking out the same words and inserting the amendment of the committee.

Mr. HOAR. When you have stricken out certain words once, can you strike them out again?

Mr. FERRY. You can by inserting other words. You cannot strike out and insert the same words, but you can strike out and insert other words.

Mr. HOAR. I do not think the Senator will hold to that proposition on reflection.

Mr. FERRY. The rule is that a motion to strike out and insert is indivisible, but that does not prevent a motion to strike out without insertion, and you can move to strike out and insert other words if one motion is lost.

Mr. HOAR. We are not talking about what happens when one is lost; we are talking about what happens when one is carried. If my friend from Michigan will give me his attention—I know his great experience and his great clearness as a parliamentarian—he has simply failed to notice what I said, failed to catch one little expression that made him argue one thing when I am holding the other. I was speaking of the effect of the adoption of the proposition when it is done, that is when A is stricken out by order of the Senate and gone out of the bill and something else is put in. When A is out by vote, you cannot move to strike it out again, because it is already gone. When B is in by vote, you cannot move to strike that out. I am speaking of what will happen if the proposition carries, not if it fails.

Mr. FERRY. I understand the Senator, and we do not differ on a motion to strike out; after that is carried of course we cannot reinstate it, but the trouble is that here is a motion to strike out and insert, and if that is carried you can then move to strike out and insert other words because they are indivisible, and therefore it is a different proposition.

Mr. HOAR. But suppose both shall carry, then what do you strike out? After you have struck out A once, after you have moved to strike out A and insert B——

Mr. FERRY. Then you can move to strike out B and insert what the committee has here.

Mr. HOAR. What have you got in then? Can you put in C?

Mr. FERRY. Certainly, by adding other words. That is clear under the rule.

Mr. HOAR. Others with the words struck out.

Mr. FERRY. By striking out and inserting other words.

Mr. HOAR. Does the Senator mean to maintain that if you have struck out A and inserted B you can then immediately move to strike out B and insert something else?

Mr. FERRY. It is a different question altogether.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 6739) for the relief of Lucretia R. Garfield; in which it requested the concurrence of the Senate.

GENERAL DEFICIENCY APPROPRIATION BILL.

The PRESIDENT *pro tempore*. Before putting the question on the motion of the Senator from Delaware the Chair will lay before the Senate the action of the House of Representatives on one of the appropriation bills.

Mr. SAULSBURY. Very well.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

On motion of Mr. HALE, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent it was

Ordered, That the conferees on the part or the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL.

HOUSE BILL REFERRED.

The bill (H. R. No. 6739) for the relief of Lucretia R. Garfield was read twice by its title, and referred to the Committee on Appropriations.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senator from Delaware [Mr. SAULSBURY] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-eight minutes spent in executive session the doors were reopened, and (at five o'clock and fifty-three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July* 14, 1882.

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

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. HISCOCK. I call for the regular order.

Mr. PAGE. What is the regular order?

The SPEAKER. The regular order is the morning hour for the call of committees for reports.

Mr. PAGE. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAGE. Is it in order for me at any time to ask to take from the Speaker's table the river and harbor bill for the purpose of having the Senate amendments printed and non-concurred in?

Mr. RANDALL. What is the gentleman's proposition?

The SPEAKER. The gentleman from California inquires whether it is in order to go to the Speaker's table to take up the river and harbor bill. That bill stands in the same relation as general appropriation bills under the rule.

Mr. CARLISLE. There are some of the amendments which perhaps ought to be considered in Committee of the Whole House on the state of the Union. If we take the bill up and non-concur in the Senate amendments there will be no opportunity of considering them in Committee of the Whole.

Mr. PAGE. Can that be done after the bill has been in conference?

Mr. CARLISLE. Not at all.

Mr. PAGE. What I want is to get the judgment of the House upon taking from the Speaker's table the river and harbor bill, to non-concur in all the Senate amendments, to have the amendments printed, and ask for a committee of conference. That is what I want.

Mr. HOOKER. I think we should not do that. It may be the pleasure of the House to concur in the amendments, or at least in some of them.

The SPEAKER. The Chair thinks that at this time what is desired by the gentleman from California would require unanimous consent.

Mr. PAGE. At what time would the proposition be in order?

The SPEAKER. The Chair will state the gentleman's request. Is there objection to taking from the Speaker's table at this time the river and harbor bill——

Objection was made.

Mr. MCCOOK. Would a point of order lie against the motion of the gentleman from California that under the rule these amendments should be considered in the Committee of the Whole?

The SPEAKER. The Chair thinks that before disposing of the Senate amendments to that bill a point of order would lie that they should receive their first consideration in Committee of the Whole.

Mr. MCCOOK. Very well; if the gentleman from California [Mr. PAGE] insists upon his motion now, I will make that point of order.

Mr. PAGE. Then I will ask that the morning hour——

Mr. RANDALL. The amendments of the Senate will be subject to a point of order whenever called up.

Mr. PAGE. Is there any objection to having the amendments of the Senate printed?

Mr. RANDALL. None.

Mr. HISCOCK. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HISCOCK. Will the gentleman from California be in any better condition to call up the Senate amendments to the river and harbor appropriation bill if the morning hour is not dispensed with than he will be if it is dispensed with?

The SPEAKER. It would be exactly the same thing. If the morning hour is dispensed with on motion, it would be treated the same as if the hour had been used in calling committees for reports.

Mr. PAGE. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAGE. The rule provides that after the morning hour a motion to proceed to business on the Speaker's table shall be in order.

The SPEAKER. Should the morning hour be dispensed with on motion, then it would be after the morning hour.

Mr. HISCOCK. I move to dispense with the morning hour for the call of committees for reports.

The motion was agreed to, two-thirds voting in favor thereof.

DEFICIENCY APPROPRIATION BILL.

Mr. HISCOCK. I call for the regular order.

The SPEAKER. The regular order is the further consideration of the amendments of the Senate to the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes. The Clerk will report the pending amendment.

The Clerk read the twenty-third amendment, which was to insert the following:

The Secretary of War is hereby authorized and directed to cause to be paid, out of any unexpended balance of the appropriation for incidental expenses of the Quartermaster's Department for the fiscal year ending June 30, 1881, to twenty agents of the Quartermaster's Department, employed by Major J. J. Dana, quartermaster, United States Army, the amounts deducted from their salary during the last quarter of said fiscal year, not to exceed $4,700.

Mr. HISCOCK. I move to non-concur in that amendment.

The amendment was non-concurred in.

The twenty-fourth amendment of the Senate was to insert the following:

For the payment to Demott Bishop, (carpenter,) N. Mayer, (blacksmith,) Joseph Valentine, (engineer,) John T. Carroll, (stonemason,) and Charles Schmidt, (quarryman,) employed in the military prison at Fort Leavenworth, Kansas, for balance of pay due for the fiscal years 1878 and 1879, $200 each, $1,000.

Mr. RANDALL. Unless there is a studied purpose to non-concur in every amendment of the Senate to this bill, it seems to me that the amendment last read should be concurred in, for the service has been rendered.

Mr. HISCOCK. I can only say this, that I do not know anything about this amendment. I will say to the gentleman from Pennsylvania [Mr. RANDALL] that there is only this studied purpose: that even though the items are small, where I do not know anything about them, (and that is the case with most of these amendments,) I thought it would be wiser to non-concur, and then when we come back from the committee of conference with a report we shall be fully able to inform gentlemen in reference to them.

Mr. RANDALL. That really remits the whole of this bill with the Senate amendments to three members of the House. Now, if the service has been rendered in this case, about which the gentleman ought to know something, then we ought to concur in the amendment.

The SPEAKER. Does the gentleman from Pennsylvania move to concur in the Senate amendment?

Mr. RANDALL. I do not make any motion; I merely make a suggestion.

Mr. ATKINS. Allow me to suggest this. It is very evident from what the chairman of the Committee on Appropriations says that he has not given special attention to these amendments, expecting that the House would non-concur in all of them. It is well known to the gentleman from Pennsylvania that the conferees on the part of the House ought to have something to play on with the conferees of the Senate, and I think it is very well to non-concur in all these amendments.

Mr. HISCOCK. I desire to say that I am endeavoring to follow the well-established practice of the Forty-fifth and Forty-sixth Congresses which was fully indorsed by the distinguished gentleman from Pennsylvania. I therefore move to non-concur in this amendment.

The motion to non-concur was agreed to.

The twenty-fifth amendment of the Senate was to strike out "$95,000" and insert "$115,000;" so that the clause as amended would read as follows:

For payment of amounts for arrears of pay to two and three year volunteers who served in the war of the rebellion, which may be certified to be due by the accounting officers of the Treasury Department, up to June 30, 1883, $115,000.

Mr. HISCOCK. I do not see any objection to concurring in that amendment, and I move that it be concurred in.

The motion to concur was agreed to.

The twenty-sixth amendment of the Senate was to strike out "$25,000" and insert "$550,000;" so that the paragraph as amended will read as follows:

For payment of arrears of pay to officers and soldiers of the United States Army, which may be certified to be due by the accounting officers of the Treasury Department, up to June 30, 1883, $550,000.

Mr. HISCOCK. I suggest to the gentleman from Pennsylvania that there is no objection to concurring in that amendment.

Mr. RANDALL. No indeed.

The amendment of the Senate was concurred in.

The twenty-seventh amendment of the Senate was to insert the following:

For payment of amounts for additional bounty under the act of July 28, 1866, which may be certified to be due by the accounting officers of the Treasury Department up to June 30, 1883, $80,000.

Mr. HISCOCK. I move to non-concur in that amendment.

The motion to non-concur was agreed to.

The twenty-eighth amendment of the Senate was to insert the following paragraph:

To pay John H. Morgan, as acting sergeant-at-arms of the committee of the Senate required to investigate the Cheyenne Indian raid of 1878, twenty days' service, $120.

Mr. HISCOCK. I move to non-concur in that amendment.

The motion to non-concur was agreed to.

The twenty-ninth amendment of the Senate was to strike out "$150,000" and to insert "$75,000;" so that the paragraph as amended (naval establishment) would read as follows:

For the Bureau of Construction and Repair, $75,000.

Mr. HOLMAN. I move concurrence in that amendment.

Mr. HISCOCK. I have no objection.

The amendment was concurred in.

The thirtieth amendment was to insert as a new paragraph the following:

For accrued mileage to naval officers and officers of the Marine Corps, under the act approved June 30, 1876, in accordance with the decision of the Supreme Court in the case of the United States *vs.* Temple, $50,000.

Mr. TOWNSHEND, of Illinois. Will the gentleman from New York give us some explanation of this?

Mr. HISCOCK. I understand that under the decision of the Supreme Court the appropriation contemplated by this amendment is necessary, and unless some gentleman objects I will move concurrence.

Mr. HOLMAN. The only reason why I think there should be non-concurrence is that in acting upon this provision the conference committee may be able to correct an evil which manifestly now exists in the law.

Mr. HISCOCK. Very well; I move non-concurrence.

The amendment was non-concurred in.

The thirty-first, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, forty-first, forty-second, and forty-fifth amendments were respectively read and non-concurred in.

The thirty-second, forty-third, and forty-fourth amendments were respectively read and concurred in.

The Clerk was proceeding to read the forty-sixth amendment when,

Mr. HISCOCK said: The amendments from number forty-six to number sixty-four are amendments appropriating money for Senate officers. I move that they be non-concurred in.

The amendments are to insert the following paragraphs:

SENATE.

For the payment of mileage to Senators who attended the special session of the Senate convened on the 10th day of October, 1881, by proclamation of the President, the sum of $33,000, or so much thereof as may be necessary.

For clerks to committees and pages, $2,500.

For pay of folders, $158.

For miscellaneous items, $24,000.

To enable the Secretary of the Senate to pay George B. Edwards for services as clerk to the special committee appointed to investigate the affairs of the United States Soldiers' Home, from January 11, 1882, to March 7, 1882, inclusive, fifty-six days, at $6 per day, $336.

To enable the Secretary of the Senate to pay the clerk to the Committee on Appropriations of the Senate the difference between the salary received by him and the amount paid to the clerk to the Committee on Appropriations of the House of Representatives for services as clerk to that committee for the fiscal years 1880 and 1881, such sum as may be necessary is hereby appropriated.

To enable the Secretary of the Senate to pay W. D. Blackford the difference between the pay received by him as skilled laborer and that of the assistants in the document-room, he having performed the same service from the 1st day of December, 1881, to the 1st day of December, 1882, inclusive, $440.

To enable the Secretary of the Senate to pay to the messengers in his office the difference between their present pay and that of a messenger of the Senate of the United States from July 1, 1881, to June 30, 1882, $144 each.

To enable the Secretary of the Senate to pay to Joseph McGuickian the difference between his pay as special policeman in the office of the Secretary of the Senate and that of a messenger of the Senate of the United States from July 1, 1879, to June 30, 1880, $144, he having performed the duties of a messenger during that period.

To enable the Secretary of the Senate to pay George A. Clarke, messenger to the reporters' room of the Senate, the difference between his present pay and that of a messenger of the Senate of the United States from July 1, 1881, to June 30, 1882, $240.

To enable the Secretary of the Senate to pay George Gilleland an amount equal to the difference between his pay as laborer on the rolls of the Senate and that received by messenger in charge of the reporters' gallery, which position he was detailed to fill from December 5, 1881, to June 30, 1882, inclusive, $412.85.

To enable the Secretary of the Senate to pay S. H. Colbath the sum of $1,258.89, the balance of salary due by law to one discharging the duties performed by him as a messenger of the Senate from April 1, 1877 to May 5, 1879.

To enable the Secretary of the Senate to pay Thomas B. Bailey for services rendered by him as page in the Senate Chamber from November 9 to December 4, 1881, inclusive, $67.50.

To enable the Secretary of the Senate to pay John S. Hickcox, for services as assistant in folding-room, from July 1, 1881, to June 30, 1882, inclusive, $240, this amount being the difference between the pay he receives and that of assistants in the document-room: *Provided*, That hereafter no officer or employé of the Senate shall receive pay for any services performed by him at any rate higher than that provided for the office or employment to which he has been regularly appointed.

To enable the Secretary of the Senate to pay Daniel O'Neill for forty-five days' services as a watchman on the Capitol police force, $112.50.

For work on the Capitol and general repair thereof, and for fire-proofing the rooms adjoining the Hall of the old House of Representatives, $2,000.

For payment of expert architects employed under the act of June 8, 1880, for work on additional accommodations for the Library of Congress, $1,500, to be paid to the estate of the late Alexander R. Esty.

To enable the Secretary of the Senate to pay Charles N. Richards the difference between the pay of keeper of stationery and assistant keeper of stationery of the United States Senate for the period of time between the 1st day of May, 1880, and the 1st day of November, 1881, $454.10.

Mr. BLACKBURN. I support the motion of the gentleman from New York to non-concur in these amendments; but I wish to call particular attention to the forty-seventh amendment, which appropriates $33,000 for the purpose of paying mileage of Senators at the extra session convened in October last. There is no precedent for this allowance of mileage. At no extra session of Congress since I have been a Representative in this House has one dollar of mileage ever been allowed to any of its members. By way of instruction to the committee of conference, which will no doubt be appointed on this bill, I wish this House to emphasize the declaration that the forty-seventh amendment will not be concurred in by us.

Mr. TOWNSHEND, of Illinois. I wish to ask the gentleman from Kentucky whether these Senators did actually incur any expense in the way of mileage at all?

Mr. BLACKBURN. The Senators were called in extra session in October and remained here until the regular meeting of Congress in December, and they received their mileage for the regular session.

Mr. HISCOCK. In view of the remarks of the gentleman from Kentucky [Mr. BLACKBURN] I withdraw my motion to non-concur in all these amendments, and will move to concur in the forty-seventh. I do this for the purpose of obtaining an expression of opinion from the House. I say very frankly that while we may wrangle over this question for some time, I believe in the end it will result in the concession of this matter to the Senate. I wish to be perfectly frank with the House, and should I be appointed on the committee of conference I wish to go into the conference with instructions from the House.

Mr. BLACKBURN. I knew that the gentleman from New York would meet this question with the candor which he now exhibits. It was for this reason that I wanted an authoritative expression of opinion and purpose on the part of the House as to whether we intend to make this appropriation of $33,000. I repeat that there have been extra sessions of Congress since I have been here, and no member has ever received a dollar of mileage for any extra session which he was summoned from his home to attend.

A MEMBER. Or stationery?

Mr. BLACKBURN. Nor any allowance of stationery except once. Now, the Senate, having convened in October, remained in extra session until the opening of the regular session. Senators did not leave this capital in the interval between the extra session and the regular session. They staid here and drew their mileage—not for the extra session I grant you, but for the regular session which came immediately upon the heels of the extra session. They had never left the city.

This amendment proposes to make an innovation by appropriating $33,000 for additional mileage, although members of the House have never asserted any such claim when summoned here in extra session. I want this House to speak and to speak authoritatively to its committee of conference and tell them that they shall or shall not yield to this demand of the Senate. There is no equity in it.

Mr. PAGE. I suggest that the gentleman from Kentucky submit a motion to instruct the committee of conference not to yield on this point.

Mr. HISCOCK. I call for the previous question on the motion to concur.

Mr. DUNN. I rise to a point of order. I understand from the chairman of the Committee on Appropriations [Mr. HISCOCK] that he asks this vote in the nature of an instruction to the committee of conference; and the gentleman from Kentucky [Mr. BLACKBURN] makes a similar statement. Now, under the rules is it proper for this House to instruct a conference committee? Does not such instruction destroy the freedom of the conference?

The SPEAKER. The members of the conference committee might regard themselves as instructed by the vote of the majority on this proposition. While it would not be in form an instruction, it might be so regarded by them.

Mr. WASHBURN. I ask the gentleman from New York to withdraw the call for the previous question, that I may make an inquiry.

Mr. HISCOCK. I will do so.

Mr. WASHBURN. I wish to inquire whether the gentleman understands that this amendment provides for the payment of constructive mileage to Senators?

Mr. HISCOCK. I do not understand that it provides for the payment of constructive mileage as we ordinarily understand constructive mileage. It is very likely the Senators, or a part of them, came here in October in obedience to a call for an extra session and remained until the regular session. That may be true; but I understand constructive mileage is where a man gets mileage in two capacities at the same time.

Mr. TOWNSHEND, of Illinois. Let me ask the gentleman a question. Is not this in the nature of a "salary grab?" There is no law authorizing it.

Mr. HISCOCK. So far as that is concerned, the gentleman from Illinois is equally learned with myself. So far as I am concerned, I only desire an expression of the House on this question, and only desire to say further that while we may wrangle over it, as I have no doubt we will for days, it will result in this House yielding the point rather than the bill shall fail.

Mr. TOWNSHEND, of Illinois. The gentleman ought not to assume any such thing on the part of this House. This House ought never to yield on this question.

Mr. HISCOCK. I demand the previous question on the amendment.

The previous question was ordered.

Mr. BLOUNT. Let the amendment be again reported.

The amendment was again read.

The amendment was non-concurred in.

Mr. HISCOCK. I ask for a division of the House on the amendment; and I do this, I will say, that I may have it in the nature of instruction to the committee of conference.

Mr. TOWNSHEND, of Illinois. Let us have the yeas and nays. [Cries of "No!"]

Mr. BLACKBURN. I suggest the gentleman take the yeas and nays on it.

Mr. HISCOCK. I hope not.

Mr. PAGE. A rising vote will do.

Mr. RANDALL. After the announcement of the chairman of the committee we ought to have a record vote.

The SPEAKER. The gentleman from New York asked for a division too late. There was a decided vote and the result was announced.

Mr. HISCOCK. I understand now by the action of the House that the committee of conference is never to yield to the amendment. [Cries of "Never!"]

Mr. HUBBELL. Every member will judge for himself.

Mr. ROBINSON, of Massachusetts. I do not understand the House means any such thing. I want to file a caveat against any such inference.

Mr. TOWNSHEND, of Illinois. I move to reconsider the vote by which the amendment was non-concurred in for the purpose of obtaining the yeas and nays. [Cries of "Too late."] It is proper we should put ourselves on record against this salary grab on the part of the Senate.

The SPEAKER. The Clerk will read the next amendment.

Mr. TOWNSHEND, of Illinois. I have a right to move to reconsider. I do it to get an expression by a yea and nay vote.

The SPEAKER. How did the gentleman vote?

Mr. TOWNSHEND, of Illinois. I voted with the majority.

Mr. COX, of New York. It does not matter how he voted, there was no record.

Mr. PAGE. Are we considering this bill in the House or in the Committee of the Whole?

The SPEAKER. We are considering it in the House.

Mr. PAGE. As in Committee of the Whole?

The SPEAKER. We are considering it in the House.

Mr. TOWNSHEND, of Illinois. On the motion to reconsider I demand the yeas and nays, and I do it for the purpose of allowing members the privilege of going on record.

Mr. HUBBELL. I move to lay the motion to reconsider on the table.

Mr. TOWNSHEND, of Illinois. I demand the yeas and nays.

Mr. BLACKBURN. That does not make the question.

Mr. TOWNSHEND, of Illinois. I rise to a question of order. On the motion to reconsider I demanded the yeas and nays, and the gentleman had no right to move to lay on the table.

The SPEAKER. The Chair thinks he had.

Mr. TOWNSHEND, of Illinois. After the demand for the yeas and nays?

The SPEAKER. After the demand for the yeas and nays, and before the vote was taken.

Mr. TOWNSHEND, of Illinois. The gentleman from Michigan is avoiding the issue on the question.

Mr. HUBBELL. The gentleman from Michigan can take care of himself and needs no instruction from the gentleman from Illinois.

The yeas and nays were not ordered.

The motion to reconsider was then laid on the table.

Mr. HISCOCK. I move to non-concur in the balance of the amendments, under the caption of "Senate," from No. 48 to 64, inclusive.

The amendments were non-concurred in.

Amendments numbered 65 and 66 were severally read and non-concurred in.

Amendment No. 67 was read, as follows:

For newspapers and stationery for members of the House of Representatives, $4,500.

Mr. HISCOCK. I move to concur in that amendment.

Mr. TOWNSHEND, of Illinois. I hope some explanation will be given as to why we should concur in this amendment. As I understand it, a regular appropriation is made for this purpose.

Mr. HISCOCK. I can only say that the estimate for this amount

was presented to me by the Clerk of the House after the bill had been passed, and I looked it over and thought it right, and sent it to the Senate committee with the request that it be incorporated in the bill.

The amendment was concurred in.

Amendment No. 68, to strike out "F. M. Lynn" and to insert "F. W. Lynn," was concurred in.

Amendments numbered 69, 70, and 71, as follows, were severally read and concurred in:

(69) To pay John B. Trainer, for services as messenger in the House of Representatives during the years 1877 and 1878, $267.74.

(70) To pay Frank L. Donnelly, for services as page in the House of Representatives at the extra session and regular session of the Forty-fifth Congress, $92.50.

(71) To pay C. W. Coombs, Department messenger of the House of Representatives, for services from January 10 to April 6, 1882, at $1,200 per annum, $289.77, or so much thereof as may be necessary.

Amendment No. 72 was read, as follows:

(72) To pay George W. Julian expenses of contest with John S. Reid for seat in the House of Representatives, Forty-first Congress, $2,000.

Mr. HISCOCK. I move to non-concur in that amendment.

Mr. BLACKBURN. Has the chairman of the committee any reason for disagreeing to that amendment?

Mr. HISCOCK. Only this: if this money is paid to Mr. Julian, I am of the opinion that there is a former Representative here who stands precisely on the same footing, and should be cared for in the same way. I am in favor of applying the same rule to both.

Mr. BLACKBURN. I shall not object to the motion of the chairman of the committee, but I will say that I do believe that amount of money is due to Mr. Julian; but I am willing to let it go to the conference committee to be examined, and am thoroughly satisfied that upon an examination of the facts of the case it will be inserted in the bill by the committee of conference.

The motion to non-concur was agreed to.

Amendments Nos. 73, 74, 75, 76, 77, 78, 79, 80, and 81 were severally read and non-concurred in.

Amendment No. 82 was read and concurred in.

Amendments Nos. 83, 84, 85, 86, 87, 88, 89, and 90 were severally read and non-concurred in.

Mr. HISCOCK. The next amendment (No. 91) is the last Senate amendment to this bill. It is a proposition to strike out section 6 of the bill, and insert a provision with reference to the payment on account of the illness and burial of the late President. I move to non-concur in the amendment.

Mr. ROBINSON, of New York. Do I understand this is the amendment on page 77 of the bill?

The SPEAKER. It is.

Mr. ROBINSON, of New York. I have an amendment to offer——

Mr. HISCOCK. Mr. Speaker, in order to obtain the sentiment of the House in reference to this matter I shall change my motion and move to concur in this amendment and upon that I call the previous question.

Mr. BLACKBURN. That does not include the independent sixth section, which has been added by the Senate but which has not yet been read?

Mr. HISCOCK. It includes that as a part of the amendment.

Mr. BLACKBURN. Does the chairman of the Committee on Appropriations ask for the previous question upon the Senate amendments, including the entire independent section?

Mr. HISCOCK. I have made my motion and call for the previous question with the view to seeing if we can reach some limit to the debate upon this amendment or fix some time for closing it.

Mr. BLACKBURN. I ask my friend from New York if he does not think it fair to allow the House to use its own discretion here to fix a limit on the debate, and not attempt to do it by the previous question?

Mr. HISCOCK. What debate do you want?

Mr. BLACKBURN. There are some gentlemen who want to be heard upon this.

Mr. HISCOCK. What length of time?

Mr. BLACKBURN. I would defer to the gentleman's own wishes in that respect.

Mr. HISCOCK. But I am consulting with you now as to your wishes.

Mr. BLACKBURN. Say an hour.

Mr. HISCOCK. Very well, by unanimous consent, we will have an hour, with the understanding that at the end of the hour the previous question is ordered.

Mr. BLACKBURN. But the gentleman, I am sure, does not want to preclude amendments?

Mr. HISCOCK. Of course not.

Mr. HOLMAN. There should be an opportunity for offering amendments and discussing them under the five-minute rule.

Mr. HISCOCK. Let it be understood that, by unanimous consent, all debate upon the Senate amendments and amendments thereto be limited to one hour.

Mr. BLACKBURN. Very well.

Mr. HOLMAN. But is it also understood that these amendments are to be debated under the five-minute rule after the expiration of the hour?

Mr. BLACKBURN. That, of course, is the understanding.

Mr. PAGE. How will the time be divided?

Mr. HISCOCK. Equally between the sides.

Mr. RANDALL. It is understood that there is to be general debate for an hour, and five minutes' debate upon *bona fide* amendments thereafter.

Mr. HISCOCK. That is the suggestion, that the debate upon amendments shall be under the five-minute rule upon substantial amendments, but not *pro forma* amendments.

Mr. BLACKBURN. That is after one hour's debate?

Mr. HISCOCK. After the hour.

Mr. PAGE. I shall object to fixing the time for debate until I understand how it is to be divided.

Mr. HISCOCK. It will be equally divided.

Mr. ROBINSON, of New York. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. ROBINSON, of New York. I understood the Speaker to say that there was no amendment allowable to this amendment of the Senate.

The SPEAKER. The Chair did not mean to be so understood.

Mr. ROBINSON, of New York. Then I have an amendment to offer——

The SPEAKER. The gentleman has not been recognized to offer an amendment. The gentleman having the bill in charge is recognized in accordance with the rule and practice.

Mr. ROBINSON, of New York. But I respectfully submit as a point of order that, I having the floor and having addressed the Chair and the Chair having recognized me, the gentleman could not take me from the floor; and if it is allowable to offer the amendment I wish to offer it before the previous question is ordered.

The SPEAKER. The gentleman from New York [Mr. ROBINSON] did not have the floor.

Mr. HISCOCK. I will make this proposition to the House: that general debate upon the amendment be limited to one hour; that thereafter there may be debate under the five-minute rule, but no debate on *pro forma* amendments.

Mr. BLACKBURN. I am willing to consent to that.

The SPEAKER. The gentleman from New York asks unanimous consent that all debate on the pending amendment shall be limited to one hour, to be equally divided——

Mr. RANDALL. All general debate.

Mr. REED. No; all debate.

The SPEAKER. The gentleman's proposition is that all general debate on the pending amendment shall be limited to one hour, and that thereafter there shall be debate under the five-minute rule on substantive amendments only. Is there objection? The Chair hears none. [Mr. BLACKBURN rose.] The gentleman from New York will be first recognized.

Mr. ROBINSON, of New York. Who is to distribute the time?

The SPEAKER. The Chair will see it is equally distributed.

Mr. POUND. I ask that the amendment be read.

The SPEAKER. The amendment is to strike out all of section 6 and insert a new section, which the Clerk will read.

Mr. McLANE. I think there is still some misunderstanding about the arrangement as to debate.

Mr. HISCOCK. I understand there is to be general debate on the amendment for one hour, and thereafter there will be debate under the five-minute rule upon substantive amendments only. Now, then, Mr. Speaker, I trust that the amendments will be offered at once.

Mr. TOWNSHEND, of Illinois. Oh, no.

The SPEAKER. The Chair directs the Clerk to read the amendment.

The Clerk read the ninety-first amendment of the Senate, as follows:

Strike out section 6, as follows:

"SEC. 6. That in all cases in this act where the year for the use of the appropriation made is stated, for instance, the year '1881,' it is intended to indicate the year ending June 30, 1881, and the same with any other year stated. it in all cases indicates the fiscal year. In all cases where no year is indicated it is understood that the appropriation is for the year ending June 30, 1882, for which deficiencies this act is principally intended."

And insert as a new section the following:

"SEC. 6. That a board of audit, consisting of the First and Second Comptrollers of the Treasury and the Treasurer of the United States, is hereby constituted, to whom shall be referred all claims and the determination of all allowances to be made growing out of the illness and burial of the late President, James A. Garfield; that the said board shall hear, and examine, and determine all questions arising out of said claims and proposed allowances, and shall make an award in each case for services rendered, or supplies furnished, which, when received, shall be taken in full compensation of all demand whatsoever; that said board of audit shall issue a certificate, signed by each member of said board, setting forth the amount awarded to each person, and on account of what services rendered, or supplies furnished, and shall transmit said certificate to the Secretary of the Treasury, who shall cause to be paid to the several persons named therein, or their legal representatives, the amount so certified; and to enable the Secretary of the Treasury to pay said awards the sum of $57,500, or so much thereof as may be necessary, is hereby appropriated; and of this amount not more than $35,500 in all shall be certified and paid for medical services and attendance; and in making said awards it shall be lawful for said board to make allowances to employés of the Government for extra services in amounts not exceeding three months of their current pay: *Provided*, That no claim shall be considered and no allowance shall be made by said board on or after January 1, 1883: *And provided further*, That the aggregate amount of awards made by said board shall not exceed the amount hereby appropriated: *And provided further*, That no claim shall be considered under this section unless the person filing the same shall file a release under seal of all claims against the representatives of the late President growing out of said illness and burial."

Mr. HISCOCK. I understand the Speaker will distribute the time. Is it the intention of the Chair that I shall take one-half of it?

The SPEAKER. The Chair is willing that the gentleman from New York [Mr. HISCOCK] shall control one half hour, and the gentleman from Kentucky [Mr. BLACKBURN] the other half hour.

Mr. HISCOCK. I desire so far as the half hour to be controlled by me is concerned that the gentleman from Ohio [Mr. TAYLOR] shall have such portion of it as he desires.

Mr. BLACKBURN. When is it the pleasure of the chairman of the committee or of the Chair that I shall have my time?

The SPEAKER. The gentleman may take it now, so far as the Chair is concerned.

Mr. BLACKBURN. Then I say I want to deal with this question with exact candor and fairness. I do not intend to indulge in an expression that shall be harsh or unkind to any one. I do not mean to reflect in improper terms on the action of the Senate in putting this amount on the bill. But I desire to call the attention of the House to the fact that it was a matter of which the Senate had no proper jurisdiction.

The House, when it met last December, organized a select committee under resolution, charged with the duty of examining into and reporting upon these claims for settlement and payment. That select committee met and reported to this House, through its chairman, the gentleman from Ohio, [Mr. TAYLOR,] on the 19th day of April last. The minority report was also filed. The chairman of the committee making the report announced on this floor that he intended to call it up at an early day for consideration and disposition. I asked him on that day, as the RECORD shows, to indicate when it would suit his pleasure to call it up. He declined to answer. From then till now, at intervals, I have been urging him to bring this matter up before the House that it might be debated.

Mr. TAYLOR. Let the gentleman answer me this question: Did he ever ask me more than twice?

Mr. BLACKBURN. I asked the gentleman twice, and I got a friend, the gentleman from Illinois, [Mr. MORRISON,] to go to him a third time.

Mr. TAYLOR. Once you asked me to defer it; once to bring it on.

Mr. BLACKBURN. On the contrary, I never in my life asked it to be deferred one hour. I asked the gentleman myself in person that it should be called up, and I got my friend from Illinois [Mr. MORRISON] to go to him the third time to tell him the floor of the House was open to him, and to ask him to bring it on.

Now, I want to know how the Senate got jurisdiction of this matter. I will not say it was impolite; I will not say it was indecorous. I do not know but I might be warranted in saying that it verges very close on the insolent when the Senate Chamber, through a Committee on Appropriations, takes charge of a matter that a select committee has been raised in the House to inquire into and has already reported upon, and when that matter has never been before the Senate at all. It is a piece of insolence upon the part of a sub-committee of the Senate. Why is it that this flank movement is attempted? Why undertake to settle this question of appropriating this money by such an indirect method as this when there lie two reports, a majority and a minority report, both upon that table, and the gentleman making that majority report has never yet afforded this House an opportunity to consider them.

The Senate has cut down the amount which was recommended by the report of the majority of the select committee of the House for physicians from eighty-odd thousand dollars to $35,500. I am opposing that Senate amendment on two grounds: first, because it is an infringement upon the dignity of this House, and it was so stated upon the floor of the Senate by a Senator from Missouri. It is not sincere or direct or manly legislation. It is an effort by surreptition to accomplish what the advocates of this amendment have never dared to ask of this House in open session.

I want to say more. I do not believe that there is a man within the sound of my voice who will claim that this Government owes a solitary dollar of this money. It a gratuity, and when put in proper shape I shall advocate it.

I declare here once for all that no man shall undertake to attribute to me any unkindly purpose either toward the dead or toward the living who are involved in this matter. If I could have believed that it was within the compass and power of surgical and medical skill to have saved the life of the late President of this country, there never was one dark day from the 2d day of July to the 19th day of September that I would not have gladly emptied the Federal Treasury to have accomplished that purpose. The relations that I held to him are known to all who served with us here. I will not even by indirection or implication appear to be unfriendly to his memory. For his greatness of brain I admired him; for his generosity of soul I loved him; for his patience in suffering and courage in death I honored him. But that is not the question before the House. The question is as to whether we will appropriate unusual sums of money to pay exorbitant fees to surgeons for the rendition of extraordinary skill.

Now, I undertake to charge, and it will not be contradicted by any member of that committee, that there never was a scintilla of proof, and there is not to-day an atom of proof before that committee that either one of the doctors in this case ever rendered any extraordinary skill in the treatment of it at all.

I go further, and say that there never was an atom of proof and is not to-day to show that either one of these doctors ever laid eyes upon the President from the 2d day of July, when he was wounded, up to the 19th day of September, when he died. The committee refused to allow us to take any testimony. I, as a member of that committee, demanded subpœnas in order to bring these doctors there and make them testify that they had at least seen the President, and those subpœnas were refused. And there is not a thing upon the earth, except newspaper rumor, to lead that committee to believe that either one of these surgeons ever crossed the threshold of the President's sick chamber.

The bill, as the Senate offers it to you, has no proof upon which to predicate this appropriation of $35,500. It constitutes a board of audit to consist of the First and Second Comptrollers of the Treasury and the Treasurer of the United States, but it does not require that board to take any testimony or evidence at all. There is no proof furnished and there is no demand in this bill that any proof ever shall be furnished.

I have my own opinion. There are two letters that lie there on your table, or should be there with the report of this committee, one from Dr. Gross, of Philadelphia, and one from Dr. Sayer, of New York, which I would like to have read. I would like for this House to hear what those two eminent surgeons have to say. They stand deservedly in the front rank of their profession either in American or foreign estimation.

As to the treatment of this case—I am no professional, but I have carefully read the testimony of the leading surgeon in this case as given in the Guiteau trial. I find that by his own sworn statement Drs. Hamilton and Agnew, men who stand deservedly high in their profession, were called to this town on the morning of the 4th of July, forty-eight hours after the shooting. I undertake to say that they made an examination at the White House which was simply superficial; that neither finger nor probe was in their presence that day inserted into that wound.

They adjourned to meet again at two o'clock—this being in the forenoon. They met at two o'clock, and the President being asleep neither doctor went into his room. They left the city and neither one of them put his foot within the District of Columbia again until the 23d day of July, according to the evidence in the trial of that case.

They came back on the 23d day of July, exactly three weeks after the shooting. They found a fractured rib and a spicula of bone which had created pus cavities that needed to be lanced and operated on. For three weeks the President had lingered in the hands of these surgeons without the slightest idea in their minds as to the nature and character of the wound, the track of the bullet, or the injury from which he suffered. Three weeks passed before the broken rib was discovered or the spicula of bone extracted.

It went on for seventy-eight days, and according to the testimony of these doctors, that wound from the day it was delivered until the day of death was never treated. They treated pus cavities, I grant you, for seventy-eight days, mistaking them for bullet wounds. But the wound of the President was never touched or handled by a single doctor in the case. The external wound had healed, and it required an autopsy to discover the bullet, and that was found by accident and found in a wash-bowl after an hour and a half had been spent in the dissection of the body.

This proposition works injustice in many directions. You cannot patch up a piece of work after this fashion, and make it legitimate or honest. If any surgeon who was in attendance upon that President deserves recognition at the hands of Congress I ask you whether you are going to exclude from such recognition the Surgeon-General of the Army and Dr. Woodward of the same service? They are not provided for in this amendment, and it will be taken and justly taken by their friends as a slap in the faces of those two gentleman if Congress shall undertake to adopt this amendment, and make moneyed compensation to the civilian doctors and refuse to recognize the services of these military surgeons.

But this proposition goes further and does worse. Above all the greedy horde of cormorants that have swarmed around this committee from the time of its organization until now, presenting bills, some of them as low as seventy-five and even fifty cents, to be audited and allowed and paid—above all the greedy horde, a soulless corporation looms up and stands alone as actuated by generous and patriotic and humane purposes. The Pennsylvania Railroad Company without thought of expense made arrangements for conveying the President from the White House to Long Branch. It laid a track from the White House to the depot and transported all his retinue of servitors to Long Branch, furnishing palace cars and taking the sides out of one of them in order to contribute to his comfort; laid a track from the depot at Long Branch to Francklyn Cottage; and later brought back the mournful cortege with all its attendants. When this committee demanded of that corporation its bill the answer was that it had none. When the committee a second time demanded the amount of the expenses charged, again the answer was that there was no charge, and that if Congress should vote a dollar to that company they would refuse to touch it, because they were but glad to contribute to the extent of their power to the comfort and restoration of this wounded man. But there is no mention of that.

Then as to the surgeon first in attendance upon the assassinated President, the surgeon who rendered service but for which you know and I know he would have died in the depot before removal, there is not a word of mention for him.

A MEMBER. Who is that?

Mr. BLACKBURN. Dr. Townshend, the health officer of this city, who according to the testimony was the first physician in attendance upon the President; and when he sank in syncope and was on the verge of death it was Dr. Townshend who rallied him; it was he who in company with Dr. Bliss went in the ambulance with the President to the White House and remained until reaction had set in, and the second day had come round before he was dismissed.

I say that if we mean to settle this matter we should settle it like men; we should come up to the question fairly and give due credit to every man who bore a helping hand in this case. Vote money if you choose, but vote it after a fashion different from that which the Senate amendment proposes. This is not the way to do it. Congress, in my judgment, has no business to resolve itself into a court of probate, suing out search-warrants and traveling this city and country over to hunt up bills of a half-dollar or $25,000 in order to settle a decedent's estate. Remit these questions to the courts, where they belong; let the claimants bring to Congress their bills, accepted and approved by the legal representatives of President Garfield's estate; and I stand here before the country to advocate the passage of a resolution that shall extend the pay of the late President to his family for one year or four years if necessary in order to pay every dollar of those expenses.

I will not by my vote allow the estate to become responsible for one dollar of these expenses; but I insist that the right way to pay them is after some sort of ascertainment. There is not a man on this floor or in the Senate Chamber to-day who knows of his own certain knowledge by any proof of any character anywhere that any one of these doctors ever saw the President during his illness. I do not know but that it might have been better for the President if they never had seen him; it certainly could not have been worse. I do not undertake to say that the wound was not a mortal one, but I do undertake to say that the wound need not have been mortal to have produced death with such medical treatment as he had. I do mean to say, doctor or no doctor, that from the foundation of the world medical science never furnished so glaring an illustration of blind blundering as in the treatment to which the late Chief Magistrate of this country was subjected. Those doctors published bulletins three times a day and sometimes oftener from the 2d day of July till the 19th of September; they are on file and of record. I dare challenge any man who lives to put his finger upon a single bulletin in which he can find a single sentence or a single word or a single syllable that ever carried an atom of truth. Never from the beginning to the end even by a lucky accident did those doctors tell the English-speaking world a solitary fact. I do not blame them; they did not know it.

I do not believe, Mr. Speaker, that the Congress of the United States should put the seal of its approval upon professional blundering like that, and commend it to this country as entitled to its recognition. I do not care so much for the money. We waste more money than this frequently, and probably upon causes as bad but certainly no worse than this. It is not the amount of money involved so much as it is the injustice done to the medical profession of this country when you take a lot of perfectly honest, perfectly sincere men, I am willing to admit, but a lot of professional blunderers, and undertake to push them to the front rank of their profession and put the approving seal of the American Congress upon their butchery. I am opposed to that, and I do not want it done.

I want these gentlemen, every one, sent to the courts of the country, to the legal representatives of General Garfield's estate. I do not care how much these bills may aggregate. Whenever there has been a judicial settlement, whenever there has been any sort of ascertainment, whenever there has been any sort of proof offered on earth to show any service was rendered, I am ready and willing to go as far as the farthest in extending the salary of the President to cover every dollar. But I do insist if you adopt this amendment of the Senate, or if this House refuses or fails to instruct its committee of conference to insist on its being stricken out, you will not only do a great injustice to the medical profession of the land, but you will do gross injustice to men who did seek to render service, who were left out without recognition, and are not covered by this proposition.

It lacks equity, it lacks law, it lacks decency, and I protest in conclusion, as I did in the beginning, that it is an insult to this House, not for the Senate Chamber of the country, but for a subcommittee on appropriations in the Senate Chamber to take possession of a matter never discussed or mentioned on its floor and wrest it from the hands of this House when the House had a select committee for months and months, raised for that especial purpose and engaged in its consideration. There are the reports lying on that table from the 19th of last April until now. If you will take up those two reports we may be able to do something like equity in the settlement of this matter. But you cannot do it after the slip-shod fashion the Senate has employed. I denounce it all. I denounce the mode and method which have been adopted to bring it before this House as unusual, unfair, and cowardly; I denounce the claims of these doctors as frauds. They are not supported by evidence, and cannot be. Evidence has been demanded; evidence has been challenged, and the committee of this House has refused to allow it to be produced. I ask this House to instruct its committee of conference, as it did on another amendment to this bill just now, to insist on striking this amendment out and never to consent to allow it to go through unless it shall be after such fashion as will do justice to all the parties who rendered aid or gave assistance in this matter.

How many minutes of my time remain?

The SPEAKER. Seven minutes.

Mr. BLACKBURN. I will reserve that time for the present.

Mr. TAYLOR. Mr. Speaker, on the 19th of April last the special committee submitted its report to this House. At that time I announced I would at as early a day as possible call the matter to the attention of the House. At the request of the gentleman from Kentucky [Mr. BLACKBURN] I stated I would not call it up except in his presence. Once afterward, when he was to visit West Point officially, he came to me and asked me to defer it for ten days. I consented to that request. After he came back from West Point he asked me if I would call it up, as he intended to go to Kentucky. I said I would if I could. I intended to do it, but found I was unable to do so, and did not. Aside from those I remember of no application he has made to me in regard to the matter. I am not certain, however, that he has the right to direct me in regard to my public duties.

Mr. BLACKBURN. I only put it in the shape of a request.

Mr. TAYLOR. I know it; but in the newspapers ostensibly representing the statement of the gentleman from Kentucky he has been reported as always urging the consideration of the bill, while I have been represented as delaying its consideration.

Mr. BLACKBURN. Let me ask the gentleman a question.

Mr. TAYLOR. Certainly.

Mr. BLACKBURN. Does not the gentleman know, if we are to be made responsible for everything that is in the newspapers, he was once reported as being ready to give up his own report and would have signed the minority report except he would never consent to sign anything the gentleman from Illinois or myself did?

Mr. TAYLOR. I was about to say, while such statements have been made, that from the time the bill was reported until now I have been anxious and more anxious than any other man in this House to have the House consider that bill, not because I want the bill to pass as it is, but because I want this House to settle this matter as it ought to settle it. I shall be content with such action as the House will take in regard to the bill, and I am as willing to agree with the gentleman from Kentucky or the gentleman from Illinois on this or any other subject as I am with any other gentleman on this floor.

Now, Mr. Speaker, I would ask a little deliberation in this case. What is the question involved in this matter aside from the mode in which the business is proposed to be done? There is no bill presented by any physician as a claim against the Government. There is no bill presented by any physician against anybody. The public have an idea that the physicians have been presenting exorbitant claims. They have made no application for any allowance or pay for services. Some of the surgeons have conferred with the committee or its members, mostly in writing but very limitedly, and only when requested to do so. They present no bills for their services. There are none existing to-day against the Government, but this case and this only is presented: the people of this country seem to think that the estate of President Garfield ought not to be encumbered with this indebtedness; that the expenses of his illness ought not to be paid by the estate, and this House has authorized a special committee to ascertain the persons to whom payment should be made and the amount to be paid.

Mr. Speaker, it is a matter of very little consequence to me as to how much money is to be paid to Dr. Bliss or Dr. Agnew or the other eminent surgeons who rendered distinguished services in behalf of the wounded President, and I am sure that I do not care personally whether they get a farthing or not, nor do I desire them to be paid too much for their services; but the object and purpose of the action of the House is to save the estate from the payment of money and the family from annoyance. I fear the tendency is to ignore this object, to disregard the interest of the estate, and to forget the feelings of the family.

Mr. Speaker and gentlemen of the House of Representatives, this, as I say, is the material question with which we have to deal. Now, how shall we meet it and how best determine it? I do not feel inclined, for my part, to inquire whether professional skill had been used by these physicians or not. That is not a matter with which I am to deal. I do not know how I could find out. Do you? I do not know how much the services were worth, even if I could find out what the services were; but what I do find here is—and this is the only fact with which we have to deal—that four or five of the leading surgeons of the United States, confessedly equal to any in their profession in this country, were for about eighty long days, day and night, wrestling with death to prevent the President from going from us. What matters it that they did all that human skill could do to save him? They failed, not from want of devotion and effort, but because he was past remedy. Their services were valuable. They did not tell the committee how much they were worth. Nobody living can state it. No physician can give us any information upon that point. But they do insist and they have reason to think that

they are entitled to be paid in something commensurate with the responsibility which rested upon them. They believe that their payments should be commensurate with their reputation and commensurate with the long months of untiring care and devotion which they gave, at the sacrifice of their other professional prospects and opportunities, to the care of the wounded man. They never have submitted that claim to our arbitration. They never have agreed to take our award. They hold it as a claim against the estate and we cannot dispute it, nor can we settle it by simply giving them what we may assume to be right, but must determine it by what they are willing to take, or they will be left to pursue their own remedy. They know, Mr. Speaker, that this estate of President Garfield will pay every bill that they present for that service. What utter nonsense to ask that these bills be pursued in the probate courts of the State of Ohio.

Mr. ATKINS. Will the gentleman allow me to ask him a question right there?

Mr. TAYLOR. Proceed, sir.

Mr. ATKINS. Does the gentleman from Ohio believe that there is any court in America which would allow these extravagant charges against an estate?

Mr. TAYLOR. The "gentleman from Ohio" believes that there is no court in America that would ever receive these claims, because the family, as I believe, will refuse litigation. That is the point I am making. Do you suppose that the representatives of the estate of President Garfield would allow these claims or this question to go before the courts for litigation, or that anything which the estate was able to pay to the utmost farthing would ever be admitted to the courts?

Mr. SPRINGER. Will the gentleman allow me to ask him a question? Does the gentleman know that in the State of Ohio, his own State, all bills against the estates of decedents must be filed in the court of probate, and cannot be allowed except in the ordinary course of legal procedure.

Mr. TAYLOR. No, sir; I do not know anything of the kind.

Mr. SPRINGER. Then how can you charge anything against the estate or charge the minors of the estate with any balances——

Mr. TAYLOR. Well, the gentleman has asked me a question and I have answered it, and I cannot yield any further. Claims in that State are presented to the administrator and he is absolute in his power to dispose of them either by accepting or rejecting them, subject to any suit against him for mal-administration.

Mr. BLACKBURN. Very well; let him pass upon these.

Mr. TAYLOR. I say, and the gentleman should have understood me, that from my stand-point I wish to save this estate. And I would like to have this House to understand that Mrs. Garfield will never, as I think, litigate the bill of the physicians who attended her husband during his mortal illness. That is the question which presses upon me; not the amount that these men deserve or will receive.

One word more, Mr. Speaker, and I have done. Remember these claims never have been submitted to this committee. And I say, and I speak what I do know, that this Senate proposition will not receive the assent of the parties who hold these claims. It will be no settlement. It will be putting ourselves in a ridiculous attitude before the world—the Congress of the United States bickering over the bills of the surgeons for services faithfully rendered during eighty days, and then when passed the surgeons refusing it and the estate paying the bills that are presented. Any gentleman who wishes to put himself in that attitude can do so. I do not.

It has been stated to this House that in the committee a demand was made for witnesses in regard to what the services were worth. That is so. On the last day of meeting, after the report had been once adopted and reconsidered—on the last day of meeting that demand was first made. But, as I understand, it could not have been acceded to at any time, for this reason: we were not authorized to send for books, witnesses, or papers. And, further, the opinions of surgeons in regard to this matter were of as little consequence as anything you can regard or think of. It was not a satisfactory method of investigating such a question. It was bringing us to no satisfactory conclusion.

And now, without saying or knowing what ought to be paid or with what amount these gentlemen will be satisfied, I do say with my friend from Kentucky [Mr. BLACKBURN] that this manner proposed by the Senate of undertaking to adjust the matter is not only absurd, but is unjust and I think decidedly improper. It is only a partial adjustment and it ought to be adjusted by this House. I care nothing for any supposed disrespect to the committee. I am exceedingly anxious to have this matter disposed of in any proper way; but I do think that this House ought to take action upon what its committee has done, and let the House dispose of the matter as it ought to be disposed of.

I do not intend to say that the bill as reported should be passed. I never approved the bill, though I reported it by direction of the committee without formal dissent, as was well understood; but what I did desire and still do is that the House take the matter up and so amend the bill, if amendment is necessary, as will make it fair and just, believing its action will be wise and right and that whatever the result arrived at in that manner it would be received by the parties in interest as entirely satisfactory, while even a larger amount tendered in the spirit and with the irregularity of this amendment would not be regarded with favor by them.

Mr. Speaker, there is no trouble in having the bill we have reported considered this session in both Houses, where we will be entirely free to act with knowledge. It is an entire mistake for the gentleman to say that this committee acted without information. We did not send for any witnesses, but very many of the leading surgeons of the country aided with their opinions so far as opinions could aid in such a case.

I think the amendment of the Senate should not be agreed to.

Mr. PAGE. As a member of the committee appointed by the Speaker of this House to consider the claims growing out of the illness of our late President I desire simply to say that the committee did all they could to get what information could be had before them, in order that they might intelligently make their report to this House. After the committee had met and organized it directed the chairman of the committee, Mr. TAYLOR, of Ohio, to correspond with all the physicians, and others having claims against the estate, and ask them to submit their bills to the committee. This the attending physicians refused to do.

Mr. BLACKBURN. Will the gentleman let me ask him this question?

Mr. PAGE. Certainly.

Mr. BLACKBURN. Was there ever submitted to the committee from the date of its organization until now any proof in this world, either verbally or in writing, affidavit, deposition, verbal statement, bill, or letter, or was there ever an appearance entered by anybody to show there was a dollar due to any one of these physicians?

Mr. PAGE. I state, as the gentleman from Ohio has stated, that these men never claimed to have any demand against this Government.

Mr. BLACKBURN. And they have presented no bills?

Mr. PAGE. They have no bills to present. They have no demands at all upon the Government for any expenses incurred during the illness of our late President.

Mr. BLACKBURN. Now, my friend will answer another question. Was there any evidence in the world given to any member of the committee that any one of them ever saw the President from the 2d of July until he died?

Mr. PAGE. Oh, Mr. Speaker, the gentleman from Kentucky is not serious in asking such a question.

Mr. BLACKBURN. I think I am.

Mr. PAGE. We all of us know and the gentleman from Kentucky knows that these men were in attendance.

Mr. BLACKBURN. Does not every member of the House know it as well as the committee?

Mr. PAGE. Supposing that is true; nobody was there to dispute that. We never thought of subpœnaing witnesses to show that these men were in attendance there. But we do know this fact: the committee was in possession of the fact that Dr. Bliss was in attendance upon the President for seventy-nine days. We also know the number of visits that Dr. Agnew and Dr. Hamilton made to the President.

Mr. SPRINGER. How many were there?

Mr. PAGE. I do not remember now. It is the duty of the gentleman to know; he was on the committee, and if he does not know it is his own fault.

Mr. SPRINGER. There was no proof of that fact.

Mr. BLACKBURN. Not a bit.

Mr. PAGE. It was stated before the committee, and was known to the members of the committee.

Mr. BLACKBURN. Who stated it?

Mr. PAGE. It was stated that Drs. Agnew and Hamilton visited the President so often.

Mr. BLACKBURN. Who stated it.

Mr. TAYLOR. It was stated by Dr. Bliss in writing, and certified to by Drs. Agnew and Hamilton in writing as correct, and that was read to the committee.

Mr. O'NEILL. I desire to say here, if the gentleman from California [Mr. PAGE] will permit me, that Surgeons Hamilton and Agnew, the one or the other of them, were here attending the President each day from the day they were first called.

Mr. BLACKBURN. Oh, no.

Mr O'NEILL. From the 4th day of July to the day the President died.

Mr. HISCOCK. Who has the time now; and whose time is being used in this discussion?

The SPEAKER. The gentleman from California [Mr. PAGE] has the floor.

Mr. O'NEILL. I am simply giving some information to the gentleman from California.

Mr. PAGE. The gentleman from Ohio [Mr. TAYLOR] states what is correct. It was stated by Dr. Bliss in writing to the committee that either Dr. Agnew or Dr. Hamilton was with the President all the time as one of the consulting physicians.

Mr. BLACKBURN. I know the gentleman does not want to do injustice to those physicians. I tell him on my honor and conscience that Dr. Bliss swore in the Guiteau trial that Drs. Hamilton and Agnew came to this city on the 4th day of July; that they left this

city that night and neither one of them was ever in the District of Columbia again until the 23d day of July.

Mr. PAGE. I do not want to discuss questions of fact as they appeared before the committee.

Mr. BLACKBURN. That is what Dr. Bliss testified to.

Mr. PAGE. I will not detain the House by any lengthy statement. The facts were all before our committee; the physicians refused to render any bill or to ask for any compensation from Congress. They refused to put any price on their services, and all the committee had to do was to come to the best understanding we could as to the amount and value of the services rendered.

Of course the members of the committee differed very widely as to the amount which should be paid to different individuals and the manner in which it should be paid. But they did come to a conclusion, and the majority report has been presented by the gentleman from Ohio, [Mr. TAYLOR,] and is now waiting action by this House.

I desire to say in this connection that in my judgment it ill becomes this Congress to discuss for any length of time the question as to whether the Government of the United States shall assume the responsibility of relieving the family and estate of the late President by paying this money. If you pay any money you must pay a sum sufficient, so that the physicians and those who were in attendance will accept it, or they will not have anything to do with it but will present their bills against the estate.

The question now before the American Congress for determination is, what will they give, and how much will they give? Will you give a sum sufficient so that the physicians will agree to accept it?

I leave to the gentleman from Kentucky [Mr. BLACKBURN] all the honor and glory there may be in his attack on these physicians; he may have it all. I do not desire to reply to him. They need no defense from me. I will only ask permission to print with my remarks some of the letters from the Secretary of War and the Secretary of the Navy, as well as extracts of indorsements from leading physicians in foreign countries to sustain the position I now take. Also the letter of Dr. Bliss to the chairman of the committee in response to a resolution of the House dated February 2, 1882:

[Copied from the National Republican of July 4, 1882.]

DR. BLISS'S AUTHORITY.

The following correspondence will show exactly the authority under which Dr. Bliss went into the case, and that he assumed charge of the treatment of the late President at the express desire of Mrs. Garfield. The letters of Secretary Lincoln and ex-Secretary Hunt distinctly set forth the facts, and their clear and concise statements are sufficient to refute the misrepresentations and attacks made by Senator Vest and others on July 3, 1882:

1329 F STREET NORTHWEST,
Washington, D. C., May 22, 1882.

DEAR SIR: As one of the medical advisers of the late President Garfield I take the liberty of addressing you briefly upon a matter of both public and private interest. Certain statements made by parties of presumable credence in a portion of the press of the country are calculated to inspire some minds with doubt as to whether the wishes of General Garfield and his wife, together with those of their nearest friends, were respected and followed in the selection of professional gentlemen who had charge of the case during his illness.

May I ask you to furnish me with an outline of the circumstances connected with this part of the case as far as they came under your own observation? By so doing you will aid in setting at rest some minor yet vexatious questions, the discussion of which tends to pervert and even to distort the history of a labor which was by all regarded as a patriotic duty.

You will thus add greatly to the esteem in which you are held by myself and my associate counsel.

Yours, very truly,

D. W. BLISS.

Hon. ROBERT T. LINCOLN, *Washington, D. C.*

WAR DEPARTMENT,
Washington, May 23, 1882.

DEAR SIR: I have your note of yesterday, asking me to furnish you with an outline of the circumstances, so far as they came under my observation, connected with the selection of the professional gentlemen who attended upon President Garfield during his illness. In compliance with your request I give you such a statement, made as brief as possible.

When the President was shot my carriage was at the door of the railway station, and within a few seconds thereafter I hurried it off to bring you, the utmost speed being, of course, enjoined upon the driver. You were very soon at the station, the President having been, I think, borne to an upper room before your arrival. I do not recall that anything which happened led me to think that any physician was present before your arrival; certainly there was none whom I knew. You at once took charge of the President, acting with other surgeons who came quickly to his help. Then followed his removal to the White House, and the anxious hours of the afternoon, during which a large number of surgeons (some of whom I knew personally, some only by name, and some being entirely unknown to me) were in attendance. During the night, as I recall it, this attendance had largely ceased, and when I left the house at dawn I was informed by you that there would probably be no information to give as to the outlook until after a general consultation, which had been appointed for eight o'clock in the morning.

I returned about nine o'clock, and not long, perhaps an hour after that, all the members of the Cabinet being assembled in one of the chambers, the large number of medical gentlemen in attendance upon the President became the subject of conversation, all assenting to the necessity of the number being reduced at once, for obvious reasons. It appeared in the conversation that the only surgeon known to those present in the room to have been summoned in the case was yourself, and also that there were persons among the many anxious friends of the President who would not have probably chosen you as one of his medical attendants. It was therefore thought best to have the suggestion made to Mrs. Garfield of the propriety of her selecting one or more surgeons to attend the President, and of the consequent cessation of the attendance of the others. For the purpose of communicating with her General Swaim and Colonel Rockwell were sent for to the room and requested to make the suggestion I have made. Inasmuch as you were, as far as I know, the only surgeon summoned directly by any one near the President, personally or officially, and had been in consequence up to then in principal charge during what had come to seem a very long time, I felt it my duty to request General Swaim and Colonel Rockwell at the same time to say to Mrs. Garfield that if the attendance of Doctor Bliss was not agreeable for any reason, and it was thought best to have him retire, any embarrassment should be felt in effecting this, I trusted that, as I had summoned him, a mere suggestion might be made to me, and that I would see that his attendance ceased without embarrassment to any one.

I am now uncertain whether these two gentlemen went on their mission and returned, or whether, without going, they were able to give us the information, which they at once did, that Dr. Bliss had been selected to take charge of the case with such assistance as he should desire.

In pursuance of further conversation among all the gentlemen in the room, based on this information, it was thought best that the Secretary of the Navy and myself should go to Dr. Bliss and tender him the assistance of the Surgeon-General of the Navy and Surgeon-General of the Army, with any other assistance which he might ask and which it was in our power to afford him. The Secretary of the Navy and myself at once went to your room and tendered you this assistance. You replied that you would much like to have the aid and counsel of the Surgeon-General of the Army; that for reasons which you mentioned you would not ask the assistance of the Surgeon-General of the Navy; that further, for reasons which you gave us, you would like the assistance of Surgeon Woodward, of the Army, and of Dr. Reyburn, of this city. I therefore formally advised the Surgeon-General of the Army that you were the surgeon in charge of the case, and directed him to place himself in attendance with you, and to instruct Surgeon Woodward of the Army also to place himself in attendance. I do not now recall the exact circumstances which resulted in the summoning of Dr. Agnew and Dr. Hamilton, but I remember that we were all anxious for their presence, so that nothing should possibly be left undone which might contribute to the recovery of the President.

I believe the foregoing answers your inquiry as completely as I am able to do from my own knowledge.

Very truly, yours,

ROBERT T. LINCOLN.

Dr. D. W. BLISS.

WASHINGTON, *May* 24, 1882.

DEAR SIR: I was at the railroad station in this city when President Garfield was shot. I saw him in less than a minute afterward. He lay on the floor of the reception-room. In a few minutes he was removed to a room upstairs. I then saw Secretary Lincoln. He told me he had sent immediately after the shot for you. I expressed my gratification at his having done so, for I had perfect confidence in your skill, judgment, and experience. Soon after this I saw you approach the mattress where the President was lying. You uncovered the wound, inserted a small probe into it, spoke with the patient, gave him brandy, and exercised entire control of the case. Afterward other surgeons came about the bed; but you were in entire and unchallenged control of the case. You remained so all that day, and the friends of the President and the other surgeons acquiesced in your doing so.

Next morning something was said among the Cabinet about the presence of so many persons in and about the sick-room. It was deemed expedient to reduce the number of surgeons. This conclusion was communicated to Mrs. Garfield, and she was requested, as I understood, to state whether your direction and supervision of the case was undesirable to her. I was told she said that this arrangement was entirely in accordance with her wishes. You were then requested to select such surgical assistance as you desired. You mentioned the gentlemen who acted with you afterward. The Secretary of War and myself conferred with members of the Cabinet after this interview, and we proposed that the Surgeons-General of the Army and Navy should be added to your corps. The suggestion was approved by our colleagues. It was then communicated to you. You were pleased with the recommendation of Surgeon-General Barnes, but you objected to the Surgeon-General of the Navy on personal grounds. I did not urge him further on you.

Afterward the members of the Cabinet suggested that Drs. Agnew and Hamilton be added to the corps as consulting surgeons. This proposition was conveyed to Mrs. Garfield and met her approval. It was afterward submitted to you, and you approved it promptly and cheerfully.

These facts occurred when things were fresh and your control of the case was assured and exercised in the presence of the President's family and friends, with the knowledge of the world and with their acquiescence.

It is an insult to the truth to set up at this date the pretense that you in any manner intruded into the control of the case. It is at least a mean reward for your skillful, unceasing, and heroic devotion to your distinguished patient.

I am, dear sir, with the highest consideration, your obedient servant,

WILLIAM H. HUNT.

Dr. D. W. BLISS, *Washington.*

EXCERPTS.

[British Medical Journal, July 9, 1881.]

The distinguished patient could not be under better surgical care than is to be found in Washington. The vast experience gained during the war of the rebellion in the United States has diffused an immense amount of knowledge concerning gunshot wounds and their treatment among Army surgeons in that country, and several of the most eminent among them are connected with the case, &c.

[British Medical Journal, August 20, 1881.]

The surgical treatment has been severely criticised in some quarters, very unfairly as it seems to us, inasmuch as the attacks upon the course pursued have been made without an opportunity of personal observation of the case, and without making any allowance for the difficulties in which the surgeons in attendance upon it have been placed. * * * So far as the facts which have been successively announced in the official bulletins are concerned, nothing has been mentioned which has been inconsistent with what might be expected to take place in any case of a bullet wound in which a bone has been struck and the bullet so diverted that it has been caused to pursue a deep and tortuous course in muscular tissues and to pass out of reach of observation or detection by the surgeons.

[Same journal, December 17, 1881.]

After analyizing the statements of Drs. Hammond, Sims, Ashurst, and Hodgen in the North American Review for December, 1881, we fully concur with Dr. Sims in the previous assertion made by him that the wound of the late President was as certainly mortal as the wound of President Lincoln. The difference was only one of time.

The New York Medical Journal, November, 1881, says, regarding English criticisms on the long and painful conflict of surgery with the injury dealt to our lost President: "Truly the modern art of surgery in all its fullness—not the mere individual capabilities of the little knot of men who stood as its representatives—was brought to bear upon this case."

* * * * * * *

"Also, if any of Dr. Bliss's questions as appended by him to his account of the case in the Medical Record of October 8, 1881, can be so answered as to show that in any respect the conduct of the case could, without the light thrown upon it by the autopsy, have been better carried out, we trust that such answer will be brought forward speedily and boldly. We have nothing but praise for the surgeons as regards their actual management of the case."

[Boston Medical and Surgical Journal, September 8, 1881.]

A lenient judgment must, however, be invoked for the physicians who have borne the task of an attendance the trying nature of which can be easily understood, and we ought to congratulate ourselves that no change has taken place in the *personnel* of our President's medical staff.

[Same journal, September 22, 1881.]

No one, we believe, is in a position to say that the wound was not from the beginning of a necessarily fatal character or that other measures than those taken could have averted the result we all deplore.

* * * * * * *

It is plain, and is generally acknowledged, that no good and much harm would have resulted from any serious attempt to extract the ball, even had it been possible to determine its exact situation.

[Medical Record, August 13, 1881.]

In the light of the facts that are furnished the public it is easy to understand the extreme caution of the surgeons as to probing the wound.

[Same journal, August 6, 1881.]

We take pleasure in affirming again that the treatment of the President is thus far beyond criticism, and it is fair to suppose that so long as the present medical staff remains in attendance nothing will be left undone to insure the comfort, safety, and recovery of the illustrious patient.

[Same journal, August 20, 1881.]

As might have been expected, the management of this case has been open to much criticism by the secular press. It is to the credit of the profession, and especially of the gentlemen in charge of the case, that so little can be said concerning what might have been done and what was not done. Despite the journalistic prescribers in some of our leading dailies, the people have continued to maintain a confidence in the attending and consulting surgeons which is as gratifying as it is necessary. There seems to be, justly, but one sentiment entertained both by the profession and the public regarding the judicious manner in which this case has been treated from the beginning.

[Same journal, September 24, 1881.]

It is, we believe, the general verdict of the profession that the late President received all the aid which medical science, intelligently applied, could furnish. Looking back upon the case, even with the light of the autopsy before us, it is impossible for any one to say that any different mode of treatment would have saved the President; and, furthermore, we may claim that medical art prolonged for months a life which might otherwise have ended in a few days or weeks. We believe that this can be truthfully said, and that it will be echoed and indorsed by the medical profession.

[Same journal, September 26, 1881.]

No means of more thorough exploration of the wound could have been safely employed.

Drs. Sims, Ashurst, and Hodgen, in the North American Review, "frankly acknowledged that the wound was essentially fatal; that the error of diagnosis was, under the circumstances, unavoidable; that the treatment was in accordance with accepted principles in surgery, and that in reality nothing more could have been done to prolong the life of the lamented sufferer."

[Cincinnati Lancet and Clinic, September 24, 1881.]

No blame can be attached to the surgeons in attendance upon the President for abstaining from instrumental interference with a view of locating the ball. * * * What skill and science could do was done. The surgeons in attendance merit the gratitude of our people alone; there is nothing deserving of reproach.

[Pacific Medical and Surgical Journal, San Francisco.]

He was in able hands, well known to the profession in Europe as well as in America.

[Canada Lancet, September 1, 1881.]

Everything is being done for the patient that can be done. Every confidence is very justly reposed in his medical advisers, and, come what may, there can be no cause for blame attached to them.

[From Medical News and Abstract, Philadelphia, October, 1881.]

The publication in the current number of the American Journal of the Medical Science of the official report of the autopsy upon the body of President Garfield will, we trust, while satisfying the legitimate curiosity of the profession and of the laity, at the same time effectually and permanently quiet the unfriendly criticism of the surgical treatment of the case in which part of the daily press has so freely indulged and from which, we regret to observe, some medical journals, without full knowledge of the case, have not thought proper to abstain.

The discoveries of the autopsy, taken in conjunction with what is known of the clinical history, will at once make apparent to the profession the good common sense, admirable conservatism, and sound surgical treatment and judgment which have characterized the management of the case from first to last, and, although the non-medical mind may be slower to comprehend the questions at issue, it will not be long before the same conviction forces itself upon the people at large.

We know beyond the possibility of a doubt that no human skill could have averted the fatal result; but we find, moreover, that even in the searching light of the careful and thorough post-mortem examination it is difficult, if not impossible, to suggest any modification of the treatment, even in minor points, which would have made it better adapted to the exigencies of the case.

* * * * * * *

From this general consideration of the history of the case, viewed in the light thrown upon it by the details of the autopsy, we may safely conclude—

First. That the treatment at the time of the reception of the injury, immediately subsequent to it, was that rendered proper by the condition of collapse which then existed.

Second. That on reaction taking place, a sufficient, thorough, and careful examination was made with the finger and the probe.

Third. That when the consulting surgeons were called in and found that this had been done, they very properly, and in accordance with well-established and universally-recognized rules of surgery, refrained from repeating that examination.

Fourth. That even if these rules had been disregarded and such examination had been made, it would have determined nothing of practical importance as regards the subsequent treatment.

Fifth. That wherever pus accumulations had taken place, they were properly opened by free incisions made at the most dependent portions.

Sixth. That these incisions drained not only the course of the abscess but communicated freely with that portion of the spine which had been penetrated, and, therefore, with the track of the ball; and the completeness of the drainage is shown by the absence of pus accumulations either in the locality traversed by the ball or in the iliac or lumbar regions.

Seventh. That the damage done to the cancellated tissue of the lumbar vertebra was sufficient in itself to explain the septic state of the system, which in time, and independent of the ball, (which proves to have become harmless,) would have destroyed the life of the patient.

[College and Clinical Record, Philadelphia, October, 1881.]

The careful methods of exploration pursued by the attending surgeons will commend themselves to the attention of the profession and the public as fully commensurate with the importance of this celebrated case. The study of the autopsy will bring to the mind of the most skeptical a thorough and persuasive vindication of his careful, conscientious, and indefatigable medical attendance—a vindication that was not deemed necessary by those who had honestly placed their faith in their skill and discretion during the many weeks of suffering through which their distinguished patient so uncomplainingly struggled.

[Medical Press and Circular, (London,) October, 1881.]

The general verdict of the profession is that the President received all the aid which medical science, intelligently applied, could furnish. It is held that, looking back upon the case by the light of the autopsy, it is impossible for any one to say that a different line of treatment than that pursued would have saved the President's life, and further, that medical art prolonged the life which otherwise might have ended in a few days.

[Virginia Medical Monthly, September, 1881.]

The President's condition is a subject of such deep interest to every American that we are not surprised at the eagerness so generally manifested by the medical press to speculate as to the result. We have seen many ridiculous descriptions and surmises on the subject put in print by doctors, who in this instance manifest no greater intelligence than the laity as to the nature of the wound. By such a course the profession lays itself liable to have further odious epithets and taunts thrown at it. Not one of the six distinguished medical men now in attendance upon the President has yet been able to trace the track of the ball or to locate its present position with satisfactory definiteness to warrant them in announcing an opinion, although these gentlemen are the only surgeons who have ever had an opportunity of examining the wound. * * * Whatever may be the result now, even if fatal, we would feel resigned as we would live in the belief that everything had been done for the restoration of the President that human skill could accomplish.

Annales D'Hygiene Publique et de Médicin Legale, Paris, Février 1882, contains an account of the post-mortem and remarks "that treatment was fully justified by the results."

Philadelphia Medical Times, October 8, 1880, in its London letter, says: "When, however, the suppuration of the gland ceased to form new points of pus, then again hope became buoyant that his magnificent constitution, his high courage, judicious nursing, and consummate medical skill, all combined, would bring him through ultimately. * * * The medical management of the case has never been hostilely criticised, in my hearing at least—nothing, but whatever occurs the public of Great Britain will ever feel that in a terrible emergency the medical profession has acquitted itself with distinguished skill, and has deserved well of all."

[Extracts from a review of some of the more important surgical problems of President Garfield's case, by J. William White, M. D., demonstrator of surgery and lecturer on operative surgery in the University of Pennsylvania, Surgeon to the Philadelphia Hospital, Fellow of the American Surgical Association, &c. Philadelphia, 1882.]

Its motive is to be found in the fact that numerous articles which have from time to time appeared in both the medical and the lay press seem to indicate that in the minds of many intelligent people, within and without the profession, there is still much misconception regarding several important points in the case of the late President Garfield.

In bringing together the facts which I shall mention I have especially consulted the official report, published in the American Journal of the Medical Sciences for October, 1881, and have carefully perused the excellent articles of Drs. Ashhurst, Hunt, Sims, Hodgen, Shrady, Weise, Kumar, Schüssler, Figueria, and others, as well as the editorials and criticisms of the medical press of this and foreign countries.

The points which it seems worth while to consider, on account both of their general surgical interest and of the misconception alluded to, and which may be taken up seriatim, are as follows:

1. Did the relative positions of the patient and assassin at the time of the shooting afford any indication of the course of the ball as revealed at the autopsy?

2. Was it probable that at any time the ball could have been detected or located by the use of probes; and if so, should such an endeavor have been made?

3. Did the subjective symptoms indicate anything more serious than nerve injury or spinal concussion; or, in other words, did they furnish reliable material for diagnosis?

4. Was the subsequent treatment in any way whatever hurtful or defective, or could it have been modified with advantage, if the exact character of the injury had been known?

5. What was the immediate cause of death?

6. Was the wound necessarily a mortal one?

"Occasionally,[1] when the trunks of nerves are directly injured, (not divided,) but violently pushed aside,) the wound will be accompanied with intense pain, but none will be experienced locally; the pain which is felt will be referred far away from the tract of the projectile to some distant part to which the nerves are distributed. * * * Less rare cases are those in which pain is not only felt in the wounded limb but reflex pain is also felt in the opposite uninjured limb," &c.

"Nerve injuries may also cause pain which, owing to inexplicable reflex transfers in the centers, may be felt in remote tissues outside of the region which is tributary to the wounded nerve."[2]

"In Case IV, Hutchinson's Series, page 313, the median and ulnar nerves being injured, there was pain in the unhurt hand. Pirogoff, page 384, has similar instance from injury to the right brachial plexus. In two cases wounds of one leg seemed to the patient to be truly in the other."[3]

So far as I know, all the diagnoses of spinal injury which were claimed to have been made in different parts of the country first appeared after the publication of the autopsy, and this is rather to the credit of their authors than otherwise, as certainly no one having merely those symptoms submitted to him in a similar case to-day would be justified in asserting the existence of a fractured vertebra or a grave injury of the cord.

Professor Kumar, of Vienna, after a lengthy criticism of the case in the light of the clinical history and the autopsy, wrote:[4]

"Evidences of paralysis in the region of the lower extremities were never noticeable; the only symptoms of disturbance of nerve function were those already mentioned—hyperæsthesia of the skin of the feet and ankles and of the right half of the scrotum—which at the end of the first week had entirely disappeared. From all these symptoms no conclusion as to the course of the ball could be drawn."

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[1] Gunshot Injuries, their History, Nature, and Treatment, by Surgeon-General T. Longmore, London, 1877, page 145.

[2] Injuries of Nerves, by S. Weir Mitchell, M. D., Philadelphia, 1872, page 193.

[3] Ibid., page 146.

[4] Präsident Garfield's Verwundung, von Primararzt Dr. Kumar, Wiener medizinische Blätter, November 10, 1881.

Lidell[1] says:

"The general symptoms of gunshot fracture of the spine are not essentially different from those which are present in other forms of that injury, and they are referable mainly to paralysis, either partial or complete, (but commonly the latter,) of all the muscular apparatus supplied with spinal nerves given off at or below the seat of fracture."

Hamilton[2] wrote in 1865:

"In a few cases a ball has been known to pass through the side of the body of one of the vertebræ, leaving a round hole or a lateral furrow, without coming in contact with the spinal marrow or the blood-vessels. It is not probable that we shall be able to diagnosticate such a case clearly during the life of a patient, and if we were able to do so we do not see what benefit could be derived from any surgical operation."

Legouest[3] says:

"It is always very difficult, if not impossible, to be assured that the bodies of the vertebræ are injured when there are no symptoms of a lesion of the spinal marrow. The surgeon in most of these cases is constrained to leave them to the efforts of nature, watching for the appearance of those accidents which may accompany the presence of foreign bodies, and which are aggravated in such cases by the importance of the organs in the neighborhood of the wound."

Agnew[4] says of fractures of the vertebræ:

"Except in fractures of the spinous processes, where the damaged part is entirely accessible to the touch, we cannot affirm the existence of such an injury with any degree of certainty. The presence of certain symptoms following a sufficient cause furnishes ground for supposing the existence of a fracture, and yet these may all be present without any injury of the kind. The prominent symptom in paralysis."

Authorities to this effect might be multiplied indefinitely, but the question hardly admits of dispute.

If, then, a study of the positions of the wounded man and his assailant was without diagnostic value, if probing to any extent was strongly contraindicated and could not possibly have resulted in anything but harm, and if the subjective symptoms were not distinctive or were positively misleading, it is evident that the materials for definitely determining the character of the injury were altogether wanting. Much has been written in regard to "mistaken diagnosis," even by gentlemen who intended to defend the management of the case; but it has always seemed to me that this did not fairly state the situation. An "absence of diagnosis" on account of a total lack of necessary evidence would have more nearly expressed it, and every surgeon of experience knows how frequently and how unavoidably this occurs.

The laceration of the cancellated structure of the first lumbar vertebra doubtless contributed largely to the production of the septicæmic condition, which was in no wise due to lack of proper or sufficient drainage. More favorable circumstances for its production than existed in the comminuted and softened cancellous tissue, with its open venous sinuses, bathed in ichorous pus, could hardly be imagined.[5]

The fact that drainage was thorough and complete, and that no portion of the unfavorable symptoms was due to neglect in this respect, was fully established by the absence of purulent collections either along the track of the ball or in the passage caused by the burrowing of the pus. There was no time previous to the first operation at which the accumulated pus did not pass out of the original wound, but its exit was favored by gravitation after the two operations which brought the external openings on a lower level, and enabled them not only to drain completely the iliac and lumbar regions but also to carry away any discharge that may have come from the fractured vertebra.

Professor Max Schüller, of Berlin, after a careful review of all these points, wrote:[6]

"Even if a suspicion of the wound of the spine had arisen, the problem of treatment, which the attending surgeons were endeavoring with the greatest skill to solve, would have undergone no alteration."

The treatment was cautious, but thorough, and no indication was overlooked or disregarded. Wherever collections of pus took place, they were properly opened by free incisions made at the most dependent portions. These incisions drained not only the course of the abscess but communicated freely with that portion of the spine which had been penetrated, and, therefore, with the track of the ball, and the completeness of the drainage was shown by the absence of pus accumulations either in the locality traversed by the ball or in the iliac or lumbar regions. The treatment also as regards the other complications, the parotitis, bronchitis, dyspepsia, &c., was in the most marked degree careful and judicious, and, indeed, may be said to have prolonged the life of the patient for many weeks.

As to the immediate cause of death, it was, as has been stated, the rupture of an aneurism of the splenic artery. The ball itself had become encysted, and had given rise to no damage whatever, after the moment of its lodgment, but the injury to the cancellated tissue of the lumbar vertebra was sufficient to explain all the septicæmic symptoms, and in time would doubtless of itself have proved fatal.

In attempting to reply to the sixth and last question, as to whether or not the wound was necessarily a mortal one, much time and labor has been spent in a review of all the authorities bearing upon the subject. It may be said at once that in the whole range of surgical literature, civil and military, no similar case, followed by recovery, has ever been recorded, and this statement is made with the full knowledge that it has been asserted that such recoveries are not infrequent. In some instances these erroneous assertions may have been due to neglect properly to classify the cases, which are often very improperly reported. Of course it is well known that fractures of the vertebral processes are not especially fatal injuries; and that a large proportion of them recover. Many of these are recorded under the general head of fractures of vertebræ, but evidently have no bearing upon the case in question.

What Lidell[7] does say is that—

"In the British army, during the Crimean war, there occurred ten cases of gunshot wounds with fracture of vertebræ, but without lesion of the spinal cord, of which six died and four recovered so far as to be invalided; there also occurred twenty-two cases of gunshot wounds with fractures of the vertebræ and lesion of the spinal cord, all of which died."

On the very same page Dr. Lidell, who is truly described as one of the most experienced of our military surgeons, says:

"Leaving out of the calculation such fractures as involve the spinous process alone, the writer has never seen a case of gunshot fracture of a vertebra get well, and he might add that he has never seen life prolonged for a month after the infliction of that injury."

"Attempts at extraction are dangerous and often useless," and that "only when paralysis exists will it be necessary or prudent even to make incisions, or to search in the simplest manner for the foreign body or for spiculæ of bone."

"In the Surgeon-General's Report No. 6 one hundred and eighty-seven examples of gunshot fracture of the vertebræ are reported, of which one hundred and eighty died, and of seven which recovered not one was a fracture of the body of a vertebra."[1]

Demme[2] says:

"Extensive injuries or lodgment of balls in vertebræ or in the cord give rise either to death or incurable paralysis."

Gross[3] says:

"Gunshot wounds of the vertebræ, with lesion of the spinal cord, are nearly always, if not invariably, fatal. Of twenty-two cases of this kind in the English army, in the Crimea, not one recovered. Even when the bones alone are affected the danger is generally very imminent, most of the patients thus affected dying in a short time."

No instance of complete recovery after the latter injury was met with, and in those here alluded to the actual seat of the fracture was in every case doubtful. No perforating wound with recovery is mentioned at all.

Space will not permit a more extended consideration of this subject, but I may add that, in addition to the authorities already quoted, the excellent writings of Alcock, Ballinger, Bell, Bird, Chevalier, Clowes, Cole, Demme, Guthrie, Hall, Hutchinson, Longmore, Ranby, Thompson, and Williamson have been consulted, and with a similar result.

No undoubted instance of recovery after a compound comminuted or perforating gunshot fracture of the body of a vertebra has ever been recorded.

The explanation of this fact is apparent to every one who carefully considers the nature of such an injury, the grave and manifold dangers which encompass it, and the almost infinitesimal chance which the patient has, if he escape one or two of them, of avoiding them all.

In support of the foregoing statements, both as to the necessary fatality of the wound and as to the absolute correctness of the treatment in the President's case, it would be easy to adduce almost unlimited confirmatory evidence. The leading medical journals of the world have strongly and unequivocally upheld these views, and, indeed, it may be said that they have been maintained by every writer who has discussed the subject and who is entitled, by special study or experience, to speak with authority.

I shall confine myself now, however, to quoting the testimony of three eminent members of the profession in this country:

"Looking at the whole case from beginning to end, I do not see that the treatment could have been altered in any way to the advantage of the illustrious patient; and nothing was done that should have been omitted, and nothing was left undone that could possibly have been of benefit."[4]

"The President's surgeons did all that men could do; all that the present state of science would permit; and all that could have been done even if they had at first ascertained the course and direction of the ball. Our whole medical literature does not contain a single well-authenticated case of recovery from such a wound. * * * He had not the least chance of recovery under any circumstances or any treatment."[5]

"In reviewing the history of the case of President Garfield I can find no reason for adverse criticism of any part of the management."[6]

In conclusion, it may be asserted that, after careful consideration and thorough search through the records of this and similar cases, and after the opportunity of deliberate comparison thus afforded, the following facts appear to be incontrovertible:

1. It was never possible at any time or by any method to ascertain certain, definitely, and safely the precise character and extent of the President's wound.
2. Any attempt in this direction further than was made by the attending surgeons would in all probability have resulted fatally at once, and their steadfast resistance to extraordinary influence in favor of operative interference entitles them to great credit.
3. The treatment, which was directed to meeting the indications as they arose, was in every respect that which it would have been necessary to adopt had it been possible fully to determine the exact nature of his injuries.
4. Life was prolonged for an unusually protracted period by the careful and skillful attention which the distinguished patient received.
5. Death resulted from the secondary effects of the wound upon structures far beyond the reach of surgical interference.
6. No undoubted instance of recovery from such a wound is to be found recorded in surgical literature.

[Copied from the New York Medical Gazette of January 21, 1882.]

EDITORIAL—THE TREATMENT OF THE LATE PRESIDENT'S WOUND.

In the Wien Medicin Wochen No. 47, 1881, Professor Max Schüller, after giving a complete history of the late President's case, concludes as follows:

"Taking into consideration all the circumstances connected with this gunshot wound, it is evident that the determination of the direction taken by the missile by probing would have been extremely difficult, and, if it had been possible, would have been accompanied by great danger to the patient. It is probable that the track of the bullet through the muscular tissue it traversed was so irregular, and the tissue itself so torn by the projectile fired at so close range, that an immediate attempt to follow in the direction of the ball would have been futile. Among the symptoms which presented themselves immediately after the receipt of the injury, only the pain and disturbance of sensibility in the lower extremities gave an indication of the true course of the bullet.

"This disturbance of sensibility in both lower extremities would scarcely have occurred without a lesion of the cord (either by extravasation and pressure upon the dura or a direct injury of a light grade of the substance of the cord) above the point of origin of the nerves distributed to these members. If, however, the supposition has been entertained that the vertebral column was wounded, the question of indication for treatment would not have been different from that instituted by the attending surgeons.

"To prevent sepsis in gunshot injuries and to bring to a successful issue such a wound as that received by President Garfield, is one of the most difficult achievements, and cannot always be accomplished, even with the most careful and assiduous application of antiseptic surgery."

Dr. Schüller has fallen into the error of supposing that nervous sensation or pains can always be traced to some specific lesion of the nervous system; while nothing is better established than that such sensations are often wholly unreliable as a means of exact diagnosis. The literature of nerve injuries is replete with examples which illustrate the truth of this statement. Lesions of the *ganglionic* system, where there is no lesion of the nerves of common sensation or of motion, often cause reflex pains and paralysis in one or both extremities or in other parts of the body. Ordinary colic, or distention of the stomach by gas, may cause pains in various parts of the body; and if the disturbance or lesion of the ganglionic nerve is persistent, (as it would be in case of its being traversed by a ball,) the re-

[1] American Journal of the Medical Sciences, volume xlviii, page 311.
[2] Military Surgery, page 338, quoted by Dr. Hunt.
[3] Treatise on Military Surgery.
[4] The Principles and Practice of Surgery, Philadelphia, 1878, volume i, page 825.
[5] A long, interrupted, and sinuous shot-wound, with several fractured bones in its course and terminating in the neighborhood of the abdominal cavity, necessarily presents every facility for unhealthy suppuration, the formation of secondary abscesses the retention of pus, and all their accompanying inseparable and unavoidable evil consequences.—*Kumar, op. cit.*
[6] Deutsche medizinische Wochenschrift, No. 47, p. 634.
[7] American Journal of the Medical Sciences, volume xlviii, page 317.

[1] Medical Record, 1867, volume 2, page 401. The italics here are Dr. Hamilton's.
[2] Military Surgery, edition of 1868.
[3] Treatise on Surgery, volume 2, page 82.
[4] Dr. John Ashhurst, jr., in North American Review, December, 1881, p. 594.
[5] Dr. J. Marion Sims, Ibid., p. 600.
[6] Dr. John T. Hodgen, Ibid., p. 610.

flex pains would necessarily be persistent. There was no positive evidence, therefore, furnished by the pains, first in the right foot and then in the left, that they were not caused by such an injury, and especially since these pains only lasted a short time.

It is true, also, as shown by Mitchell, that an injury of the spinal nerve is not always expressed by pains in that part of the body which corresponds to its distribution. The author relates the case of a man who, being wounded by a ball in his right thigh felt pain only in the left thigh; and in another case cited by him an injury of the right sciatic nerve caused paralysis of the right arm and only paresis of the right thigh. But in a matter so well known to medical men it is unnecessary to cite examples. We do not deny that the rule is otherwise, so far as lesions of nerves of common sensation are concerned, but the exceptions are so frequent as, in total absence of other evidence but a temporary, symmetrical pain in the lower extremities, to justify the inferences made by the surgeons in the case of the late President.

It is certain also that in case it were to have been necessarily inferred from the pains in the feet that the spine had been injured, it could not indicate whether it was simply a concussion, the ball having glanced off in some other direction, or an actual penetration of the spine, the ball remaining imbedded in that structure, or a complete perforation, the ball being lodged at some point remote from the spine. It would determine, in short, nothing of any practical importance. As Dr. Schüller justly says, it would not have changed the indications of treatment, or, to use his exact language, "the treatment would not have been different from that instituted by the attendants."

While we were writing, the British Medical Journal for December 27, 1881, came to hand, and we find in it a very full expression of opinion on this subject by its editor. He thinks that during the first twenty-four or forty-eight hours after the receipt of the injury some further exploration might properly have been made, but it is evident from his statements that he was not well informed as to the extent of the explorations which were actually made by Drs. Wales, Bliss, and Woodward. He does not doubt that the splenic artery was injured, nor does he think that any exploration, however thoroughly made, could have averted the fatal result; and in this conclusion he declares himself in accord with the opinions of Drs. Sims, Ashurst, and Hodgen, as expressed in their several papers published in the December number of the North American Review.

"When, therefore," says the editor of the aforementioned journal, "the injury came in the form of a severe gunshot fracture of two ribs, and the perforation of the vertebral column, not to mention the other accompanying lesions, the chances of escape became infinitesimal that the wound might be strictly regarded as a fatal one. No particular mode of surgical treatment, no amount of skilled nursing and attention to hold out a reasonable hope of being able to avert the fatal result. Professional skill, devotion, and extreme watchfulness might prolong life, as we believe they did to its utmost tether in the President's case, but either in the form of blood-poisoning, or, if not in that, in the form of exhaustion, or in some other manifestation of the kind the fatal end was sure to follow. We have expressed regret that the early exploration of the wound was not more complete, in the belief that the diagnosis and prognosis would have been rendered clearer had it been, and that some of the passing complications which ensued might probably have been evaded; but it never occurred to us, when once the true nature and extent of the lesions were fully exposed at the examination after death, that the exploration could have exerted such an influence as to stop the final result."

As the editor of the British Medical Journal alludes to the matter of placing the patient in the same position in which he was when the ball was received before proceeding to probe, but naively remarks that, owing to the shock this may not have been possible in the President's case, we take the liberty of suggesting to him that this rule, given in the writings of certain surgical authors, was never intended to apply to anything but muscular wounds, and especially wounds of the extremities, in which a restoration of posture does occasionally cause a restoration of the channel made by the ball, and which would otherwise be obliterated by the action of the muscles as sliding valves; but even in these cases it is seldom, as all Army surgeons know, of any value. No surgeon of experience, of reputation, nor who has ever given the subject a moment of thought, has ever advised this to be done in the case of a gunshot wound of the belly or any of the large cavities, for the reason that it could be of no possible use—the channel through the viscera could not thus be restored. This is especially true in case the ball has entered the abdomen. The intestines, especially after being wounded, are in constant motion; and to think of restoring the channel of the ball by this method is simply puerile, and its mention is unworthy a medical student.

If the ball had passed through the liver, whose position is changed by every degree of inflection of the body, the difficulties would be the same. There are other reasons, also, why surgeons have never taught that, in case of an abdominal wound, such as that suffered by the President, the patient should be put again upon his feet; namely, first, that if the intestines have been perforated the effect of this would be to hasten and make certain the escape of their contents into the peritoneal cavity, and thus vastly increase the danger of a fatal result; second, there may be, for aught we can know, a concealed hemorrhage, which would be necessarily increased by such a change of position; and, third, that the patient is almost invariably suffering under such extreme prostration from the shock that to maintain him in an erect position until the probing was completed and the ball extracted would be simply impossible or promptly fatal.

Surgeons have therefore always enjoined perfect rest in the horizontal posture from the first moment after the accident, and they are not likely hereafter to teach any other doctrine, or to disturb the viscera with probes after belly wounds, in any position of the body. No one has yet followed these absurd and dangerous suggestions, or if he has he has taken good care to conceal his results.

The London Lancet for September 24, 1881, concludes a somewhat lengthy review of the President's case as follows: "The fact that life had been so long preserved is the best evidence in favor of the surgeons."

We wish to add to these rather desultory remarks a word or two more in reference to the question of the practicability of introducing probes or drainage tubes into the track of the wound.

It is a matter of fact, capable of the easiest demonstration, that the course of the ball was not straight. These are the known facts denied by no one. The ball struck the eleventh rib about three inches from its anterior extremity; then the twelfth rib near its posterior extremity; then the fibro-cartilage between the last dorsal and first lumbar vertebra, near the root of the transverse process, from which point it passed forward and downward, emerging from the front of the first lumbar vertebra only a little to the left of the center; and here was again deflected to the left, until it became lodged under and below the pancreas, two or three inches to the left of the spine. In this course it had suffered, as any one may demonstrate on the skeleton, four marked deflections; first, on the eleventh rib; second, on the twelfth rib; third, as it entered the spine; fourth, as it emerged from the spine. Such being the actual fact, to have carried a probe or drainage tube through its channel would have been impossible.

But admitting that the channel had been straight, every surgeon knows that such channels in the cavity of the belly do not remain open for the convenience of the surgeon, and, as we have already stated, they cannot be re-established. It is, to our mind, evidence of the lack of knowledge and experience in surgery for any man to say that he could carry a probe safely among the vital tissues to the depth of seven or ten inches; and (as in the President's case it must have been carried) behind the kidney, between the liver and colon, or behind both to the spine, and through the spine to the seat of the ball.

Mr. Garfield had a very broad chest, and it is quite probable that the distance of the ball as found in a straight line was twelve inches. Whoever talks of cutting or probing for the ball or of satisfactorily draining it through drainage tubes seems to us to talk nonsense; and we are not surprised therefore that the almost unanimous expression of the medical profession at home and abroad is that the surgeons pursued the only course which presented any chance of saving or of prolonging the life of the patient.

WASHINGTON, D. C., *February* 2, 1882.

SIR: Attention having been called to the expressed wish of your committee as set forth in the resolution requesting of those persons whose services to the late President Garfield are to come before you for consideration an estimate of the value of those services, I have the honor to state that, after a full conference with the medical gentlemen associated with me in attendance upon the President, I am requested by them to express their earnest desire to meet the wishes of the honorable committee, while yet, as a matter of delicacy, they beg to be relieved from presenting bills to Congress for services rendered.

It is believed that it would be more satisfactory to the committee, to Congress, and to the American people to present to your committee a statement of the services rendered in their endeavor to promote the comfort and preserve the life of the President, leaving the matter of compensation to your committee, than to present an itemized bill.

This opinion is one of most earnest conviction, in view of the fact that the physicians have no claim against the United States and that the action of Congress in the matter of compensation for their services is a recognition that they were rendered to the President of the United States, and not simply to the man James A. Garfield.

My permanent counsel consisted of Surgeon-General J. K. Barnes, United States Army, Surgeon J. J. Woodward, United States Army, and Dr. Robert Reyburn, all of Washington, District of Columbia.

It is proper to state that all these gentleman gave daily personal attention to the President, and Drs. Woodward and Reyburn alternated night service, one of them being immediately with me each night until September 17, 1881.

After the President arrived at Elberon, at his request the number of physicians attending upon him was reduced, and these gentlemen retired from the case. They were, however, called to Elberon immediately after the death of the President to assist in conducting the autopsy.

The distinguished counsel from Philadelphia and New York City, Drs. D. Hayes Agnew and Frank H. Hamilton, were summoned to Washington on the night of July 3, 1881, and arrived the following morning, remaining in consultation during that day. They were again summoned July 23, and from that date gave alternate personal service of from three to four days each until the death of the President.

It is perhaps unnecessary for me to state that all the physicians in attendance during the periods above named virtually gave their entire time and attention to the case of the President, and I am glad to be able to say that the whole history of surgery shows no such striking instance of harmonious and self-sacrificing devotion to the care and comfort of a patient as was displayed by the medical gentlemen in consultation with me.

As surgeon in charge of the case, I was for eighty consecutive days constantly on duty, from the time the President was wounded until his death. This service included day and night attendance, which required the abandonment of my private practice, and so seriously impaired my health as to prevent me from resuming my full professional duties until about the 1st of January, 1882. Dr. D. S. Lamb, of Washington, accomplished as an anatomist and pathologist, was selected to perform the autopsy and called to Elberon for that purpose. The skillful manner in which he performed this delicate service fully justified the selection made.

I desire in this connection to pay a just tribute to the untiring and devoted services of those who performed the immediate duty of nursing the President during his illness, namely, General Swaim, Colonel Rockwell, Dr. Boynton, Mrs. Dr. Edson, Mr. O. C. Rockwell, and Steward William T. Crump, whose health was seriously, and it is believed permanently, impaired by his continuous and exhausting duties.

Last, but not least, I desire to specially mention the faithful services of President Garfield's family servant, Daniel Scroggs, (colored.)

Therefore the compensation for services rendered in the case of the lamented Garfield, which so keenly touched the sympathy of all and engaged their anxious solicitude, is respectfully submitted to your deliberate judgment.

I have the honor to be, very respectfully, your obedient servant.

D. W. BLISS.

Hon. E. B. TAYLOR,

Chairman of the Committee for Auditing Claims for Services and Expenses Growing out of the Illness and Burial of the late President of the United States, James A. Garfield.

Mr. O'NEILL. Mr. Speaker——

Mr. HISCOCK. What time is there left?

The SPEAKER. There are left seven minutes on either side.

Mr. O'NEILL. I simply want to state two reasons why I will not vote to concur in this amendment of the Senate. In the first place, it was designed by the special committee appointed by this House to ascertain what amount should be paid by the Government for the expenses attending the sickness and death of the late President of the United States to give a vote of thanks, or to make a complimentary notice in the bill of two or three physicians who came to the depot almost at the moment of the assassination of the President. Two of them were Dr. Smith Townshend, the distinguished health officer of Washington, and Dr. C. B. Purvis, who is in charge of the Freedmen's Hospital, both of them of very extended reputation as physicians and surgeons. I do not see any such thing in the bill reported by the gentleman from Ohio, [Mr. TAYLOR,] who is chairman of the special committee, and it is not in the amendment of the Senate to the deficiency bill, and if we vote concurrence justice cannot be done these eminent practitioners.

The special committee agreed unanimously to give a vote of thanks, or to give a very complimentary notice, to Dr. Townshend and Dr. Purvis, who providentially were near the depot at the time of the assassination, and whose treatment of the case then and there brought about the reaction in the condition of the wounded President. Unless this House non-conours, or instructs the committee of conference which will probably be appointed, we can get no such complimentary notice placed in this amendment of the Senate. And then, in passing, let me ask whether, under this proposition, Surgeon-General Barnes, United States Army, and Surgeon Woodward, United States Army, can have consideration for their constant attendance as surgeons upon the President? We had better non-concur.

There is one other thing: after the death of the President there was another physician of the city of Washington who rendered very

great service to science throughout the country and the world in conducting the autopsy upon the dead President at Elberon. I refer to Dr. D. S. Lamb, acting assistant surgeon United States Army. Should the House adopt this proposition of the Senate there is, in my opinion, no way in which he could be properly noticed for what he did, and no compensation could be given him under the amendment of the Senate.

Mr. BLACKBURN. I indorse every word that the gentleman says about Dr. Lamb. His services ought to be recognized. But is not the gentleman mistaken in the statement that Dr. Purvis was the first physician in attendance upon the wounded President?

Mr. O'NEILL. Dr. Townshend and Dr. Purvis were there very early, almost at the same early period, Dr. Townshend coming first and prescribing, and then soon having the aid of Dr. Purvis.

Mr. BLACKBURN. Dr. Townshend, the health officer of this District.

Mr. O'NEILL. I say that Dr. Townshend and Dr. Purvis were first there, and they brought about the reaction in the condition of the President. But Dr. Lamb has been also overlooked; and his name and theirs should in some way be incorporated in this proposition, if we do not non-concur.

Mr. BLACKBURN. I say so too. I yield the remainder of my time to the gentleman from Illinois, [Mr. SPRINGER.]

The SPEAKER. The gentleman from Illinois has seven minutes.

Mr. SPRINGER addressed the House. [See Appendix.]

Mr. HISCOCK. How much time for debate is left?

The SPEAKER. Seven minutes.

Mr. TUCKER. I understood we were to go on then under the five-minute rule.

Mr. HISCOCK. That is on substantive amendments only.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. HISCOCK] to close the debate.

Mr. HISCOCK. Mr. Speaker, I entered a motion to concur in the Senate amendment, because I believed the trial of the claims should be taken from Congress. I recognize as a fact that no physician or surgeon has presented a claim against the United States; I assume that the committee charged with this investigation called on the physicians, surgeons, and attendants for claims and that none were presented.

I recognize the truth of the statement of the gentleman from Kentucky [Mr. BLACKBURN] in all of its breadth, but it simply proves the physicians and surgeons preferred to present their claims against the estate of the deceased, as they had a perfect right to do; at least they have not surrendered them to the jurisdiction of Congress.

Now, Mr. Speaker, the question, and the only question for Congress is, whether it will provide a forum for the trial of these claims to which the physicians, surgeons, and attendants are willing to go. I believe the gentleman from Ohio [Mr. TAYLOR] has to some extent indicated the course Mrs. Garfield will take with reference to the claims. He says the claims against the estate of the late President when presented will be paid.

Mr. TAYLOR. I will say to the gentleman from New York I did not intend to state that. What I did say was, if these physicians would accept the amount proposed by the Senate amendment, and would present their claims against the estate, in my opinion when so presented they would be paid.

Mr. HISCOCK. I have not the least idea in the world the estate of the late President would go into court to contest these claims. I believe most if not all the physicians and surgeons are men eminent in their profession and entitled to compensation for the professional services they rendered to the deceased President. The question, then, is whether we will turn them over to the estate of the late President or, having buried him in great sorrow, we will relieve that estate from the expense of medical attendance. For myself, Mr. Speaker, I am in favor of payment of the expenses by the Government. I believe this nation should forever indemnify the estate of the late President and indemnify the widow and children of the late President against a single cent of expense attending his sickness and confinement after he received his mortal wound. Believing this, Mr. Speaker, I am in favor of the Senate amendment. It seems to provide a fair forum to which the claimants doubtless will be willing to go, and where their claims may be fairly, honestly, and equitably adjudicated. I am in favor of the American Congress making a sufficient appropriation to pay the claims when adjudicated; and the proposed amendment no doubt appropriates a sufficient sum for that purpose.

But, sir, I am in favor of removing from this arena the trial of these claims. I am opposed to their discussion here on their merits. Is the country to have served up to it the scene of a member of Congress on one side or the other, I care not which, discussing the merits of the physicians and their practice—discussing their treatment of the dead President? Is it a sightly thing for the country to witness? Is it a proper business for us to be employed in?

Possibly the sum named in the amendment will be insufficient. Most likely the surgeons will accept it. The Senate have sent the amendment to us, and if we adopt it we will at least know what is demanded by the claimants. I hope the amendment of the Senate or something substantially like it will be adopted. I now call for a vote.

Mr. DUNNELL. Is there any more time left for discussion?

The SPEAKER. The time for discussion is exhausted.

Mr. SPRINGER. I understand it is for debate under the five-minute rule.

The SPEAKER. The question is on concurrence in the amendment.

Mr. McLANE. I understand this is the time to concur in the amendment.

The SPEAKER. The Chair is putting the only question before the House.

Mr. DUNNELL. I move to strike out "$57,000" and insert "$67,000." Now, Mr. Speaker, the gentleman from New York, in the course of his remarks, admits the possibility this may not terminate this question. I have had the idea the House of Representatives was the proper body to inaugurate a settlement of this question. Mr. Garfield served in this body and not in the Senate. He won his honors and national fame here. This is the popular branch of the Government and as the representatives of the people we propose to come in here and, as an act of favor, to appropriate a sum of money to meet the expenses of the sickness and burial of the late President Garfield. This House has inaugurated a method to arrive at a determination. It was appointed by the Speaker. As I understand it, that committee has made a report. I very much prefer to see this Senate amendment voted down and let the House act of itself originating and inaugurating a method or bill by which this payment shall be made.

Now, Mr. Speaker, I have this conviction and feeling that this act of the Government is far more appropriate for the House of Representatives to originate than for the Senate by way of an amendment to a House bill. If the House by a separate act originating here pronounces its conviction as to this settlement, it is the conviction of the people that we represent; and as a representative branch of the Government I insist that this settlement ought to be made here. The very remark of the gentleman from New York that possibly this quite liberal allowance fixed here by way of a settlement will not be final, and that it may not be an end of it, is all that I want by way of argument. If it is less by $1 than will be demanded let us reject the Senate amendment and determine for ourselves how much is right. We ought, out of respect to the memory of the dead President, so dear and tender to us all, so loved by us all, to put an end to this controversy in a manner both dignified and in harmony with the sentiment of the people whom we represent. But I do not like a settlement that is brought in here by a Senate amendment. Let the House of Representatives say to the Senate what the representatives of the people think ought to be a just and honorable and magnanimous settlement of this question; and when it is once settled, Mr. Speaker, let the very settlement of it be a monument of the nation, a lasting monument to the memory of the great and respected dead.

Mr. McLANE. I rise to oppose the amendment of the gentleman from Minnesota; not that I have any special objections to it, but so far as the amount appropriated is concerned I prefer to take the sum fixed by the Senate and provide in some other manner for the compensation of some of the physicians who attended the late President, which I think merits the consideration of the committee, and thus dispose of the matter. The amount of money may or may not be just what it ought to be; but there are two physicians who were attendants at the bedside of the late President who have been omitted in part, if not altogether, from any consideration in this settlement; they have been omitted, comparatively speaking. I refer now to the two surgeons in the Army. There is either no provision at all for their payment or a very insufficient provision. If the three months' extra pay referred to be understood as a compensation sufficient for the service rendered by Surgeon Woodward and Surgeon-General Barnes, I may be permitted to say that I regard it as utterly insufficient, and I would suggest to this committee that before we dispose of this altogether, and when the question is now before the House, to permit some provision to be made for these two Army surgeons, neither of whom has presented or ever will naturally present a bill.

Surgeon-General Barnes, as the committee well knows, was called to the attendance of the President by the Secretary of War or the Secretary of State. So also was Surgeon Woodward, though not in the same formal manner that General Barnes was called. But these two gentlemen did serve with the civilian physicians by this order or request, and they should receive compensation for their services. Having served, Mr. Speaker, at command or invitation or request, why not, while you are paying the civil surgeons an honorable and liberal compensation—and in my judgment no compensation is honorable that is not liberal—why not give these two surgeons some recognition? I will suggest a manner in which it may be done which will probably meet the wishes of many gentlemen upon the floor; and I will cite an instance where a similar thing has been done. Take for instance the precedent of General Ord, who was retired as a brigadier-general at the age of sixty-two, but afterward by a resolution of Congress was placed one grade higher on the retired list as a recognition of his honorable services to the country. Why not now allow Surgeon-General Barnes, who was retired as a brigadier-general, to be rated as a retired major-general, and Surgeon Woodward, a brevet colonel, to be rated as a brevet colonel and retired on that

pay. All brevet officers in the Army in the history of the country for honorable services have been allowed pay according to their brevet rank. Let Surgeon Woodward now draw pay at the grade of his brevet rank and Surgeon-General Barnes be retired as a major-general, and if you take him at sixty-four years of age and let him receive this compensation up to the average length of life the difference between his pay as a retired major-general and that he is now receiving as brigadier-general will never exceed the pay of any of the civil surgeons under the proposition which has been made to pay them in this House.

The House owes this, I think, to itself; and if it desires to come up to its own dignity and magnanimity and meet the occasion in that spirit which a great national question should call forth, it will not fail to pay to the civil surgeons sufficient and honorable pay such as they would receive from a civilian dying in a condition able to compensate them for their services; and also to allow the military surgeons who attended upon the late President some recognition and benefit for their services such as they are entitled to. These gentlemen did a public service, and if this proposition is adopted it will be simply giving to them what we have always given to military men who have served the country with honor and distinction; and at the proper time I shall move such an amendment to this proposition as will carry out the objects which I have thus hurriedly stated to the House.

Mr. TOWNSEND, of Ohio. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend the amendment by striking out "$67,500" and inserting "$75,000."

Mr. TOWNSEND, of Ohio. At the proper time I will move to strike out of the clause the following words:

And of this amount not more than $35,500 in all shall be certified and paid for medical services and attendance.

I regret exceedingly that the discussion of this question has been brought before this body. I think that of all places in the world the Congress of the United States is the last place to settle claims against an estate. I am in favor of this provision. I am in favor of concurring with the Senate amendment when it is properly amended. I happen to know that the discussion of this question in this public way is exceedingly unpleasant and offensive to the widow of the late President and that she has said to her friends she would much prefer paying these claims herself rather than have them bandied about in this public way.

I see no reason why this should not be acceded to. This board which it is proposed to appoint to audit these accounts are men well known in the community and they are known to be competent to adjust those claims. If $75,000 be allowed without any condition I have no doubt they will settle the claims upon the estate within that amount and settle them in a manner satisfactory to the claimants.

As a matter of fact these physicians did all that was possible to do under the circumstances. They may not have acted as physicians outside who knew nothing about this case would have done; and they may have perhaps failed to meet the views and expectations of certain gentlemen. But they are distinguished in their profession. There is no man of ordinary intelligence but would be willing to trust his life in the hands of Dr. Agnew or Dr. Hamilton, to say nothing of the distinguished physicians of the city of Washington. They have made no claims against the estate; they have made no claims against the Government; and we do not know what they would be satisfied with. But from the best information I can obtain I have reason to believe anything that is awarded them by a proper board they will accept without making any further claim on anybody, that they will receipt in full, and be perfectly satisfied. They have acted wisely and discreetly and said nothing, although they have been severely criticised in the press and by private parties; under all the circumstances they are entitled to consideration. And I therefore trust this provision will be concurred in by the House, as it remits to a competent board an adjustment of these claims against the estate, takes them out of public discussion, and will eventually result in their final settlement.

Mr. TUCKER. I rise to oppose the amendment of the gentleman from Ohio. I shall vote against the motion of the gentleman from New York [Mr. HISCOCK] to concur in the amendment of the Senate principally for the reasons that have been so well stated by my friend from Maryland on my right, [Mr. MCLANE.] I think sir, if Congress is going to do justice to those who rendered service at the bedside of the late President of the United States that justice should be rendered to all who participated in that service. The surgeons in civil life have been provided for by this amendment of the Senate—whether sufficiently or not I should prefer that a committee of conference between the two Houses be appointed to decide. But they have left out and omitted entirely the services of Surgeon-General Barnes and of Surgeon Woodward.

Now, Mr. Speaker, I have to say this: it so happened I was in the city of Washington, opposite the depot, at the time of the fatal accident to the President; and I know that the then Secretary of State, Mr. Blaine, sent for Surgeon-General Barnes immediately on the shooting of the President; and I happen to know that during the whole period up to the time the President went to Elberon there was no man who attended upon him with more zeal and with more earnestness than General Barnes.

It is not according to the etiquette nor according to the delicacy of the relations which these gentlemen occupied toward the President that they should prefer any pecuniary claim; and the committee that was appointed by this House to consider this question had provided for some honorary notice of Surgeon Barnes and of Surgeon Woodward, which has been entirely omitted in the amendment of the Senate. I think that should be provided for; and the suggestion of my friend from Maryland [Mr. MCLANE] meets entirely my concurrence. I had prepared an amendment to that effect, but I withhold the amendment in the hope that the House will non-concur in the amendment of the Senate that the whole matter may go to a committee of conference, and that justice may be done to all parties. And my friend from Maryland mentions to me that he concurs with me in that view.

Mr. MCMILLIN. Will my friend from Virginia allow me to ask him a question?

Mr. TUCKER. Yes, sir.

Mr. MCMILLIN. Is it not a fact that the President of the United States is *ex officio* the Commander-in-Chief of the Army of the United States?

Mr. TUCKER. Yes, sir.

Mr. MCMILLIN. And was it not the duty of every medical officer of the Government, in the employment of the Government, to give what attention he could to him?

Mr. TUCKER. It was not an official duty, I will answer the gentleman; but it was a service these gentlemen very generously and freely gave to the President.

Mr. MCMILLIN. I think these gentlemen were at the time in the pay and employment of the Government.

Mr. TUCKER. Undoubtedly they were; but one of them was a Surgeon-General in the pay and the employment of the Government to attend to the duties in his office, and not to attend professionally on all the officers of the Government, members of Congress included.

Mr. CANNON. What is the proposition of the gentleman from Virginia? Is it to compensate the Surgeon-General?

Mr. TUCKER. Not to compensate him, but to notice his honorable service in the Army, which has lasted over forty years, through three wars in which the Government has been engaged. He has been Surgeon-General for eighteen years, and has honorably discharged the duties of the office. And I think notice should be taken of his services by advancing him to the grade of major-general on the retired list; which would be not only an ample recognition, but one that would be deserved.

Mr. CANNON. For what reason?

Mr. TUCKER. On account of his honorable services in the Army.

Mr. CANNON. But why couple that measure with this which is to pay a class of bills that neither the House nor the Senate nor the country want disputed? Why try to tie that thing on to this?

Mr. TUCKER. Well, sir, as I understand, the gentleman would have raised a point of order on the amendment of the Senate if it had been offered in the House; and as it was offered in the Senate and does not do full justice, why should not the House insist that full justice should be done? [Here the hammer fell.]

Mr. SPRINGER. I move to strike out the last word.

Mr. HISCOCK. That is not in order; under the agreement only substantive amendments are in order.

Mr. SPRINGER. Then I move to amend——

Mr. BURROWS, of Michigan. Two amendments are already pending.

The SPEAKER. The question is upon the amendment of the gentleman from Ohio [Mr. TOWNSEND] to the amendment of the gentleman from Minnesota, [Mr. DUNNELL.] The form of the motion must be to concur in the Senate amendment with an amendment.

The question was taken upon the amendment of Mr. TOWNSEND, of Ohio, which was to make the appropriation $75,000; and it was not agreed to.

The question recurred upon the amendment of Mr. DUNNELL, to strike out "$57,500" and insert in lieu thereof "$67,500."

Mr. DUNNELL. I will withdraw that amendment.

The SPEAKER. Then the question recurs upon the motion of the gentleman from New York [Mr. HISCOCK] to concur in the Senate amendment.

Mr. HISCOCK. And on that motion I call for the previous question.

Mr. RANDALL. It was understood that amendments were to be offered.

The SPEAKER. There is no motion to amend pending.

Mr. SPRINGER. I desire to move an amendment.

Mr. HISCOCK. And I call the previous question.

Mr. SPRINGER. Will the Chair allow the gentleman from New York [Mr. HISCOCK] to take me off the floor, when I rose before the vote was taken on the amendment of the gentleman from Ohio [Mr. TOWNSEND] and stated that I desired to move an amendment?

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] was not recognized.

Mr. SPRINGER. I ought to have been.

The SPEAKER. Because the gentleman in charge of the bill must be first recognized.

Mr. SPRINGER. I had the floor long before the gentleman from New York called the previous question.

Mr. McCOOK. And you have made your speech.

Mr. SPRINGER. I was a member of the special committee on this subject, and was allowed only seven minutes. Now, if you want to go on with this bill do so; it will take you some time to get through?

Mr. HAZELTON. You will let Jumbo loose. [Laughter.]

Mr. SPRINGER. Jumbo is over there.

The SPEAKER. Under the arrangement, as the Chair understood it, there was to be one hour for general debate, after which substantive amendments were to be allowed under the five-minute rule. A fair execution of that agreement the Chair thinks would not allow amendments to be cut off by a call of the previous question.

Mr. CONVERSE. I desire to offer an amendment.

The SPEAKER. The Chair has been waiting for gentlemen who desire to offer amendments. Debate cannot be had except on substantive amendments.

Mr. TAYLOR. I desire to offer an amendment.

The SPEAKER. The gentleman will state it.

Mr. TAYLOR. I move to strike out these words:

And of this amount not more than $35,500 in all shall be certified and paid for medical services and attendance.

My reason is this: with that amendment the amendment of my colleague from Ohio [Mr. TOWNSEND] will have some effect; without my amendment it will have no effect, for the outside bills are all ascertained.

Mr. NEAL. That amendment was voted down.

Mr. TAYLOR. I thought it was adopted.

The SPEAKER. It was not adopted.

Mr. TAYLOR. Then I withdraw my amendment.

Mr. SPRINGER. I move to amend the amendment of the Senate by striking out "$57,500" and inserting in lieu thereof "$47,500;" also by striking out "$35,500" and inserting in lieu thereof "$25,500." That will reduce the whole appropriation by the sum of $10,000, and make the reduction apply to the fees of physicians.

The gentleman from New York, [Mr. HISCOCK,] who has charge of this bill, has stated that he desired, by means of this provision, to testify in a substantial way the gratitude of the nation to the surgeons for the manner in which they treated this case.

Mr. HISCOCK. I said nothing of the kind.

Mr. SPRINGER. Some gentleman on the other side said so. I think perhaps it was the gentleman from Minnesota, [Mr. DUNNELL,] or the gentleman from Ohio, [Mr. TAYLOR.] Some gentleman made that statement.

Mr. HAZELTON. Was it "the gentleman from Maine?" [Laughter.]

Mr. SPRINGER. That statement was made.

Mr. HISCOCK. Those were not my words.

Mr. SPRINGER. I did not undertake to give the exact words, but that was the substance of the statement. I have no objection to any eulogies which the gentleman may desire to make on the surgeons in this case. But it is no testimonial to the memory of Mr. Garfield to pay large, exorbitant, and unusual fees to the physicians who attended upon him.

I am perfectly willing, as the gentleman from Kentucky [Mr. BLACKBURN] has said, to make a suitable provision by which liberal fees shall be allowed to the surgeons in attendance on this case. But no extraordinary skill having been shown we are only required to make reasonable compensation.

I want to call the attention of gentlemen on the other side to the fact that when an attempt was made upon the life of Secretary Seward, at the time of the assassination of President Lincoln, and when he was so wounded as to require medical attention of the most skillful kind for many weeks, his surgeon presented to him a bill for $800 in full for all his services; and Mr. Seward paid it himself, and no one thought of coming to the Congress of the United States and asking us to pay for medical attendance in that case.

Mr. HISCOCK. Do I understand the gentleman from Illinois [Mr. SPRINGER] to question the propriety of Congress providing proper payment to these surgeons?

Mr. SPRINGER. I have said that I did not.

Mr. BLACKBURN. Let me answer that question.

Mr. HISCOCK. Let the gentleman from Illinois answer it.

Mr. SPRINGER. I have said that I was in favor of a liberal compensation.

Mr. McCOOK. What did you bring in the Seward episode for?

Mr. BLACKBURN. I will answer for the gentleman from Illinois, and say——

Mr. HISCOCK. Mr. Speaker——

Mr. BLACKBURN. I do not yield; wait a moment. There is not a gentleman I think on either side of this House who ever has expressed any willingness to allow the estate of the late President to be taxed one dollar for any expense that grew out of his illness or his burial.

The only question is to ascertain what amounts should be paid. I have asked that a judicial investigation might be had; I have asked that subpœnas might be issued and that witnesses might come before a Congressional committee. I am willing to take any sort of evidence, I do not care what it is, so that it amounts to proof. I say again, for the gentleman from Illinois and for myself and for everybody over here, if you will, by any process known to the law or outside of the law, ascertain the expenses to which the estate of the late President is subject by reason of the assassination, we stand prepared to extend his pay and his salary for one year or for four years—for $50,000 or for $200,000, for any amount of money, in order to save that estate harmless to the last cent.

Now, let me show you what the effect of this is. A friend of mine on the other side of the House—and I have a good many friends over there whom I appreciate; I do not see him now in his seat—told me the other day that a committee of the House having reason to suspect that a witness who was under subpœna and was represented as being sick was not sick, directed the Sergeant-at-Arms to get a good doctor and with him visit the witness to see whether he was really sick. The officer of this House took a doctor in a carriage at Government expense. The physician felt the man's pulse, examined his tongue, reported that he was sick, and then sent in to the committee a bill of $100 for that service. The gentleman told me that this was a result of the very demands made in the proposition we are now considering. There had better be some limit fixed. I trust that the House will not concur in the Senate amendment.

Mr. HISCOCK. Mr. Speaker, I suppose the remarks of the gentleman from Kentucky [Mr. BLACKBURN] have been called forth to some extent because he understood me by implication at least to charge that he was unwilling to provide for the payment of these expenses. Now, I do not charge that upon anybody; but I feel justified in saying this: when the gentleman from Minnesota [Mr. DUNNELL] pleads here that we should not make this provision because the Senate has taken the initiative, that this is a good reason why we should resist the payment of these expenses; when my distinguished friend from Maryland [Mr. McLANE] and my distinguished friend from Virginia [Mr. TUCKER] (and let them understand I do not question their good taste in this matter) choose to make this bill for the payment of expenses connected with the sickness of the late President a vehicle for the elevation of some one to a higher grade or rank, and if we will not accord this are ready to vote that these expenses shall not be paid; and when my distinguished friend—I was about to say distinguished surgeon—from Kentucky [Mr. BLACKBURN] is unwilling to pay these bills because he differs with the surgeons as to the practice adopted in the case of the late President, this all taken together amounts to a resistance to the payment of these bills; and the outcome of it is that these claims will be knocking at the door of the estate of the late President for payment.

Mr. BLACKBURN. I trust my friend from New York will not put me in any such disreputable company as that of these doctors.

Mr. HARRIS, of Massachusetts. I move to amend the amendment of the gentleman from Illinois [Mr. SPRINGER] by striking out "$47,500" and inserting "$100,000." Mr. Speaker, what is it we are engaged in to-day? Not, I apprehend, in auditing the accounts of the physicians who attended the late President, but in appropriating a sum of money which shall cover the expenses that may be found due by reason of his assassination. If we would do the thing properly and as the American people I believe would have it done, we would simply provide a sum of money adequate to the purpose and leave it to judicious men to determine who shall receive the money and in what proportion. I believe the American people would blush to-day if they could witness the scene presented in this House. When the President of the United States was stricken down by an assassin the whole nation would have been willing to pay a million dollars if his life could have been saved. The physicians and others who attended upon him, while they did not perhaps understand the fatal shot and its consequences, did their duty faithfully and well, and we ought to be willing to appropriate a sum of money sufficient to pay the bills and leave it, as the Senate amendment leaves it, to the determination of the Auditors of the Treasury and the Treasurer to determine how the money shall be distributed.

In my judgment this is the only dignified and proper way to treat a question like this. The people of the country have no interest in this shaving down the bills of the doctors. They will take no interest in the question whether the physicians properly understood the case or not. The people believe that the wound was a fatal one, and that no physicians could have saved the life of the President, but that these physicians did their duty to the best of their ability. I hope that my amendment will be adopted.

Mr. KASSON. I rise to make the motion that all debate on this amendment and amendments thereto be terminated in five minutes. Let the dead rest in peace.

Mr. KNOTT. I make the point of order that this can only be done by unanimous consent.

The SPEAKER. If the House were proceeding as in Committee of the Whole, the motion would be entirely in order; but, as the Chair understands, the bill is being considered in the House under an arrangement——

Mr. KASSON. The House acting as in Committee of the Whole, there is no possibility of the committee rising; therefore the House has the same right to limit debate that it would have if the bill were being considered in Committee of the Whole and the committee should rise and report the bill.

The SPEAKER. The Chair does not understand that this bill is being considered as in Committee of the Whole.

Mr. KASSON. That was the motion adopted by unanimous consent.

The SPEAKER. The Chair, upon a reference to the proceedings of last evening, thinks not.

Mr. RANDALL. We are acting under an agreement.

The SPEAKER. Is there objection to the proposition to terminate debate?

Mr. BRAGG. I object.

Mr. KASSON. If the House is not acting as in Committee of the Whole the previous question is in order.

The SPEAKER. That would be in order, the Chair thinks, but for the fact that there was an agreement by unanimous consent to proceed to consider this bill, first allowing an hour's debate, and after that it was agreed it should be considered under the five-minute rule. Nothing was said about this being considered in the Committee of the Whole House on the state of the Union.

Mr. KASSON. I venture to suggest to the Chair that the House take one or the other view, either to close the debate under the five-minute rule as in the Committee of the Whole House on the state of the Union or to call the previous question. The House has not deprived itself of its control over the question.

The SPEAKER. Unless the unanimous consent cuts off the right of the House to have the previous question.

Mr. KASSON. There seems to be a right somewhere to close this debate when that is the wish of the House.

Mr. RANDALL. There is no purpose to unnecessarily protract the debate.

Mr. McMILLIN. I rise for the purpose of opposing the amendment of the gentleman from Massachusetts, [Mr. HARRIS.] He is not satisfied with the amount of money recommended by the Senate, but proposes to increase it to $100,000. There are many things in connection with this whole matter of which we have no cause to congratulate ourselves. It was a sad thing indeed to feel that we had reached that point of political depravity when a man kills a member of his own party (the President) because that personage did not go to that extreme in politics which suited the opinions of his assassin—was not stalwart enough for him. And coming still further down it is sorrowing to see those who treated the late President, in view of the manner of that treatment, exorbitant in their demands for the service they rendered.

Mr. HARRIS, of Massachusetts. They have made no demands at all.

Mr. McMILLIN. Then why pay anything to physicians who do not think they deserve it enough to say so? We have all through the consideration of this question had intimations from the newspapers of the country what would be the character of the demands on the part of these physicians, sometimes estimated at $25,000 each. We have their own statements, so far as they have made any before the committee appointed by this House. I am informed by the gentleman from Illinois that they or a portion of them have stated they will certainly make demands for their services somewhere.

Now, what is the amendment of the gentleman from Massachusetts? It is to increase the medical fees in the aggregate about $20,000 or $25,000. The gentleman from Massachusetts says it does not increase them at all. Then why the increase of the aggregate amount proposed by the amendment?

Mr. HARRIS, of Massachusetts. It merely provides for so much thereof as may be necessary, and it may be that not one dollar will be necessary.

Mr. McMILLIN. If anybody here ever saw any part of a contingent fund voted by Congress in this language that came back into the Treasury he has seen something which is of the very rarest occurrence and which will not be seen under this bill. Now, how much is given to these physicians under this bill? Between $8,000 and $10,000 each, it is thought. How much is that per day to the men who treated the late and lamented President? If they treated him every day from the hour the assassin's bullet struck him down to the day of his death, it would be something more than $100 a day to each surgeon.

In addition to that, my friend from Maryland proposes to promote some surgeons of the Army, which would ultimately place them on the retired list with higher rank than they now have. Ultimately that would be the result of it, because he proposes to increase their rank, and that increase would increase their pay even when retired. In this regard an untold amount is paid from the Treasury for these services. They were on high salaries in the Government service when they treated the President.

Is it possible gentlemen who were in the Army on full salaries would begrudge the little service they were able to give to a dying President, or would charge for it, directly or indirectly? I do not believe these men ever asked for such a gratuity, and I am not willing that it shall go forth that they have.

Now, for this compensation of $100 a day what is the character of the service which was rendered? I regret to go into this discussion. No man regrets it more than I do. I would be as glad as the gentleman from Iowa or anybody else to let it be buried in oblivion, but it will not rest. These men come to Congress, directly or indirectly, and ask for their service $100 a day. I repeat the question, what was the nature of that service?

Mr. HARRIS, of Massachusetts. They do not come to Congress.

Mr. McMILLIN. There was not a man who touched the President that ever did know where he was wounded till after his death. They probed him in the wrong place and wounded him with the probe. He lingered eighty days and died.

Mr. HARRIS, of Massachusetts. Would you not think it proper for Congress to anticipate any possible claim against the estate by placing in the appropriation a sufficient amount?

Mr. McMILLIN. What I wish Congress to do in this and in every other case is, if it determines to pay a claim, to resort to some means of ascertaining what it is proper should be paid. That is the very first thing we ought to settle in this discussion. He was probed by these physicians, but probed how? Never in the direction of the ball. So shocking is this whole affair that gentlemen are not willing and do not desire the blunders of these physicians to be exposed. They do not wish the fact of their turning their instruments in the wrong direction shall be made to appear. Because the blunders were so shocking and their repetition so horrifying I forbear going further than absolutely compelled by a sense of duty.

I say we ought not in this case to give the vast sum which is proposed to be given to these physicians. If their pay were to be no greater than the skill they evinced, they would, I fear, get but little. I am opposed to the propositions both of the gentleman from Massachusetts [Mr. HARRIS] and the gentleman from Maryland, [Mr. McLANE,] and hope they will be voted down.

The SPEAKER. The question is on agreeing to the amendment to the amendment.

The question was taken; and the amendment to the amendment was not agreed to.

The SPEAKER. The question now recurs on the amendment submitted by the gentleman from Illinois, [Mr. SPRINGER,] which the Clerk will again report.

The amendment was again read.

The amendment was not agreed to.

Mr. CONVERSE. I desire to offer an amendment, in line 5 of the section, after the word "all," to insert the words "just and reasonable;" so that it will read:

All claims and the determination of all just and reasonable allowances.

The amendment was agreed to.

Mr. TOWNSEND, of Ohio. I desire, Mr. Speaker, now to offer an amendment by striking out, in lines 19 and 20, the words "fifty-seven thousand and five hundred" and insert "seventy;" so that it will read:

To pay said awards, the sum of $70,000, or so much thereof as may be necessary.

Mr. BLACKBURN. That will not alter the pay of the physicians at all.

Mr. TOWNSEND, of Ohio. I am going to ask to have that stricken out if this prevails.

Mr. BLACKBURN. We will not do that.

Mr. TOWNSEND, of Ohio. I believe, Mr. Speaker, the House is desirous of getting rid of further discussion upon this question, and will be willing now to fix a sum which will settle it finally.

This is a painful question to a great many gentlemen, and a painful question to the country. I believe that $70,000 will pay all of the claims in a satisfactory manner. I do not believe that any one having a claim upon the estate will get any more than he is entitled to; and this provision will take the whole question out of discussion and place it in the hands of a competent board to decide upon and adjudicate all of these questions as they arise.

I hope, sir, that after the consideration and discussion this question has had in this House this morning that the whole matter will be settled by allowing this $70,000 to be appropriated, and then place the sum in the hands of these gentlemen to use as much as is necessary to settle all of these claims in a creditable and proper manner.

Mr. McCOOK. Mr. Speaker, I desire to say simply a word by way of supplement to the remarks of the gentleman from Ohio, [Mr. TOWNSEND.] As a personal friend of the late President of the United States, having served with him in the Army and on the floor of this House, having been honored by his friendship for twenty years, having loved him while living and reverencing his memory dead, I regret more than I can express that this discussion has been precipitated upon the House. I am no advocate of voting unlimited sums of money through a mere sentiment, but rather than hear a further discussion of all of the nauseating details of the management of this case I would be willing to vote $100,000 if necessary to have a final settlement of the entire question and have it removed from Congress and from before the eyes of the people. For this reason, while I shall vote for the amendment of the gentleman from Ohio, [Mr. TOWNSEND,] I shall vote also for the Senate amendment providing for a board to audit the claims about which so much has been said and written. Under that amendment their action will be final, and the high character of the gentlemen composing it is sufficient guarantee for me that exact justice will be done.

Let me call the attention of the House also to the fact that after all of the talk that has been had in regard to making provision for

General Garfield's widow and his fatherless children but little has so far been done in that direction. What has Congress done? I speak in no offensive sense, for I certainly mean no comment or criticism upon the actions of any gentleman upon this floor, but with a single exception we have done nothing but wrangle over all of these questions, even over his funeral expenses. It is true we did pass a bill allowing his widow a pension of $5,000 annually, coupling with it, however, and properly so, the widows of two, I believe, of our dead Presidents, Mrs. Polk and Mrs. Tyler; but we have not given Mrs. Garfield, up to this time, the balance even of the annual salary of her husband. The only provision made for her and her children is that which has been made by private and voluntary contributions, and I am proud to say the greater part of it came from the city in which I have the honor to reside and in part represent.

Let me say in addition to this, Mr. Speaker, that if the Congress of the United States fails in any way to make proper provision for these funeral expenses and claims against the estate of our dead friend and President, the same generous spirit which prompted the people of New York to make this provision for his widow and children can still be relied upon to settle his funeral expenses to the last dollar.

Mr. BRAGG. Mr. Speaker, the people I represent are not disposed to higgle about prices to be paid for services rendered in taking care of and alleviating the sufferings of our late President, James A. Garfield. But I think I speak the sentiments of my people, irrespective of party, when I say that we are not satisfied with the conduct of those gentlemen who had that case in charge. I speak their sentiment also when I say that they are not satisfied to see a crowd of cormorants swarming around Congress and asking the appropriation of vast sums of money they would never dream of asking of anybody else for such services except the Congress of the United States; making claims and requests and demands upon the Government and trusting to that feeling of generous sentiment which seems to be sweeping over this House that no exposure would follow the presentation of such claims. So that we are asked to furnish the money, and they will rest in perfect security that no exposure will follow.

My people have seen in the press—and I desire to ask the chairman of the special committee having in charge the examination into the funeral expenses, &c., this question. whether they are correctly advised or not—we have been informed through the press that under this cover the great State of which the late lamented President was the most honored son has not shrunk from sending a communication to that committee requesting the expenses of the militia of Ohio in attendance on the funeral to be paid. I would like to know from the chairman of the committee, the gentleman from Ohio, [Mr. TAYLOR,] whether such a communication has been received.

Mr. TAYLOR. That is a mistake entirely. I had supposed such a paper had been sent to me and had spoken of it as such; but on examination it was found to be a communication from the Secretary of War here concerning another matter. It was an entire mistake, growing out of a misunderstanding of my own.

Mr. BRAGG. Will the gentleman state what it was?

Mr. TAYLOR. I do not remember; I can state by referring to it.

Mr. BRAGG. I ask him whether it was not recommended by the governor of Ohio?

Mr. TAYLOR. It was not. I was misinformed myself; it was my own mistake.

Mr. BRAGG. I regret the statement of the chairman of the committee should have found its way into the public newspapers only to be corrected here.

Mr. TAYLOR. So many things of that kind have occurred that this is no annoyance to me.

Mr. BRAGG. I say, Mr. Speaker, when we are fixing sums of money here we are doing something we know nothing about. We have been told by one gentleman the provisions in this bill would not be accepted. How does he know? It seems to be conceded that there has been no understanding arrived at as to what would be a legitimate and proper sum to appropriate to defray these expenses. All my people ask is that they shall be ascertained in some way that will vouch for the authenticity of the examination and for the credit of their indorsement; and when so ascertained I think I am instructed by the unanimous voice of my district to vote for them whether they be $100,000 or whether they be $1,000,000. But I do not believe that it is proper for us to be standing here, one man saying $25,000, another $37,000, another $45,000, another $75,000, another $100,000, when we are talking about a subject we do not know anything about at all. Would it not be better that this amendment be rejected, that this section placed on the bill by the Senate be stricken out, and that some method be devised by this House taking charge of that subject-matter, as it is its right and duty to do, to ascertain what would be a proper compensation which would be satisfactory to all parties connected with the transaction, and then by a joint resolution pass it under a suspension of the rules?

Mr. WILLIAMS, of Wisconsin, and Mr. KNOTT rose.

The SPEAKER. The gentleman from Kentucky is recognized.

Mr. KNOTT. I desire to offer as a substitute for the pending amendment what I send to the desk.

The Clerk read as follows:

Strike out all after line 10, and insert:

"Completed, shall, together with the evidence showing the nature and value of the services rendered and supplies furnished, be reported to Congress for its action."

So that it will read:

"SEC. 6. That a board of audit, consisting of the First and Second Comptrollers of the Treasury and the Treasurer of the United States, is hereby constituted, to whom shall be referred all claims and the determination of all allowances to be made growing out of the illness and burial of the late President, James A. Garfield; that the said board shall hear and examine and determine all questions arising out of said claims and proposed allowances, and shall make an award in each case for services rendered or supplies furnished, which, when completed, shall, together with the evidence showing the nature and value of the services rendered and supplies furnished, be reported to Congress for its action."

Mr. KNOTT. It is a divine injunction that all things should be done decently and in order. And if there was ever an occasion on which that injunction should have an application the present is that one; and it occurs to me that the amendment I have offered must meet the approval of every gentleman who desires to see full and exact justice done to the country, as well as to the various claimants in this case.

It is very justly complained by many gentlemen on this floor that we are going in regard to this matter comparatively in the dark. For one I feel that such is the case. For one I feel that this House cannot, with the data before it, act intelligently in this matter; at least with sufficient intelligence to do that justice to the country as well as to ourselves which is required at our hands.

Upon the plan which I have proposed, every claim in relation to the service rendered to the deceased President in his last illness or in connection with his funeral is to be audited by two of the most competent accounting officers in the service of the Government. After a calm and dispassionate examination of the evidence which may be presented to them, they are simply required to report their conclusion with the evidence adduced to this House for its action. We can then act decently; we can then act justly; we can then act, if need be, generously toward all parties concerned.

I think, sir, divested of all sentimentality, the matter before the House is simply, after all, a mere matter of business, and ought to be conducted as all other business matters are conducted by sensible, prudent, and dispassionate men. I hope that amendment will be adopted.

Mr. WILLIAMS, of Wisconsin. When the assassin's bullet struck our much-loved Garfield to the earth there was no deeper horror anywhere than that which thrilled the hearts of the people of Wisconsin. The voice of her people and the votes of her representatives had first presented his name at Chicago, and it was with swelling pride that they saw him seated in the position for which they had named him. My colleague and friend [General BRAGG] will not dispute with me that no people in this country will go further than ours to do justice to his memory, and would sooner err by generosity than come short of full-measured justice in providing for those who stood around him in those awful days of suffering and anxiety.

Mr. Speaker, perhaps no such other case was ever known in this world as that which saw these terrible eighty days. No such responsibility anywhere that we know of was ever placed on mortal man as was placed on those who had charge of the medical treatment of the President. Nerves of steel stretched everywhere from the White House, and there was no pang there that had not its responsive shudder in every house in the land.

There these medical men stood in the glare of the world. Each pulse-beat of the suffering President not only thrilled this country but thrilled all Europe as well. The people in every town and city stood out at morning, noon, and evening to read the bulletins from the sick chamber of the President. Every day was a crisis in his life. Every hour was a crisis in their professional reputation of the medical men in charge. A gross or fatal blunder would have brought upon them the concentrated vengeance of mankind. What general can stand on battle-field with greater responsibilities? One life is as sacred as another. But how can we compare this to a case of ordinary private practice. Who would take the responsibility of being reviewed, even as these physicians have been reviewed in the House of Representatives to-day by those who make no pretension to science or skill or to know the actual facts? And yet this discussion goes everywhere, and might prove fatal to the professional standing of those gentlemen. Yet there they were, day by day and night by night, subjected to such a strain and such a responsibility as men seldom feel anywhere. They stood in the very white heat and focus of the world's pent-up humanity.

These men were placed in attendance, or at least recognized there. Dr. Bliss was assigned the place of leading physician. Whether he is competent or not I neither know nor care for the purposes of this discussion. His diagnosis and treatment were indorsed and adopted by two men conceded to be among the foremost, if not the most eminent in their profession in the United States, Drs. Hamilton and Agnew.

The people of Wisconsin were a thousand miles from the bedside of the stricken and suffering President. Speaking for them to-day, I am confident they would never undertake to substitute their individual impressions, opinions, or prejudices for those of trained and skilled professional men, who were on the ground, acting in view of all the facts which medical science could give. There may have been mistakes. There may have been individual wrongs; but who can settle them here? What one of us should assume to do it?

Mr. Speaker, I have seen a million of dollars voted here; yes, ten

millions, twenty millions; yea, a hundred millions voted in fifteen minutes, without a word, and it did not grieve me, for I knew that some of it would go to the very men whom our dead President led to battle. Yet, when we talk of $50,000 or $75,000 as the utmost limit for this case, it leads to analysis and discussion in the face of the American people and of the world.

These Representatives from Ohio ask of this House to limit the amount to $70,000, to strike out the restrictions, so that it may be submitted to a competent board who can revise and consider these claims and adjust them with proper caution. Why not do it?

Sir, let us have no more wrangling here over the loved and lamented dead. By the memory of the man who sat in that seat, [pointing to General Garfield's late seat,] by the memory of the position which he held among us, by the agony which he suffered, by the trial put upon his widow and suffering children, with such humble power as I possess I appeal to both sides of this House, here and now, to adopt the suggestion of AMOS TOWNSEND, his personal friend, and of Judge TAYLOR, his personal representative and friend, and let us have no more wrangling about it, but adopt the amendment of the gentleman from Ohio, [Mr. TOWNSEND.] [Great applause.]

The SPEAKER. The question is upon the substitute offered by the gentleman from Kentucky [Mr. KNOTT] for the amendment offered by the gentleman from Ohio, [Mr. TOWNSEND.]

Mr. SPRINGER. Let the amendment be reported and the section read as it will stand if the amendment shall be adopted.

The amendment was to strike out all after the tenth line of the Senate amendment and to insert in lieu thereof the words "completed, shall, together with the evidence showing the nature and value of the services rendered and supplies furnished, be reported to Congress for its action;" so that the amendment of the Senate would read as follows:

SEC. 6. That a board of audit, consisting of the First and Second Comptrollers of the Treasury and the Treasurer of the United States, is hereby constituted, to whom shall be referred all claims and the determination of all allowances to be made growing out of the illness and burial of the late President, James A. Garfield; that the said board shall hear and examine and determine all questions arising out of said claims and proposed allowances, and shall make an award in each case for services rendered or supplies furnished, which, when completed, shall, together with the evidence showing the nature and value of the services rendered and supplies furnished, be reported to Congress for its action.

The question was taken upon agreeing to the substitute offered by Mr. KNOTT; and upon a division there were—ayes 50, noes 65.

Mr. KNOTT and others called for the yeas and nays.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 25, noes 93.

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

Mr. TOWNSEND, of Ohio. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. TOWNSEND, of Ohio. I make the point of order that the amendment of the gentleman from Kentucky [Mr. KNOTT] is not properly a substitute for my amendment.

Mr. KNOTT. That point is too late.

The SPEAKER. The Chair thinks the point is too late, and, at all events, the Chair thinks it might be regarded as a substitute for the amendment.

Mr. PAGE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAGE. I was not in here during the entire reading of the amendment of the gentleman from Kentucky, [Mr. KNOTT.] I desire to inquire if the effect of it, if adopted, will be to postpone this matter to another session of Congress?

The SPEAKER. Debate is not in order.

Mr. TOWNSEND, of Ohio. Of course it would.

The question was taken; and there were—yeas 76, nays 96, not voting 118; as follows:

YEAS—76.

Armfield,	Dibrell,	Latham,	Singleton, Otho R.
Atherton,	Dowd,	Manning,	Smith, Dietrich C.
Atkins,	Dugro,	Matson,	Smith, J. Hyatt
Berry,	Dunn,	McKenzie,	Springer,
Blackburn,	Ermentrout,	McMillin,	Tillman,
Bragg,	Evins,	Money,	Townshend, R. W.
Buchanan,	Forney,	Morrison,	Tucker,
Buckner,	Garrison,	Moulton,	Turner, Henry G.
Cabell,	Gunter,	Muldrow,	Turner, Oscar
Chapman,	Hammond, N. J.	Murch,	Updegraff, Thos.
Clements,	Haseltine,	Mutchler,	Upson,
Cobb,	Hatch,	Payson,	Vance,
Converse,	Hoge,	Phelps,	Warner,
Cook,	Holman,	Phister,	Wellborn,
Cravens,	House,	Prescott,	Whitthorne,
Culberson,	Hutchins,	Robinson, Wm. E.	Williams, Thomas
Curtin,	Jones, George W.	Scales,	Willis,
Davis, George R.	Knott,	Scoville,	Willits,
Deuster,	Ladd,	Simonton,	Wise, George D.

NAYS—96.

Aldrich,	Briggs,	Cassidy,	Dingley,
Anderson,	Browne,	Caswell,	Dunnell,
Bayne,	Brumm,	Chace,	Dwight,
Belford,	Buck,	Cullen,	Errett,
Beltzhoover,	Butterworth,	Cutts,	Farwell, Sewell S.
Bisbee,	Campbell,	Dawes,	Godshalk,
Bliss,	Candler,	Deering,	Guenther,
Bowman,	Cannon,	De Motte,	Harris, Benj. W.
Brewer,	Carpenter,	Dezendorf,	Haskell,
Henderson,	McLane,	Reed,	Taylor,
Hiscock,	Miller,	Rich,	Thompson, Wm. G.
Horr,	Moore,	Ritchie,	Townsend, Amos
Houk,	Morse,	Robertson,	Tyler,
Jacobs,	Norcross,	Robeson,	Updegraff, J. T.
Jadwin,	Orth,	Robinson, Geo. D.	Valentine,
Kasson,	Page,	Robinson, Jas. S.	Van Aernam,
Kelley,	Paul,	Shallenberger,	Van Horn,
Ketcham,	Peelle,	Shultz,	Wadsworth,
Klotz,	Peirce,	Smith, A. Herr	Wait,
Lacey,	Pettibone,	Spooner,	Washburn,
Lewis,	Pound,	Steele,	Webber,
Mackey,	Randall,	Stone,	White,
Mason,	Ranney,	Strait,	Williams, Chas. G.
McCook,	Ray,	Talbott,	Young.

NOT VOTING—118.

Aiken,	Fisher,	Jorgensen,	Richardson, Jno. S.
Barbour,	Flower,	Joyce,	Rosecrans,
Barr,	Ford,	Kenna,	Ross,
Beach,	Frost,	King,	Russell,
Belmont,	Fulkerson,	Leedom,	Ryan,
Bingham,	Geddes,	Le Fevre,	Scranton,
Black,	George,	Lindsey,	Shackelford,
Blanchard,	Gibson,	Lord,	Shelley,
Bland,	Grout,	Lowe,	Sherwin,
Blount,	Hall,	Lynch,	Singleton, Jas. W.
Burrows, Julius C.	Hammond, John	Marsh,	Skinner,
Burrows, Jos. H.	Hardenbergh,	Martin,	Sparks,
Caldwell,	Hardy,	McClure,	Spaulding,
Calkins,	Harmer,	McCoid,	Speer,
Camp,	Harris, Henry S.	McKinley,	Stephens,
Carlisle,	Hazelton,	Miles,	Stockslager,
Clardy,	Heilman,	Mills,	Thomas,
Clark,	Hepburn,	Morey,	Thompson, P. B.
Colerick,	Herbert,	Mosgrove,	Urner,
Cornell,	Herndon,	Neal,	Van Voorhis,
Cox, Samuel S.	Hewitt, Abram S.	Nolan,	Walker,
Cox, William R.	Hewitt, G. W.	Oates,	Ward,
Covington,	Hill,	O'Neill,	Watson,
Crapo,	Hoblitzell,	Pacheco,	West,
Crowley,	Hooker,	Parker,	Wilson,
Darrall,	Hubbell,	Reagan,	Wise, Morgan R.
Davidson,	Hubbs,	Rice, John B.	Wood, Benjamin
Davis, Lowndes H.	Humphrey,	Rice, Theron M.	Wood, Walter A.
Ellis,	Jones, James K.	Rice, William W.	
Farwell, Chas. B.	Jones, Phineas	Richardson, D. P.	

So the substitute was not agreed to.

The following pairs were announced from the Clerk's desk:

Mr. SHERWIN with Mr. KING.

Mr. W. A. WOOD with Mr. NOLAN.

Mr. CORNELL with Mr. BLACK.

Mr. LOWE with Mr. HERNDON.

Mr. MCCLURE with Mr. LEEDOM.

Mr. JONES, of New Jersey, with Mr. HERBERT.

Mr. FARWELL, of Illinois, with Mr. SPARKS.

Mr. HEILMAN with Mr. BLAND.

Mr. RICHARDSON, of New York, with Mr. RICHARDSON, of South Carolina.

Mr. MCCOID with Mr. CLARK.

Mr. LINDSEY with Mr. MURCH.

Mr. WATSON with Mr. TALBOTT.

Mr. HUMPHREY with Mr. BRAGG.

Mr. HALL with Mr. WISE of Pennsylvania.

Mr. SKINNER with Mr. FLOWER.

Mr. THOMAS with Mr. CURTIN.

Mr. HUBBS with Mr. SHACKELFORD.

Mr. JOYCE with Mr. STOCKSLAGER.

Mr. BARR with Mr. DAVIDSON.

Mr. MILES with Mr. SINGLETON of Illinois.

Mr. MOREY with Mr. COLERICK.

Mr. URNER with Mr. MCLANE.

Mr. CALKINS with Mr. MILLS.

Mr. WARD with Mr. AIKEN.

Mr. HARMER with Mr. HOBLITZELL.

Mr. HAMMOND, of New York, with Mr. STEPHENS.

Mr. CROWLEY with Mr. HEWITT of New York.

Mr. RUSSELL with Mr. SPEER.

Mr. RICE, of Massachusetts, with Mr. GEDDES.

Mr. FISHER with Mr. CLARDY.

Mr. LORD with Mr. KENNA.

Mr. CRAPO with Mr. BARBOUR.

Mr. BURROWS, of Michigan, with Mr. O'NEILL.

Mr. DEZENDORF with Mr. GARRISON.

Mr. LYNCH with Mr. HARDENBERGH.

Mr. CARLISLE with Mr. MCKINLEY.

Mr. COX, of North Carolina, (who would vote "ay,") with Mr. WALKER.

Mr. RICHARDSON, of South Carolina. I have been paired for some time with the gentleman from New York, [Mr. RICHARDSON.] I voted to-day supposing he was present. I now find that he is not, and I withdraw my vote.

Mr. WEST. I supposed that I was paired with the gentleman from Alabama, [Mr. HEWITT.] On that supposition I refrained from voting. I find now that I am not paired. I would like to record my vote in the negative.

The SPEAKER. The rules do not permit the Chair to receive a vote under the circumstances.

Mr. TALBOTT. I am paired with the gentleman from Pennsyl-

vania, [Mr. WATSON,] but understanding that he would vote "no" on this question, I have felt at liberty to vote in the negative.

The result of the vote was announced as above stated.

The question then recurred on the amendment of Mr. TOWNSEND, of Ohio, to strike out "57" and insert "70," so as to make the amount of the appropriation $70,500.

The question being taken, the amendment was not agreed to, there being—ayes 35, noes 56.

The SPEAKER. The question now recurrs on the motion of the gentleman from New York [Mr. HISCOCK] to concur in the Senate amendment as amended.

Mr. BLACKBURN. In order to save time I ask for the yeas and nays at once.

The yeas and nays were ordered.

Mr. CANNON. I ask that the amount inserted in the Senate amendment be read.

Mr. HISCOCK. It simply provides that the claims shall be just and reasonable.

The SPEAKER. Those are the only words added.

Mr. CANNON. I wish to make a parliamentary inquiry. If this question be determined in the affirmative, will it send the whole subject to the committee of conference?

The SPEAKER. It will not.

Mr. CANNON. The amendment of the Senate has been amended; and I desire to ask, if we now concur with an amendment, as proposed, will it send the whole subject to a conference?

The SPEAKER. The amendment of the House will go to a conference if the Senate should not concur in it.

Mr. SPRINGER. If the House concurs in the amendment of the Senate, it passes that part of the bill.

The SPEAKER. If the Senate should agree to the amendment of the House, there would be no conference on this section.

The question was taken; and it was decided in the negative—yeas 79, nays 83, not voting 128; as follows:

YEAS—79.

Aldrich,	Dunnell,	Miller,	Smith, J. Hyatt
Anderson,	Dwight,	Moore,	Spaulding,
Bayne,	Errett,	Morse,	Spooner,
Bingham,	Farwell, Sewell S.	Neal,	Steele,
Bliss,	Godshalk,	Norcross,	Strait,
Buck,	Guenther,	Orth,	Thompson, Wm. G.
Butterworth,	Haskell,	Payson,	Townsend, Amos
Campbell,	Henderson,	Peelle,	Tyler,
Cannon,	Hill,	Phelps,	Updegraff, J. T.
Carpenter,	Hiscock,	Ranney,	Updegraff, Thomas
Cassidy,	Horr,	Rich,	Van Aernam,
Caswell,	Houk,	Ritchie,	Van Horn,
Chace,	Hubbell,	Robertson,	Wadsworth,
Cox, Samuel S.	Jadwin,	Robeson,	Wait,
Cravens,	Kasson,	Robinson, Geo. D.	Webber,
Cullen,	Ketcham,	Robinson, Jas. S.	West,
Davis, George R.	Lewis,	Scoville,	White,
Dawes,	Mackey,	Shallenberger,	Williams, Chas. G.
De Motte,	Mason,	Smith, A. Herr	Young.
Dingley,	McCook,	Smith, Dietrich C.	

NAYS—83.

Armfield,	Dibrell,	Knott,	Scales,
Atherton,	Dowd,	Ladd,	Shelley,
Atkins,	Dugro,	Latham,	Simonton,
Belford,	Dunn,	Manning,	Singleton, Otho R.
Beltzhoover,	Ellis,	Matson,	Springer,
Blackburn,	Ermentrout,	McKenzie,	Taylor,
Blanchard,	Evins,	McMillin,	Tillman,
Bragg,	Ford,	Money,	Tucker,
Briggs,	Forney,	Morrison,	Turner, Henry G.
Browne,	Frost,	Moulton,	Turner, Oscar
Buchanan,	Gunter,	Muldrow,	Upson,
Cabell,	Hammond, N. J.	Mutchler,	Vance,
Caldwell,	Harris, Benj. W.	Oates,	Warner,
Chapman,	Haseltine,	Phister,	Wellborn,
Clements,	Hatch,	Pound,	Whitthorne,
Cobb,	Hoge,	Prescott,	Williams, Thomas
Converse,	Holman,	Randall,	Willis,
Cook,	House,	Reed,	Willits,
Culberson,	Jones, George W.	Rice, John B.	Wilson,
Curtin,	Kelley,	Robinson, Wm. E.	Wise, George D.
Deuster,	Klotz,	Ross,	

NOT VOTING—128.

Aiken,	Cornell,	Hardy,	Leedom,
Barbour,	Cox, William R.	Harmer,	Le Fevre,
Barr,	Covington,	Harris, Henry S.	Lindsey,
Beach,	Crapo,	Hazelton,	Lord,
Belmont,	Crowley,	Heilman,	Lowe,
Berry,	Cutts,	Hepburn,	Lynch,
Bisbee,	Darrall,	Herbert,	Marsh,
Black,	Davidson,	Herndon,	Martin,
Bland,	Davis, Lowndes H.	Hewitt, A. S.	McClure,
Blount,	Deering,	Hewitt, G. W.	McCoid,
Bowman,	Dezendorf,	Hoblitzell,	McKinley,
Brewer,	Farwell, Chas. B.	Hooker,	McLane,
Brumm,	Fisher,	Hubbs,	Miles,
Buckner,	Flower,	Humphrey,	Mills,
Burrows, Julius C.	Fulkerson,	Hutchins,	Morey,
Burrows, Jos. H.	Garrison,	Jacobs,	Mosgrove,
Calkins,	Geddes,	Jones, James K.	Murch,
Camp,	George,	Jones, Phineas	Nolan,
Candler,	Gibson,	Jorgensen,	O'Neill,
Carlisle,	Grout,	Joyce,	Pacheco,
Clardy,	Hall,	Kenna,	Page,
Clark,	Hammond, John	King,	Parker,
Colerick,	Hardenbergh,	Lacey,	Paul,
Peirce,	Russell,	Speer,	Valentine,
Pettibone,	Ryan,	Stephens,	Van Voorhis,
Ray,	Scranton,	Stockslager,	Walker,
Reagan,	Shackelford,	Stone,	Ward,
Rice, Theron M.	Sherwin,	Talbott,	Washburn,
Rice, Wm. W.	Shultz,	Thomas,	Watson,
Richardson, D. P.	Singleton, Jas. W.	Thompson, P. B.	Wise, Morgan R.
Richardson, Jno. S.	Skinner,	Townshend, R. W.	Wood, Benjamin
Rosecrans,	Sparks,	Urner,	Wood, Walter A.

So the amendment was non-concurred in.

During the roll-call the following additional pairs were announced from the Clerk's desk:

Mr. PEIRCE with Mr. HEWITT of New York.

Mr. TOWNSHEND, of Illinois, with Mr. WASHBURN.

Mr. BREWER with Mr. FULKERSON.

Mr. STONE with Mr. HEWITT of Alabama.

On motion of Mr. VAN HORN, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

The SPEAKER. The House has refused to concur, and the effect is under the practice to non-concur.

Mr. SPRINGER moved to reconsider the vote by which the House non-concurred in the Senate amendment; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. PEIRCE, from the Committee on Enrolled Bills, reported they had examined and found truly enrolled the following bill and joint resolution; when the Speaker signed the same:

A bill (S. No. 1095) to provide for the erection of a public building at Poughkeepsie, New York; and

Joint resolution (H. R. No. 237) concerning an international fishery exhibition, to be held at London in May, 1883.

LUCRETIA R. GARFIELD.

Mr. TAYLOR. I ask, by unanimous consent, to present for consideration at this time the bill (H. R. No. 6739) for the relief of Lucretia R. Garfield.

There was no objection, and the bill was read a first and second time.

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 pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Lucretia R. Garfield, widow of James A. Garfield, late President of the United States, or, in the event of her death before payment, then to the legal representatives of the said James A. Garfield, the sum of $50,000, less any sum paid to the said James A. Garfield, or his widow or legal representative, on account of his salary as President of the United States.

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

Mr. TAYLOR 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.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. PAGE. I move to take from the Speaker's table the amendments of the Senate to the river and harbor appropriation bill.

Mr. DWIGHT. I reserve all points of order on the Senate amendments.

Mr. COX, of New York. Why cannot we go generally to the Speaker's table?

Mr. PAGE. I ask that the amendments be read and acted on in the House.

Mr. CARLISLE. Let them go to the Committee of the Whole House on the state of the Union.

Mr. PAGE. It has to go to the committee of conference anyhow, and the gentleman knows that very well.

Mr. CARLISLE. There is quite a difference, the gentleman will find. In the House the gentleman can move the previous question with reference to any amendment of the Senate. It cannot be done in Committee of the Whole.

Mr. PAGE. If the gentleman will allow me, I will move to non-concur in all of the Senate amendments.

Mr. COX, of New York. But then we cannot discuss them.

Mr. PAGE. Let the amendments, then, be read and considered in the House.

Mr. HOLMAN. Subject to debate on amendments as under the five-minute rule.

Mr. PAGE. Certainly, they would be subject to debate.

Mr. CARLISLE. As I understand the gentleman's proposition, it is to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The Chair did not so understand the gentleman.

Mr. CARLISLE. Let me ask the gentleman from California, then, does he propose to consider the bill in the House as in Committee of the Whole?

Mr. PAGE. Yes, sir.

Mr. HASKELL. Before entering upon the consideration of that bill under that order I would like to have the Chair or the gentleman from California state to the House exactly what that order means. There have been, several times, bills sent to the House to

be considered as in Committee of the Whole, and out of that condition of things has always arisen a dozen different disputes as to what the order means. Now, the practice of the House in that respect has never been settled; and while I am entirely willing that the bill shall be so considered I would like to have it clearly understood what that consideration means. There is a sort of a general rule that it means its consideration under the five-minute rule for debate and amendment; but a question of a similar character arose with the consideration of the bill which we have just completed as to the previous question——

The SPEAKER. As to the consideration of the last bill it was not considered by the House as in Committee of the Whole House on the state of the Union, but the reason why the Chair did not entertain the demand for the previous question was that there was an arrangement made by unanimous consent that there should be one hour's general debate, and then, thereafter, debate upon substantive amendments for five minutes under the rule. The Chair felt it his duty to carry out that understanding until substantive amendments have been disposed of.

Mr. HASKELL. I ask the gentleman from California to make the motion to consider his bill in the House as in Committee of the Whole, so far as the five-minute rule is concerned, but to reserve the right to himself, if it be necessary to avoid question, to move the previous question as in the House, and that will settle the practice of the House in reference to this bill at all events.

Mr. RANDALL. It cannot be settled in that way. The practice is clear. The House can consider the bill in the House as in Committee of the Whole; that would be to allow amendments and debate under the five-minute rule, and the previous question can cut off both debate and amendments. But in Committee of the Whole you cannot cut off amendments though the committee may rise to limit debate.

Mr. HASKELL. But there is no rising to limit debate in the House when it is acting as in Committee of the Whole. The Senate has a practice which permits something of the kind, but we have no such practice in the House.

Mr. RANDALL. As I have said, the Committee of the Whole can rise and cut off debate upon any amendment while it cannot cut off amendments. The previous question alone can do that in the House.

Mr. REED. But the Speaker can recognize the call for the previous question which will cut off debate or amendments.

The SPEAKER. The Chair thinks there will be no difficulty in reference to the matter. The Chair did indicate to-day that because an arrangement was made by unanimous consent which in good faith ought to be carried out, he could not recognize the demand for the previous question. But that was because of the condition which had been made by consent of the House that the debate was to run for a specified time.

Mr. REED. But in the House as in Committee of the Whole it would be different, I apprehend.

Mr. PAGE. My object in asking consent that this may be considered in the House as in Committee of the Whole is that we shall have debate under the five-minute rule before the previous question may be ordered.

Mr. COX, of New York. I will read the twentieth rule:

> Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

Now, I make the point of order that this bill, with the Senate amendments, should go to the Committee of the Whole House on the state of the Union.

The SPEAKER. There is no doubt about the application of the rule to which the gentleman refers.

Mr. PAGE. Of course it will have to go to the Committee of the Whole House on the state of the Union if the gentleman from New York makes the point of order; and I move that the House resolve itself into Committee of the Whole for the purpose of considering the amendments to the bill, if the gentleman from New York insists upon his motion.

Mr. COX, of New York. I do insist upon it.

Mr. PAGE. It must be for delay, it can be for nothing else.

Mr. KASSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KASSON. I wish to ask whether it is in order pending that motion to move to commit the bill and Senate amendments to the Committee on Commerce with leave to report at any time and with instructions to report back the bill so amended that the aggregate sum appropriated by it shall not exceed $15,000,000?

The SPEAKER. The Chair will state that this bill is not before the House at all except by unanimous consent. The Chair understood that there was no objection in the first instance to the request of the gentleman from California. The gentleman from New York however makes the point of order that it must be first considered in Committee of the Whole House on the state of the Union. The Chair sustains that point of order.

Mr. PAGE. I thought the agreement was that the bill might be considered in the House as in Committee of the Whole.

Mr. COX, of New York. How does this bill get from the Speaker's table.

The SPEAKER. The Chair understood that there was consent to take it up.

Mr. PAGE. I move that we go to the Speaker's table and take from it the river and harbor bill——

Mr. RANDALL. You had better not make that motion.

The SPEAKER. The Chair did not understand there was any objection made to going to the Speaker's table. But the point was made that the amendment must be considered in Committee of the Whole House on the state of the Union, and that point was sustained. The Chair hears no objection to take the bill from the Speaker's table, and upon the point of order it is referred to the Committee of the Whole House on the state of the Union.

Mr. PAGE. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the Senate amendments to the river and harbor appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, (Mr. BURROWS, of Michigan, in the chair,) and proceeded to consider the Senate amendments to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. PAGE. The bill has not been printed with the Senate amendments as they finally passed the Senate. The Clerk, therefore, will have to read the amendments from the bill which came from the Senate.

Mr. CARLISLE. Does the gentleman from California expect the committee to consider the amendments without having any printed copy of them?

Mr. SPRINGER. I move that the committee rise. We are expected to enter on the consideration of a large number of Senate amendments which increase the appropriations made in the House by millions without having before us the amendments in print.

Mr. PAGE. I ask the Clerk to read the amendments from the bill as it came from the Senate, and let the committee dispose of them as they are read.

Mr. SPRINGER. I insist on my motion.

Mr. PAGE. The House refused to allow the order for the bill and amendments to be printed. This is the only way we can reach them.

Mr. SPRINGER. We have not before us any amendments to go upon, except as we gather them from the reading of the Clerk.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois that the committee do now rise.

The motion was not agreed to, there being—ayes 27, noes 70.

The CHAIRMAN. The Clerk will report the first amendment.

The Clerk read the first amendment of the Senate, as follows:

> Strike out "five" and insert "fourteen;" so that it will read:
> "Improving harbor at Plymouth, Massachusetts: Continuing improvement, $14,000."

Mr. PAGE. I move to non-concur in the Senate amendment.

Mr. COX, of New York. Is that debatable.

The CHAIRMAN. Certainly it is.

Mr. COX, of New York. On a bill of this character I would like to know what the Senate did. We cannot understand it properly when we have only the reading of the Clerk. Unless the amendments are printed no member is posted as to their character, and I think my friend from California should not insist on our proceeding in this way.

Mr. PAGE. I will move that the committee rise, and in the House I will move that the bill be printed with the Senate amendments.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BURROWS, of Michigan, reported that the Committee of the Whole House on the state of the Union had had under consideration the amendments of the Senate to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

Mr. PAGE. I ask that the river and harbor appropriation bill, with the Senate amendments, be printed.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. HASKELL. I desire to ask the House at this time to take from the Speaker's table for present consideration a bill of great importance to the State of Colorado. It is the bill (S. No. 698) relating to lands in Colorado lately occupied by the Uncompahgre and White River Indians. It provides for the opening to settlement under the treaty with the Ute Indians of the Ute reservation. I hope the House will agree to consider the bill at this time, as it is a matter of great importance to that State.

The SPEAKER. The gentleman from Kansas [Mr. HASKELL] asks unanimous consent to take from the Speaker's table for present consideration the bill he has indicated. Is there objection?

Mr. HOLMAN. I reserve the right to object till the bill is read and an explanation is given by the gentleman who calls it up.

The bill was read.

Mr. HASKELL. Now, I would like to have the attention of the House for a moment while I make a statement of what this is.

Mr. ATHERTON. I desire to state that I will object to the consideration of that bill. It should go to the Committee on the Pub-

lic Lands. I have information on the subject which makes me object.

Mr. HASKELL. Will the gentleman not allow me to state the condition of the bill? I desire to make only a brief statement. It is a matter of such vital importance to Colorado that it requires the immediate attention of the House.

Mr. ATHERTON. I do not see what good will be accomplished by the gentleman making such a statement as he suggests. For I would still have the right to insist on my objection; and it would be simply taking the time of the House for no purpose.

Mr. O'NEILL. I have a bill to the consideration of which at this time I think there would be no objection.

The SPEAKER. The Chair has recognized the gentleman from Virginia, [Mr. WISE.]

Mr. WISE, of Virginia. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 6012) to construct a road from the city of Richmond, Virginia, to the Richmond National Military Cemetery.

Mr. HISCOCK. Can I reserve the right to object until I hear the bill read?

The SPEAKER. Undoubtedly.

The bill was read.

Mr. HISCOCK. I object to the consideration of the bill.

Mr. RANDALL. Let us go to the Private Calendar. To-day is Friday.

Mr. BOWMAN. I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. BOWMAN. I desire to call up the special order, being the bill (H. R. No. 684) to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government. That is the first in order of special assignments, and I have been waiting over sixty days merely to get a vote upon it. I think the debate is all exhausted on the bill.

The SPEAKER. This special assignment was under consideration on the 22d day of April last. The gentleman from Massachusetts [Mr. BOWMAN] in charge of the bill had demanded the previous question on the passage of the bill. Pending that demand the gentleman from Wisconsin [Mr. BRAGG] had moved to refer the bill to the Committee on the Judiciary, pending which the House adjourned.

Mr. RANDALL. I will raise the question of consideration on that bill.

The SPEAKER. It is a special order.

Mr. RANDALL. My object is to go into Committee of the Whole on the Private Calendar, to-day being Friday.

Mr. BOWMAN. I hope the gentleman will allow simply a vote on this bill; I do not think it will take more than fifteen minutes to end the whole matter. During the two months past I have been promised that this subject should be taken up next, and next, and next. I want to get it out of the way and dispose of it. I do not think there will be even a yea-and-nay vote on it.

Mr. ROBESON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROBESON. As I understand it, this is a privileged question, being a special order under a suspension of the rules. When last under consideration it had advanced to the demand for the previous question, and pending that demand a motion to refer was made, and pending the motion to refer the House adjourned. I think it is too late to raise the question of consideration.

The SPEAKER. The Chair understands that the question of consideration is not insisted upon.

REFERENCE OF CLAIMS TO THE COURT OF CLAIMS.

Mr. BOWMAN. I now call up the special order.

The House accordingly proceeded to the consideration of the bill (H. R. No. 684) to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government.

The SPEAKER. The pending question is upon the motion of the gentleman from Wisconsin [Mr. BRAGG] to refer this bill to the Committee on the Judiciary.

The motion to refer was not agreed to.

The SPEAKER. The question now recurs on the demand for the previous question on the passage of the bill.

The previous question was ordered.

The question was upon the passage of the bill.

Mr. McCOOK. I know nothing about this bill, although I remember hearing it discussed; but that was in April last.

The SPEAKER. The gentleman from Massachusetts [Mr. BOWMAN] is in charge of the bill.

Mr. BOWMAN. I call for a vote on the passage of the bill.

The question was submitted to the House and those in the affirmative responded.

Mr. McMILLIN. In view of the fact that it was so long ago that this bill was discussed, I ask that it be read.

The SPEAKER. The Chair thinks the demand for the reading of the bill is too late; the House is now dividing on the passage of the bill.

The negative vote was called, and the announcement was made by the Speaker that the ayes appeared to have it.

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

Mr. McCOOK. The bill should be read.

The SPEAKER. The Chair will submit to the House the question of reading the bill at this time, which is one of some length. It requires unanimous consent. Is there objection to reading the bill? [After a pause.] The Chair hears no objection, and the Clerk will read the bill.

The Clerk read as follows:

Be it enacted, &c., That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found, the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted for its consideration.

SEC. 2. That when a claim or matter is pending in any of the Executive Departments which may involve controverted questions of fact or law, the head of such Department may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said court, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall not enter judgment thereon, but shall report its findings and opinions to the Department by which it was transmitted for its guidance and action.

SEC. 3. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction or damage to property by the Army or Navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by any part of the military or naval forces of the United States in the operations of said forces during the said war at the seat of war; nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States.

SEC. 4. In any case of a claim for supplies or stores taken by or furnished to any part of military or naval forces of the United States for their use during the late war for the suppression of the rebellion, the petition shall aver that the person who furnished such supplies or stores, or from whom such supplies or stores were taken, did not give any aid or comfort to said rebellion, but was throughout that war loyal to the Government of the United States, and the fact of such loyalty shall be a jurisdictional fact, and unless the said court shall, on a preliminary inquiry, find that the person who furnished such supplies or stores, or from whom the same were taken as aforesaid, was loyal to the Government of the United States throughout said war, the court shall not have jurisdiction of such cause, and the same shall, without further proceedings, be dismissed.

SEC. 5. That the Attorney-General, or his assistants, under his direction, shall appear for the defense and protection of the interests of the United States in all cases which may be transmitted to the Court of Claims under this act, with the same power to interpose counter-claims, offsets, defenses for fraud practiced or attempted to be practiced by claimants, and other defenses in like manner as he is now required to defend the United States in said court.

SEC. 6. That in the trial of such cases no person shall be excluded as a witness because he or she is a party to or interested in the same.

SEC. 7. That reports of the Court of Claims to Congress under this act, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon.

Mr. HOUSE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOUSE. Did the Clerk read the bill as it has been amended by the House?

The SPEAKER. The Clerk read the amended bill.

Mr. HOUSE. If the House shall pass that bill it will perpetrate an act of great injustice against honest claimants, of which it ought to be ashamed.

The SPEAKER. Debate is not in order. The question is upon ordering the yeas and nays upon the passage of the bill.

The question was taken; and there were 12 in the affirmative, not one-fifth of the last vote.

So the yeas and nays were not ordered.

The bill was accordingly passed.

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

Mr. TOWNSHEND, of Illinois. And on that motion I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were 14 in the affirmative.

So (the affirmative not being one-fifth of the last vote) the yeas and nays were not ordered.

The motion to reconsider was laid on the table.

ORDER OF BUSINESS.

Mr. LYNCH. I have a bill here——

Mr. HUTCHINS. I desire to make a report.

Mr. RANDALL. I move the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the Private Calendar, this being Friday.

The SPEAKER. That is a privileged motion.

Mr. RANDALL. We have not had a consideration of the Private Calendar for ten weeks.

The question was taken on the motion of Mr. RANDALL; and upon a division there were—ayes 55, noes 29.

Mr. MILLER. No quorum has voted.

Mr. HISCOCK. Would a motion to adjourn be now in order?

The SPEAKER. The House is now dividing on the motion to go into Committee of the Whole on the Private Calendar, and the point is made that no quorum has voted.

Tellers were ordered; and Mr. MILLER and Mr. RANDALL were appointed.

The tellers proceeded to count, but before concluding,

Mr. MILLER said: Evidently a majority of the House is in favor of proceeding with the consideration of the Private Calendar, and I will withdraw my point of order that no quorum has voted.

So (no further count being called for) the motion of Mr. RANDALL was agreed to.

Mr. HUTCHINS. I desire to submit a report.

The SPEAKER. The Chair thinks that would not be in order, the House having resolved to go into Committee of the Whole on the Private Calendar.

Mr. HUTCHINS. I ask unanimous consent.

The SPEAKER. The House having decided to go into Committee of the Whole, the Chair thinks that ends for the present the session of the House. The gentleman can be recognized later in the day.

The House accordingly resolved itself into Committee of the Whole, Mr. VALENTINE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of business on the Private Calendar.

RELIEF OF CERTAIN CITIZENS OF TENNESSEE.

The first bill upon the Private Calendar was the bill (H. R. No. 1633) for the relief of certain citizens of Tennessee; of Bedford, Rutherford, and other counties.

Mr. BUCHANAN. A bill having the same purpose as this bill of the House has been passed by the Senate and is now on the Speaker's table. I move that this bill be laid aside and that we take up in lieu of it the Senate bill.

The CHAIRMAN. That cannot be done, because the Senate bill has not been referred to the Committee of the Whole.

Mr. BURROWS, of Michigan. I ask that the report be read. It will, I presume, give the committee full information as to the facts.

Mr. BRIGGS. I ask that the bill be read first.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of Internal Revenue be, and he is hereby, authorized and directed to remit, refund, and pay back, out of any moneys in the Treasury not otherwise appropriated, to the following-named citizens of Tennessee, or the legal representatives of such as are deceased, the amount of taxes assessed upon and collected from the said named persons contrary to the provisions of the regulations issued by the Secretary of the Treasury under date of June 21, 1865, and published in special circular numbered 16 from the Internal Revenue Office, of that date, said refunding having been recommended by the Secretary of the Treasury under date of June 19, 1873, that is to say:

A. L. Adams, William A. Allen, J. A. Blakemore, Thomas W. Buchanan, William Campbell, John L. Cooper, John Cortner, J. H. Cunningham, Thomas Dean, J. B. Dixon, Martin Enless, A. H. Evans, W. W. Gill, William Gosling, T. B. Jeffress, Thomas Lipscomb, William Little, Thomas B. Marks, James S. Newton, Ambrose L. Parkes, Matthew Shearon, Mike Schoffner, William J. Shofner, Richard Sims, P. C. Steele. John F. Thompson, N. Thompson, second, Thomas C. Whitesides, J. W. Wiggins, E. D. Winsett, all of the county of Bedford.

M. H. Alexander, James Bass, Benjamin Batey, Willie Brown, J. G. Dejarnett, Thomas A. Elliott, Edwin H. Ewing, James M. Haynes, Thomas Hord, George W. House, Edward L. Jordan, Montfort F. Jordan, J. B. Kimbro, Thomas B. Miles, Felix G. Miller, S. E. Parrish, Isham R. Peebles, sr., Isham R. Peebles, jr., Peyton Randolph, R. D. Reed, John W. Richardson, Emanuel Rosenfeld, Alfred Ross, Susan Rucker, S. H. Singleton, Elizabeth Smith, George W. Smith, Lewis Tillman, M. B. Wade, Samuel B. Watkins, Samuel Winston, all of the county of Rutherford.

Louis Mankel, of the county of Knox; Asa Faulkner, of the county of Warren; William H. Ladd, of the county of Williamson.

The Clerk read the report, as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 1633) for the relief of certain citizens of Bedford and certain other counties of the State of Tennessee, submit the following supplementary report:

The parties named in the substitute herewith reported were, in 1863 and 1864, resident in the counties of Williamson, Rutherford, Bedford, and Warren, in the State of Tennessee.

The county of Williamson is immediately south of and adjoining Davidson, in which Nashville is situated.

Rutherford is southeast of Nashville and adjoining Davidson and Williamson. Bedford is southeast of and adjoining Rutherford, and Warren is east of and about eighty miles from Nashville.

Under section 90 of the act of July 1, 1862, an annual tax on all incomes over $600 and under $10,000, of 3 per cent., and on all incomes of over $10,000 a tax of 5 per cent. was imposed. (See 12 Statutes, p. 473.)

The forty-sixth section of the act of June 30, 1864, provides, "that if, for any cause, at any time after this act goes into operation, the laws of the United States cannot be executed in a State or Territory of the United States, or any part thereof, it shall be the duty of the President, and he is hereby authorized, to proceed to execute the provisions of this act within the limits of such State or Territory, or part thereof, so soon as the authority of the United States therein shall be re-established, and to collect the taxes, duties, and licenses in such States and Territories under the regulations prescribed in this act, so far as applicable; and where not applicable, the assessment and levy shall be made, and the time and manner of collection regulated by the instructions and directions of the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury." (13 Statutes, 240.)

The joint resolution of July 4, 1864, imposed a special tax of 5 per cent. on all incomes over $600, in addition to all other taxes, for the year 1863. (13 Statutes, 417.)

Under the authority of section 46 of the act of June 30, 1864, above quoted, on the 21st of June, 1865, the Secretary of the Treasury issued Regulations Special No. 16, "concerning the collection of taxes in States lately in insurrection," as follows:

TREASURY DEPARTMENT,
June 21, 1865.

Section 46 of the internal-revenue act approved June 30, 1864, provides that whenever the authority of the United States shall have been re-established in any State where the execution of the laws had previously been impossible, the provisions of the act shall be put in force in such State, with such modification of inapplicable regulations in regard to assessment, levy, time, and manner of collection as may be directed by the Department.

Without waiving in any degree the rights of the Government in respect to taxes that have heretofore accrued, or assuming to exonerate the tax-payer from his legal responsibility for such taxes, the Department does not deem it advisable to insist at present upon their payment, so far as they were payable prior to the establishment of a collection district embracing the territory in which the tax-payer resides.

But assessors in the several collection districts recently established in the States lately in insurrection are directed to require returns and to make assessments for the several classes of taxes for the appropriate legal period preceding the first regular day on which a tax becomes due after the establishment of the district; that is to say, in the several districts in question the proper tax will be assessed upon the income of the year 1864, inasmuch as the tax for that year is due upon the 30th day of June subsequently to the establishment of the district. All persons found doing any business for which a license is required will be assessed for the proper license from the first day of the month in which the district is established.

Persons engaged in any business for which monthly or quarterly returns are required to be made will be assessed for the month or quarter for which returns should be made at the first return day after the establishment of the district; and the same principle will apply to those taxes which are payable at different periods. A manufacturer of tobacco, for instance, in a district established after the 1st and before the 20th day of May will be assessed upon his sales for the month of April.

When any manufactured articles are found in the hands of a purchaser, and it is shown to the satisfaction of the assessor that the goods were actually sold and passed out of the hands of the manufacturer before the commencement of the period for which he is properly taxable, the articles will not be subject to tax in the hands of such purchaser, unless transported beyond the limits of the States lately in insurrection.

The holder of any distilled spirits, manufactured tobacco, or other article which is liable to seizure on account of the absence of inspection marks may present to the assessor the evidence that the articles in his hands, or under the circumstances which obtain in the particular case, are not subject to tax, except as above stated; and if the assessor is satisfied he will cause the packages to be so marked that they may be identified and sold without liability to seizure.

Whenever any collector shall have reason to believe that the holder of any goods on which the tax has not been paid intends to remove the same beyond the limits of the States lately in insurrection and to evade the payment of the tax, he will seize the goods and take necessary steps for their condemnation, unless the holder shall give bond as hereinafter prescribed for the transportation or exportation of the goods, or shall return the same to the assessor and pay to the collector the amount of tax that shall be found due. In all cases in which a seizure shall be made under these instructions the Department, on being informed of such seizure, will consider the case and extend such measure of relief as the facts shall justify.

In the States of Virginia, Tennessee, and Louisiana collection districts were some time since established, with such boundaries as to include territory in which it has but recently become possible to enforce the laws of the United States. In those districts the rule laid down above will be so modified as to require the assessment and collection of the first taxes which become due after the establishment of assessment divisions in the particular locality.

Whenever assessments are to be made based upon transactions which may have been carried on in a depreciated currency, it will be proper for the assessor to ascertain the amount of the income or value or sales or receipts in lawful money of the United States, according to the best information which he can obtain as to the average value of such depreciated currency for the period covered by the assessment.

The duties upon cotton and spirits of turpentine are, by a special provision of the statutue, made payable by the person in whose hands the articles are first found by officers of internal revenue. With reference to those articles, therefore, the rule laid down will not apply, but assessments will be made wherever they are found.

Whenever any person holds, as a purchaser, any articles which under the internal-revenue laws may be transported under bond, and desires to transport the same to any Northern port or place, he may apply to the assessor to have the amount of tax ascertained or determined. The proper examination having been had, the assessor will certify the amount of duties thereon to the collector, and the collector will thereupon grant a permit for their removal, after the execution of a bond for their storage in bonded warehouse, such permit and bond being in the form required by the regulations for the establishment of bonded warehouses. On or before the tenth day of each month the assessor will transmit to the Office of Internal Revenue a statement showing the amount of duties thus certified during the month preceding, and the collector will, on or before the same date, transmit a descriptive schedule of all bonds thus taken by him in the course of the preceding month.

When goods arrive in any Northern port under such transportation bond or under a permit issued by a collector of customs, under the regulations of May 9, 1865, they will be received into the proper warehouse, established under the internal-revenue laws, in the district into which the goods are brought, and the necessary certificates will be issued for the cancellation of the bond, in the same manner as if the goods were transported from another bonded warehouse. Whenever any person who is assessed for a license is found to have paid a license tax to a special agent, appointed under the regulations of the Treasury Department for commercial intercourse with insurrectionary districts, the collector will issue a license for the year ending May 1, 1866, and will collect only so much as may be due for the time intervening after the expiration of the license issued by the special agent.

The amount assessed and thus left uncollected will be abated when the proper claim is presented to the Commissioner of Internal Revenue.

H. McCULLOCH,
Secretary of the Treasury.

The eighth paragraph of these regulations distinctly provides that in districts where it has but recently become possible to enforce the laws of the United States, the rule shall be to require the assessment and collection of the first taxes which become due after the establishment of assessment divisions in the particular locality.

The report of the Commissioner of Internal Revenue shows that assessment divisions and assistant assessors for these divisions were established and appointed as follows: For the county of Williamson, June 30, 1864; for the county of Rutherford, August 30, 1864; for the county of Bedford, January 1, 1865; and for the county of Warren, September 8, 1865.

Under the provisions of section 91 of the act of July 1, 1862, the annual tax on incomes was leviable and collectible on the 1st of May for the year ending 31st December preceding.

And under joint resolution of July 4, 1864, the special tax on incomes for 1863 was leviable and collectible on the 1st October, 1864.

The first taxes that could become due in these counties under the provisions of the eighth paragraph of Regulations Special No. 16 were the taxes for the counties of Williamson and Rutherford for the year ending December 31, 1864, to be assessed and collected on 1st May, 1865, assessment divisions having not been established in these counties until June 30, 1864, in the first, and August 30, 1864, in the latter; and for the counties of Bedford and Warren the taxes for the year ending December 31, 1865, leviable and collectible on the 1st May, 1866, assessment divisions having been established in these counties January 1 and September 8, 1865.

It is a historical fact that from some time in March, 1862, to the close of the

war the city of Nashville was continuously held by a garrison of the United States Army, and that the battle in front of Nashville occurred on the 16th of December, 1864, and that the counties of Williamson, Rutherford, Bedford, and Warren were alternately held, sometimes by the one and sometimes by the other belligerent.

The condition of affairs being such as to render it impossible to enforce the laws of the United States by any civil process until the beginning of the year 1865, the civil authorities being paralyzed, and the citizen powerless, he promptly complied with whatever demands were made upon him by any real or pretended official when backed by military power.

Taxes for the year 1863, in the respective amounts named in the bill, were assessed against and collected from the parties named, in the years 1864 and 1865, the assessment and the collections having been made by parties running out into the country under military protection and making their demands, and immediately returning to the garrison.

The Commissioner of Internal Revenue reports that claims for refunding these taxes were filed in his office prior to June, 1873, and therefore claimants are not barred by the forty-fourth section of the act of June 6, 1872, 17 Statutes., page 257.

In June, 1873, the Commissioner of Internal Revenue submitted these claims to the then Secretary of the Treasury for consideration and advice. And on the 19th June, 1873, Secretary Richardson returned the claims to the Commissioner, with the opinion that the collections were not illegal, and therefore could not be refunded by the Department, but in his letter said:

"I fully recognize the hardship of the case, and desire that such claimants may receive relief from Congress. I have therefore to suggest that you will, in your next annual report, or on any other occasion which you may deem more fitting, recommend the passage of a special act authorizing the refunding of all taxes paid by residents of the insurrectionary States, which under the Department circular of June 21, 1865, should not have been collected. Such refunding to be made whether the tax in question was collected before or after the issue of the circular."

In this recommendation Secretary Richardson evidently recognized the hardship and injustice of the Government demanding taxes from citizens whom it did not and could not protect.

Every consideration of justice demands that these taxes, collected as they were in violation of the principles of the eighth paragraph of Special Regulation No. 16, should be refunded.

Mr. MATSON. I move to amend the bill by inserting, after the name of Benjamin Batey, in line 26, the name of "William Bosson." This name was by some clerical error omitted in copying the bill which passed a former Congress. It has been inserted in the Senate bill corresponding with this. There is no question about this man's loyalty.

The amendment was agreed to.

Mr. HOLMAN. I understand that this bill applies only to taxes assessed and collected prior to June 21, 1865.

Mr. BUCHANAN. These taxes were collected for 1863. The report shows the circumstances accurately.

Mr. SMITH, of Illinois. Should not the bill be amended so as to instruct the Secretary of the Treasury instead of the Commissioner of Internal Revenue to pay this money? The Commissioner of Internal Revenue has no money at his disposal for purposes of this kind.

Mr. DIBRELL. I will state that the Senate bill, which in this respect corresponds with the bill now pending, was prepared, under the direction of the Commissioner of Internal Revenue, by one of the Senators from Tennessee.

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

Mr. HARRIS, of Massachusetts. How much money does this bill involve?

Mr. BUCHANAN. About $15,000.

Mr. HOUK. I desire to offer an amendment.

Mr. MILLER. Does any one know how much money this bill appropriates?

Mr. McMILLIN. The amount is about $15,000. The Senate bill corresponding with this, which is now on the Speaker's table I believe, indicates in dollars and cents the amount to be paid in each case. When we get into the House the Senate bill, if gentlemen are willing, can be substituted for this; then the exact amount appropriated in each case will appear.

Mr. MILLER. How does it come that this bill has not been presented before this time?

Mr. McMILLIN. The bill has been on the Private Calendar for several months, but we have not had this Calendar under consideration for ten weeks.

Mr. RANDALL. This bill was reported on the 27th of January last.

Mr. MILLER. When were these taxes paid?

Mr. McMILLIN. Soon after the war.

Mr. MILLER. Then why have these parties waited eighteen years before asking relief?

Mr. McMILLIN. They did not wait eighteen years; they have been asking relief for a number of years past, and there has never been an adverse report on any of these claims.

Mr. DIBRELL. A bill for this purpose has been pending in every Congress for some years.

Mr. MILLER. And no Congress has thought sufficiently well of it to pass it. I think that a good reason why this Congress should hesitate about passing it.

Mr. BUCHANAN. If the gentleman had heard the report read he would have understood the reason of the delay.

Mr. McCOID. I suggest that the report be read again. [Laughter.]

Mr. BUCHANAN. These claims were filed prior to June, 1873.

Mr. HOUK. I move to amend by adding as a new section the following:

SEC. 2. The Secretary of the Treasury is hereby invested with full power and authority, and is instructed to remit, refund, and pay back, out of any money in the Treasury not otherwise appropriated, all moneys collected under like circumstances; and he shall be the sole judge of the merits of each case which may be presented.

Mr. Chairman, if we are going to pay back money in any cases of this kind, we ought to pay it back to all persons from whom it has been collected under similar circumstances. The Secretary of the Treasury has the records; he knows the circumstances; he is familiar with these transactions where money has been collected in violation of law, as is alleged to have been the fact in these cases. While I am perfectly willing to vote for this bill to make repayment upon the report which has been made, I think we ought not to commence to pay back by piecemeal; we ought to make provision for doing justice to everybody who has been wronged under like circumstances. Hence I have submitted the amendment.

Mr. DIBRELL. Does the gentleman know of any cases similar to those included in this bill?

Mr. HOUK. Yes, sir.

Mr. DIBRELL. Where income tax was collected during the war?

Mr. HOUK. Yes, sir; similar cases existed throughout the country in various other counties.

Mr. BUCHANAN. I doubt not that relief will be granted in those cases whenever the parties come forward and show that they are entitled to it.

Mr. HOUK. While we are making provision to do justice to a number of citizens, I think it only fair that we should do justice to all who have been wronged by the collection of taxes under similar circumstances. I believe this House is perfectly willing to trust the Secretary of the Treasury. He can judge of it.

Mr. McMILLIN. I wish to ask my colleague whether the Commissioner of Internal-Revenue has recommended the refunding in those cases he refers to, as he has in this case?

Mr. HOUK. We cannot tell you how that is in reference to every case, but we presume he would; at least the Secretary of the Treasury will not pay them back unless they come within the provisions of this act.

Mr. McMILLIN. He said that there were claims of a similar character, and I wanted to know from him how far that similarity went.

Mr. HOUK. I undertake to say there are similar claims all over the Southern part of the country, and I want to make the provisions of this bill so that these claims shall be provided for and paid according to the right and merit of each one. To be sure the amendment was drawn hurriedly, and perhaps it is not as perfect as it should be. We are all willing, I apprehend, if the records are in the Treasury, to allow the Secretary to look into them and ascertain whether there are other cases coming within the provisions of this bill. If there are they ought to be paid as well as this particular claim should be paid. It seems to me the amendment is perfectly right and just, and ought to be adopted.

Mr. MILLER. I think, Mr. Chairman, the amendment of the gentleman from Tennessee is eminently proper. Instead, however, of putting the power in the hands of the Secretary of the Treasury it should be put in the hands of one of the fourth-class clerks. It is undoubtedly true, as stated in this report, the assessment and collection of this tax was legal. That is what the Secretary of the Treasury has said, and it is contained in the report.

But that is no difference; and whenever there is a man who wants these taxes back, and wherever he knows they have been legally assessed and legally collected, we can provide that the Secretary of the Treasury or one of his clerks after investigation, if he finds the man wants them back badly enough, then pay them back. That will stop all this private legislation, and we will not have to consider bills to pay back taxes paid eighteen years ago. Adopt that amendment by all means. It is a very proper one for claimants of this class.

During the first part of this Congress men drawing $5,000 a year considered a question which had been before three Congresses relative to paying back $87 to some man up in New Hampshire who had paid a duty on a yoke of oxen he bought over in Canada, and who forgot to take his appeal in time, or rather the lawyer he employed forgot to do so. And because that man neglected a plain duty and forgot to take an appeal, gentlemen drawing $5,000 salary a year sat on that case and expended about $2,000 in getting that man paid back $87. He could not get an appeal in any justice's court in the country. He had a given time in which to take an appeal, but he forgot to take it, and he came here and we relieved him. If we are to relieve all these people who eighteen years ago paid taxes legally collected, what is the use of Congress passing on them one by one? If we are to pass them, then the amendment is a proper one, and all should be paid at once. As the gentleman from Tennessee has said, invest the power in some one and let him examine them and pay them back.

Mr. BRAGG. What I wish to say, Mr. Chairman, is this: if this amendment is adopted this becomes a public bill and belongs to another calendar. It passes from the Private to the Public Calendar, and is not subject to consideration by this committee. It was for that reason I suggested a point of order would lie against it. The amendment changes the entire character of the bill and makes it a public bill relating to all persons of every kind who paid taxes illegally.

Mr. HASKELL. Under what rule?

Mr. HOLMAN. The rule is that you cannot substitute a general for a special bill.

Mr. BRAGG. It has been decided ever since I have been a mem-

ber of this House that public business could not be transacted while we were engaged on the Private Calendar, nor could public bills be considered or acted on. It has been the uniform rule. There never has been any diversion from it.

Mr. HASKELL. Give us the rule.

Mr. BRAGG. Rules cannot be made to comply with the freaks of everybody, but the practice under a rule establishes the meaning of the rule. If, as suggested by the intimation of the gentleman from Kansas, this may be done, we can take up the Uncompahgre land question in Kansas and dispose of it here. He may offer it as an amendment to any one of these bills.

Mr. HOUK. The gentleman fails to show how my amendment can change this private bill into a public one. These taxes have been paid, and it simply enlarges the scope of the original bill by providing that it shall cover these similar cases. It merely makes it reach out and take up other cases. That applies only to a specific class of citizens from whom the tax has been collected, and which this report says ought to have it paid back, and I fail to see how it can be transformed now and become a public act simply because it is made applicable to a number of citizens instead of a few who are mentioned in the pending bill.

Mr. HENDERSON. The gentleman from Tennessee himself has furnished the best reason in the world why his amendment should not be adopted. He has stated that it was hastily drawn. Now, Mr. Chairman, it is a matter, as has been clearly stated by the gentleman from Wisconsin——

The CHAIRMAN. The gentleman will suspend for a moment. The Chair desires the attention of the gentleman from Wisconsin as to the point of order.

Mr. HENDERSON. Permit me to finish only a sentence. I simply say that the amendment really is in the nature of a general law, as stated by the gentleman from Wisconsin in making his point of order; and therefore it occurs to me that it is not properly in order here. When the cases come up let each one of them stand upon its individual merits, and not attempt to incorporate them into a general law on a private bill.

The CHAIRMAN. Does the gentleman from Wisconsin insist upon his point of order?

Mr. BRAGG. I do.

Mr. BUCHANAN. Mr. Chairman, I think the objection to the amendment of the gentleman from Tennessee, as far as the point of order is concerned, has been clearly expressed by the gentleman from Wisconsin—that it changes this provision of a private bill into a general law as much as any act that is now upon the statute-book. The gentleman from Tennessee says that it applies to only a certain class. So, too, do all general laws apply to certain classes which come within the purview of the law. Murderers are a class, but the law punishing the crime of murder is a general law.

There is another objection to this amendment. It is that it does not define the persons who are to be the recipients of the benefits of the act should it become a law; and consequently, so far as the amendment is concerned, it cannot be in order on a private bill, nor can it claim to be a private matter. It must identify the recipients of the bounty of the Government in order to be enabled to confer the bounty upon these applicants. Here, however, there is no specific application.

There is a third objection, and that is that the persons not mentioned who are to be the recipients of this bounty, but who are indicated in the amendment in general terms, do not come themselves within the scope of the right which belongs to those that are mentioned specifically in the bill that is now pending before the committee. Why? The persons intimated in the amendment are barred by the statutes of limitations. Their claims are barred and there is no claim existing which they can now enforce.

Mr. HOUK. Are not the claims of those mentioned in this bill barred also?

Mr. BUCHANAN. No, sir; the report shows that. If they had been barred that report would not have been written. The Commissioner of Internal Revenue reports that the claims mentioned for refunding these taxes were filed in his office prior to June, 1873, and therefore claimants are not barred by the forty-fourth section of the act of June 6, 1872.

Mr. HOUK. If that be true, then everybody who has a proper claim can get his money refunded under the provisions of the amendment which I have offered; for the amendment provides that it shall be refunded to those who come under similar circumstances and conditions as those mentioned in this bill. Unless they come under its conditions they are excluded.

Mr. BUCHANAN. Well, it is evident that those persons have not done so.

Mr. PRESCOTT. May I ask the gentleman from Georgia a question?

Mr. BUCHANAN. Yes, sir.

Mr. PRESCOTT. Why are not all these claims covered by the general bill which we passed to-day providing for the consideration and allowance of such claims?

Mr. BUCHANAN. That bill has not yet been passed. It has to go through the Senate and meet the approval of the Executive.

Mr. PRESCOTT. It passed the House.

Mr. BUCHANAN. Yes, but not the Senate, and has not been approved by the President, and may never be approved by him. The claims will then have to come back here and go to the Court of Claims.

So far as the facts here are concerned I cannot enter into that now, as the point of order must first be disposed of. If there is any further argument necessary upon the main report I am ready to speak to this and explain the bill at the proper time.

Mr. PRESCOTT. From all that the gentleman has said and from all that appears here, this is a large class of claims covered fully by the act which we passed here to-day.

The CHAIRMAN. The Chair desires to inform the gentleman from New York that the question before the committee is upon the point of order. The Chair is ready to decide the point of order. We are now in Committee of the Whole House on the Private Calendar under the provisions of Rule XXVI. This amendment, as offered by the gentleman from Tennessee, would in effect establish a general law, and is not in the nature of a private act. It is therefore, in the judgment of the Chair, obnoxious to the point of order and cannot be entertained.

Mr. HOUK. If the Committee of the Whole will rise I will move to transfer it to the other Calendar.

Mr. PRESCOTT. Mr. Chairman, I was saying that this seems to be one of those claims, of which there is a large number, covered by the act which we passed to-day, and which we all expect will become a law.

Mr. DIBRELL. The bill passed to-day had reference to war claims.

Mr. PRESCOTT. I say according to this bill there seems to be a very large number of these claims. It may be there are equities and justice in it; and if there are not, we certainly should not pass the bill. If there are, then no one can object to having these claims scrutinized by a court as provided for by that act. I ask whether it would not be judicious to-day to fail to consider this favorably that these claims may be analyzed and determined upon by a body that can know something of them, and of the justice, equity, and legality of them?

Mr. MCMILLIN. Will the gentleman permit me to ask him a question?

Mr. PRESCOTT. Yes, sir.

Mr. MCMILLIN. Is it not the fact that that has not become a law? And would he now destroy this Private Calendar with all of its reports, and refuse to consider any claim upon it because it might be embraced in that and considered in the Court of Claims if that bill should become a law?

Mr. PRESCOTT. I will only say in reply to the gentleman, the probabilities are that the bill will become a law before this can become a law by passage here.

Mr. MCMILLIN. I will say I have no constituent interested in this, although it comes from a State I in part represent. But I do think that when the Secretary of the Treasury has recommended that certain taxes ought to be refunded, and when there is no officer of the Government who has ever denied the justice of the claim, when the Secretary has said in the strong language here—

I fully recognize the hardship of the case and desire that such claimants may receive relief from Congress—

If that Secretary knew what he was talking about, this Congress cannot do itself justice in refusing a hearing to the claimants, because, forsooth, we have passed a bill through the House to-day that may never become a law.

I want to call the attention of the committee to another fact. And that is that long before the bill we acted upon an hour ago was reported to the House there was a bill on this Calendar for the relief of these people; that long before that bill was conceived in any man's brain there was a favorable report from the committee on this bill standing here.

Here are claims against whose justice not a man in the Government has ever offered a single objection; claims that are well founded and in whose favor the Secretary of the Treasury has written the strong words I have just quoted. And I say we ought not to refuse these men relief simply because they might have a remedy in a tribunal if that tribunal were ever constituted.

Mr. WARNER. I would say further to the gentleman from New York [Mr. PRESCOTT] that this bill passed the Senate unanimously six weeks ago, long before the general bill the gentleman speaks of passed the House to-day. The report in this case was made by the Committee on Claims last January. A favorable report was also made in the Senate, and the Senate bill six weeks ago came to this House and stands six weeks ahead of the one that passed to-day. The Commissioner of Internal Revenue recommends that these claims shall be paid. They are just and proper.

It is wrong to say that this relief shall not be extended to these citizens. They are loyal citizens, and you do them injustice if you withhold relief from them. For eighteen years the Government has had their money. They have had no interest during all those years. The money has been used by the Government. They ask for no interest. The claims are particularly set forth in the bill. Many of the amounts are small.

These citizens could not go into the court which has been spoken of even if it were established. The claims are too small; it would not pay the expenses to take them there. This is the first bill I have had before the House, and it has been here on the Calendar for twenty

solid weeks. It is now the first bill on the Calendar; and I think it is due to these parties that they should get back their money some time. They are loyal citizens, and as loyal citizens they ought to get it.

Mr. RAY. Is this the same bill as I find on page 64 of the Calendar, in the list of bills from the Senate on their first and second reading—"A bill for the relief of certain citizens of Tennessee?"

Mr. WARNER. It is the same bill, the bill S. No. 1068.

Mr. NORCROSS. Why not move to substitute the Senate bill for this?

Mr. McMILLIN. There is a difference between the two bills, and the difference I understand is this: the Senate bill takes the precaution to set out the exact amount for each claimant, so there may be no doubt when you come to settle as to the amount to be given to each. In the House we can substitute that for the House bill if any member prefers it. We are willing to make the substitution.

Mr. BUCHANAN. The name and amount in each case are given in the Senate bill.

Mr. McMILLIN. I think when we go back into the House the Senate bill ought to be substituted, so that there may be no doubt about it.

Mr. RAY. I wish to make an inquiry of the gentleman from Georgia, [Mr. BUCHANAN,] who I see reported this from the Committee on Claims. I do not recollect all the circumstances. I do not know that I was present when the bill was offered and considered in the committee. I wish to ask the gentleman whether the Secretary of the Treasury and the Commissioner of Internal Revenue have recommended that these amounts be paid by the Government?

Mr. BUCHANAN. I have quoted in the report from the letter of the Secretary of the Treasury; and I have the letter in full on my desk, if any one desires to see it. In the report I have made this quotation from the letter of the Secretary:

I fully recognize the hardship of the case, and desire that such claims may receive relief from Congress.

These men are identically specified in his letter.

I have therefore to suggest that you will, in your next annual report, or on any other occasion which you may deem more fitting, recommend the passage of a special act authorizing the refunding of all taxes paid by residents of the insurrectionary States, which, under the Department circular of June 21, 1865—

Which I have set forth in full in the report—

should not have been collected. Such refunding to be made whether the tax in question was collected before or after the issue of the circular.

That is the letter of Secretary Richardson.

Mr. RAY. That explanation is satisfactory to me. I now wish to say a word, partially in reply to two of my friends on this side of the House, my friend from Pennsylvania [Mr. MILLER] and my friend from New York, [Mr. PRESCOTT.]

Let me remark that I think this House will make a great deal more progress, and better progress, toward the accomplishment of the public business or the private business before it if members when they get up in the House and undertake to object to or to favor claims would take pains to know more about them than some seem to do. Let me ask whether it is seriously claimed as a reason why the House should not now consider and act upon a claim which has been favorably considered and reported several times by committees of one or the other branch of Congress, and which has passed the Senate or the House, and perhaps both, but not concurrently, and which after an investigation by the Committee on Claims of the present House has been unanimously and favorably reported—was it ever before seriously suggested that because the House had passed a bill authorizing its committees to send private claims to the Court of Claims to find the facts concerning them that a claim in regard to which the facts have already been found and reported should not be considered but be indefinitely postponed to see whether the bill alluded to shall become a law? Of course not. The bill just passed is to enable committees of this House, in reference to other claims which have not been investigated, to call in the aid of the Court of Claims, so that there may be a judicial investigation of such claims not already considered and reported upon, and which are so tangled up in reference to the facts upon which they are founded and the evidence adduced in their support as to render it practically impossible for a committee of this House to come to a satisfactory determination upon their merits.

This is apparently one of that class of claims which have been investigated times enough, and which, if we have any confidence in the opinion of a Secretary of the Treasury and in the Commissioners of Internal Revenue, ought to be disposed of without further delay. Indeed, it appears that those officers would have adjusted these claims of their own motion except for the reason that they were destitute of the power and authority to do so, and hence have recommended that Congress should act upon them. And still we have some men here who say that because the House has passed a bill which, if it becomes a law, will hereafter enable committees of Congress, when they see fit to do so, to send private claims to the Court of Claims in order to obtain a finding of the facts, therefore action upon this bill should be indefinitely delayed. Are not all the facts in this case found in the committee's report? Then why delay action upon it? Why not consider it at once and either pass or reject it?

Mr. PRESCOTT. Will the gentleman allow me to ask him a question?

Mr. RAY. Certainly.

Mr. PRESCOTT. Where in this bill do you find any indication of who are to be paid or how much they are to be paid? Where do you find any means of determining or any power of determining what shall be paid?

Mr. BUCHANAN. There is no trouble about that. This bill says that such amounts shall be paid to these persons as they have paid into the Treasury. If this bill shall pass all that these persons will have to do will be to take the act of Congress to the Treasury, and such sums as have been paid into the Treasury by these individuals as shown by the records of the Treasury will be paid to them.

Mr. PRESCOTT. But should not that all have been set out in the report, so that gentlemen on this floor could learn from reading the report what were the facts in the case, and not be criticised for their ignorance?

Mr. BUCHANAN. It is not necessary to do so; they could not get a dollar that does not appear on the records of the Treasury as having been paid in by them.

Mr. RAY. The gentleman starts a new objection, not the one that he raised before.

Mr. PRESCOTT. It is not a new objection.

Mr. RAY. It is one that occurred to me at the time, and I took the trouble to ascertain whether this was the same as the Senate bill.

Now, I grant that there may be a bill drawn with such looseness and uncertainty that it should be amended or it ought not to be passed. But if we can find out who was compelled to pay this money, have their names set forth in the bill, as it appears we can do in the House, after we go out of Committee of the Whole, by substituting the Senate bill for this bill, or by adding the names and amounts contained in the similar bill which has already passed the Senate, there would seem to be no reason why such a bill should not be passed.

And now I want to pay my respects for a moment or two to my friend from Pennsylvania, [Mr. MILLER,] who, while he certainly well understands contested-election cases, is not so familiar with business before the Committee on Claims as some of the rest of us may be. He alludes to the claim of Luther made for the value of a yoke of oxen taken by the custom-house officer, as he says, in the State of Vermont. He is only one State out of the way; it was in my State, the State of New Hampshire, away up in the northern part among the White Mountains. He said the claim was for $75, in which he is wrong again; it was for $85; and seems to think it is small business for men paid a salary, as he says, of $5,000 a year to have to consider and legislate about such trivial matters.

Now, I have known bigger men than some members of Congress, and earning greater salaries than $5,000 per annum, to be in a great deal smaller business than trying to get Congress to refund money which had been unlawfully collected of a citizen and covered into the Treasury of the United States, especially when the Secretary of the Treasury reports that the money cannot be paid back again in any other way than by an act of Congress, and recommends the passage of such an act.

It is no reason why an honest claim should not be passed because it is small in amount or that it has been a long time pending. Gentlemen talk about the expense which attends the passing of these claims. They get that from some of the newspapers. I suppose members' salaries and the pay of most of the House employés go on all the same whether we are in session or not. All the expense in the matter of the Luther claim will not amount to $150, in my opinion. There was never any dispute about the absolute justice of the claim. The Secretary of the Treasury referred the claim to Congress and recommended that it should be paid. It was not the fault of the claimant in that case that he did not get the money back for eleven long years after Government wrongfully got it, but it was the fault of Congress. The money which he had deposited with the collector was sent here to Washington and put into the Treasury.

I think it is a shame that a man should not be able to get a just claim of $85, which the Government admits belongs to him, without being obliged to come here and call for it eleven years before an act is passed to refund his money.

Mr. SMITH, of Illinois. I move to amend the bill by striking out the words "Commissioner of Internal Revenue," in line 3 of the bill, and inserting in lieu thereof the words "Secretary of the Treasury." If we pass this bill as it now stands we shall lay ourselves open to the charge of careless legislation. The bill proposes to direct the Commissioner of Internal Revenue to refund a certain sum of money in the Treasury of the United States. Now, we all know that the money in the Treasury is not to be handled or paid out under the direction of the Commissioner of Internal Revenue, but is in charge of the Secretary of the Treasury; hence the bill should be corrected by the adoption of the amendment.

Mr. MILLER. In reply to the remarks of the gentleman from New Hampshire [Mr. RAY] I will say that I only cited the case of the refunding of $85 to a claimant from New Hampshire in order to show that this House is called upon to legislate upon cases where the claimants have neglected to perform their duty at the proper time. The report in the case from the gentleman's State showed as

the reason the money had not been already refunded that the party had not taken an appeal within the statutory period. For that reason he came to this House and we considered his case. At that time we were sitting here about four hours a day. I am told by persons who have the means of knowing that the expenses of this House are about $10,000 a day. We spent on that case in this House about twenty minutes; and any one can compute what it cost to pay back that sum of $87 because the party had not performed his duty at the proper time.

In the case now before us certain citizens paid a tax which was legally assessed against them. The Secretary of the Treasury, in the very letter which was read and which is printed in the report, states that the collections were not illegal and therefore would not be refunded. What are we doing here? We are sitting here to refund to persons whose names are not given in the bill sums of money which are not designated and the exact amount of which we do not know. The chairman of this committee says he cannot tell us; gentlemen on the floor cannot tell us. We are sitting here to pass a bill of this kind to refund taxes which, as the letter of the Secretary of the Treasury shows, were not illegally collected.

More than that: these taxes were paid in 1865. These claims have slumbered until almost everybody who knew anything about them has died. I observe that many of the claims that come here are, as respects age, almost or quite old enough to vote. The claims are often held back until the claimants themselves are dead; and I believe in this case the heirs of certain parties are substituted.

Mr. RAY. Is it the fault of the claimants that the money has not been paid before?

Mr. MILLER. It is the fault of the claimants that they do not come here in time; that they slumber on their claims until every person knowing anything of the facts of the case is dead. I want to cite a case stated to me by my colleague [Mr. CAMPBELL] who sits next to me. He was a commander in the Union Army in West Virginia upon one of the branches of the Potomac.

In 1882 the Quartermaster-General sent him a claim which had been filed and regularly proved to be examined and reported on. The amount claimed was over $20,000. The claim was all made up; the evidence was apparently complete; but he was written to in order to ascertain what he knew about it. The claim was for wood claimed to have been furnished to General Campbell's command. The claimants swore that they had furnished so many cords of wood. The evidence proved apparently that it had been delivered upon the order of the general in command. When General Campbell came to look at the case he found as a fact that the wood claimed to have been furnished to him must have been cut upon the opposite side of the river, must have been hauled two miles up the river to the ferry, and then hauled down to his camp, and yet it was a fact that he had been obliged to cut away the woods in order to establish his camp. He had not used a cord or a stick of wood furnished by these parties; there had not been a stick cut or delivered to him. Yet that claim was all made up in due form ready for payment. That is a sample.

I do not expect my speech will defeat this bill. I have learned in this House that about as good a way as any other to pass a bill is to oppose it. I recollect that when I opposed one day a bill of my friend from Maine—I only spoke five minutes—when the question was taken there were but six votes in the negative. If I had spoken a minute longer there would not have been any vote against it but my own. [Laughter.] I have no doubt that this bill will pass, because there are probably one hundred men on this floor, each one having his little bill in which his constituents are interested, and he thinks that unless it is passed he will never come back here. Thus members "log-roll" in order to get their bills through. This is no way to do business. Pass this bill if you choose. I care nothing about it. But I want to go on the record against it and against this whole system. I hope that the people will "ring the changes" in the ears of gentlemen of this Congress and other Congresses until they cease this business and get down to legitimate legislation for the country instead of sitting as a court of justice (and very small court at that) to pass such claims as this.

Mr. DE MOTTE. I wish to ask the gentleman having charge of this bill how large an amount of money is involved?

Mr. BUCHANAN. Between $15,000 and $17,000. The Senate bill shows the exact amount.

Mr. DE MOTTE. I was about to ask whether there was any bill specifying the precise amount.

Mr. BUCHANAN. Yes, sir; the Senate bill does that.

The question being taken on the amendment of Mr. SMITH, of Illinois, to strike out "Commissioner of Internal Revenue" and insert "Secretary of the Treasury," it was agreed to.

Mr. BUCHANAN. I move that the bill as amended be laid aside to be reported favorably to the House.

The motion was agreed to, there being—ayes 54, noes 21.

SAMUEL O. UPHAM.

The next business on the Private Calendar was the bill (H. R. No. 688) for the relief of Samuel O. Upham.

The bill was read, as follows:

Be it enacted, &c., That there be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $414.10, to be placed to the credit of the Post-Office Department, and the proper accounting officers of the Post-Office Department are hereby directed to credit Samuel O. Upham, of Waltham, Massachusetts, in his account as postmaster, with the same, it being for loss sustained by robbery of his office on the night of the 9th of September, 1879, but without fault or neglect on the part of said postmaster.

Mr. HENDERSON. That is covered by the general law, and I move that it be reported to the House with the recommendation that the enacting clause be stricken out.

The motion was agreed to.

MORGAN RAWLS.

The next business on the Private Calendar was the bill (H. R. No. 2136) for the relief of Morgan Rawls.

The bill was read, as follows:

Be it enacted, &c., That the sum of $800 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay Morgan Rawls, of the State of Georgia, for a dwelling-house taken from the village of Guyton, Georgia, in the latter part of the year 1865, by order of the United States officer in command at Savannah, Georgia, through mistake for a Confederate building.

The report was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 2136) for the relief of Morgan Rawls, have had the same under consideration and submit the following report:

During the late war a number of buildings were erected by the confederate authorities, for hospitals and quartermaster and commissary stores, at the village of Guyton, State of Georgia. Standing between and near these buildings was a small unoccupied dwelling-house belonging to Morgan Rawls, of the value of $800, not estimating the ground on which it stood. In the fall of 1865, during the absence of said Rawls while in attendance upon the constitutional covention of said State and as a member of said convention, and after he had taken the oath known as the "amnesty oath," a detail of United States soldiers was sent to Guyton, by the United States military authorities, from Savannah, with instructions to take down and remove said confederate buildings to Savannah, the materials to be used in the construction of school-houses for freedmen. In executing said instructions said soldiers destroyed by mistake said house belonging to Rawls. Said Rawls endeavored to obtain from the military authorities at Savannah compensation for his loss, but was never paid. A bill similar to this for his relief was introduced in the Forty-third Congress, and also in the Forty-fourth Congress, but no report was made in either Congress upon the bill.

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

Mr. BROWNE. We are to have a session to-night, and I move that the committee rise.

The motion was agreed to.

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

EVENING SESSION ORDER.

Mr. BROWNE. There has been some difficulty in construing the order for the session this evening, so far as it relates to Senate bills donating condemned cannon and cannon balls. I ask it be amended so as to allow those bills to be taken from the Speaker's table and acted on this evening. The Speaker *pro tempore* last Friday ruled otherwise.

The SPEAKER. The present incumbent of the chair thinks the ruling was correct. Such order should be strictly construed. Is there objection?

There was no objection, and it was ordered accordingly.

RELIEF OF CERTAIN CITIZENS OF TENNESSEE.

The SPEAKER. The Clerk will report the title of the first bill reported from the Committee of the Whole House.

The Clerk read as follows:

A bill (H. R. No. 1633) for the relief of certain citizens of Tennessee, of Bedford, Rutherford, and other counties.

Mr. BUCHANAN. I ask by unanimous consent that be laid aside, and the bill (S. No. 1068) for the relief of certain citizens of Tennessee be substituted for it.

Mr. MILLER. I object.

Mr. McMILLIN. I hope my friend will not object. The Senate bill makes it more certain.

Mr. DIBRELL. I make a parliamentary inquiry. Does it require unanimous consent?

The SPEAKER. It does.

Mr. BUTTERWORTH. I hope the gentleman will withdraw his objection.

The SPEAKER. The Chair understands objection is withdrawn. The Chair further understands this bill is the same in substance.

Mr. HOLMAN. Let it be read.

Mr. DIBRELL. It gives all the names and amounts.

Mr. HOLMAN. It covers an amount only of $15,000 as I understand.

Mr. BUTTERWORTH. There was an amendment adopted in Committee of the Whole House to substitute "the Secretary of the Treasury" for "the Commissioner of Internal Revenue."

Mr. BUCHANAN. I have no objection to that amendment.

Mr. RANDALL. That will send it back to the Senate.

The Senate bill was taken from the Speaker's table, read a first and second time, and ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BUCHANAN moved to reconsider the vote by which the Sen-

ate bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

On motion of Mr. BUCHANAN, the House bill was then laid on the table.

Mr. BUTTERWORTH. I understand the amendment to the House bill was accepted to the Senate bill.

The SPEAKER. The Senate bill was passed.

Mr. HENDERSON. It is right as it is.

SAMUEL O. UPHAM.

The SPEAKER. The bill (H. R. No. 688) for the relief of Samuel O. Upham is reported back with the recommendation that the enacting clause be stricken out.

Mr. ROBINSON, of Massachusetts. It is a bill in reference to the robbery of a post-office. My colleague, [Mr. BOWMAN,] who has it in charge, is absent, and it may not fall within the provisions of the general law. I ask therefore it be passed over for the present.

There was no objection, and it was ordered accordingly.

LEAVE TO PRINT.

Mr. STOCKSLAGER, by unanimous consent, was granted leave to print in the RECORD some remarks on the sundry civil appropriation bill. [See Appendix.]

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. HARDENBERGH until Monday next, on account of important business.

To Mr. STEPHENS for ten days, to attend the annual meeting of the board of trustees of the University of Georgia, of which he is a member.

CORRECTION.

Mr. HOUK. I desire to make a correction. On the 10th of this month——

Mr. BRAGG. I would like to ask how this proceeding can go on with the motion to adjourn pending?

Mr. HOUK. I understood the gentleman to give way to correct the RECORD.

The SPEAKER. The Chair did not understand the gentleman as insisting upon the motion to adjourn.

Mr. BRAGG. I do insist upon it.

The SPEAKER. The gentleman will understand that at five o'clock the House is to take a recess until eight.

Mr. BRAGG. My motion to adjourn was with a view to avoiding the recess.

Mr. BROWNE. I hope the motion to adjourn will be voted down.

The motion to adjourn was not agreed to. [Cries of "Regular order!"]

Mr. HOUK. I desire now, Mr. Speaker, to correct the RECORD and the Journal. On the 10th day of July I reported from the Committee on War Claims some bills with favorable recommendations, one of which was for the relief of Ed. Wallace. Both in the RECORD and on the Calendar this is printed "Edward Wells." I ask that the correction be made.

The SPEAKER. The correction will be made.

ORDER OF BUSINESS.

The SPEAKER. The Chair will state that the hour has now arrived when, under the standing order of the House, a recess must be taken.

The gentleman from Michigan [Mr. BURROWS] will occupy the chair during the evening session as Speaker *pro tempore*.

The Chair now declares the House in recess until 8 p. m.

EVENING SESSION.

The recess having expired the House reassembled at eight o'clock p. m., Mr. BURROWS, of Michigan, in the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The Clerk will report the order under which the House meets to-night.

The Clerk read as follows:

The order of the House heretofore made directing evening sessions to be held on Fridays for the consideration of pension bills is so amended as to allow bills upon the Speaker's table granting condemned cannon and balls to be taken up for consideration.

ADVERSE REPORT.

Mr. BROWNE, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (H. R. No. 3660) granting a pension to James Johnson; which was laid on the table, and the accompanying report ordered to be printed.

PATRICK DRONEY.

Mr. BROWNE also, from the same committee, reported back the bill (H. R. No. 718) granting a pension to Patrick Droney, with amendments.

Mr. BROWNE. I ask consent of the House for the present consideration of this bill. This case is one that is somewhat peculiar in its nature.

The SPEAKER *pro tempore*. The bill will be read subject to objection.

The bill was read. It is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Patrick Droney, son of Matthew Droney, late a private marine in the United States Navy.

Mr. BROWNE. Let the amendments suggested by the Committee on Invalid Pensions be read.

The Clerk read as follows:

Amend by striking out, in lines 4 and 5, the words "subject to the provisions and limitations of the pension laws," and add at the end of the bill the words "and pay him a pension of $8 per month from and after the passage of this act."

Mr. BROWNE. The circumstances in this case are briefly these: the father of Patrick Droney was killed in the line of duty in the naval service of the United States. Subsequently to his death the widow and the mother of the beneficiary of this bill received a pension, drew it for some time, and died. Patrick Droney is over the age of sixteen years, but he has been from the cradle a helpless invalid, dependent wholly upon the father during his lifetime, and upon the little pension of the mother during her lifetime. He has no relatives capable of rendering him any assistance whatever. He is now in the common poor-house in the State of Massachusetts. The committee believe he is a dependent child, more so in fact than if he had been under the age of sixteen. And under the circumstances we thought the dependent child of a soldier who lost his life in the service of his country should not be in the poor-house, but is a proper subject for the bounty of the Government.

Mr. ROBINSON, of Massachusetts. Mr. Speaker, I introduced the bill in behalf of this boy in December last, and if the members of this House could see him for a moment they would be entirely satisfied that he is utterly helpless and needs the care of somebody. He has no friends capable of helping him. He is a helpless cripple. I have known him ever since his father went into the service of his country, and during the lifetime of his mother. They live in my town and I know the facts in his case, which are certainly such as to warrant the belief that this is an exceedingly meritorious case. I hope the bill will be passed. His friends and relatives are very poor and were unable to support him, and they had to take him to the poor-house, where he now is.

The SPEAKER *pro tempore*. The question is on the amendments reported from the committee.

The amendments were agreed to.

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

Mr. BROWNE 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.

EMMA H. COLLINS.

Mr. DAWES, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (S. No. 984) increasing the pension of Emma H. Collins.

Mr. DAWES. I ask unanimous consent for the immediate consideration of this bill.

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

The bill was read. It is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Emma H. Collins, widow of Frederick Collins, late a lieutenant in the United States Navy, a pension at the rate of $40 a month during her widowhood, and from the passage of this act.

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

Mr. DAWES 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.

ORINEL GILLETTE.

Mr. WADSWORTH, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (H. R. No. 6623) granting a pension to Orinel Gillette; which was laid on the table, and the accompanying report ordered to be printed.

MARGARET BEYMER.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. No. 604) granting a pension to Margaret Beymer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be authorized and directed to place on the pension-roll the name of Margaret Beymer, widow of Elias J. Beymer, late lieutenant and adjutant of the One hundred and thirty-sixth Illinois Volunteers, and acting deputy provost-marshal of the eleventh Congressional district in the State of Illinois, and pay her a pension at the rate of $17 a month.

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

Mr. CULLEN 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.

JOSEPH F. WILSON.

Mr. CULLEN also, from the Committee on Invalid Pensions, re-

ported back with an amendment the bill (H. R. No. 6249) granting an increase of pension to Joseph F. Wilson; which was referred to the Committee of the Whole House on the Private Calendar, and the amendment and report ordered to be printed.

DONATIONS OF CONDEMNED CANNON.

Mr. SPAULDING. I desire to report back from the Committee on Military Affairs with a favorable recommendation the bill (H. R. No. 6679) donating condemned cannon to the town of Hatfield, Massachusetts, for monumental purposes, and ask that it be placed on the Calendar.

Mr. BROWNE. I do not object; but it is a question whether, under the order of the House, this report can be received.

The SPEAKER *pro tempore*. The Chair is inclined to think that the amendment made on April 14th on the motion of the gentleman from Vermont [Mr. JOYCE] to the special order, so as to make it include the consideration of bills granting condemned cannon, would allow the report to be made.

Mr. BROWNE. I have no objection.

The bill was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. SPAULDING also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 6692) to authorize the Secretary of War to furnish condemned cannon-balls and muskets for the soldiers' burial ground at Maquoketa, Iowa; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. SPAULDING also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 6718) to donate two condemned cannon and twelve cannon-balls to the A. E. Burnside Post No. 109 Grand Army of the Republic, of South Chicago, Illinois; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. SPAULDING also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 6695) granting four condemned cast-iron cannon to the post of the Grand Army of the Republic at Peabody, Massachusetts; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. SPAULDING also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 6721) authorizing the Secretary of War to deliver to Edward Pye Post No. 179 of the Grand Army of the Republic, four condemned iron cannon and four cannon-balls, for decorating the proposed soldiers' monument at Haverstraw, New York; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. THOMPSON, of Iowa. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 2057) granting condemned cannon, &c., to the city of Marshalltown, Iowa.

There being no objection, 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, and he hereby is, authorized to deliver, if the same can be done without detriment to the Government, to the city of Marshalltown, Iowa, four condemned cast-iron cannon and twenty cannon-balls, to be placed on a monument to be erected in memory of deceased soldiers in the Marshalltown cemetery.

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

Mr. THOMPSON, of Iowa, 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.

Mr. SHALLENBERGER. At the request of my colleague, [Mr. FISHER,] who is necessarily absent to-night, I ask to take from the Private Calendar for present consideration the bill (H. R. No. 6149) donating condemned cannon for monumental purposes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed, if the same can be done without prejudice to the public service, to deliver to the Soldiers' Monument Association of Chambersburgh, Pennsylvania, four condemned guns, to be used for monumental purposes.

The bill was reported with the following amendment:

In line 6, after the word "condemned," insert the word "cast-iron."

The amendment was agreed to.

Mr. SMITH, of Pennsylvania. I offer the following additional amendment:

Add at the end of the bill the following:
"Also to the soldiers' monument at Lancaster, Pennsylvania, four condemned cannon and four cannon-balls, for moumental purposes."

Mr. PRESCOTT. The word "cast-iron" should be inserted there also.

The SPEAKER *pro tempore*. In the absence of objection that word will be inserted.

The amendment as modified was agreed to.

Mr. CRAPO. I move to amend the bill by adding that which I send to the Clerk's desk.

The Clerk read as follows:

Also to William Logan Rodman Post No. 1 Grand Army of the Republic, four condemned cast-iron cannon, to be placed in their place of burial in the city of New Bedford, Massachusetts.

Also, to the post of the Grand Army at Fall River, Massachusetts, four condemned cast-iron cannon, to be placed in their cemetery lot in said city.

The amendment was agreed to.

Mr. STONE. I move to amend the bill by adding the following:

Also to grant four condemned cast-iron cannon with iron balls to Post No. 82 of the Grand Army of the Republic at Marblehead, Massachusetts.

Mr. PRESCOTT. I suggest that the gentleman should add "for monumental purposes."

Mr. STONE. I modify the amendment by adding "for memorial purposes." That leaves a little more scope.

Mr. PRESCOTT. I will ask the gentleman for what purpose these cannon are to be used? He says "for memorial purposes." That does not indicate the use.

Mr. STONE. They are to be used by the post for memorial purposes—which may be monumental or some other memorial purposes.

Mr. PRESCOTT. In connection with a cemetery?

Mr. STONE. Not necessarily.

Mr. McMILLIN. I move to amend the amendment as modified by striking out "memorial" and inserting "monumental," as this is the pupose for which we have heretofore made these donations and for no other.

The amendment of Mr. McMILLIN was agreed to.

The amendment of Mr. STONE as amended was agreed to.

Mr. ROBINSON, of Ohio. I move to amend by inserting the following:

Also to the Soldiers and Sailors' Monumental Association of Delaware, Ohio, four condemned cast-iron cannon and four cannon-balls.

The amendment was agreed to.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CHALMERS, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House of the following title:

A bill (H. R. No. 4166) to divide the State of Iowa into judicial districts.

The message also announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; and asked a committee of conference on the disagreeing votes of the two Houses thereon, and had appointed as the conferees on the part of the Senate Mr. HALE, Mr. ALLISON, and Mr. COCKRELL.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 803) granting a pension to Laban Connor;

A bill (H. R. No. 1048) granting an increase of pension to Bernard Brady;

A bill (H. R. No. 1147) granting a pension to Elizabeth Vernor Henry;

A bill (H. R. No. 1206) granting a pension to Mrs. Kate L. Usher;

A bill (H. R. No. 1451) granting a pension to Thomas W. Rothrock;

A bill (H. R. No. 1997) granting a pension to Joel R. Carter;

A bill (H. R. No. 2104) granting a pension to Mrs. Electa L. Baldwin;

A bill (H. R. No. 2278) for the relief of John H. Jackson;

A bill (H. R. No. 3581) granting a pension to Mrs. Lizzie M. Mitchell;

A bill (H. R. No. 4082) granting a pension to Ellen Gillespie;

A bill (H. R. No. 4372) for the relief of Robert P. Walker;

A bill (H. R. No. 4914) granting a pension to Emeline Pink;

A bill (H. R. No. 5382) granting a pension to Peter J. Welshbillig;

A bill (H. R. No. 5684) granting a pension to Newton Boutwell; and

A bill (H. R. No. 5809) for the relief of Jacob Humble.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, bills of the House of the following titles:

A bill (H. R. No. 1543) granting a pension to Albert O. Miller;

A bill (H. R. No. 2005) to increase the pension of Elijah W. Penny;

A bill (H. R. No. 2349) granting an increase of pension to George J. Webb;

A bill (H. R. No. 2872) to increase the pension of James Hawthorne; and

A bill (H. R. No. 6401) granting a pension to Amelia Ann Wilson and her minor child.

The message further announced that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. No. 473) for the relief of William H. Morgan;

A bill S. No. 547) granting a pension to E. G. Hoffman, late a captain in the One hundred and sixty-fifth Regiment New York Volunteers;

A bill (S. No. 1264) to increase the pension of Joseph N. Abbey;

A bill (S. No. 1437) granting a pension to Amos Chapman;

A bill (S. No. 1680) granting a pension to Ann Leddy;

A bill (S. No. 1796) for the relief of Elizabeth H. Spotts:

A bill (S. No. 2026) granting a pension to Mary E. Matthews; and

A bill (S. No. 2089) granting a pension to Caroline French.

MARY E. RYAN.

Mr. MORSE. I ask unanimous consent to have taken from the Private Calendar and put on its passage the bill (H. R. No. 703) granting an increase of pension to Mary E. Ryan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Ryan, widow of George Parker Ryan, deceased, late a commander in the United States Navy, and grant her a pension at the rate of $50 per month extra.

Mr. McMILLIN. I have no objection to taking this bill up now for consideration, except for one reason. I desire to prepare an amendment to be inserted in this and similar bills. I wish to call the attention of the House to the fact that there has recently been a very remarkable ruling by the Attorney-General in reference to cases of this kind, which makes it necessary for us to pass these bills in a form which has not heretofore been adopted. We must to-night pass an amendment or bill to counteract the effect of his ruling. He has ruled in the Barnett case that where there has been allowed under the general law a pension of, for instance, $30 a month, and an increase to $50 a month is granted by special act, the pensioner takes not only the original pension of $30, but $50 per month additional. By this ruling pensions are doubled by special act where Congress never intended it. If we do not tack an amendment to some of these bills to remedy the evil flowing from that opinion tens of thousands never intended by Congress or expected by the pensioner till the Attorney-General's opinion will be taken from the Treasury.

The SPEAKER *pro tempore*. Does the gentleman from Tennessee [Mr. McMILLIN] object to the consideration of this bill?

Mr. MORSE. I am perfectly willing, if the gentleman will allow this bill to be considered now, to accept any amendment which he may suggest to accomplish the purpose he indicates.

Mr. McMILLIN. Then I consent to consider the bill immediately. It is not my intention to postpone action to-night, and the course I suggest will not have that effect but will remedy an evil that will work an immense injury before the meeting of this Congress in December.

Mr. BROWNE. There need be no trouble about this matter. I have now in my hands a House bill which the Senate has passed with an amendment remedying the difficulty suggested by the gentleman from Tennessee. If I may be permitted to move concurrence in this amendment we shall avoid all trouble so far as the decision of the Attorney-General is concerned.

Mr. McMILLIN. Then I urge the gentleman from Indiana to move concurrence at once, and the House to concur. It is of much importance.

ALBERT O. MILLER.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. BROWNE] asks unanimous consent to have taken from the Speaker's table, that the amendments of the Senate may be concurred in, the bill (H. R. No. 1543) granting a pension to Albert O. Miller. Is there objection? The Chair hears none.

The amendments of the Senate were read, as follows:

Add to the bill the following:

"And that no person who is now receiving, or shall hereafter receive, a pension under a special act shall be entitled to receive in addition thereto a pension under the general law, unless the special act expressly states that the pension granted thereby is in addition to the pension which said person is entitled to receive under the general law."

Amend the title of the bill by adding, "and for other purposes."

The amendments were concurred in.

Mr. BROWNE moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY E. RYAN.

Mr. MORSE. I now ask the consideration of the bill (H. R. No. 703) granting an increase of pension to Mary E. Ryan.

There being no objection, the Committee of the Whole on the Private Calendar was discharged from the further consideration of the bill, and the House proceeded to consider the same.

The SPEAKER *pro tempore*. The bill has already been read.

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

Mr. MORSE 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.

MARTHA JANE DOUGLASS.

Mr. SIMONTON, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. No. 5985) granting a pension to Martha Jane Douglass; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMILY THEADGILL.

Mr. SIMONTON also, from the same committee, reported back with amendments the bill (H. R. No. 5986) granting a pension to Emily Theadgill; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JORIAL ONKST.

Mr. PETTIBONE, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 6457) granting a pension to Jorial Onkst; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

JOHN C. FENSCKE.

Mr. PETTIBONE also, from the same committee, reported back the bill (H. R. No. 3701) granting a pension to John C. Fenscke; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

MARGERY NIGHTENGALE.

Mr. PETTIBONE also, from the same committee, reported back the bill (H. R. No. 5103) granting a pension to Margery Nightengale; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

FRANCIS DUFFY.

Mr. RICE, of Ohio, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 4582) for the relief of Francis Duffy; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

REUBEN MARSHALL.

Mr. RICE, of Ohio, also from the same committee, reported back the bill (H. R. No. 454) granting a pension to Reuben Marshall; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

H. E. VAN TREES.

Mr. RICE, of Ohio, also, from the same committee, reported back the bill (H. R. No. 452) granting a pension to H. E. Van Trees; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

BRIDGET HAMILTON.

Mr. RICE, of Ohio, also, from the same committee, reported back the bill (H. R. No. 5034) granting a pension to Bridget Hamilton; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

DENNIS SMITH.

Mr. RICE, of Ohio, also, from the same committee, reported back the bill (H. R. No. 388) granting a pension to Dennis Smith; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

ELIZABETH C. CUSTER.

Mr. WILLITS. I move by unanimous consent to take from the Speaker's table the bill (S. No. 1819) granting a pension to Mrs. Elizabeth C. Custer.

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 the Interior be, and he is hereby, authorized and directed to increase the pension of $30 now received by Mrs. Elizabeth C. Custer, widow of General George A. Custer, to $50 per month, to take effect from and after the passage of this act.

Mr. WILLITS. I move to strike out "C" wherever it occurs, and insert "B;" so it will read "Mrs. Elizabeth B. Custer."

The amendment was agreed to.

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

Mr. WILLITS 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.

Mr. WILLITS. I move to amend the title by striking out "C" and inserting "B;" so it will read "Mrs. Elizabeth B. Custer."

The amendment was agreed to.

A. E. BURNSIDE POST, SOUTH CHICAGO, ILLINOIS.

Mr. ALDRICH. I ask by unanimous consent, Mr. Speaker, that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 6718) to donate two condemned cannon and twelve cannon-balls to the A. E. Burnside Post No. 109 of the Grand Army of the Republic, of South Chicago, Illinois.

There was no objection, and it was ordered accordingly.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he hereby is, authorized and directed to donate two condemned cannon and twelve cannon-balls to the A. E. Burnside Post No. 109 of the Grand Army of the Republic, at South Chicago, Illinois.

Mr. ALDRICH. Now read the amendment of the Committee on Military Affairs.

The Clerk read as follows:

After the word "condemned," in line 4, insert the word "cast-iron."

The amendment was agreed to.

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

Mr. ALDRICH 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.

Mr. SPAULDING. I move to amend the title by inserting "cast-iron" after the word "condemned."

The amendment was agreed to.

CONDEMNED CANNON, HATFIELD, MASSACHUSETTS.

Mr. SPAULDING. I move by unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 6679) donating condemned cannon to the town of Hatfield, Massachusetts, for monumental purposes.

There was no objection, and the motion was agreed to.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to deliver, if the same can be done without detriment to the Government, four condemned cast-iron cannon to the selectmen of the town of Hatfield, Massachusetts, to be used to support a memorial tablet inscribed with the names of the soldiers and sailors who enlisted from said town and lost their lives in the war of the rebellion.

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

Mr. SPAULDING 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.

Mr. SPAULDING. I move to amend the title by inserting the word "cast-iron" after the word "condemned."

The amendment was agreed to.

SOLDIERS' MONUMENT, EAST BLOOMFIELD, NEW YORK.

Mr. WADSWORTH. I move by unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. No. 1886) donating four condemned cast-iron cannon for the soldiers' monument at the village of East Bloomfield, New York.

There was no objection, and the motion was agreed to.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and hereby is, directed to deliver to the authorities of the town of East Bloomfield, Ontario County, New York, four condemned cast-iron cannon for the soldiers' monument erected at the village in said town.

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

Mr. WADSWORTH 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.

ANNIE W. OSBORNE.

Mr. CABELL, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. No. 2966) granting a pension to Annie W. Osborne.

Mr. CABELL. I ask unanimous consent to take up this bill and put the same upon its passage.

The SPEAKER *pro tempore*. Without objection the bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Annie W. Osborne, widow of John W. Osborne, late a hospital steward in the United States Army.

Mr. CABELL. The committee recommend the following amendment:

Add to the end of the bill the words "said pension to take effect from and after the passage of this act."

The amendment was agreed to.

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

Mr. CABELL 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.

JACOB NIX.

Mr. CABELL also, from the same committee, reported back with favorable recommendation the bill (H. R. No. 6740) granting a pension to Jacob Nix; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. CABELL. I find, Mr. Speaker, that the Senate have passed a similar bill, S. No. 1201. I ask, therefore, to take the Senate bill from the Speaker's table and put it upon its passage at the present time.

Mr. McMILLIN. Let it go over until we go into committee.

Mr. CABELL. I hope there will be no objection to passing it now.

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

The Senate bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Jacob Nix, who served in the Brown County (Minnesota) Militia during the attack upon New Ulm, Minnesota, in August, 1862, by the Indians, upon the pension-roll, with the rank of captain, at the rate of one-third disability.

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

Mr. CABELL 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.

Mr. ALDRICH. What becomes of the other bill?

The SPEAKER *pro tempore*. It goes upon the Calendar.

Mr. ALDRICH. It ought to go to the table. It seems to me that we might some time be passing two bills on this same subject.

Mr. CABELL. I ask leave, inasmuch as we have passed the Senate bill for the relief of Jacob Nix, to take the House bill from the Private Calendar and lay it upon the table.

The SPEAKER *pro tempore*. Without objection the Committee of the Whole House on the Private Calendar will be discharged from the further consideration of the bill indicated by the gentleman from Virginia for the relief of Jacob Nix, and the same will be laid upon the table.

There was no objection, and it was ordered accordingly.

JAMES HAWTHORNE.

Mr. MATSON. I ask unanimous consent to take from the Speaker's table the bill (H. R. No. 2872) to increase the pension of James Hawthorne, for the purpose of moving to concur in the Senate amendment.

The SPEAKER *pro tempore*. Without objection the amendment will be read.

The amendment was read, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of James Hawthorne, late a private in Company H, Twentieth Regiment Indiana Volunteer Infantry, and pay him a pension from and after the passage of this act at the rate of $50 per month, in lieu of his present pension."

The Senate amendment was agreed to.

Mr. MATSON moved to reconsider the vote by which the Senate amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONDEMNED CANNON, KNOXVILLE, TENNESSEE.

Mr. HOUK. I move to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. No. 5978) to authorize the Secretary of War to furnish condemned cannon for the soldiers' cemetery at Knoxville, Tennessee.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War is hereby authorized to furnish such number of condemned cannon and shot as may be required to Sergeant Thomas Ridge, for the use and adornment of the soldiers' cemetery in the city of Knoxville and State of Tennessee.

The committee recommended the following amendments:

In line 4 insert, after the word "condemned," the word "cast-iron;" and in line 5, after the word "required," the words "and can be spared."

The amendments were agreed to.

Mr. HOUK. There is another amendment which has been suggested to me to offer, and that is to fix the number of cannon and balls which are to be furnished; I therefore move that the word "four" be inserted in line 4; so as to read, "four condemned cast-iron cannon;" and also in the same line to add the word "balls" and strike out the word "shot" in this line; so that it will read, "four condemned cast-iron cannon and balls," &c.

The amendment was agreed to.

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

Mr. HOUK 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.

PRIVATE CALENDAR.

Mr. BROWNE. I must ask that we now go into the consideration of the Private Calendar; and I move that the House resolve itself into Committee of the Whole on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. BRIGGS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering pension bills on the Private Calendar.

Mr. BROWNE. I believe that we commence the consideration of pension bills on the Calendar with House bill No. 3737, on page 47.

The CHAIRMAN. If there be no objection, the consideration of pension bills on the Calendar will be commenced at the point indicated by the gentleman from Indiana.

Mr. DAWES. I will ask the chairman of the Committee on Invalid Pensions to modify his motion so that House bill No. 1218, on page 29, may take the same course as several other bills have taken by agreement; that is, that it be allowed to go to the House for a vote with a quorum present.

Mr. McMILLIN. What is the nature of that bill?

Mr. DAWES. It is the bill for the pension of the widows of the persons who lost their lives in the Life-Saving Service.

Mr. McMILLIN. That will not pass.

THOMAS M'CLAIN.

The CHAIRMAN. In the absence of objection, the consideration of the Calendar will be commenced at page 47, with the bill (H. R. No. 3737) granting a pension to Thomas McClain.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of $6 per month from the date of his discharge from the Army of the United States, subject to the limitations of the pension laws, the name of Thomas McClain, late a private in Company I, Ninety-seventh Regiment Ohio Infantry Volunteers.

The bill was reported from the Committee on Invalid Pensions with the following amendment:

In lines 4, 5, and 6, strike out the words "at the rate of $6 per month from the date of his discharge from the Army of the United States."

Mr. ALDRICH. What rate of pension will the bill give as amended in that way?

The CHAIRMAN. No rate being specified, the bill will carry the rate of $8 per month.

The amendment of the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

MARY E. TAYLOR.

The next pension bill on the Private Calendar was the bill (H. R. No. 3733) granting a pension to Mary E. Taylor.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the conditions and limitations of the pension laws, the name of Mary E. Taylor, widow of James Taylor, late an ordnance-sergeant in the United States Army.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HANNAH E. ALDEN.

The next pension bill on the Private Calendar was the bill (H. R. No. 6218) granting a pension to Hannah E. Alden.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Hannah E. Alden, widow of Abram V. Alden, late a corporal of Company H of the One hundred and forty first Regiment of Pennsylvania Infantry Volunteers, and pay her a pension from and after the 1st day of December, 1876.

The following amendment was reported by the Committee on Invalid Pensions:

Strike out these words at the end of the bill: "and pay her a pension from and after the 1st day of December, 1876."

The amendment was agreed to.

Mr. PRESCOTT. The bill does not say that the pension shall be paid from and after the passage of the act. I move to amend by adding these words:

And to pay her a pension from and after the passage of this act.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANTHONY B. GRAVES.

The next pension bill on the Private Calendar was the bill (H. R. No. 4387) granting a pension to Anthony B. Graves.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Anthony B. Graves, late a private in Company E, One hundred and thirtieth Regiment New York Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BARBARA MARQUARDT.

The next pension bill on the Private Calendar was the bill (H. R. No. 4357) granting a pension to Barbara Marquardt.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Barbara Marquardt, widow of John M. Marquardt, late a soldier in Company E of the One hundred and ninth Regiment of New York Volunteers during the war of the rebellion; and that she be allowed a pension on the papers now on file in the Pension Office the same as though the divorce of said Barbara Marquardt from said John M. Marquardt had not been granted.

The following amendment was reported by the Committee on Invalid Pensions:

Strike out the words at the end of the bill "and that she be allowed a pension on the papers now on file in the Pension Office the same as though the divorce from said John M. Marquardt had not been granted" and add "subject to the provisions and limitations of the pension laws."

Mr. PRESCOTT. I ask for the reading of the report in that case.

The report was read, as follows:

The Committee on Invalid Pensions, to which was referred the bill (H. R. No. 4357) granting a pension to Barbara Marquardt, has had the same under consideration, and begs leave to submit the following report:

The petitioner claims pension as the widow of John M. Marquardt, who served in Company E, One hundred and ninth Regiment of New York Volunteers, and died November 15, 1863, of typhoid fever, while home on sick furlough.

The claim has been rejected by the Pension Office on the ground that the claimant, on the 16th of April, 1862, obtained a divorce from the soldier which divorce was never set aside or annulled.

While it is true that the claimant was divorced at the time stated, it is, nevertheless, also shown that she visited the soldier while sick in camp, took him home, and nursed him until he died.

In view of these facts, the committee is of opinion that the relief asked for should be granted, and therefore reports favorably on the bill, amended, however, by striking out all after the word "rebellion," in lines 7 and 8, and inserting thereafter the words "subject to the provisions and limitations of the pension laws," and, thus amended, asks that it do pass.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ROWLAND WARD.

The next pension bill on the Private Calendar was the bill (H. R. No. 6728) granting an increase of pension to Rowland Ward.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Rowland Ward, late private in Company I, Fourth Regiment New York Heavy Artillery, to $30 per month, in lieu of the pension now received by him, the increase hereby granted to commence from the passage of this act.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS F. BAKER.

The next pension bill on the Private Calendar was the bill (H. R. No. 1874) granting a pension to Thomas F. Baker.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas F. Baker, late of Company G, Thirteenth Regiment Wisconsin Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT CARY.

The next pension bill on the Private Calendar was the bill (H. R. No. 4367) granting an increase of pension to Robert Cary.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert Cary, late a private in Company I, Ninety-ninth Regiment Ohio Volunteer Infantry, at $72 per month, in lieu of the pension he is now receiving.

Mr. ALDRICH. Let the report be read.

The report was read, as follows:

The Committee on Invalid Pensions, to which was referred the bill (H. R. No. 4367) granting an increase of pension to Robert Cary, has had the same under consideration, and begs leave to submit the following report:

The claimant is now a pensioner at the rate of $24 a month on account of disability from gunshot wound of urethra and bladder received in action while serving as a private in Company I, Ninety-ninth Regiment of Ohio Volunteers. This rate is allowed because of his inability to perform any manual labor. Applications for increase have been rejected by the Pension Office because total and permanent helplessness must be shown to entitle the pensioner to a higher rate. He presented his claim for increase to the Forty-fifth Congress, and the following report was made to the House by the chairman of the Invalid Pensions Committee:

"The Committee on Invalid Pensions, to whom was referred the petition of Robert Cary, asking for increase of pension, have had the same under consideration, and beg leave to report:

"John M. Hawkey, captain of claimant's company, says that Robert Cary was a prompt and faithful soldier, a private of Company I, Ninety-ninth Regiment Ohio Volunteers; that at three o'clock on the morning of the 15th day of July, 1863, at McMinnville, Tennessee, he was wounded by the accidental discharge of his musket in taking it from his bunk, while getting in line of battle, the opinion of the surgeon at the time being that it was fatal.

"Claimant was first placed on the pension-roll July, 1865, to draw from October, 1863, at $8 per month; increased to $15 from February, 1869; increased to $20 from September, 1870; increased to $24 from June, 1872. Application for further increase rejected July, 1877.

"The evidence is complete as to the permanent total helplessness, requiring the regular personal aid and attendance of another person.

"The committee recommend the passage of the accompanying bill increasing his pension to $50 per month."

The committee adopts this report with the exception of the recommendation therein contained, and recommends the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN HAZLEWOOD.

The next pension bill on the Private Calendar was the bill (H. R. No. 3047) granting a pension to John Hazlewood.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Hazlewood, late of Company F, Seventh West Virginia Cavalry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LANDON B. GRIMES.

The next pension bill on the Private Calendar was the bill (H. R. No. 5959) reissuing the pension of Landon B. Grimes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to reissue to Landon B. Grimes, late of Company K, Fifteenth Regiment Ohio Volunteer Infantry, pension-certificate numbered 21685, giving him the following rate of pension, namely: $2 per month from March 26, 1863; $15 per month from June 6, 1866; and $18 per month from June 4, 1872.

Mr. PRESCOTT. I would like to hear the report in this case.

The report was read as follows:

The Committee on Invalid Pensions, to which was referred the bill (H. R. No. 5959) reissuing the pension of Landon B. Grimes, has had the same under consideration, and begs leave to submit the following report:

An examination of the papers in the case shows the following facts: Landon B. Grimes served in Company K, Fifteenth Regiment Ohio Volunteers, from September 23, 1861, to March 26, 1863, when discharged on account of disability by reason of gunshot wound through upper third of left arm, received in battle of Stone River, December 31, 1862. For this disability he was pensioned originally at $2 per month from date of discharge, at $6 from October 23, 1867, at $15 from April 15, 1871, and at $18 per month from June 4, 1872.

The pensioner claims a rerating at $15 per month from June 6, 1866, to June 4, 1872, instead of the rate received for that period.

Medical examinations had of the pensioner during the period for which additional pension is claimed show the following conditions:

"Ball entered the left arm about two inches below the shoulder-joint and passed directly through under the deltoid muscle, partially fracturing the humerus, occasionally suppurating and discharging small pieces of bone. There is a great deal of pain along the whole course of the arm; there is difficulty in elevating the arm, and loss of strength. The disability is permanent."

The same conditions are shown in subsequent medical examinations, which formed the basis of increase to $15 and $18 per month respectively.

The law does permit the allowance of $15 per month for a disability equivalent to the loss of a hand, from June 6, 1866, and inasmuch as the Pension Office did recognize the disability as in that degree in 1871, although no greater disability is shown by the medical examination in that year than was shown by previous examinations, and as the committee is of opinion that the degree of disability in this case has not changed since 1866, the same reports favorably on the bill and asks that it do pass.

Mr. MATSON. I move to amend by adding these words:

Deducting all payments heretofore made.

Mr. MCMILLIN. I desire to know of the gentleman from Ohio [Mr. RICE] if it would not be sufficient to provide that the pension shall commence from the present date.

Mr. RICE, of Ohio, The man gets $18 a month now. He is suffering from a gun-shot wound, and the evidence shows that his condition during the period for which the additional pension is allowed was as bad as it is now. It has been the same ever since he was wounded. The original rate of pension was $2 per month, which was subsequently increased to $6 and $15, and finally from $15 to $18, because the law was changed.

Mr. PRESCOTT. Why does this bill provide that the pension-certificate shall be reissued? Is the pension now out?

Mr. RICE, of Ohio. He is now receiving a pension of $18 per month.

Mr. PRESCOTT. What does he ask?

Mr. RICE, of Ohio. That he shall receive $18 per month during the whole time.

Mr. MCMILLIN. Did he get during all that time the full amount allowed by law for that character of disability?

Mr. RICE, of Ohio. I am not prepared to say.

Mr. MCMILLIN. Is this to provide for arrearages?

Mr. RICE, of Ohio. The injury has been the same from the beginning. It was a case of gunshot wound, and it was presumed that as time elapsed the case would improve. But it did not, and the Pension Office has been increasing the allowance of pension.

Mr. RAY. Without any change of the law?

Mr. RICE, of Ohio. Without any change of the law, except one allowing a pension for a disability equivalent to the loss of a hand at the rate of $18 per month.

Mr. MCMILLIN. Is there any feature in the case that brings it within the objection of being in fact a bill to pay arrearages of pension?

Mr. MATSON. This is one of a class of cases of which the Committee on Invalid Pensions and this House are not at all uninformed. There are some few cases in which the Pension Office has made mistakes in regard to the rating. I understand that this bill is simply for the purpose of correcting a mistake in the rating, so that the pensioner shall receive the pension for all the time he was entitled to receive it for the disability under which he labored.

The amendment I have offered simply provides that the sums heretofore received shall be deducted from the sums provided in this bill. Otherwise, he would receive his old pension over again, as set forth in the bill. The objection to paying arrearages does not obtain in this case, I think. I remember two or three cases of this character that have passed the committee and the House.

Mr. MCMILLIN. I suggest the propriety of an amendment so as to make it clear that this act shall not be construed as increasing the rate of pension for this degree of disability at any time. I think that would make it clear.

Mr. RICE, of Ohio. I think the amendment should be so worded that the amount to be deducted should still leave him $18 per month from the time he was first pensioned.

Mr. MCCOOK. From the time he first received $15 per month?

Mr. RICE, of Ohio. Yes.

Mr. MCCOOK. It seems to me from the report, as it was read, that the disability increased steadily.

Mr. PRESCOTT. I wish to call the attention of the gentleman from Ohio [Mr. RICE] and this committee to the peculiar wording of this bill. I certainly do not understand what is intended by it. It reads:

That the Secretary of the Interior be, and he is hereby, authorized and directed to reissue to Landon B. Grimes pension certificate No. 21685.

Now, why should that pension certificate be reissued? It then provides "giving him the following rate of pension, namely, $21 per month from March 26, 1863." I understand that he has already received $2 per month from that time. Do you wish to give him $2 per month over again?

Mr. RICE, of Ohio. I wish to give him $15 a month more.

Mr. PRESCOTT. You will not do it by this bill; "$2 per month from March 26, 1863, and $15 per month from June 6, 1866, and $18 per month from June 4, 1872." Now, during part of that time he has been receiving fifteen and part of the time eighteen dollars per month. By this bill he would get just double what he has received during the entire time.

The CHAIRMAN. The gentleman from Indiana [Mr. MATSON] has offered an amendment to deduct the amounts heretofore received.

Mr. PRESCOTT. If you deduct all payments heretofore received you would be deducting what is here given to him, and the result would be that he would get nothing in addition, for he has received exactly the money which this bill provides for, and if that amount is to be deducted from amounts allowed by this bill then he would get nothing more.

Mr. PEELLE. For the time he received less than $18 a month he would get something.

Mr. PRESCOTT. He received $18 a month for all the time that this bill names.

Mr. PEELLE. He received $2 per month for a portion of the time, $15 per month for another portion of the time, and $18 per month for another portion of the time.

Mr. PRESCOTT. That is what this bill says.

Mr. PEELLE. Then you would be giving him $18 a month for one portion of the time and $15 for another time.

Mr. BROWNE. I think gentlemen are a little confused about what this bill intends to do.

Mr. PRESCOTT. I ask that this bill be passed over informally for a few minutes until a proper amendment can be prepared.

Mr. BROWNE. I see no necessity for passing over this bill either formally or informally, or in any other way. This man was granted a pension during a portion of the time at $2 per month. Subsequently his pension was increased to $15 a month, and later on it was increased to $18 a month.

Now, the bill does not propose to increase the pension during the time for which he drew $2 a month, but it does propose to increase the pension during the time that he drew a pension at the rate of $15 a month up to the time when the Pension Office put him on the pension-roll at $18 a month. And that is for the reason that during all the time that he received only $15 per month he should have been rated at $18 per month. That is all there is of it. The bill simply rerates during a portion of this time the pension granted by the Pension Office.

Mr. PRESCOTT. From June 4, 1872, how much do you propose to pay him?

Mr. BROWNE. If the gentleman will let me have the bill I will try to answer his question.

Mr. ROBINSON, of Ohio. The bill had better be laid aside informally for a while.

Mr. BROWNE. The gentleman from New York [Mr. PRESCOTT] criticises in the first place the language of the bill where it speaks of the pension certificate being reissued. It is to be reissued in a certain sense; that is inasmuch as the pension is increased the certificate is changed; and this may be regarded as a reissue.

Now, the certificate to be issued or reissued is to give this man a pension at the following rates: first, $2 per month from March 26, 1863, (this is what he received;) secondly, $15 a month from June 6, 1866, (I understand he received that;) and $18 a month from June 4, 1872.

Mr. PRESCOTT. He has received that.

Mr. BROWNE. That he has not received; it is an increase of the rate of pension during the last period. Then the bill provides that there shall be deducted from these payments such sums of money as he has already received.

Mr. PRESCOTT. The report says that he has received $18 a month from June 4, 1872, to the present time.

Mr. BROWNE. If that be true the bill is certainly harmless.

Mr. PRESCOTT. If it is harmless and useless, why take up time in considering and passing it?

Mr. BROWNE. I have stated that this bill, if I understand the case—and I remember when it was discussed in committee—proposes to change the rating during the last period named in the bill.

Mr. McCOOK. From June 4, 1872?

Mr. BROWNE. Yes, sir.

Mr. McCOOK. Giving $3 a month additional?

Mr. BROWNE. Yes, sir; because the committee believed that in view of the disability existing at that time and under the law then applicable to the case his rating at the Pension Office should have been in that sum. I do not care particularly whether the bill be passed or laid aside.

Mr. McMILLIN. I have prepared an amendment which will doubtless obviate the objection I suggested. It is to add:

Provided, That this act shall not be so construed as to give the pensioner a greater rate of pension than was allowed under the general law to others suffering from equal disability.

Mr. BROWNE. Say "like disability."

Mr. McMILLIN. I accept the gentleman's suggestion and make that modification.

Mr. BROWNE. That amendment is all right.

Mr. PRESCOTT. With that amendment I think the bill harmless and useless.

The amendment was adopted.

The bill as amended was laid aside to be reported favorably to the House.

SARAH J. CAMERON.

The next business was the bill (H. R. No. 3414) granting a pension to Sarah J. Cameron.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. Cameron, widow of Henry A. Cameron, late a private in Company C, Twenty-fifth Missouri State troops.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 3414) granting a pension to Sarah J. Cameron, having had the same under consideration, report as follows:

It appears from the papers on file in the Pension Office that the claimant is the widow of Henry A. Cameron, who was a private in Company C, Twenty-fifth Regiment Missouri Enrolled Militia. The record of the adjutant-general of the State of Missouri shows that Cameron was enrolled on the 29th day of July, 1862; was relieved from service September 12, and died October 6, 1862. The captain of the company testifies that Cameron was a sound and able-bodied man at the time of his enlistment, and that he died on the 24th of September, 1862, while at home on sick furlough, for a disease the nature of which is unknown to affiant; that the company was ordered on duty by the commanding officer of the United States forces in that section of the State to guard the Hannibal and Saint Joseph Railroad bridge over the Platte River, near Saint Joseph, Missouri.

Burr H. Cox, surgeon of the regiment, the attending physician of the soldier, makes oath that the latter was under his treatment from the 19th to the 24th day of September, 1862, for typhoid fever, contracted in the service and in the line of his duty, and that he died of the said disease; also that the soldier at the time of his enlistment was an able-bodied and sound man. The claim has been rejected by the Pension Office because there is no provision of law under which a pension could be granted on account of disease contracted while serving as a member of the militia of a State.

Since the filing of the bill additional evidence has been presented to this committee corroborative of the statements of the captain and surgeon heretofore referred to.

In view of the fact that the Missouri enrolled militia were, under the arrangement between the State authorities and the General Government of the United States, in service, subject to the orders of the officers of the United States, it should be held that the claimant's husband was virtually in the service of the United States, and as it is shown beyond a doubt that the disease of which the soldier died was contracted in and because of said service the committee are of opinion that the relief asked for should be granted, and therefore report favorably on the bill and recommend that it pass.

The bill was laid aside to be reported favorably to the House.

THEODORE RAUTHE.

The next business was the bill (S. No. 1040) granting a pension to Theodore Rauthe.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Theodore Rauthe, late a private in Company K, Thirteenth New York Cavalry, whose name was stricken from the pension-roll on September 30, 1878, and pay him a pension of $50 per month from and after the passage of this act.

Mr. PRESCOTT. I would like to hear the report in this case, so that we may know why this man was dropped from the roll.

The report was read, as follows:

The Committee on Invalid Pensions, to which was referred the bill (S. No. 1040) granting a pension to Theodore Rauthe, having examined the same, makes the following report:

The committee finds the facts in this case correctly set forth in Report No. 221 of the Senate Committee on Pensions, made at the present session of Congress, as follows:

"Theodore Rauthe enlisted as a private in Company K, Thirteenth New York Cavalry, January 5, 1864, having then recently arrived from Germany, of which country he was a citizen. He was mustered out with his company September 21, 1865. He was pensioned November 1, 1867, at the rate of $15 per month, for loss of both feet, amputated in Harewood Hospital, District of Columbia, in March and June, 1866, having been admitted to said hospital as a discharged soldier. His pension was subsequently increased to $31.25 per month. He was dropped from the rolls September 12, 1878, upon the ground that the disability for which he was pensioned was not due to his Army service. He has since applied for restoration, which the Pension Office, after consideration, has refused.

"The amputation of claimant's feet was rendered necessary by reason of their having been frozen, and the question in the case is, whether such amputation was rendered necessary in consequence of his feet having been frozen while in the service, or in consequence of subsequent exposure and freezing. Claimant and six comrades testify that his feet were frost-bitten in January, 1865, while on picket duty, at night, near Camp Lovell, Virginia, and while the same did not necessitate hospital treatment, the claimant frequently complained of the condition of his feet, resulting therefrom. The Army records furnish no evidence of the fact. Claimant further alleges that when cold weather came on in the fall, after his discharge, his feet in consequence of having been frost-bitten in the service, broke open, and grew worse until the amputation thereof. In this he is also corroborated by his six comrades. But the committee doubt whether they had personal knowledge of that fact. After his discharge in September, 1865, he came to Washington and worked as a cigar-maker. The next that is known of him is that he was found, in December, 1865, in a tobacco barn in Prince George's County, Maryland, by the owner of the barn nearly "frozen to death," sick, "and his feet in a very bad condition from being frosted." He was taken the next day (having been cared for mean time) to the almshouse, and afterward to Washington, and was soon admitted to Harewood Hospital.

"The farmer who found him says: 'I do not think he could have been lying in the barn for any considerable time, as the weather was very cold. There was no appearance of drunkenness about him. I am unable to say of my own knowledge whether he had been previously frosted, but his feet were in a wretched condition when he was discovered by me.' He was dropped from the rolls upon a letter purporting to have been written by Robert Lamprect, a sergeant of the Twelfth United States Infantry, alleging that his feet were not frozen in the Army, but were frozen after his discharge, while lying out-doors all night near the corner of Twentieth and K streets, in Washington, where he was found and taken to the police-station. The letter Lamprect denies having written, and its allegations are found to be untrue, and Lamprect testified subsequently that he did know of his own knowledge that claimant's feet were frozen while in the service. The investigation set on foot in consequence of the receipt of this letter brought out the fact that claimant was found in the barn in Maryland in the condition described.

"The case is one of considerable doubt. The claimant does not speak English. It appears to be sufficiently established that claimant's feet were frozen while in the service. Whether their condition at the time he was found in the barn naturally resulted therefrom is not so clearly proven; but upon the whole case, in view of the fact that the claimant does not speak English and may not have understood clearly the necessity of particularity upon this point, and in view of the established fact that his feet were originally frozen in the service, the committee have concluded to recommend the passage of the bill, (S. No. 1040,) amended so as to pay said Rauthe a pension of $50 from and after the passage of this act, and that bill S. No. 952 be indefinitely postponed."

Upon this report the Senate passed the bill for the relief of Theodore Rauthe. Your committee concurs in this action and recommends the passage of the bill by the House.

Mr. McCOOK. This bill, as I understand, provides for a pension of $50 a month from and after the passage of the act. I understand from the report that the highest pension this man ever received was $31.25. Now, as the gentleman who prepared the report seems to believe there is a good deal of doubt about this case, it seems to me it would be a proper thing to amend the bill, if we are to pass it, so as to place this pension at the highest figure that the man received prior to being dropped. Certainly there seems to be no reason for increasing the rate to $50 a month. It may be a rather ungracious thing for me to do, but I am inclined to move that amendment. There seems to be a grave doubt whether the man's disability was incurred in the service. His feet were amputated after the war; and the indications are that the man was drunk and in consequence of his intoxicated condition had his feet frozen after leaving the service. Therefore, unless the gentleman who prepared this report has something to say to convince me to the contrary I will move the amendment I have indicated.

Mr. RICE, of Ohio. I would not undertake to convince any person that it is clearly established this man's injuries were received to their entire extent in the Army. I have no doubt that while in the Army he suffered from severe frost-bite. Everybody knows that the parts injured by frost-bite are very susceptible to cold ever afterward. I have no doubt that he suffered from extreme cold when exposed in the barn, according to the account given in the report. But I believe there is substantial merit in the case, though I shall not oppose the amendment. I have obtained a favorable impression of this case on account of an investigation made by the gentleman from Wisconsin, [Mr. DEUSTER,] who became interested in the matter. The man is a German and was unable to explain himself satisfactorily to any member of the committee. He has appeared, upon what is left of his legs, at the door of our committee-room almost daily for months past, and we have felt like doing something for his relief.

Mr. BROWNE. The Senate bill restores him to the pension-rolls, taking him back to the time when he was dropped, which would give him a considerable sum, perhaps more than he would receive under the House bill.

Let me say to my friend from New York that the time when he was pensioned the highest rate of pension for disability resulting in the loss of both legs or arms was $31.25 per month. Since that time the general law has increased that to $50, and in some instances where they require the constant attendance of one person to $72 a month. If this man is entitled to a pension at all it is as one having lost both legs. He has practically lost both legs, as amputation occurred below the knees. He would be entitled at the rating of the Pension Office to $50 a month.

Mr. PRESCOTT. The report does not say that he lost both his legs in the service. It says "had a tendency that led to the loss of his legs."

Mr. TOWNSEND, of Ohio. When was he dropped from the rolls?

The CHAIRMAN. September, 1878.

Mr. PRESCOTT. Let the Senate bill be again read.

The bill was again read.

Mr. DAWES. In answer to some remarks of the gentleman from New York let me say that this case has been adjudicated in the Pen-

sion Office on the two points which he raised: first, that the disability was contracted in the service; and in the second place his rating was that of a pensioner who lost both his legs, which is now $50 a month. There was a question of doubt which was thoroughly investigated by the Committee on Invalid Pensions, and that committee unanimously decided this man is now and always was entitled to the rating of a man who had lost both his legs in the service.

Mr. TOWNSEND, of Ohio. We will make no mistake by giving this man $50 a month from and after the passage of this act. He was a good soldier and lost his feet in consequence of disability received in the service. Fifty dollars a month from this on would be more to him than to give him back pay.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY J. HANNAFORD.

The next business was the bill (H. R. No. 5849) granting a pension to Mary J. Hannaford.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Hannaford, widow of Robert H. Hannaford, late of Company C, Ninety-third Regiment Ohio Volunteers.

The amendment was read, as follows:

Strike out the words "from and after the — day of —, 1870, the date of the death of her said husband."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES BENNETT.

The next business was the bill (H. R. No. 6317) granting an increase of pension to James Bennett.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the regulations and limitations of the pension laws, the name of James Bennett, late a sergeant of Company L, Second Regiment New York Cavalry, at the rate of $72 per month, in lieu of the pension now received by him.

The amendment was read, as follows:

Strike out "$72" and insert "$50."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH WEINSTEIN.

The next business was the bill (H. R. No. 5118) granting a pension to Elizabeth Weinstein.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of $8 per month, to commence March 13, 1863, and to continue during her widowhood, the name of Elizabeth Weinstein, the foster mother of Peter Weinstein, deceased, late a private in Company G, Forty-fourth Regiment New York Volunteers.

The amendment was read, as follows:

Strike out "at the rate of $8 per month, to commence March 13, 1863, and to continue during her widowhood" and in lieu thereof insert "said pension to begin from and after the passage of this act."

The amendment was agreed to; and as amended the bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANCIS DUFFY.

Mr. DAWES. I move by unanimous consent to take up the bill (H. R. No. 4582) for the relief of Francis Duffy.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Francis Duffy, father of Patrick Duffy, late a private Company E, Tenth Ohio Volunteers, to draw a pension from and after the passage of this act.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. BROWNE. Now take up the bills in their order.

The CHAIRMAN. That will be done.

MARTHA JANE DOUGLASS.

The next business on the Private Calendar reported from the Committee on Invalid Pensions was the bill (H. R. No. 5985) granting a pension to Martha Jane Douglass.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha Jane Douglass, widow of John T. Douglass, late a private in Company B, Third Tennessee Cavalry.

The committee recommend the following amendment:

Add to the end of the bill the words "to take effect from and after the passage of this act."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

EMILY THEADGILL.

The next business on the Private Calendar, reported from the Committee on Invalid Pensions, was the bill (H. R. No. 5986) granting a pension to Emily Theadgill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emily Theadgill, widow of Nathaniel Theadgill, who was a private in Company B, Third Tennessee Cavalry.

The committee recommend the following amendment:

Add to the end of the bill the words "to take effect from and after the passage of this act."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JORIAL ONKST.

The next business on the Private Calendar, reported from the Committee on Invalid Pensions, was the bill (H. R. No. 6457) granting a pension to Jorial Onkst.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jorial Onkst, late a private in Company F, Eighth Tennessee Cavalry.

The committee recommend the following amendment:

Add to the end of the bill the words "to take effect from and after the passage of this act.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN C. FENSCKE.

The next business on the Private Calendar, reported from the Committee on Invalid Pensions, was the bill (H. R. No. 3701) granting a pension to John C. Fenscke.

The bill was read, as follows:

Be it enacted, &c., That a pension be, and is hereby, granted to John C. Fenscke, late an employé of the United States Government, on account of wounds received while in the discharge of his duties as such employé; and that the Commissioner of Pensions be, and he is hereby, instructed to place the name of said John C. Fenscke on the pension-roll.

The committee recommended the following amendment:

The pension to take effect from the date of the passage of this act.

Mr. McMILLIN. Let us have the report in that case read.

The CHAIRMAN. The report will be read.

The Clerk read as follows:

It appears from the evidence in this case that the petitioner, John C. Fenscke, of New Ulm, Minnesota, was a wagon-maker at Lower Sioux agency, in the employ of the United States, on the 18th day of August, 1862, at which time said agency was surprised and attacked by the Sioux Indians. It further appears that in assisting to defend the agency he received a severe wound from an Indian arrow which passed through the muscles of his back, near the spinal column and between the third and fourth ribs, penetrating his left lung.

He was treated for this wound by Dr. Alfred Miller, acting assistant surgeon at the military hospital at Fort Ridgley, Minnesota, from the 20th of August to 30th of September, 1862.

Dr. Miller in his sworn statement testifies that he treated petitioner in hospital aforesaid for arrow wound above described, and that it was received as above stated; that arrow-head remained in the wound until removed by him, dangerously injuring the lung; that since the receipt of said injury affiant has seen petitioner, and that he has never fully recovered, and never can, from the injury received, the lung remaining in a diseased condition.

It also appears from the statement of Governor L. F. Hubbard, present governor of Minnesota, and other reputable citizens, neighbors of petitioner, that he was a robust and healthy man prior to the receipt of the injury, and is now greatly disabled for the performance of manual labor,

After a careful consideration of this case your committee are of opinion that it is a meritorious one and recommend that the bill do pass.

Mr. McMILLIN. This is another of the civil employés of the Government. Let the bill take the course of those which were laid over at the last meeting to be reported to the House and considered when there is a quorum present. I shall make no question of a quorum now, but I do not want it to be put upon its passage to-night.

The SPEAKER *pro tempore*. Without objection, the bill will be laid aside with a favorable report to be acted upon as suggested by the gentleman from Tennessee.

There was no objection.

JOSEPH F. WILSON.

The next business on the Private Calendar reported from the Committee on Invalid Pensions was the bill (H. R. No. 6249) granting an increase of pension to Joseph F. Wilson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph F. Wilson, late a corporal of Company E, Eighth Regiment of Illinois Infantry Volunteers, and pay him a pension of $72 per month in lieu of that which he now receives; this act to take effect from and after its passage.

The committee recommend that the bill be amended by striking out "seventy-two," in line 8, and inserting "forty;" so that it will read "and pay him a pension of $40 per month."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARGERY NIGHTENGALE.

The next business on the Private Calendar reported from the Committee on Invalid Pensions was the bill (H. R. No. 5103) granting a pension to Margery Nightengale.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Margery Nightengale, widow of Michael Nightengale, late of Company D, Fifty-first Regiment New York Volunteer Infantry, upon the pension-roll at the rate of $8 per month, and pay her said pension from and after the date of the death of said Michael Nightengale.

The committee recommend that the bill be amended by striking out the words "the date of the death of said Michael Nightengale" and inserting "the passage of this act."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

REUBEN MARSHALL.

The next business on the Private Calendar reported from the Committee on Invalid Pensions was the bill (H. R. No. 454) granting a pension to Reuben Marshall.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Reuben Marshall, late a private in the Kansas Volunteer Militia.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

H. E. VAN TREES.

The next business on the Private Calendar reported from the Committee on Invalid Pensions was the bill (H. R. No. 452) granting a pension to H. E. Van Trees.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of H. E. Van Trees, late a first lieutenant in the Kansas Volunteer Militia.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

M. H. CLEMENTS.

The next business on the Private Calendar reported from the Committee on Invalid Pensions was the bill (H. R. No. 447) granting a pension to M. H. Clements.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of M. H. Clements, late a private in the Kansas Volunteer Militia.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BRIDGET HAMILTON.

The next business on the Private Calendar reported from the Committee on Invalid Pensions was the bill (H. R. No. 5034) granting a pension to Bridget Hamilton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Bridget Hamilton, of the city of Washington, District of Columbia, who shall, from and after the passage of this act, be paid a pension at the rate of $8 per month.

Mr. ROBINSON, of Ohio. Mr. Chairman, I move to amend this bill by striking out "eight," in line 7, and inserting "twelve;" so that it will read "to be paid a pension at the rate of $12 per month." I understand that soldier served for thirty years in the Army. He served in three wars, the Florida war, the Mexican war, and the late war of the rebellion. I think his widow is entitled to this pension.

Mr. BROWNE. I do not understand the gentleman's motion.

Mr. ROBINSON, of Ohio. To strike out "eight" and insert "twelve," for the reasons that I have stated.

Mr. ALDRICH. I suppose the committee knew of those facts, did they not?

Mr. BROWNE. The gentleman from Ohio will remember that under no general law is she entitled to any pension; and further, that if the husband had been injured to the extent of total disability by casualties on the battle-field the widow would have been entitled to only $8 per month.

We do not think that we ought to place a soldier's widow on the pension-roll when the soldier has died a natural death, even after long service, at a higher rate than we would put the widow of a soldier who died with his gun in his hands on the battle-field. I do not believe that discrimination should be made against the widows of men who died with their faces to the foe.

Mr. RICE, of Ohio. I do not know, although I agree with the committee, and wrote this report recommending that this woman should be pensioned at the rate of $8 per month, I do not know but I may consistently favor the amendment of my colleague from Ohio, [Mr. ROBINSON.]

This man served for thirty-two years in the Army; through the Florida war, the Mexican war, and the war of the rebellion. He was a famous drill-sergeant. He has instructed thousands of soldiers and officers to discharge their duties. He also was a man of the highest character. He was a good example as a soldier in the Army. The papers that were supplied to the committee contained numerous certificates from officers under whom he served, going to show his high character and faithful services. Besides all this, this wife of his accompanied him to Florida. She did her duty faithfully as a soldier's wife. She bore him four sons. Three of those sons served through the war of the rebellion. One of them died recently on account of disease contracted in the war. He left a child which this poor old wife of Robert Hamilton has adopted and is caring for in her poverty. She is now aged and poor.

I am certain if this were the widow of some officer, some regular Army officer, some naval officer, no objection would be raised to increase the amount. We know how easily we do that thing in behalf of the high and mighty ones of the land. But when some poor body comes along it is natural to object, and everybody does object, as is done in this case. I certainly think that this poor woman ought to be helped along, considering the manner in which her husband did his duty and the manner in which she did her duty, with this pittance of $12 a month. She is about seventy-five years old, and she will not want it very long.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio, [Mr. ROBINSON.]

The amendment was agreed to; there being—ayes 12, noes 9.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DENNIS SMITH.

The next pension bill on the Private Calendar was the bill (H. R. No. 388) granting a pension to Dennis Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Dennis Smith, late of Company A, Sixth Kansas Volunteer Cavalry, on account of disability incurred in the line of duty.

The Committee on Invalid Pensions reported the following amendment:

Strike out the words "On account of disability incurred in the line of duty."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. BROWNE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BURROWS, of Michigan, having resumed the chair as Speaker *pro tempore*, Mr. BRIGGS reported that the Committee of the Whole had had under consideration sundry pension bills, and had directed him to report the same to the House with various recommendations.

PENSION BILLS PASSED.

The following Senate bill, reported from the Committee of the Whole without amendment, was ordered to a third reading, read the third time, and passed:

A bill (S. No. 1040) granting a pension to Theodore Rauthe.

The following House bills, reported from the Committee of the Whole with amendments were taken up, the amendments agreed to, and the bills severally ordered to be engrossed for a third reading, read the third time, and passed:

A bill (H. R. No. 3737) granting a pension to Thomas McClain;

A bill (H. R. No. 6218) granting a pension to Hannah E. Alden;

A bill (H. R. No. 4357) granting a pension to Barbara Marquardt;

A bill (H. R. No. 5959) reissuing the pension of Landon B. Grimes;

A bill (H. R. No. 5849) granting a pension to Mary J. Hannaford;

A bill (H. R. No. 6317) granting an increase of pension to James Bennett;

A bill (H. R. No. 5118) granting a pension to Elizabeth Weinstein;

A bill (H. R. No. 5985) granting a pension to Martha Jane Douglass;

A bill (H. R. No. 5986) granting a pension to Emily Theadgill;

A bill (H. R. No. 6457) granting a pension to Jorial Onkst;

A bill (H. R. No. 3701) granting a pension to John C. Fenscke;

A bill (H. R. No. 6249) granting an increase of pension to Joseph F. Wilson;

A bill (H. R. No. 5103) granting a pension to Margery Nightengale;

A bill (H. R. No. 5034) granting a pension to Bridget Hamilton; and

A bill (H. R. No. 388) granting a pension to Dennis Smith.

The following bills, reported from the Committee of the Whole without amendments, were severally ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

A bill (H. R. No. 3733) granting a pension to Mary E. Taylor;

A bill (H. R. No. 4387) granting a pension to Anthony B. Graves;

A bill (H. R. No. 6728) granting an increase of pension to Rowland Ward;

A bill (H. R. No. 1874) granting a pension to Thomas F. Baker;
A bill (H. R. No. 4367) granting an increase of pension to Robert Cary;
A bill (H. R. No. 3047) granting a pension to John Hazlewood;
A bill (H. R. No. 3414) granting a pension to Sarah J. Cameron;
A bill (H. R. No. 4582) for the relief of Francis Duffy;
A bill (H. R. No. 454) granting a pension to Reuben Marshall;
A bill (H. R. No. 452) granting a pension to H. E. Van Trees; and
A bill (H. R. No. 447) granting a pension to M. H. Clements.

Mr. BROWNE. I move to reconsider the various votes just taken; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GRANTING CONDEMNED CANNON.

Mr. BROWNE. I ask consent to take up for consideration at this time Senate bill No. 2050, donating four condemned cast-iron cannon and four cast-iron cannon-balls for a soldiers' monument at Ironton, Ohio. It is a bill in which the gentleman from Ohio [Mr. NEAL] is interested, and he is not able to be here to-night.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and is hereby, authorized to deliver to Post Dick Lambert, of the Grand Army of the Republic, at Ironton, Ohio, four condemned cast-iron cannon and four large cast-iron cannon-balls, for a soldiers' monument to be erected in said city by the said post of the Grand Army of the Republic.

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

ELIJAH W. PENNY.

Mr. MATSON. I ask unanimous consent to take from the Speaker's table the bill (H. R. No. 2005) to increase the pension of Elijah W. Penny, returned from the Senate with an amendment, for the purpose of concurring in the amendment.

The amendment was to add to the bill the following:

Said increase to take effect from the passage of this act.

There being no objection, the amendment was concurred in.

DONATIONS OF CONDEMNED CANNON.

Mr. WADSWORTH. On behalf of the gentleman from Iowa, [Mr. HEPBURN,] I ask to have taken from the Speaker's table for present consideration the bill (S. No. 1942) granting condemned cannon to Abe Lincoln Post No. 29 of the Grand Army of the Republic, at Council Bluffs, Iowa, for monumental purposes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to furnish to Abe Lincoln Post No. 29 of the Grand Army of the Republic, at Council Bluffs, Iowa, four condemned cast-iron cannon, for the adornment of a monument in memory of the deceased soldiers of Iowa, at Council Bluffs, in said State.

There being no objection, the House proceeded to the consideration of the bill, which was read three times, and passed.

Mr. WADSWORTH 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.

Mr. SPAULDING. I ask that the Committee of the Whole House on the state of the Union be discharged from the further consideration of a bill which was reported this evening, the bill (H. R. No. 6695) granting four condemned cast-iron cannon to the post of the Grand Army of the Republic at Peabody, Massachusetts.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and is hereby, authorized and directed to furnish to the post of the Grand Army of the Republic at Peabody, Massachusetts, four condemned cast-iron cannon, to be used at the soldiers' and sailors' lot at Cedar Grove Cemetery, in Peabody aforesaid.

There being no objection, the House proceeded to the consideration of the bill.

Mr. STONE. I move to amend by inserting after the word "cannon" the words "and four cannon-balls."

The amendment was agreed to.

Mr. PEELLE. I move to amend the bill by adding the following:

Also granting to George H. Thomas Post, Grand Army of the Republic, Indianapolis, Indiana, two condemned cast-iron cannon and four cannon-balls for monumental purposes.

The amendment was agreed to.

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

Mr. SPAULDING 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.

Mr. SPAULDING. I also ask that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 6692) to authorize the Secretary of War to furnish condemned cannon, balls, and muskets for soldiers' burial ground at Maquoketa, Iowa.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War is hereby authorized and directed to deliver to the A. W. Drips Post No. 74 Grand Army of the Republic, at Maquoketa, Iowa, four condemned cast-iron cannon, four cannon-balls, and two hundred and fifty condemned muskets, for the use and adornment of the soldiers' burial ground in the cemetery at Maquoketa, Iowa.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the Committee on Military Affairs to strike out, in lines 6 and 7, the words "and two hundred and fifty condemned muskets," and to insert, after the words "cast-iron cannon," the word "and," was agreed to.

Mr. McCOID. I move to amend by adding to the bill the following:

Also, four condemned cast-iron cannon and four cannon-balls to the George Strong Post, Grand Army of the Republic, at Fairfield, Iowa.

The amendment was agreed to.

Mr. RUSSELL. I move to amend by adding the following:

Also granting to the Grand Army of the Republic, Lawrence, Massachusetts, four condemned cast-iron cannon for monument purposes.

The amendment was agreed to.

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

Mr. SPAULDING 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.

Mr. SPAULDING. I ask that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 6721) authorizing the Secretary of War to deliver to Edward Pye Post No. 179 of the Grand Army of the Republic, four condemned cast-iron cannon and four cannon-balls, for decorating the proposed soldiers' monument at Haverstraw, New York.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he hereby is, authorized and directed, if the same can be done without prejudice to the public service, to deliver to Edward Pye Post No. 179 of the Grand Army of the Republic four condemned cast-iron cannon and four cannon-balls, to be used in the decoration of the proposed soldiers' monument in the cemetery at Haverstraw, New York.

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; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. SPAULDING 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.

ORDER OF BUSINESS.

Mr. BROWNE. I now move that we go to the Speaker's table to take up several House pension bills returned from the Senate with amendments. I desire that the amendments be concurred in.

The motion was agreed to.

AMELIA ANN WILSON.

The bill (H. R. No. 6401) granting a pension to Amelia Ann Wilson and her minor children was taken from the Speaker's table, and the amendments of the Senate were read, as follows:

Strike out all after the word "the" where it occurs the last time in line 3 and insert "name of Amelia Ann Wilson, widow of the late Marcellus Wilson, who was a private in the war with Mexico, and pay her a pension of $8 per month and $2 per month for her minor daughter, Alice A. Wilson, until she arrives at the age of sixteen years.

Amend the title so as to read: "An act granting a pension to Amelia Ann Wilson and her minor child."

The amendments were concurred in.

GEORGE J. WEBB.

The bill (H. R. No. 2349) granting an increase of pension to George J. Webb was taken from the Speaker's table, and the amendment of the Senate was read, as follows:

Such increase of pension to commence from the passage of this act.

The amendment was concurred in.

The SPEAKER *pro tempore*. This concludes the House pension bills on the Speaker's table with Senate amendments. Several bills of this character were taken up and the amendments concurred in before the House went into Committee of the Whole.

Mr. BROWNE. I move that the House adjourn.

The motion was agreed to; and accordingly (at ten o'clock p. m.) the House adjourned.

PETITIONS.

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

By Mr. BELTZHOOVER: The petition of citizens of York, Pennsylvania, for an appropriation of $50,000 for educational purposes in Alaska—to the Committee on Education and Labor.

By Mr. BROWNE: The petition of 10 citizens of Hendricks County, Indiana, praying that a pension be granted William H. Milan—to the Committee on Invalid Pensions.